



Caritas Internationalis

Relations with the
Military



This document is intended to be used when CI Member Organisations work together in humanitarian crisis situations where military is present.

1 Introduction

In December 2003 a number of CI Member Organisations (MOs) gathered in Rome to initiate a process of debate and discussion within the Confederation on the issue of relations with the military, in order to share concerns, consider the various principles at stake, and try to establish a common framework that would help the network respond to this new challenge. The seminar followed a long internal debate that arose from humanitarian engagement in the Balkan wars during the 1990s, the war in Afghanistan in 2001 and, in particular, the invasion of Iraq in 2003.

The issue before Caritas is not whether Caritas agencies should relate to military actors at all, but rather to establish what the appropriate relationship should be, and where the boundaries should lie.

Our concern is that military forces are increasingly adopting roles in relief delivery which undermine the impartial and independent nature of humanitarian aid. This could affect the ability of humanitarian agencies like Caritas to reach civilians caught up in conflict, no matter what side of a front line they may be on.

Recent crises have seen a marked increase of military forces engaged in work usually regarded as the exclusive domain of humanitarian agencies. The number of violent conflicts continues to grow, as does the number of aid missions. The UN has recorded a dramatic increase in the number of its peace missions, which are almost always accompanied by the need for humanitarian aid. Parallel to UN activities, a large number of humanitarian organisations always begin activities to support the population

in crisis-affected countries as well. This coincides with an increase in the number of aid workers in action.

Militarization of the aid given to populations affected by natural disasters, such as hurricanes and earthquakes, has also been noted.

Caritas aims to agree on ground rules for relating to military forces which ensure that those affected by conflicts continue to receive vital assistance in a way that does not undermine the independent and apolitical nature of humanitarian action, and which ensure that our guiding values and principles are not compromised in any way.

Caritas Internationalis is a worldwide Confederation of organisations, and our members' views of, and experiences with, the military reflect this diversity. As geography and history differ, so do the constituencies' and individual members' relations with the military. The debate on this topic has tended to be dominated by the experiences of northern military forces and aid agencies. However, the seminar held in December truly showed that Caritas is a global family.

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The policy will focus particularly on the occasions where CI MOs act together as a Confederation, and should provide practical guidance to member organisations currently dealing with situations where military and humanitarian organisations are operating in the same areas.

An important consideration has been to ensure the consistency of Caritas guidelines with NGO and UN guidelines. Common positions will assist Caritas to take a common stand with the UN and other non-governmental humanitarian organisations (NGHA) if matters of principle come under challenge in future humanitarian crises. Two policy documents are particularly important for Caritas: The «SCHR position paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance» and the IASC¹ reference paper on «Civil-Military Relationship in Complex Emer-

¹ Inter-Agency Standing Committee – a humanitarian coordination body established by the United Nations General Assembly in 1991.

gencies». A short description of these documents is appended.

The framework of this current paper is divided into three parts:

- Caritas identity as a Church and humanitarian agency
- Core principles that we affirm
- Operational principles

2 Caritas Identity

Caritas as part of the Church becomes the visible sign of the compassion of Christ and of the healing presence of God in times of conflict. At these moments of humanitarian aid to war victims, people experience:

- a witnessing Church that takes risks even at the cost of lives and without calculating any benefits;
- an advocating Church that raises its voice to speak against injustice and human rights violations taking place in war zones;
- an accompanying Church that is present among people in times of war and conflict, often choosing to remain when other international NGOs decide to evacuate from a place at times of high risk;
- a Church that empathizes with the victims and suffers casualties and loss of lives, uses all its resources for victims, and shows solidarity with the suffering;
- a healing Church that tries to bring relief not only through distribution of food, clothing and medical aid, but also through its mission to build peace and reconciliation;
- a prophetic Church that not only delivers aid programmes, but also promotes justice and spirituality and advocates for a civilisation of love. Provision of humanitarian aid is a key role. The prophetic role sometimes leads us to take sides in other situations; in this case we maintain a necessary separation;
- a Church that does not remain neutral given that it has opted for the poor and victims;

- a Church that acts on the basis of autonomous criteria with regard to armed forces;
- a mediating Church that is committed to promoting dialogue between groups.

Caritas believes it should work to ensure:

- protection;
- prevention, so that conflicts do not degenerate into war and violence causing pain and suffering to thousands of human beings;
- respect for human dignity and the life of all those affected, especially the poorest;
- negotiation – Caritas can play the role of facilitator of negotiations between conflicting parties;
- promotion of a culture of peace;
- peace-building and reconciliation from the grassroots with participation by all social organisations, and especially victims;
- a presence among suffering people;
- restoration of rights to victims;
- rebuilding of the social fabric.

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Two different situations should be taken into account regarding the action of Caritas in conflict situations. The first relates to aid programmes in conflict situations, in which assistance forms part of the overall context. Here it is vital to take account of the impact of presence and the assistance delivered to victims, as well as the relations that are established. The presence of Caritas in conflict situations is not easy and constitutes a great challenge.

The second situation refers to experience in building peace, in which the Church and Caritas and UN peacekeepers often share a common objective. Caritas is concerned with the effects of military presence – including UN peacekeepers and peace enforcement troops – on the whole society. Whilst soldiers should bring about peace, their presence may have implications for the local economy and society. There are a number of negative experiences including problems with moral standards that some



misbehaving peace keepers bring into a country, which may result in negative social impacts on the economy, maltreatment of women, the spread of HIV/AIDS, and cultural conflicts. As part of the Church, Caritas has a role in monitoring the behaviour and actions of peacekeepers and the way in which peace agreements and mandates involving military personnel are implemented on the ground. The UN actually encourages local NGOs to inform and report on abuse and misbehaviour by UN peacekeepers. When meeting on the ground and acting with international peace-building forces and organisations, Caritas should always assess the risk of whether the external presence will make a situation more difficult or radicalize the conflict.

On principle, Caritas understands that external forces or agents cannot “maintain” or “make” peace in a region. The commitment of Caritas to peace and reconciliation is based on the fact that populations have the capacity to create the necessary structures and paths to achieve peace and resolve conflicts.

The two above-mentioned situations of presence in conflict and post-conflict scenarios are guided by the position of the Church and international community with regard to wars.

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“The teaching of the Church regarding the constituent principles of the international community calls for relations between peoples and political communities to be rightly governed by reason, equity, law and negotiation, and at the same time it excludes recourse to violence and war, and all forms of discrimination and deception”². For its part, the United Nations Charter rejects any recourse to force, as well the threat of using it. From a humanitarian perspective, it is not the organisation’s responsibility to ask whether each side has a mandate, justification, or legitimacy for going to war. However, neutrality can never be total and Caritas must maintain its preferential option for the poor and victims and remain non-politically aligned.

² Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, 433.

Caritas recognizes that military forces can have a role as nation-builders. The military is often a useful body in responding to natural disaster situations (emergencies that are not caused by human beings). Military forces have the logistical means to respond quickly and save lives. The army might also be active in the prevention of epidemics, national vaccination campaigns, water purification, supplies to isolated areas, reception of refugees etc. Positive elements of the work of the armed forces include communications, healthcare, opening up of inaccessible areas, training, construction work, and general protection of natural resources.

However, we are aware that the presence of the military may have negative aspects. Examples of the negative and destructive nature of armed forces include civil wars, ethnic conflicts, coups, the phenomenon of child soldiers, and the militarization of emergency aid. The effects of these include massive loss of lives and livelihoods, stunted development of nations, breakdown of law and order, famine and spread of disease. Other negative effects may derive from the fact that, in specific instances, aid distributed by the military tends to deepen and prolong a conflict. This is the case when humanitarian aid is aimed at obtaining political and military advantage.

The experience (particularly in conflict situations) is that the more Caritas expresses itself as the Church and acts on the basis of autonomous criteria, service to those who suffer and humanity, the more politicians, ordinary people, and armed groups are likely to understand its work and its mission.

3 Core Principles

A basic principle is that the **humanitarian actor must maintain the lead role for humanitarian action in any situation.**

Subsidiarity: Local decision-making is often more accurate and realistic than decisions made far from the scene.

Principles of **partnership:** A set of relationships formed over time enable trust and engagement with each other.

Caritas confirms the following principles, international law, and guidelines as being of particular relevance in determining Caritas' approach in any particular context.

Caritas agencies are signatories to the *Humanitarian Charter and Minimum Standards in Disaster Response* (SPHERE) and to the *ICRC/NGO Code of Conduct*, which set out the humanitarian mandate and affirms fundamental principles for NGOs. Particularly relevant to this discussion is affirmation within the Humanitarian Charter of:

- the right to life with dignity;
- the distinction between combatants and non-combatants.

And within the *ICRC/NGO Code of Conduct*:

- the humanitarian imperative comes first. When we give humanitarian aid it is not a partisan or political act and should not be viewed as such;
- aid is given regardless of race, creed, or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone;
- aid will not be used to further a particular political or religious standpoint;
- we shall endeavour not to act as instruments of government foreign policy.

The following guidelines are affirmed:

- international humanitarian law (i.e. The Hague and Geneva Conventions and their additional protocols);
- the “do no harm” approach;
- human rights and legislation regarding refugees and displaced persons (principally as expressed in UN Conventions);
- guidelines on the use of Military and Civil Defence Assets (MCDA) in natural disasters and complex emergencies maintained by OCHA; various IASC papers including on the use of armed escorts³ and on civil-military relations; plus, country-

³ See “Use of Military or Armed Escorts for Humanitarian Convoys – Discussion Paper and Non-Binding Guidelines” adopted by the IASC and finalized on 14 September 2001.

- specific guidelines on appropriate relationships between humanitarian and military actors issued by various UN authorities;
- the right of all victims to receive humanitarian aid without discrimination;
- national laws in the country(ies) in question.

Caritas agencies are committed to uphold and embody these humanitarian principles within a broader context of commitment to human rights. We should measure the appropriateness of any suggested model of relationship with military actors by referring to these statements of principle.

4 Operational Principles

In a full-blown conflict situation, the reality is that no one is in complete control of the situation and access to the area may be very limited. Caritas has to develop strategic links with all relevant bodies in order to distribute humanitarian assistance. Therefore, building relationships with the military and other elements might be essential in order to carry out humanitarian assistance, including by negotiating access to an area.

However, a balance must be struck between humanitarian principles and the request to respond to human need, and maintenance of neutrality and independence.

Coordination with the military requires dialogue, clear lines of communication and some information sharing. Caritas should not engage in gathering information of a political, military, or economically sensitive nature. Any information that may endanger human lives or compromise the impartiality of Caritas should not be shared.

Caritas should:

- keep a distance from the military when it is engaged in humanitarian assistance;
- not act under military control;

- be sensitive and respectful towards the position of the local Church;
- minimise contact with the military and/or with particular individuals who are involved in human rights violations – it is necessary to make judgements about different kinds of military;
- carry out a preliminary assessment in order to play a responsible role in the relations with the military imposed by a situation;
- previously plan and assess the site where work is to be carried out, with whom it is to be done, and criteria for relations with the military and local authorities;
- previously assess the impact of our relations with the military, if the circumstances call for it, and potential impacts.

If the military is involved in relief actions:

- the military forces concerned shall comply with customary international law and should provide relief aid in accordance with the principles of the *Humanitarian Charter* and the *ICRC/NGO Code of Conduct*;
- the military forces concerned should demonstrably be compliant with international humanitarian law and applicable human rights conventions;
- military personnel involved in relief should not bear arms. The medical service of the armed forces should wear distinctive dress to emphasize their role by wearing an emblem (such as the Red Cross/Crescent/Lion/Sun). While it is preferable that the military personnel involved in “relief” who are not part of the medical service can also be easily distinguished from the combat troops, it is against international humanitarian law for such personnel to wear the emblem reserved for the medical service of armed forces.

The following are key areas where Caritas agencies typically play a role in relationships or cooperation with the military.

Areas considered being generally low risk, but carrying some risks of loss of impartiality/independence:

- liaison (i.e. very minimal – to open a channel of communication);

- dialogue (to enable the exchange of views);
- exchange of information (life-saving, not life-endangering);
- advocacy (to uphold the pursuit of particular goals).

Areas where higher risk is involved: (could lead to dependency on military, loss of impartiality, independence)

- logistical support from the military;
- cooperation on projects.

High degree of concern: (major risks to impartiality, independence, and security noted)

- military/armed escorts

There is a difference between the rules imposed by a military authority and Caritas' self-definition of what is or is not desirable – for example, military escorts may be too particular a requirement in some cases.

Caritas agencies will only use military armed protection as a last resort in extreme and exceptional circumstances, according to stated criteria:

- as a rule, Caritas agencies do not use armed protection;
 - the sovereign power or local authorities are unable or unwilling to provide a secure environment;
 - the decision to request or accept the use of military or armed escorts must be made by Caritas agencies, not political or military authorities, based solely on humanitarian criteria;
 - parties to the conflict – which could include peacekeeping forces – should not be used;
 - the use of military escorts should never compromise: the impartiality of humanitarian organisations; the security of the affected civilian population; and the longer-term capacity of the organisation to safely and effectively fulfil its mandate.
- military as provider of aid
 - no Caritas aid should be provided through the military – i.e. Caritas should not hand over aid for distribution by military bodies.

- military command
- Caritas should not work “under the command” of the military
 - i.e. Caritas staff should not take orders from the military in normal circumstances.

In conclusion, Caritas rejects the use of the word “humanitarian” to describe activities that are not conducted on an impartial basis, or are otherwise in contradiction of the *ICRC/NGO Code of Conduct* and the *Humanitarian Charter*. The use of the word “humanitarian” to describe activities carried out in the furtherance of a military or political mission is highly inappropriate.

Civil-Military Relationship in Complex Emergencies

An IASC Reference Paper of 28 June 2004

This paper serves as a general reference for humanitarian practitioners: a basic tool to which they can refer when formulating strategic operational guidelines for any given complex emergency, and an easy reference guide to other relevant documents with an internet directory. The subject is addressed at the general level. The reader is taken through the key principles and concepts in Part 2, such as neutrality, access to vulnerable populations, civilian-military distinction, etc. The third part contains practical considerations, each with issues raising important questions that merit attention when drafting country-specific guidelines. A paragraph on the establishment of liaison arrangements stresses the need for clear lines of communications; a section on information sharing states that any information gathered by humanitarian organisations in fulfilment of their mandate that might endanger human lives or compromise the impartiality and neutrality of humanitarian organisations should not be shared with the military. Use of military assets for humanitarian operations is mentioned with reference to the relevant OCHA document. A section explains considerations for use of armed escorts and that it is an extreme precautionary measure that

should be taken only in exceptional circumstances. Then follow considerations regarding Joint Civil-Military Operations, Separate Military Operations, and finally a paragraph on General Conduct stating that the independence and civilian nature of humanitarian assistance should be emphasized at all times. This and other papers related to civil-military relations are available at: <http://ochaonline/mcdu/guidelines>.

SCHR Position Paper on Humanitarian-Military Relations in the Provision of Humanitarian Assistance – 18 October 2004

Dealing strictly with armed conflict situations, the document provides an analysis of the issues affecting humanitarian-military relations. It builds on previous SCHR positions and explains the impact of peace operations mandated by the Security Council based on UN Charter Chapters VI and VII, the Geneva Conventions, a government's obligations toward its population, and international humanitarian law.

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As a helpful and easy summary of positions regarding the military perspective and the SCHR perspective, it serves to clarify what it takes to ensure the impartial delivery of humanitarian assistance. The document makes a distinction between UN mandated forces under Chapters VI and VII, occupying powers, national forces, and situations with non-state armed groups or forces. In the final section this distinction is used in a schematic synthesis of scenarios and positions. Concrete examples from recent conflict situations provide a valuable orientation about the complexity of civil-military relations.



