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CIMIC:
Concepts, Definitions and Practice

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Vorwort

Mehr als neunzig Prozent aller bewaffneten Konflikte der Gegenwart finden innerhalb staatlicher Grenzen statt, sehen neben dem Militär zumeist schwacher Staaten allzu häufig irreguläre bewaffnete Formationen und marodierende Söldner als Beteiligte. Die unmittelbaren Folgen des Konfliktaustrags und die Hinterlassenschaften der Gewalt treffen vor allem die Zivilbevölkerung. Flucht und Vertreibung, Armut, Anarchie, Kriminalität, soziale Missstände, Hunger, Epidemien, Hoffnungslosigkeit markieren lediglich Schlagworte, hinter denen sich unendliches Leid und Perspektivlosigkeit der Menschen verbirgt. Die internationale Gemeinschaft ist vor diesem Hintergrund mehr denn je gefordert, aktiv zur Linderung der unmittelbaren Not, zum Schutz der Zivilbevölkerung vor Übergriffen, zur Bildung und Stärkung partizipatorisch verfasster Staaten und zur Förderung sozialer und ökonomischer Perspektiven beizutragen. Konfliktbeilegung und Friedenskonsolidierung greifen ineinander, müssen zeitgleich und abgestimmt aufeinander in Angriff genommen werden. Zivile und militärische Instrumente sind in diesem Zusammenhang Teile eines friedenspolitischen Gesamtkonzepts, wobei das Erfordernis der Balance beider durch die verschiedenen beteiligten Akteure unterschiedlich wahrgenommen wird. Das CIMIC-Konzept ist Gegenstand der folgenden kritischen Analyse. Der Autor, Peter Rehse, war im Studienjahr 2002/2003 Student des vom Kooperationsverbund Friedensforschung und Sicherheitspolitik durchgeführten Postgraduiertenstudienganges „Master of Peace and Security Studies – M.P.S.“ der Universität Hamburg in Kooperation mit dem Institut für Friedensforschung und Sicherheitspolitik an der Universität Hamburg (IFSH). Beim nachfolgenden Text handelt es sich um eine bearbeitete Fassung der Masterarbeit, die am Institut für Friedenssicherungsrecht und Humanitäres Völkerrecht an der Ruhr-Universität Bochum, Kooperationspartner im Studiengang M.P.S., betreut wurde.

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List of Abbreviations

AJP-9	Allied Joint Publication 9
CEP	Civil-Emergencies Planning
CIMIC	Civil-Military Cooperation
CIMIC TF	Civil-Military Cooperation Task Force
CIMIR	Civil-Military Relations
CDO	Collective Defence Operations
CMC	Civil Military Coordination
CMTF	Civil-Military Task Force
CRO	Collective Response Operations
DFID	Department for International Development
ECHO	European Commission's Humanitarian Aid Office
EU	European Union
HNS	Host Nation Support
ICRC	International Committee of the Red Cross
IFOR	Implementation Force
IHL	International Humanitarian Law
IO	International Organisation
IRRC	International Review of the Red Cross
JOA	Joint Operations Area
MAHE	Military Assistance in Humanitarian Emergencies
MC	Military Commission
MCDA	Military and Civil Defence Assets
NATO	North Atlantic Treaty Organisation
NGO	Non-Governmental Organisation
OCHA	UN Office for the Coordination of Humanitarian Affairs
OPLAN	Operations Plan
OSCE	Organisation for Security and Cooperation in Europe
PSO	Peace Support Operation
SC99	Strategic Concept 1999
SHAPE	Supreme Headquarters Allied Powers Europe
SCHR	Steering Committee for Humanitarian Response
SFOR	Stabilisation Force
UN	United Nations
UNHCR	UN High Commissioner for Refugees

UNICEF	UN International Children's Fund
UNO	United Nations Organisation
UNPROFOR	UN Protection Force
USAID	United States Agency for International Development
WFP	World Food Programme

I. Introduction

Since the early 1990s, the international community has intervened in internal conflicts to an increasing degree. The new reality in interventional global policy has resulted in increased contact between international armed forces and humanitarian actors. Among other places, the missions in Bosnia, Kosovo and East Timor showed the need for these actors to work more closely together than had happened in the past. This has been described as Civil-Military Cooperation (CIMIC) and it has consequently become a key policy and operational issue for all involved actors. While recognising the need to find ways of cooperation and coordination, the different actors hold various views on how to respond to the altered conditions.

The present paper contributes to the debate on civil-military cooperation in complex emergencies by offering a detailed analysis of the CIMIC policy of, on the one hand, NATO, as a military actor, and on the other hand, the ICRC, as a humanitarian actor. Previous to this analysis, in Chapter 2, the paper clarifies the meaning of CIMIC and gives essential background information on the key concepts of humanitarian principles and types of international military interventions. The paper focuses on the military-humanitarian relationship in the case of peace support operations.

NATO has been chosen as it has recently entered the arena of peace support operations, and since it represents the world's largest military alliance with its member states forces being among the most actively involved armed forces in international peacekeeping. To provide a comparison, the ICRC is a highly respected actor in the humanitarian field. It was also the first international humanitarian organisation and fulfils a role as a guardian of International Humanitarian Law.

The analysis of NATO's CIMIC approach in Chapter 3, is primarily based on the Military Council doctrine 411/1 (MC 411/1) and the Allied Joint Publication 9 (AJP-9). The MC 411/1 came into force in 2001 and its intention is the launch of a NATO military policy on CIMIC. The AJP-9 provides the actual guiding principles and procedures for the implementation and execution of CIMIC. In 2002, the AJP-9 was approved by the NATO member states.

Chapter 4 presents the analysis of the ICRC's position in relation to which the 2001 Studer paper is the key document. Additionally, this paper focuses

on the 1995 “Report on the Use of Armed Protection for Humanitarian Assistance”, which was issued by the Council of Delegates of the Red Cross, and the ICRC’s position paper on humanitarian intervention, as well as the position paper on humanitarian-military relations of the Steering Committee for Humanitarian Response (SCHR) and the 1994 UN-OCHA “Guidelines on the Use of Military and Civil Defence Assets”. The last two documents are relevant for an examination of the ICRC’s position, since the organisation is, besides other Non-Governmental Organisations, a member of the SCHR, and the ICRC was also part of the Review Committee which formulated the UN-OCHA guidelines. Chapter 5 presents the final conclusions.

The aim of this work is to clarify the term CIMIC and to explore and compare the different positions and underlying perceptions of NATO and the ICRC and to contribute to further discussion in this area by providing some outline recommendations pertaining to both actors.

II. Concepts and Definitions

Before discussing the CIMIC approaches of NATO and the ICRC in complex emergencies, it is necessary to give an overview of the relevant aspects and key issues of the current debate on Civil-Military Cooperation. Furthermore it is necessary to outline the meaning of some key concepts and the definitions used in the debate and to introduce the concept of Peace Support Operations.

II. 1 The Current Debate on Civil-Military Cooperation

At the conclusion of the bipolar world order in the late 1980s the geopolitical situation underwent significant changes. There are several factors, which define the present situation. This paper will briefly identify the relevant aspects that caused the changes and clarify the key issues of the current debate on Civil-Military Cooperation.

Since the end of the cold war era the number of conflicts increased and their nature changed. Until the late 1980s the Third World belligerents were dependent on weapon supply and monetary support from the superpowers. Through this dependency the First World held the incentives to influence the conflicts. Until the late 1980s, the majority of wars were inter-state conflicts, but nowadays the world faces predominantly intra-state disputes and civil wars. By the end of the cold war, the absence of external support led to what is called "war economies". The warring parties had to find new sources to finance their disputes.[1] Typically this is the extraction of wealth to sustain military activities. Trade in oil, diamonds, timber, narcotics, or even violent asset stripping and massive manipulation of markets can fuel these economies.[2] Consequently weak states have become more vulnerable to internal disputes. In several cases in Africa, states even disintegrated to such an extent that the governmental structures completely dissolved. Another characteristic of the new wars is that the civil population is no longer only affected by the war; but has become a primary target on account of their group identity. The promotion of ethnic clashes, which had been suppressed by the superpowers during the block-confrontation, lead to in many cases to immense atrocities.

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1 Cf.: Münkler, Herfried (2000): Die neuen Kriege, Rowohlt Verlag, Reinbek bei Hamburg, p. 159 et seq.

2 Cf.: Macrae, Joanna/Leader, Nicholas (2000): Shifting Sands: The search for coherence between political and humanitarian responses to complex emergencies, HPG Report 8, Overseas Development Institute, London, p. 14.

During the 1990s a wider definition of security emerged. The overcoming of the East-West division lead to a surge of optimism to fight threats to international peace through strengthened international cooperation. Additionally to the 'traditional' military threats like inter-state conflicts, the UN and individual governments showed increasing concern about threats to stability resulting from internal conflicts, like poverty, massive human rights abuses, ethnic clashes and inequality.[3] Also transnational threats, such as crime, terrorism and proliferation of weapons of mass destruction were addressed.[4] The new perception of security caused a shift in international and UN policy. The rights and dignity of individuals were increasingly valued higher than the sovereignty of the state. The international community showed a greater willingness to intervene and was also prepared to go beyond diplomacy and sanctions.[5] Humanitarian concerns had entered the agenda of the Security Council. The use of military force to push through respect for human rights law and International Humanitarian Law (IHL) became legitimate. Since the Cold War three types of violation of IHL had been used to legitimise the use of force: Harm to civilians, problems in the delivery of aid and violence against humanitarian workers.[6]

To meet the new security threats the UN developed a different way to respond. From 1991 the face of UN peacekeeping missions changed substantially.[7] Until then UN Peacekeepers were used for dealing with inter-state conflicts, serving as neutral observers to monitor ceasefires and to create buffer zones. The use of force was prohibited. Starting in the early 1990s peacekeeping forces were increasingly applied to intra-state conflicts and civil wars. The tasks, which were carried out by the peacekeepers, became more comprehensive and complex. The UN started to mandate missions under Chapter VII of the UN-Charter, which allowed the deployed forces to take coercive action. Although the military is still the core part of

3 In 1992 the UN Secretary-General Boutros-Ghali stated in the Agenda for Peace that is no longer possible to separate humanitarian issues from the wider problem of peace and security, Boutros-Ghali, Boutros (1992): An Agenda for Peace – Report of the Secretary General, UN Doc. A/47/227-S/24111, New York.

4 Cf.: Macrae, Joanna (2002): The new humanitarianisms: A Review of Trends in Global Humanitarian Action, HPG Report 11, Overseas Development Institute, London, p.30 et seq.

5 Since the establishment of the United Nations in 1945, altogether 55 United Nations peacekeeping operations have been conducted. 42 of those operations started later then 1987.

6 Cf.: Roberts, Adam (2000): Humanitarian Issues and Agencies as Triggers for International Military Action, In: International Review of the Red Cross, No. 839, p. 676.

7 Starting point was the humanitarian intervention in Northern Iraq and later the UN peace enforcement in Somalia (UNOSOM II).

the peacekeeping forces, the number of civilians working next to the military increased. This happened both, because of the more comprehensive peace operations or so-called multidimensional peace operations, which embraced the military aspects as well as a broadening range of humanitarian aspects, and also the number of agencies delivering assistance increased substantially. This is true for the UN agencies as well as for the Non-Governmental Organisations (NGOs). Another result is that the military came into a far closer relationship with the civilian aspects of a mission. Consequently the points of contact increased and the relationship between military and civilian actors became more important. After a number of peacekeeping failures in the mid-1990s, particularly in Somalia, Rwanda and Bosnia with the tragedy of Srebrenica, the attitude of the UN member states changed. They showed certain reluctance and a diminishing will to address the root causes of the conflicts. Instead, the tendency of using a mixture of humanitarian and political mandates as a substitute for political and military action to end a conflict became apparent. At the same time, the range of action of the extremely heterogeneous group of NGOs expanded. Their activities cover now the whole spectrum of PSOs. The enhancement of the traditional peacekeeping to multidimensional peace operations caused a blurring of the traditional division of roles between the military and the humanitarian community.

This triggered a debate about civil-military relations where the term Civil-Military Cooperation (CIMIC) became one of the key expressions. In the discussion the different actors used CIMIC in various contexts with differing implications. In particular the NGO community used and is using CIMIC as a term to refer to military involvement in humanitarian aid. The core of the discussion refers to the changed use and role of the military. In the so-called complex emergencies the military had been assigned with a broader spectrum of jobs, which are sometimes not of a strictly military nature. The NATO response to the Kosovo crisis, where the armed forces performed a dual role, especially caused an intensive debate about the legitimacy of humanitarian intervention. During the Kosovo crisis, NATO flew air strikes in Yugoslavia and simultaneously committed massive resources to aid refugees arriving in Macedonia and Albania.

This raised the concerns of the humanitarian community. Military interference, in what has been seen as ‘humanitarian space’ has been widely rejected. Humanitarianism as a focal point of military intervention raised suspicion among the NGOs. It is widely been seen as a way to legitimise intervention by pursuing different objectives or concealing political failure.

It is believed that a merger of political, military and humanitarian objectives compromises humanitarian objectives and principles. The potential threats to which the NGO community repeatedly refers are that the military can never be perceived as neutral and impartial, since it is politically controlled. Any association of impartial humanitarian action with military objectives, regardless if it is only perceived or real, risks to turn humanitarian workers into a perceived enemy and poses a threat to their personal safety. A mixing of mandates may diminish the success of humanitarian relief or may even make impartial humanitarian work impossible. Moreover the suggestion that humanitarian action is subordinate to the military raised wide resistance among the humanitarian organisations.[8] The humanitarian community insists that the delivery of aid has to be guided by the principles of impartiality, neutrality and independence. On the other hand the military discovered that its new role in PSOs required an effective management of the military-humanitarian interface.

II.2 The Term CIMIC

Since the early 1990s, Civil-Military Cooperation and its abbreviation CIMIC is the controversial term of a heated debate within the civilian, humanitarian and military community regarding their relationship with each other.

Today's military operations take place in complex environments. The military, multiple civilian and humanitarian institutions have to face a challenging and broader range of issues. In various cases the military has been confronted with tasks that are not precisely 'military' in nature. This has increased the importance of managing the civil-military interface, predominantly the one between the military and the humanitarian organisations. This process of management is frequently described as Civil-Military Cooperation (CIMIC).

Discussing CIMIC bears some difficulties. So far a universally accepted and coherent definition has not emerged within the community. Numerous actors refer to CIMIC in a variety of contexts, with differing meanings and

8 For more detailed description of this debate compare e.g.: Barry, Jane/Jefferys, Anna 2002): A bridge too far: aid agencies and the military in humanitarian response, Overseas Development Institute, ODI Network HPN Paper 37, London; Abiew, Francis Kofi/Keating, Tom (1999): NGOs and UN Peacekeeping Operations: Strange Bedfellows, In: International Peacekeeping, Vol. 6, Nr. 2, p. 89-111; Curtis, Devon (2001): Politics and Humanitarian Aid: Debates, Dilemmas and Dissension, HPG Report 10, Overseas Development Institute, London.

in a multitude ways of interpretations. There is also a certain amount of confusion about the differences of Civil-Military Relations (CIMIR) and CIMIC. Usually CIMIR is taken to include a wider range of matters ranging from the issue of civilian-political control of the military to all forms of interaction between the military and the wider society. Some organisations, like NATO, view CIMIC as a part of CIMIR, whereas others do not make a noticeable distinction between them. The term CIMIC is used mainly in two different contexts:

1. CIMIC, equated to CIMIR, as a collective term for all kinds of interaction and points of contacts of civilian organisations and the military.
2. CIMIC as a military doctrine and as a part of CIMIR.

In the beginning CIMIC functioned as a collective term. It predominantly related to all kinds of interaction and level of contact between civilian organisations and the military, which led each side to label its action as CIMIC. This created more confusion rather than actually helping the discussion. The increasing levels of interaction and rising significance of civil-military cooperation resulted in the development of different concepts by all kinds of actors under the label of CIMIC. This multiple use of CIMIC, the inconsistent perceptions of numerous actors regarding this term, caused confusion of ideas and misunderstandings. It also made valuable debate increasingly difficult to sustain. The situation is understandable. The starting points and the conditions are very different for every actor. The NGOs especially present a highly diversified and heterogeneous group, with diverse basic assumptions, objectives and working cultures. Taking this into account the question is, whether it is realistic to subsume the different aspects of the relationship between military and humanitarian actors as a whole under one encompassing term. This seems not to be feasible and concurrently also not desirable, since it could not accommodate all different perspectives. Attempts like this would result in the lowest common denominator, which could not reflect every aspect of the complex relationship.

The problem of using CIMIC as a collective term has been recognised and the international community has started to take a more differentiated approach. The start of rethinking CIMIC can be seen as a result of the greater participation of NATO in PSOs. The Alliance's involvement on the Balkans showed the increasing significance of a coherent NATO CIMIC policy. NATO developed procedures and military doctrines that made the

term CIMIC a well-defined and specific term in their military vocabulary. NATO successfully started to seize the expression and linked it with the Alliance's understanding of Civil-Military Cooperation. This started to put pressure on the other organisations to develop new terms for their own Civil-Military Cooperation concepts in order to demarcate them from NATO. For example the United Nations Office for Coordination of Humanitarian Affairs (UN-OCHA) introduced the abbreviation UN CMCoorD for its programmes, which had earlier run under the label of CIMIC until autumn 2001. However, it has also to be noted that besides NATO a various number of other national militaries, in particular NATO member states, developed their own CIMIC doctrines. With a few exceptions, for example Switzerland, the national militaries mirror the NATO approach with variations in emphasis.[9] A higher degree of consensus in the military community about the meaning of CIMIC would also be advantageous.

Despite the ongoing differentiation, both meanings, CIMIC as a broad concept for every kind of interaction, as well as CIMIC as the NATO-doctrine or more general the military doctrine, are still used. To avoid miscommunication a further differentiation is highly desirable. This has also been demanded by several civilian organisations.[10] Until the collective use of CIMIC has been vanished, it crucial to explicitly state which meaning of CIMIC is being referred to.

II.3 The Principles of 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."[11]

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9 Cf.: Landon, James J./Hayes, Richard E.: National Approaches to Civil Military Coordination in Peace and Humanitarian Assistance Operations, [online] Department of Defence – Command and Control Research Programme, Washington D.C., no year, Available from: http://www.dodccrp.org/jjlfig1.htm, [Accessed 14th May 2003].

10 Among others the ICRC states that CIMIC is not an appropriate term to describe the task of delegate whose essential role is liasing with the military, Cf.: Studer, Meinrad (2001): The ICRC and civil-military relations in armed conflict, In: IRRC, Volume 83, No. 842, p. 378.

11 The definition was taken from the UN Office for the Coordination of Humanitarian Affairs (UN-OCHA).

In its original conception humanitarian assistance's objective is not to settle conflicts, but to simply alleviate human suffering.

II.3.1 International Humanitarian Law

The Humanitarian Principles are derived from the International Humanitarian Law (IHL). IHL can be divided in two components, the 'Hague' and the 'Geneva Law'. The 'Hague Law' has been codified in a series of declarations and treaties following the first Hague Peace Conference in 1899. It is concerned with the conduct of hostilities. The principle of distinction between civilians and military targets is found in the 'Hague Law'.

The 'Geneva Law' consists of the four Geneva Conventions from 1949 and the Additional Protocols from 1977. The four Geneva Conventions concern the treatment of victims of war. The first two Conventions deal with the wounded and sick of armed forces on land (Convention I) and at sea (Convention II). Convention III relates to the conduct of combatants and to the protection of prisoners of war, while Convention IV concerns protection of civilian persons and population in times of war. Article 3 is common to all four Conventions. It sets a minimum standard, regarding the treatment of persons taking no active part in the hostilities, for conflicts of a non-international character, occurring in the territory of the contracting parties.[12]

12 Article 3: In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:
(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex birth or wealth, or any other similar criteria. To this end, the acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
(b) taking hostages;
(c) outrages upon personal dignity, in particular humiliating and degrading treatment;
(d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
(2) The wounded and sick shall be collected and cared for.
An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict. The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention. The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.

The two additional protocols to the Geneva Convention combine aspects of the 'Hague Law' and the 'Geneva Law'.

The Convention IV, the Additional Protocols and the common Article 3 are authoritative for the provision of humanitarian assistance. However, only 22 of a total of 289 articles relate to the provision of relief. [13] Whereas common Article 3 provides the most minimal standard by stating that in the case of a non-international conflict "an impartial body, such as the ICRC may offer its services to the Parties to the conflict." The basic provision for humanitarian relief is quoted in Article 10 of Convention IV:

"The provision of the present Convention constitutes no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organisation may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of civilian persons and for their relief."

The Geneva Conventions, as an international treaty, address only states and not humanitarian agencies. In general, the Conventions are only binding on those states that ratified the contracts, unless it is customary law, which is binding on every state, whether the state signed it or not. Articles that refer to the provision of aid are phrased in the way that they set obligations on the parties to allow relief or they describe conditions, in which the parties are entitled to impose relief delivery. All articles concerned with aid delivery refer to international conflicts. The only exception is the common Article 3, which is universally accepted and has become customary law.[14]

Although the Conventions do not address humanitarian agencies, they are helpful to them. The treaties oblige the states, in which the conflict takes place, to agree, under certain circumstances, to relief action. Relief action is humanitarian and impartial in nature. This gives agencies the legitimatisation to insist on access to the population in the area of conflict. Furthermore, the law emphasises the right of victims to receive humanitarian assistance. The purpose is to provided aid, which is essential for the survival of the civilian population, such as food and medical supplies.

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13 Cf.: Mackintosh, Kate: The Principles of Humanitarian Action in International Humanitarian Law, HPG Report 5, Overseas Development Institute, London 2000, p.3.

14 A further examination to what extend the Geneva Conventions and the Additional Protocols justify and legitimise humanitarian relief action is beyond the scope of this paper.

II.3.2 Humanitarian Principles

There are four basic principles of humanitarian action, to which humanitarian agencies repeatedly refer to: Humanity, Impartiality, Neutrality and Independence. A clear distinction of the four terms is difficult, since these are overlapping principles.

II.3.2.1 Humanity

"Humanity means to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being."[15]

Civilians have fundamental rights under international humanitarian law. They have to be protected from attack, torture and other violations of their physical and moral integrity. The term humanitarian, as used in international humanitarian law, gives rights to and confers obligations on parties concerned by armed conflict. These are primarily the warring parties of the conflict and the victims, but also third states and international and NGOs.

These basic premises lead to two major consequences: firstly, humanitarian assistance must not comprise any element that could contribute to the military effort. Secondly, the delivery of aid must be given by the sole criterion of need. Humanitarian action seeks to relieve suffering and to introduce into situations of conflict fundamental values of humanity, such as respect for life and human dignity.

Humanitarian action can never be coercive. The use of force against the will of parties to a conflict, even for valid humanitarian reasons, for instance to ensure the delivery of humanitarian assistance, would necessarily turn humanitarian action into a military operation.

II.3.2.2 Impartiality

15 Cited from the Fundamental Principles of the Red Cross and Red Crescent Movement.

"Impartiality means to make no discrimination as to nationality, race, religious beliefs, class or political opinions and to endeavours only to relieve suffering, giving priority to the most urgent cases of distress."[16]

Jean Pictet identifies in his work on the fundamental principles of the Red Cross, three elements of impartiality.[17] The first element is non-discrimination as described in the common Article 3. This means not to discriminate any person because of, for example race, sex and religion.[18] The second element refers to the principle of proportionality. The principle relates to the delivery of relief according to needs. Relief programmes should always respond first to persons who are in the greatest need of aid. The degree of need should be the defining factor of any relief operation. In practical terms this does not necessarily mean equality of treatment, but it implies providing to individuals what is considered appropriate to cover their basic needs. The third element is that there should be no subjective distinction. Regardless the fact, whether the person, who receives aid, is guilty or innocent, deserves or not deserves humanitarian relief, should obtain aid based only on need. This principle is contrary to international refugee law. For example the UNHCR is not entitled to give assistance to persons, who are accused of international crimes. Consequently the international humanitarian community does not universally accept this aspect of the principle; it depends on the individual mandate of the particular organisation.

II.3.2.3 Neutrality

"In order to continue to enjoy the confidence of all, the Red Cross may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature."[19]

The principles of Neutrality and Impartiality are often confused with one another. Nevertheless they are very different. In contrast to impartiality, neutrality applies on a different level. Neutrality is concerned with an NGO's relation to belligerents, ideologies and politics, whereas impartiality aims at the non-discriminative treatment of the persons in need.

16 Cf.: footnote No. 15.
17 Cf.: Pictet, Jean (1979): The Fundamental Principles of the Red Cross, [online] Henry Durant Institute, Geneva 1979, Available from: http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList74/CA0A0120C2E90B02C1256C5B004466C0, [Accessed at: 8th May 2003].
18 Cf.: footnote No. 12.
19 Cf.: footnote No. 15.

The Red Cross refers to different aspects of neutrality. Firstly, to military neutrality by stating that the organisation "may not take sides in hostilities." Under the Geneva Convention, persons who deliver aid and relief enjoy special protection. They are placed above the conflict. In order to be respected by the opposing parties, they have to refrain from direct or indirect interference in military operations. Otherwise the universal character of the organisation would be compromised. The second aspect of neutrality is ideological neutrality. The Red Cross defined it as "not to engage at any time in controversies of a political, racial, religious or ideological nature." By aligning the organisation to a certain ideology or political standpoint, a humanitarian organisation would run the risk of limiting its scope of action. Opposing parties with different ideologies would identify the NGO as a party to the conflict, which is contradictory to the sense of the Geneva Convention. It is essential for humanitarian operations to be perceived as ideologically neutral by the involved parties. Nevertheless, this is a great challenge in conflict situations, which are often highly politicised. It is important for humanitarian agencies to recognise politics without becoming a part of it or being manipulated by it.

II.3.2.4 Independence

"The Red Cross is independent. The National Societies, while auxiliaries in the humanitarian service of their Governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the Red Cross principles."[20]

The conditions for recognition of new Red Cross National Societies give a more detailed description about the meaning of independence. These conditions refer to political, religious and economic independence. It is apparent that independence is the basis for impartiality and neutrality. Humanitarian organisations should only be obliged to their follow own Charter, principles and ideals that are derived from the Geneva Conventions. Being dependent, especially financially dependent, could limit the organisation's decision-making ability, since a financial associate could try to gain control or intrude into the organisation's politics by exercising financial pressure. The fact that the work of humanitarian agencies depends

20 Cf.: footnote No. 15.

mainly on donations makes the conditions difficult. However, it is essential to maintain credibility by strictly obeying this principle.

II.4 Types of International Military Operations

The scope and type of civil-military cooperation varies according to the nature and mandate under which an international military operation is carried out. Generally speaking the term operation "describes the deployment of external military personnel in a region of conflict to promote the maintenance of order and security".[21] C. Lang categorises three different types[22]:

II.4.1 Combat operations

Combat operations are military deployments, which are not mandated by a UN Security Council Resolution. Combat operations are in breach with Article 2 of the UN-Charter, the prohibition on the use of force. The intervening force is becoming a party to the conflict.[23]

II.4.2 Peace Support Operations

As already mentioned, the UN peacekeeping missions underwent significant changes in order to adapt to evolving conditions. The changes can be mainly subsumed under two aspects of peacekeeping missions, which are as follows:

- New operational environment
  The international peacekeeping forces are nowadays primarily deployed in countries affected by civil wars, conducted by different factions and irregular troops. These countries are often in conditions of weak security and humanitarian emergencies.
- Expansion of purpose and objectives of mission
  To address the broader security perception the peacekeeping forces are composed of civilian and military personnel. Missions are coordinated

21 Lilly, Damian (2002): The Peacebuilding Dimension of Civil-Military Relations in Complex Emergencies, International Alert, p.4.

22 Cf.: Lang, Christoph (2001): Improving International Civil-Military Relations in Humanitarian Emergencies, Swiss Agency for Development and Co-operation, Bern, p.7.

23 A recent example for a combat operation according to this definition is the US-led war on Iraq in 2003.

with International Organisations and NGOs to deliver humanitarian assistance and to foster the process of post-conflict reconstruction.

Within Peace Support Operations (PSO), there are two different types of operations, depending on the different mandates given to these operations:

a. Peace Enforcement Operations
Peace enforcement operations are authorized under Chapter VII of the UN-Charta, "Action with respect to threats to the peace, breaches of the peace, and acts of aggression". Chapter VII enables the UN to take coercive action against states and so operations takes place without the consent of the involved parties. Actions range from imposing economic sanctions, like embargos, to dispatching troops. The operation's objective is to force the belligerents to accept a peace agreement. In other words, the UN Security Council can make war to end war. In practice, the UN Security Council delegates the job to other states or usually to a coalition of states.[24]

b. Peacekeeping Operations
Peacekeeping operations are authorized under Chapter VI of the UN-Charter.[25] Chapter VI is titled "Pacific settlement of Disputes". It promotes the settlement of disputes through peaceful means, such as negotiation, mediation, and arbitration. The UN can deploy military personnel from a number of countries, under UN command, to help control the involved parties and to resolve the conflict. Peacekeeping takes place with the consent of the involved parties. Initially peacekeeping forces "created buffer zones, monitored ceasefires and implemented peace agreements"[26]. During the cold war era the UN primarily responded to inter-State conflicts, today's peacekeeping operations are applied to intra-State conflicts and civil wars. The scope of activity has been enlarged to "creating political institutions, working alongside governments, non-governmental organizations and local citizens' groups to provide emergency relief, demobilize former fighters and reintegrate them into society, clear mines, organize and conduct elections and promote sustainable development"[27]. As a result

24 Examples for such a delegation of a peace enforcement operation are the Korean War in 1950 and the Persian Gulf war in 1990/1.
25 There are currently 13 UN peacekeeping operations in the field. (date: May 2003).
26 United Nations peacekeeping, Question and Answers, Available from: http://www.un.org/Depts/dpko/dpko/ques.htm, [Accessed 8th May.2003].
27 ibid.

of this more comprehensive interpretation of UN peacekeeping operations, the number of civilians involved in operations has risen. Nevertheless, the presence of military personnel is still the determining factor.

In theory, UN Operations under Chapter VI are a tool to facilitate a conflict resolution through diplomacy. But they are not authorised to achieve peace by the use of force. In practice, most of today's UN peacekeeping operations are neither purely peacekeeping (Chapter VI) nor classical enforcement against an aggressor (Chapter VII). They fall somewhere between the two chapters. The literature often refers to operations under "Chapter six and a half".[28]

II.4.3 Military assistance to humanitarian crisis

In this regard military assistance is not carried out within a military mandate. It is provided on request from civilian actors to carry out specific tasks for a defined period under civilian authority.[29] As already stated in the introduction of this paper, this document focuses only on the military-humanitarian relationship in peace support operations.

III. The NATO perspective on CIMIC

The last Chapter explained how the term CIMIC developed from a collective term for any civil-military interaction and points of contact, to a term of military doctrine. To comprehend NATO's perception of CIMIC it is of importance to take a closer look at its development from a defence alliance to a primary tool of Euro-Atlantic foreign policy starting with the end of the East-West conflict. Section two gives a brief review of the aspects that caused the development of the NATO CIMIC doctrine. Section three proceeds to explain the relevant components and implications of the doctrine in detail. Finally Section four summarises the main finding of this Chapter.

28 Moore, Mike (1995): UN Peacekeeping a Glass Half Empty, Half Full, In: Bulletin of the Atomic Scientists 51.3, p. 5-6.

29 Examples are the deployment of the Bundeswehr during the Oderbruch in 2002 or the deployment of the US Army in the case of hurricane Mitch in 1998.

III.1 NATO's Evolution: From a Defence Alliance to an Alliance of Mutual Interest

At the end of the cold war era, NATO faced an intensive discussion about the organisation's legitimacy. The fall of the Berlin wall, the ongoing disintegration of the Soviet Union and the disbandment of the Warsaw Pact in 1991 had made NATO's former enemy and counterweight disappear. Hence the existing concept of NATO's primary responsibility as a Defence Alliance, directed at the former communist states, had to be rethought.

As a result the organisation adopted its first political Strategic Concept at the NATO-Summit in Rome in 1991[30], and at the same time, its military-strategic implementation through the Military Committee by the MC 400 doctrine. Through different tools, particularly the Partnership for Peace Programme and the Euro-Atlantic Partnership Council, NATO managed to develop a network of member states, the former Warsaw Pact states and Non-Aligned nations, which gave the Alliance a new justification for existence.

The ongoing dramatic changes in the geopolitical landscape in the 1990s made further adjustments of the Alliance's strategy necessary. In autumn 1997 NATO mandated the revision of the Strategic Concept. Finally at the Washington Summit in 1999 the heads of states and the heads of government approved the New Strategic Concept.[31] Supplemented by additional agreements, like Berlin Plus, the Defence Capabilities Initiative (DCI), and the Initiative against Weapons of Mass Destruction (WMD-Initiative), the Alliance had been re-aligned for new tasks of the 21st century.

In particular, one of the key issues was whether NATO should get involved in 'out of area' missions. The war in the Balkans contributed to NATO's new self-conception. A war in Europe, close to the majority of the member states, with all its immense human suffering and close media coverage, constituted a moral challenge to the Alliance. The ineffectiveness of the United Nations culminating in the tragedy of Srebrenica paved the way for NATO action in the Balkans. The deployment of IFOR in December 1995

30 Cf.: *NATO:* Rome Declaration on Peace and Security, [online], Press Communiqué S-1(91)86, Available from: http://www.nato.int/docu/comm/49-95/c911108a.htm, [Accessed 4th May 2003].

31 Cf.: NATO (1999): The Alliance's Strategic Concept, Press Release NAC-S(99)65, Brussels.

represented the first response to 'out of area' demands.[32] NATO went on its first 'out-of-area' mission. IFOR represents the starting point from which NATO developed to a leading multinational institution in the area of conflict prevention and PSO.

The Non-Article-5-Operations[33], in NATO terms, became a primary task for the Alliance. This is reflected in the Strategic Concept of 1999 (SC 99). It emphasises that the changed geopolitical environment requires a broader security approach.

"The Alliance is committed to a broad approach to security, which recognises the importance of political, economic, social and environmental factors in addition to the indispensable defence dimension."[34]

It also determines that the Euro-Atlantic community is facing a different set of more complex risks.

"... the appearance of new risks to Euro-Atlantic peace and stability, including oppression, ethnic conflict, economic distress, the collapse of political order, and the proliferation of weapons of mass destruction."[35]

The SC 99 stresses the valuable experiences in the Balkans. IFOR and SFOR in Bosnia-Herzegovina are seen as a proof of the Alliance's ability to operate outside Article 5. Although collective defence is still a core part of the strategy[36], the Concept emphasises the need for capabilities to manage conflicts outside NATO territory, including armed response to crises[37]. NATO distinguishes between Collective Defence Operations (CDO) and Crisis Response Operations (CRO).

Within a decade NATO managed a strategic turnaround from a collective defence alliance to an alliance committed to the defence of mutual interests

32 For example Manfred Wörner, NATO Secretary-General from 1988 until 1994, repeatedly pleaded for NATO "out-of-area" missions, to take on a greater responsibility for the world's peace and security; Cf. also: Robert, B. (1996): NATO and the End of Cold War, NATO Research, [online], Available from: http://www.nato.int/acad/fellow/94-96/mccalla/index.htm, [Accessed 22th May 2003].

33 Article 5 of the Washington Treaty declares that an attack on one of its members is an attack on all members. NATO refers to all other military operations, which are not conducted under Article 5 as Non-Article-5-Operations.

34 NATO: The Alliance's Strategic Concept, op. cit, Para. 25.

35 NATO: The Alliance's Strategic Concept, op. cit, Para. 3, 20-23.

36 Cf.: NATO: The Alliance's Strategic Concept, op. cit., Para. 20.

37 Cf.: NATO: The Alliance's Strategic Concept, op. cit., Para. 31, 32.

and an effective and vital tool of Euro-Atlantic foreign policy. The resolution of the Madrid summit in 2003 undoubtedly shows NATO's will to focus not only on Europe, but also to be prepared to play its role on a worldwide scale.[38] However recent developments during the prelude of the US/UK-led war on Iraq in 2003 also showed the limitations of an Alliance, which consists of a great number of different players.

III.2 Evolution of the NATO CIMIC Doctrine

The experiences of the IFOR and SFOR mission in Bosnia-Herzegovina have been essential to the evolution of NATO's CIMIC doctrine. Until 1995 CIMIC was not seen as very important. It was seen as presenting "a little more than a logistic challenge."[39]

Based on the UN Security Council Resolution 1031, a NATO-led multinational force was mandated to start the IFOR mission in December 1995. IFOR's major responsibility was the implementation of the military aspects of the 1995 General Framework Agreement for Peace (GFAP)[40]. At first the relations with non-military organisations were reactive and only supportive. IFOR assisted the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross and Red Crescent (ICRC). By spring 1996 IFOR had succeeded in establishing a secure environment. This paved the way for the implementation of the civilian aspects of the Peace Agreement. Non-military organisations could start their work. Simultaneously IFOR became increasingly involved in humanitarian support, national elections, longer-term projects, and infrastructure reconstruction.[41]

This shift in IFOR's responsibility raised the awareness for the necessity of a CIMIC policy and special CIMIC forces to support NATO commanders in PSO and "out of area" missions. Soon after IFOR's start a CIMIC cell was established at the Supreme Headquarters Allied Powers Europe (SHAPE). The cell was responsible for the definition of training requirements and the preparation of training programmes. In 1997, the Military Committee

38 The ministers approved NATO's take over of the lead role of the mission in Afghanistan and also the support for the Polish troops in Iraq. Furthermore they agreed on the creation of a new key tool, the NATO Response Force. It will be a robust rapid reaction fighting force that can be quickly deployed anywhere in the world.

39 NATO (2001): AJP-9 NATO Civil-Military Cooperation (CIMIC) Doctrine, Draft from 18.06.2001, Brussels, Para. 101.

40 The GFAP is better known under the term Dayton Peace Agreement.

41 Cf.: Phillips, William R. (1998): Civil-Military Cooperation: Vital to peace implementation in Bosnia, In: NATO Review Web edition, Volume 46, No. 1, p. 23.

established the MC-411 NATO CIMIC Policy. At the beginning of 1998, SHAPE developed the CIMIC 2000 directive, which represented, from that point, the basis for any future plans and actions.[42]

The personnel structure of the Civil-Military Task Force (CMTF) was another factor that contributed to the development of NATO's CIMIC policy. The CMTF was formed in support for the IFOR and SFOR mission in Bosnia-Herzegovina and the majority of the personnel were provided by the USA. Since the European members of NATO wanted to be more involved in the 'new NATO', this imbalance needed to be changed. The objective was to raise the non-US share to 50 percent. Despite this, most European countries lacked qualified personnel. SHAPE started to carry out CIMIC trainings and finally the CMTF was restructured into the CIMIC Task Force (CIMIC TF), in which the Europeans had a significant higher share of personnel.[43]

The events and experiences in the Balkans made a comprehensive CIMIC policy inevitable. This is evident since the SC 99 explicitly refers to CIMIC. The concept emphasises the importance of CIMIC to successfully complete military operations:

"The interaction between the Alliances forces and the civil environment (both governmental and non-governmental) in which they operate is crucial to the success of operations. Civil-military cooperation is interdependent: military means are increasingly requested to assist civil authorities; at same time civil support to military operations is important for logistics, communication, medical support, and public affairs. Cooperation between the Alliance's military and civil bodies will accordingly remain essential."[44]

As a response to the changed international environment, NATO prepared itself for new tasks. Especially driven by the experiences through the deployment of forces in the Balkans, the Alliance's, gradually, discovered the need for a coherent and institutionalised CIMIC policy. "Out of area" operations in territories, where the military forces cannot rely on functioning civil institutions and/or functioning infrastructure, presented different and more complex challenges. The development of CIMIC plays an important role in order to meet these challenges.

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42 Cf.: Braunstein, Peter (2000): CIMIC 2000 – Zivil-militärische Kooperation, In: Europäische Sicherheit, Volume 49, No. 12, p. 49.
43 Cf.: Phillips, William R., Civil-Military Cooperation, op. cit., p. 24.
44 NATO: The Alliance's Strategic Concept, op. cit., Para.60.

III.3 The NATO CIMIC Doctrine in Detail

The MC 411/1 and the Allied Joint Publication AJP-9 are the key documents of NATO's CIMIC policy. In July 2001 the North Atlantic Council approved the revised MC 411/1. The purpose of this document is the establishment of a NATO military policy on CIMIC.[45] Whereas the AJP-9 "provides the guidelines for the planning and execution of CIMIC in support of operations involving NATO military forces."[46] After the expiration of the period of objection in 2002, the AJP-9 has been tacitly approved by the member states.

This chapter takes a detailed look at the implications, components and objectives of the NATO CIMIC doctrine. It gives a definition of NATO CIMIC and clarifies the purpose of the doctrine. It continues with a demarcation of CIMIC from other components of Civil-Military Relation and identifies the key functions of CIMIC. NATO's perception of its relationship with humanitarian players in a theatre of operations is examined and the chapter concludes with an analysis of NATO's attitude towards military involvement in humanitarian action.

III.3.1 Definition and Purpose of CIMIC

NATO's definition of CIMIC can be found in the MC 411/1 doctrine.

"CIMIC facilitates co-operation between a NATO commander and all parts of the civilian environment within his Joint Operations Area (JOA). CIMIC is: The co-ordination and co-operation, in support of the mission, between the NATO Commander and civil actors, including national population and local authorities, as well as international, national and non-governmental organisations and agencies."[47]

The purpose of NATO's CIMIC policy is also described in the MC 411/1 doctrine.

"The immediate purpose of CIMIC is to establish and maintain the full co-operation of the NATO commander and the civilian authorities,

45 NATO (2001): MC4II/I. – NATO Military Policy on Civil-Military Co-operation, Military Council, Brussels, Para. 2.
46 Cf.: Ibid., Para. 14a.
47 Ibid., Para. 4.

organisations, agencies and population within a commander's area of operations in order to allow him to fulfil 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."[48]

Looking more closely at the two definitions, three characteristics can be determined. Firstly, CIMIC, as a term, refers to a military operation and not to the civil-military cooperation as such. The military goal remains supreme. Secondly, CIMIC points not towards facilitating humanitarian aid by NGOs or IOs as an objective in itself. Thirdly, the definitions imply that CIMIC is a tactical doctrine, not a strategy. The strategy of a military operation can aim at stability and reduction of security risks for the population in a crisis area. CIMIC is being used as an instrument to reach the given objectives.[49] NATO has identified CIMIC as a crucial feature to successful accomplishment of military operations. CIMIC is then more an integrated part of the command structure and the overall military strategy, than a stand-alone activity: "CIMIC has to be an integral part of the entire operation, requiring close co-ordination with other military capabilities and actions."[50]

III.3.2 Scope of the CIMIC Doctrine

Although NATO's involvement in the Balkans gave the main impetus to the development of CIMIC; CIMIC is not seen as an instrument restricted to support PSOs. CIMIC is considered in Non-Article-5 CROs as well as Article-5 CDOs.[51]. It is an integral part in the whole spectrum of NATO operations. However NATO determines that the application of CIMIC differs between CDOs and CROs.

According to MC 411/1, not in every case of cooperation between civil organisations and the military is defined as CIMIC. CIMIC is one element of Civil-Military Relations (CIMIR). This raises the question what the other parts of CIMIR are and how does NATO differentiating CIMIC from them.

48 Ibid., Para. 9; Cf. also: NATO, AJP-9, op. cit, Para. 105, "The long-term purpose of CIMIC is to help create and sustain conditions that will support the achievement of Alliance objectives in operations."

49 Cf.: NATO, AJP-9, op. cit, Para. 104: "CIMIC is a Commander's tool in establishing and maintaining (…) relationships."

50 Ibid., Para. 15.

51 Nevertheless NATO acknowledges that at present a CRO is more likely than a CDO; Cf.: NATO: MC 411/1, op. cit., Para. 3; Cf. also: NATO: AJP-9, op. cit., Para. 308, 311

The MC 411/1 doctrine identifies three additional parts of CIMIR: Firstly Civil-Emergencies Planning (CEP), secondly Military Assistance in Humanitarian Emergencies (MAHE) and thirdly Host Nation Support (HNS).[52]

CEP refers to the protection and support of the domestic population in event of war. These actions are not CIMIC. MAHE refers to the case when military capabilities are for the use and under the command of civilian organisations. If the assistance is not part of a NATO military operation, it is not considered to be CIMIC. In such a case the MC 334 doctrine, which describes the use of "Military and Civil Defence Assets (MCDA)" applies.[53] This will be in the case a disaster relief operation or other civil emergencies. Nevertheless NATO is also taking situations into account, where tasks of a non-military nature under NATO responsibility have to be undertaken in order to support a military mission. Especially in the first phase of a Non-Article-5 CROs, but also during Article 5 CDOs, it is likely that in the theatre of operation a functioning civilian authority is absent. It can also not be assumed that enough civil capacities are available to respond to humanitarian emergencies.[54] In this case it can be necessary to provide humanitarian assistance.

Assistance that is required in support of military operations qualifies as CIMIC. As a basic principle assistance should be subsidiary to an appropriate organisation, such as the UN. If this is not possible, it will be carried out within the chain of command.[55] In general, NATO's CIMIC policy defines military involvement in tasks of a non-military nature, normally the responsibility of a mandated civil authority.

HNS refers to the support of a NATO operation by the nation on whose territory the mission is conducted. NATO draws a thin line between HNS and CIMIC. According to the doctrine HNS concerns the provision of civil and military assistance in the form of material, facilities, services and administrative support to the force. CIMIC's role is to provide co-ordination and liaison that will assist in making the civil resources available.[56] CIMIC is therefore not equated with HNS, but complementary to it.

52 NATO, MC 411/1, op.cit., Para. 5-7.
53 Ibid., Para 6.
54 Cf.: NATO: AJP-9, op. cit., Para. 807.
55 Cf.: Ibid., Para. 807; Cf. also: NATO: MC 411/1, op. cit., Para. 6.
56 Cf.: NATO, AJP-9, op. cit., Para. 401.

The distinction of CIMIC from other aspects of civil-military relations, as described above, shows that NATO is using a very narrow interpretation of CIMIC. In NATO's understanding, CIMIC has a purely supportive function to assist the successful accomplishment of a military operation. Subsidiary assistance, which is not a part of a military mandate with military-political objectives, is not considered to be CIMIC.

III.3.3 Functions of CIMIC

As mentioned above, CIMIC is seen as a supportive and integral part of an operation. To guarantee support at the best possible level, the doctrine differentiates CIMIC tasks according to three different stages of the life cycle of an operation.[57] At the pre-operational stage the CIMIC staff help the force to prepare them to deal with the civilian conditions they will meet in the JOA. CIMIC tasks during the operational stage are to secure effective civil-military cooperation, establishment and maintenances of relationships with civilian bodies, in support of the Commander's mission. At the transitional stage CIMIC assists the hand-over of civil related activities to the proper, mandated authorities.

NATO subsumes CIMIC tasks according to three core functions:[58]

1. Civil-Military Liaison
2. Support to the civil environment
3. Support to force

'Civil-Military Liaison' aims at the creation of necessary coordination with civilian bodies to "facilitate and support the planning and conduct of operations."[59] The coordination should already be established before the actual operation starts. 'Civil-Military Liaison's' purpose is to guarantee the Alliance's readiness and ability to timely and adequately response. Establishment, promotion and maintenances of coordination are seen as a pre-condition for the other CIMIC functions. 'Civil-Military Liaison's' objective is also to help to obtain the support of the population, IOs and NGOs.

'Support for the civil environment' refers to the interaction with civilian bodies during a military operation. In a theatre of operations a wide range of military support is conceivable, for example information, material and equipment, communications and transport facilities. NATO is conscious of the threat of blurring civil and military roles. Hence it is explicitly stated that a support decision should always take political, civil and military factors into account and should be made at the "highest appropriate level".[60]

57 Cf.: Ibid., Para. 303.
58 Cf.: Ibid., Para. 106.
59 Ibid., Para. 106a.
60 Ibid., Para. 106b.

The doctrine also states that this will generally only take place when it is necessary to the fulfilment of the military mission.
'Support to force deals' with situations that require civil support to the military. Paragraph 106c in the AJP-9 emphasises that in circumstances of partial dependence on such factors as civil support, regarding resources, information. Civil control of the military operation has to be avoided.

Recapitulating, the function of CIMIC is to establish the best possible conditions for the conduct of a military operation, regarding external support and recognition by minimising any possible external disruption to the mission.

III.3.4 Relationship with Humanitarian Players

The NATO CIMIC doctrine anticipates cooperation with various actors.[61] This part focuses on the relationship with organisations involved in relief assistance. The NATO CIMIC doctrine stresses repeatedly the diversity of civilian organisations and agencies, which the military forces must cooperate with. It also emphasises that it is of crucial importance for the CIMIC staff to fully understand the mandate, role, structure, methods and principles of these organisations in order to establish effective relationships. NATO differentiates between four types of civilian organisations and gives the following definitions of its potential counterparts in theatre of operations:[62]

1. International Organisations (IOs)
   The characteristics of IOs are that they are established by intergovernmental agreements and they operate at the international level. In particular the doctrine mentions the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations Organisations, such as for example OCHA, WFP, UNICEF, UNHCR.

   Due to its unique role the International Committee of the Red Cross and Red Crescent Movement (ICRC) belongs also to this group. The ICRC was not established by an intergovernmental agreement, but it fulfils a role based on the Geneva Conventions.

2. Non-Governmental Organisations (NGOs)

61 Cf.: NATO: MC 411/1, op. cit., Para. 8.
62 Cf.: NATO: AJP-9, op. cit., Para. 802.

NGOs are defined as voluntary organisations, which are independent of governments, international organisations and commercial interests. They are subdivided into:

a. Mandated
   NGOs are officially recognised by the lead organisation in a crisis and is authorised to work in this area.
b. Non-Mandated
   NGOs have no official recognition or authorisation. They work as a private concern.

3. International and National Government Donor Agencies
   In this group belong the national and international organisations, which are responsible for the funding, monitoring and evaluation of the development programmes. Examples are ECHO, USAID and DFID.

4. Other Groupings
   a. Civilian Development Agencies
      In this category NATO subsumes all civilian organisations, which are mainly concerned with reconstruction and are mandated to provide technical assistance. CIMIC tasks in this regard are the identification of the requirements for reconstruction in collaboration with the local government and where applicable the lead agency.
   b. Human Rights and Democratisation Agencies
      This group comprises the primary the UNHCR, ODHIR and the OSCE.

NATO accounts for the diversity of civilian players and with that the complications, which can derive from different organisation cultures, different mandates and objectives between the military and civilian organisations.[63] Generally the CIMIC doctrine defines that social, political, cultural, religious, economic, ecological and humanitarian factors have to be consider during planning and execution of an operation.[64]

The AJP-9 doctrine defines several principles for the civil-military relationship.[65] In order to handle CIMIC at the best possible level, the

63 Cf.: NATO: MC 411/1, op. cit., Para. 8.
64 Cf.: Ibid., Para. 8.
65 Cf.: NATO: AJP-9, op. cit., Para, 207–212.

doctrine phrases the principles of 'transparency' and 'communication'. Being transparent, demonstrating competence and capability should foster mutual trust and confidence. Communication should be open and constant. Responsibility and decision-making should be guide by the principles of 'consent' and 'shared responsibility'. 'Shared responsibility' is explicitly acknowledging different ethos, structures and working practices. Agreements on common goals should lead to an agreed sharing of responsibilities. NATO seeks arrangements on a consensual basis to achieve best possible results. In principle coercive action, to push through NATO's viewpoint, is perceived as possible, but little effective in the long run.

The AJP-9 doctrine gives additional instructions. In Paragraph 203 the commanders of an operation are addressed to be aware of the impact of military action on civil goals. They are instructed to seek balance between military and civilian objectives. Important is that NATO explicitly determines "CIMIC implies neither military control of civilian organisations or agencies nor the reverse."[66] Nevertheless NATO clearly claims civilian support to the military.

"The military will often require access to local civilian resources. In such circumstances every effort will be made to avoid adverse impact on local populations, economies, environment, infrastructure or the work of the humanitarian organisations."

It is apparent that the military goal stays in all circumstances supreme. The Alliance adheres to the principle of 'mission primacy'. NATO is not demanding control of civil bodies and is considerate of the position of civilian organisations. To what extend NATO is really going to be considerate in a specific operation, cannot be answered by the doctrines.

III.3.5 Military Humanitarian Action

In general, the NATO CIMIC doctrine emphasises that the Alliance's responsibility are solely security related tasks. If applicable, consistent with the OPLAN and the mandated civil authorities, support for the implementation of civil tasks can be given.[67] These tasks have to be conducted subsidiary to the appropriate civil authority. It seems apparent that the phrase refers to the Alliance's experiences in the Balkans. Initially

66 NATO: MC 411/1, op. cit., Para. 11.
67 Cf.: Ibid., Para. 11a.

IFOR and later SFOR, the sucessor mission, gave support to civil bodies in various areas. SFOR even had the explicit mandate of the international community to participate in the implementation of civilian aspects of the Dayton Peace Agreement. The assistance ranged from humanitarian support, national elections, longer-term projects, and infrastructure reconstruction.[68] Further on the doctrine addresses the problem of confusing the roles of the military and civilian bodies by stating that all measures will be taken to avoid adverse effects and compromising the neutrality and impartiality of humanitarian organisations.[69]

NATO also acknowledges that within a military operation circumstances can arise, which requires a take-over of tasks that are normally the responsibility of civil bodies and which are not conducted subsidiary to the appropriate civilian body. This raises the question which circumstances could trigger an engagement of the military in the humanitarian sector and according to what principles NATO carries out these tasks.

The take-over of non-military tasks under the Alliance's own responsibility is only envisaged in exceptional circumstances.

"In exceptional circumstances, the military may be required to take on tasks normally the responsibility of a mandated civil authority, organisation or agency. These tasks will only be taken on where the appropriate civil body is not present or is unable to carry out its mandate and where an otherwise unacceptable vacuum would arise. The military should be prepared to undertake, when requested by the cognisant civil authority and approved by NATO, such tasks necessary, until the mandated civil authority, organisation or agency is prepared to assume them."[70]

The AJP-9 doctrine gives a further explanation for 'exceptional circumstances.' It quotes that these tasks will be carried out "(...) to meet immediate life sustaining needs of the local population and/or to ensure the stability and long-term sustainability of the society (...)"[71]

The AJP-9 mentions the need for an exit strategy. In Paragraph 303e cites that these tasks will be conducted within the context of a plan of transition.

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68 Cf.: Phillips, William R.: Civil-Military Cooperation, op. cit., p. 25.
69 Cf.: NATO: MC 411/1, op. cit., Para. 11e.
70 Ibid., Para. 11b.
71 NATO: AJP-9, op. cit., Para. 305e.

Recapitulating, NATO sets the following requirements for a take-over of any activities of a non-military nature, which are not subsidiary to a civil authority:
The civil authority has to absent or not able to carry out its mandate. The absence has to cause an unacceptable vacuum, which cannot be filled by another civilian body. The population in need would face an immediate life sustain threat, if NATO would not carry out the humanitarian tasks and finally there has to exist a plan of transition to hand over the responsibilities to the appropriate civil authority as soon as possible.

III.4 Summary

NATO's role and status has significantly changed in the last decade. The former alliance of deterrence as a counterweight to the Eastern Block has been transformed to a powerful and worldwide key player in the arena of Peace Support Operations. This is a result of the redefinition of NATO's security perception and it has been managed through structural realignment. The Alliance's has become a highly effective tool of western foreign policy to response to the so-called new threats.

The experiences of the Alliance's first military operations outside its own territory, in the Balkans, showed the necessity of a coherent and well-defined management of the civil-military interface. The Balkans has been the cradle of the CIMIC doctrine. However the application of CIMIC is not restricted to PSOs, although the incentives to the development of CIMIC are in close connection to the experiences of IFOR and SFOR.

The concerns of the humanitarian community have entered the NATO CIMIC doctrine. NATO seems to be aware of the problems, which are caused by making military and humanitarian roles indistinct. It implies that the Alliance's recognised that the humanitarian endeavours have to maintain a certain distance from the military. The CIMIC doctrine clearly determines the necessity of being aware of differences in mandates and cultures.

CIMIC is a tactical doctrine, which objective can be the support of humanitarian actors or the take-over of tasks with a humanitarian character. However, it is important to understand that this not the primal aim of CIMIC. NATO clearly states its intention to adhere to the principle of 'mission primacy'. First of all, CIMIC serves as a combat-support function. NATO uses a narrow interpretation. Activities, which are directly function

as assistance to a successful accomplishment of a military operation, are considered to be a part of CIMIC. CIMIC is designed to obtain and guarantee the best possible support, recognition and acceptance for the military mission and simultaneously minimising external interference during an operation. Consequently CIMIC aspires not to exert to control over civilian bodies. NATO believes that a high degree of acceptance by the population and the local authority is essential to the success of a military undertaking. In this regard possible engagement in humanitarian tasks is not seen as the Alliance's focal point, nevertheless it is considered to be an ancillary activity within the wider objective of mission acceptance.

Generally, military support for the implementation of civilian task has to be conducted subsidiary to a civilian body. Only in exceptional circumstances that have to meet specific criteria, NATO envisaged the direct conduct of humanitarian action. It is apparent that the Alliance's aspires not to become a humanitarian player; it still considers the successful accomplishment of security-related tasks its core business. The former UNPROFOR commander and Belgium General F. Briquemont commented. "The military cannot take the place of humanitarian organisations, which have their own objectives and methods and their own know-how; it is clearly useless to try to outdo the ICRC or UNHCR."[72] Nevertheless, it has also to be mentioned, that the military is controlled and mandated by politicians. It is a tool of politics and therefore dependent on it. If it is political opportune to get the military involved in humanitarian activities, on the basis of political objectives to maintain public support or to serve as a substitute for a direct political or military addressing of the root causes of a conflict, NATO will have a difficult tasks to avoid this kind of involvement.

IV. The ICRC Perspective on CIMIC

This chapter provides an analysis of the position of the International Committee of the Red Cross on Civil-Military Cooperation. Section one offers a brief overview of the status and mandate of the ICRC. Section two sets out the ICRC's understanding of CIMIC, while Section three proceeds with an analysis of the organisation's position on military involvement in humanitarian activities. The ICRC defined several areas, where cooperation with the military might be necessary and drew up specific principles for such cooperation. In Section four these points of contact are explained in

72 As quoted in: Studer, Meinrad; The ICRC and civil-military relations in armed conflict, op. cit., p. 376.

detail. The organisation defined three different strategies to respond to the increased necessity of cooperation with the military, which are discussed in Section five. Finally Section six presents a summary of the main findings.

IV.1 General

The ICRC has a unique role in the international community. The ICRC is a private humanitarian organisation, which has a status of its own.

"The ICRC is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance. It directs and coordinates the international relief activities conducted by the Movement in situations of conflict. It also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles."[73]

It is formally recognised in the Geneva Conventions and the Additional Protocols. It has therefore an exclusive role as a guardian of the international humanitarian law. The ICRC has led the way for modern days NGOs. It also plays a leading role in setting standards for codes of conduct for the humanitarian community and the perpetuation of the humanitarian principles. As an example the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations in Disaster in Relief can be seen as fundamental to every NGOs work.

IV.2 Understanding of CIMIC

Contrary to many humanitarian actors, the ICRC distinguishes between CIMIC and CIMIR. The organisation is aware of the fuzzy interpretations of CIMIC and in its interpretation CIMIC describes first and foremost a military function. Therefore the ICRC uses the term CIMIC only when referring to the NATO or EU military doctrines. It also refrains from describing its own relations with the military as CIMIC. However, taking a look at the whole range of ICRC publications, the mixing of the terms CIMIC and CIMIR is still noticeable. It would be desirable if a further differentiation in the ICRC publication would be promoted.

73 ICRC mission statement, Available from: http://www.icrc.org/HOME.NSF/060a34982cae 624ec12566fe00326312/125ffe2d4c7 f68acc1256ae300394f6e?OpenDocument, [Accessed 15th May 2003].

IV.3 Military Humanitarian Action

When assessing direct military involvement in humanitarian tasks, the ICRC makes a differentiation between such an involvement in a post-conflict environment or during a conflict.[74]

The ICRC has few reservations regarding the involvement of the military in humanitarian tasks in post-conflict situations. Since the threat of being associated with one of the warring parties has diminished, even the delivery of direct aid by the military is not ruled out. However, the ICRC points out that in the case of renewed hostilities humanitarian work closely linked to the military can cause problems.

With respect to military engagement in the "humanitarian space" during a PSO in a conflict area the ICRC has a more assertive position. It reflects mainly the basic concerns of the whole humanitarian community.[75]

Firstly, the ICRC opposes any direct involvement of the military in humanitarian activities, to avoid that the perception by the local authorities and the population that humanitarian action is associated with political and military objectives. The ICRC calls for a clear distinction in character between PSOs and humanitarian activities.

The Steering Committee for Humanitarian Response (SCHR)[76], which is a coalition of the nine largest international humanitarian organisations and of which the ICRC is member, has formulated a more detailed position of military implementation of humanitarian assistance.[77] The SCHR makes a differentiation between direct military implementation of humanitarian assistance in "General Circumstances" and in "Exceptional Circumstances".

74 Studer, Meinrad: The ICRC and civil-military relations in armed conflict, op. cit., p. 374 et seq.

75 The ICRC has published a position paper dealing with the ICRC's position on "Humanitarian Intervention"; Ryniker, Anne (2001): The ICRC's position on humanitarian intervention, In: IRRC, Volume 83, No. 842, p. 527-532.

76 Besides the ICRC are the following eight NGOs also members of the SCHR: Oxfam, Care, Save the Children, International Federation of the Red Cross, World Council of Churches, Caritas, Lutheran World Federation and Médecins sans Frontières.

77 Steering Committee for Humanitarian Response (2002): Position Paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance, Geneva, p. 3 et seq.

"General Circumstances" are defined as a situation where sufficient humanitarian organisations operate in the respective area to address adequately humanitarian needs. The SCHR position paper notes that in such situations, it is never appropriate for the military to take action in the humanitarian field. It explicitly refers to situations where national military peacekeeping contingents implement quick impact style projects, such as minor infrastructure projects.[78] Projects of this kind are mainly conducted for international publicity and psychological reasons in order to maintain public support for the mission and to improve staff morale. The SCHR asserts that these actions are intended to ensure the success of the military mission and cannot be viewed as humanitarian. The SCHR objects to the involvement of the military in such circumstances.

"Exceptional Circumstances" are defined as a situation where the humanitarian agencies do not have the means and/or logistic capacities to respond to immediate humanitarian threats. These situations arise as a combination of for example sudden large-scale refugee influx, which leaves the humanitarian organisation a very narrow time frame to respond. In these circumstances military implementation of humanitarian assistance is seen as not being ideal, but acceptable, to fill the gap until the respective civilian agencies can take over and replace the military. The military involvement has to be clearly time-bound and the tasks have to be handed over as soon as possible. Furthermore the SCHR paper argues that these circumstances are extremely rare. In the 1990s there were only three occasions which justified military involvement according to this definition – Northern Iraq 1991, Eastern Zaire 1994 and Albania/Macedonia 1999.[79] However the paper also highlights the problem that a coherent policy to determine an exceptional circumstance does not exist and consequently this leaves a broad scope for interpretations.

IV.4 Relevant Areas of Cooperation

The ICRC identifies for its organisation several points of contacts with the military, where cooperation is thinkable, necessary or even desired.[80] These

78 An example for such a "hearts and minds" operation was the support of the German KFOR brigade for major house repair projects in Kosovo in 1999.

79 Cf.: Steering Committee for Humanitarian Response: Humanitarian-Military Relations, op. cit., p. 4.

80 Cf.: Studer, Meinrad: The ICRC and civil-military relations in armed conflict, op. cit., p. 378 et seqq.

are namely the following five areas: Dialogue with political and military decision-makers, operational cooperation with peacekeeping forces, armed protection, the use of civil and military assets and training.

IV.4.1 Dialogue with Political and Military Policy-Makers

The ICRC's strategy is to establish and maintain dialogue with the political and military policy-makers, which are responsible for the policy for military intervention. These consultations should already take place in the preparatory phase of peacekeeping missions, as well as throughout every phase of the operation. The ICRC focuses on the main player, such as the UN, NATO and the EU. The dialogue seeks to set up contacts that are useful for operational cooperation, as well as the promotion of the ICRC's view of humanitarian action. Consequently the ICRC commits itself also to active participation at relevant conferences.

IV.4.2 Operational Cooperation with Peacekeeping Forces

By operational cooperation with peacekeeping forces the ICRC refers to liaison with the military in a theatre of operations. The ICRC's position is to actively foster the contact with all relevant military actors. If necessary the Movement will assign special liaison personnel to maintain and establish contacts, not only with the military in the field, also with the relevant political and military authorities at headquarter level. The objectives of liaison are, first, to exchange relevant information regarding the work in the field, as the forces usually play a crucial role in sharing situation analyses with humanitarian agencies, especially on questions related to security. Second, the objective is to urge the authorities to clearly define the mandates of its forces regarding its humanitarian implications, and thirdly, to ensure compliance with international humanitarian law.

IV.4.3 Use of Armed Protection

In a theatre of operation two different cases for armed protection can be necessary. The protecting of convoys by armed escorts and the protection of equipment and distribution sites by armed security against crime and looting. The ICRC draws upon the following principles to asses, whether armed protection should be used or not.

IV.4.3.1 Armed Escorts

The Resolution V of the 1995 Council of Delegate defines guidelines for the use of armed escorts and armed protection that are binding for the whole movement.[81] As a general and basic principle the resolution states that any use of any armed protection for any component of the Movement is prohibited. A use of armed protection is in conflict with the fundamental principles; humanity, independence, impartiality and neutrality. However the resolution also defines exceptional cases, where, under particular conditions, the use of armed protection is allowed. The following criteria have to be fulfilled:

- Needs have to be exceptional by pressing and they can only be met with armed escorts.
- Use of armed escorts must not have a detrimental effect on the security of the intended beneficiaries.
- No other agency or external body is capable of covering the needs.
- Armed escort is primarily considered for its deterrent value and not for its fire-power.
- The authority controlling the territory has to give its full approval for a armed escort.
- The use of armed escort should be intended to provide protection against bandits and common criminals. There should be no risk of confrontation with an actual party to the conflict.

Armed escorts can be either provided by reputable private companies, the police or military personnel. The resolution gives special instructions for the provision of an armed escort by the UN in a PSO. It states to take into account that in many cases the UN forces are not perceived as neutral to the conflict. The belligerents and/or the population may even consider them as hostile and the Movement has to be aware that collaboration with the UN bears the danger of compromising the principles of the ICRC. Even when it is possible or foreseeable that the UN will sooner or later become a party or be considered as a party to the conflict, the Movement should refrain from using UN armed escorts.[82]

IV.4.3.2 Protection of Equipment

81 ICRC and International Federation (1995): Report on the Use of Armed Protection for Humanitarian Assistance, Council of Delegates, Geneva.
82 Cf.: Ibid., Para. 4

In general the principle of non-use of armed protection also applies to the protection of equipment. Then again the resolution determines that a possible use of protection in this regard is far less problematic. If the security of fixed assets and distribution sites has to be ensured, the local authority should be approached in order to receive protection. If the local authority is absent or not able to provide sufficient protection, a reputable private company should be contracted. It is interesting that the ICRC seems to favour the use of a private security company, instead of armed protection of equipment by United Nations peacekeeping forces.[83] This shows the ICRC's sensitive attitude towards confusing the roles of military and humanitarian actors.

The ICRC clearly defines factors that allow the use of armed protection. In general any use of it is prohibited. The use of armed protection can only be tolerated under precisely defined conditions. Armed escorts pose a greater threat to compromise the principles of impartiality and neutrality. Consequently the ICRC leaves only a narrow space for the use of it. The protection of equipment by armed security is tolerated under less strict conditions. However, also these regulations reflect the ICRC's attitude to keep on an operational level, under all circumstances, the greatest possible distance from the military, to avoid any misperceptions, regarding its relationship with the military, since it could threaten the success of the operation and diminish the ICRC's operational abilities.

IV.4.4 Use of Civil and Military Defence Assets

Military and Civil Defence Assets (MCDA), are defined in the 1994 Oslo Guidelines[84]:

"MCDA comprises relief personnel, equipment, supplies and services provided by foreign military and civil defence organizations for international humanitarian assistance. Furthermore, civil defence organization means any organization that, under the control of a Government, performs the functions enumerated in Article 61, paragraph (1), of Additional Protocol I to the Geneva Conventions of 1949."

83 Cf.: Ibid., Para. 5.
84 United Nations (1994): Guidelines on the Use of Military and Civil Defence Assets, Project DPR 213/3 MCDA, Geneva.

The ICRC paper "The ICRC and civil-military relations in armed conflict" does not make a very detailed statement on the organisation's position regarding the use of military and civil defence assets. It only concludes that the ICRC is wary about it and in the case of using such assets, it should be certain that it would not compromise the principles of neutrality and impartiality. Furthermore civilian assets should always be preferred.

The "Guidelines on the use of military and civil defence assets to support UN humanitarian activities in complex emergencies", which are recently formulated by OCHA gives more detailed instructions. Like already mentioned in introduction, the ICRC was part of the Review Committee it can be assumed that these guidelines also reflect the ICRC's position. The guideline defines the key concepts for the use of MCDAs.[85]

- Requests for military assets must be based solely on humanitarian criteria.
- MCDA should be requested only as a last resort, if no comparable civilian assets are available and if only the use of military assets can meet a critical humanitarian need.[86]
- Humanitarian operations using military assets must keep its civilian nature and character. The operation as a whole remains under the authority and control of the humanitarian organisation, while the military assets remains under military control. This does not imply that the civilian authority exerts command and control status over the military assets.[87]
- Insofar, as military organizations play a role in supporting humanitarian work, such a role should not include direct assistance. A clear distinction between the normal functions and roles of humanitarian and military actors has to be maintained.
- The use of MCDA has to be limited in time and scale. It also has to have an exit strategy that defines how the military elements will be substituted by civilian ones.

It is apparent that the principles for the use of MCDA show a certain correlation to the principles for the use of armed protection. The emphasis in both cases is also that the use has to be rather the exception rather than the rule. Furthermore, if the use is not avoidable in order to alleviate

85 Cf.: Ibid., Para. 27.
86 Cf. also: Ibid., Para. 7.
87 Cf. also: Ibid., Para. 6.

imminent human suffering, it is stressed that also in these circumstances a clear separation of the military from humanitarian actors also has to be maintained. Further any intrusion in terms of military control of humanitarian action has to be clearly excluded.

IV.4.5 Training

The ICRC emphasises the need for training to give the military an insight into the way humanitarian agencies operate and to increase the awareness for problems that derive from differing mandates and cultures. At the same time it is important to familiarise the humanitarian community with military approaches to complex emergencies. Training also contributes to a higher degree of predictability and helps to avoid misunderstandings which arise from a lack of information about the role and mission, as well as about the operational and conceptual aspects of the work, of the respective other side. Due to the ICRC's special role in promoting International Humanitarian Law, the organisation has a long experience and can be expected to have good connections to the national military entities. Consequently the ICRC plays a major role in alleviating problems that originate from the cultural incompatibility of military and humanitarian actors.

The ICRC gives not only courses on International Humanitarian Law, it also participate in a growing number of military exercises that deal with civil-military relations.

IV. 5 Strategies

The Studer paper discusses three possible strategies, between which "the ICRC has oscillated in recent years", to manage civil-military relations. These are namely: Isolationism, Proselytism and Ecumenism.[88]

Isolationism describes an attitude where the ICRC would avoid any contact with the military on an operational level by referring to the Movement's Fundamental Principles. This strategy is been viewed as untenable, since the ICRC's mandate and assignment for the promotion for IHL demands to establish, to certain degree, relations with the parties involved in a conflict.

The proselytism or conversion strategy describes the attempt to unite all humanitarian organisations around the ICRC's principles, making

88 Studer, Meinrad: The ICRC and civil-military relations in armed conflict, op. cit., p. 384 et seqq.

neutrality, impartiality and independence the foundation of all humanitarian action. That would also mean to insist on a strictly neutral form of humanitarian action by the UN agencies. This however is virtually impossible as the UN, due to its very nature, can never be completely apolitical and neutral. The operating units would have to be decoupled from the UN political and institutional framework. Even if they were separated, the people's perception would not change, until the UN military operates under the same flag as the UN humanitarian agencies. Apart from the UN organisations, the application of this strategy could still aim at rallying the NGO community under the ICRC's position. The paper argues that this position would be derogatory to the ICRC's message that NGOs should keep their actions separate from political motives. Moreover, every NGO has the right to choose its own agenda and mandate.

The Ecumenism strategy constitutes the middle course of the above-mentioned strategies. This strategy is also seen as the most effective and preferable one. The core of this strategy is that the ICRC "declares its willingness to cooperate with the military and other humanitarian agencies."[89] The ICRC calls for a pragmatic approach. It recognises and accepts the fact that other organisations conduct humanitarian action based on different motivations and it should exert tolerance when dealing with these organisations. The Ecumenism strategy requires a hands-on mentality rather than a debate on principles. It determines that when it is a matter of saving lives, cooperation with the relevant other organisations should be fostered and exerted. Interestingly the ICRC paper even states that it is not unthinkable that in a particular situation the military may be in a better position to conduct specific humanitarian tasks. However, in these cases the ICRC demands that the military role should always be subsidiary in nature. The action and relationship should be defined by the word complementarity. Action without insight is believed to be aimless; insight without action is rejected as pointless. A balance of action and reflection has to be found, and one that is not governed by compromise, but by complementarity.

IV.6 Summary

The ICRC opposes any direct involvement of the military in the humanitarian sector, since this would or could associate humanitarian organisation with political or military objectives that go beyond

89 Ibid., p. 386.

humanitarian concerns. However, this does not exclude any cooperation between the ICRC and the military.

The ICRC's policy managing its relationship with the military can be split in two elements. On the political level the ICRC seeks and fosters a close relationship to the relevant policy and decision makers. The organisation tries through active participation to influence the decision making process and to promote its view. Cultivating this relationship is not only done when the relevant policy makers are deciding about a peacekeeping mission, it must be seen as a constant effort. The same attitude applies to the relationship at headquarter level in a field operation.

Through the close relationship, the ICRC seeks to accomplish several objectives. On the policy level the ICRC promotes its view of humanitarian action and tries to exert influence on the planning and integration of the humanitarian aspects of a military mission. The goal is to avoid at an early stage any ambiguity of the mandates regarding the humanitarian aspects of a particular mission. Also the establishment of contacts useful for operational cooperation is a primary objective. Secondly, on the operational level, the ICRC aspires contacts with the military aiming at the exchange of information, primarily regarding the security conditions. Furthermore contacts with the military and local authorities are encouraged to make sure that IHL is respected. Another important aspect is to clarify and define the mandates of the forces regarding its humanitarian elements.

The ICRC's attitude towards actual cooperation in the field, which is not restricted to dialogue, is different. The organisation is particularly concerned with keeping a clear separation from the military efforts. Consequently any cooperation is basically prohibited. Only in exceptional circumstances and according to specific conditions cooperation is possible. A decision to cooperate requires always an evaluation of the pros and cons; considering the benefit for the people in need and the impact on the perception of the ICRC as an impartial and neutral body. Moreover, the operation has to keep its civilian character, has to remain under civil authority and also maintain its distinction in roles while cooperating with the military. Instead of 'cooperation' the ICRC favours the term 'complementarity' to describe its relation with the military.

To sum up, the ICRC seeks close consultation at every phase and level in order to exert influence on decisions and activities, while maintaining its

own independency in decisions and staying clearly distinguishable from the military in an actual operation.

V. Conclusion

The redefinition of the international community's security perception, the changed nature of conflicts and the evolution in crisis intervention initiated a confounding of the traditional functions of the military and humanitarian actors. In particular, problems become apparent when the international military forces do not or are not able to restrict their tasks to their core competency of security related issues. However, there is a broad consensus that the military can effectively contribute to securing peace. It is also widely recognised that there is a need to find ways to improve the coordination of activities. The major obstacles are based on different organisation cultures, different timeframes and a lack in understanding of each other's roles. The potential conditionality of military humanitarian assistance is also contrary to humanitarian principles.

The analysis shows that CIMIC can contribute to an enhancement of mutual understanding between the military and humanitarian actors. In recent years and in particular through NATO's appearance in the arena of peace support operations, the meaning of the term CIMIC changed from a collective term that refers to any kind of military-humanitarian interaction, to a term seized by the military for its doctrines, describing and defining the relationship with non-military actors in a specific mission. In NATO's understanding, CIMIC has clearly a supportive function for the successful accomplishment of a military mission. Subsidiary military support, which is not a part of a military mandate with military-political objectives, is not a component of CIMIC. The withdrawal of other organisations, such as UN-OCHA, from using CIMIC, causes a greater recognition of CIMIC as a part of the military vocabulary. However, also within the different national and supranational militaries, diverse interpretations of CIMIC can be found. A further conceptual differentiation is highly desirable. A greater international consensus over the meaning of CIMIC would reduce misinterpretations and enhance the debate.

When looking at the NATO CIMIC doctrine and the ICRC's position on their relationship with the military, the two organisations seem to agree on

many points. NATO is aware of the danger, which a blurring of mandates causes. The doctrine emphasises that CIMIC is a commander's tool to ensure efficient management of military interaction with civilian bodies. The military goal remains in all circumstances supreme. Like demand by the humanitarian actors, the doctrine also determines that the primary military objectives are security related tasks. The analysis shows that close military-humanitarian consultations at every level are beneficial for the conduct of comprehensive missions and for this reason the military as well as the ICRC is working on the establishing of relevant contacts. There is also a consensus that raising the awareness for the different mandates and working cultures is essential for an effective coordination or cooperation.

The ICRC has developed a two-pronged approach for managing its relations with the military. It seeks constant and close dialogue with the political and military decision-makers and relevant actors in a theatre of operations and concurrently maintains a clear separation of ICRC activities in the field from the armed forces. The ICRC's key objectives for management of the interface with the military are to avoid ambiguity of military and humanitarian mandates through dialogue at an early stage, promotion of respect for IHL and the establishment of contacts that are essential for the conduct of humanitarian tasks.

Regarding humanitarian action conducted by the military, the NATO doctrine states, as a general rule, that the forces primarily focus on the establishment of a secure environment. If applicable, consistent with the OPLAN and the civil authorities, support for the implementation of civilian tasks can be given. They have to be conducted subsidiary to the appropriate civilian body. This corresponds with the ICRC's position, which clearly opposes any direct involvement of the military in humanitarian action. Both organisations, the ICRC and NATO, also acknowledge exceptional circumstances that would justify a take-over of humanitarian tasks by the military, which are not conducted subsidiary to a civilian body. The factors that would determine such exceptional circumstances are defined very similarly by the two organisations. The central argument is that there has to be an immediate humanitarian threat, which cannot be met otherwise than by military forces.

It is apparent that despite this ostensible consent, the ascertainment of exceptional circumstances bears huge potential for disagreement. A coherent policy has not yet developed. This is also understandable, govern that every mission is different and the situations are not necessarily

comparable. The most influential factor is in every case the political will of the international community and in particular the interest of states that dispatch their military forces on the respective mission, since the military is a politically controlled tool of foreign policy. Situations where military forces take-over humanitarian tasks for the sake of different objectives, such as maintaining international publicity, improving staff moral or as a response to the so-called CNN-factor, can be easily imagined.

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