

OI Policy Compendium Note on the Provision of Aid by Foreign Military Forces¹

Overview: Oxfam International's position on the provision of assistance by foreign military forces

- Foreign military forces, including UN peacekeeping operations, should not provide relief or development assistance, other than in exceptional cases. Governments should follow the accepted international standards to judge those exceptional circumstances, and determine how military forces should act. These standards are the *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief* [the *Oslo Guidelines*] for natural disasters, and separate UN guidelines for conflicts.
- In all cases, foreign military provision of aid should be:
 - A last resort when no comparable civilian alternative exists;
 - Clearly distinguished from military assets used for combat or security;
 - Under civilian direction and coordination;
 - Limited in time and scale, with a clear exit strategy into a civilian response.
- If possible, foreign military forces should only provide infrastructure or other indirect assistance, not the face-to-face delivery of aid. Facilitating, rather than directly delivering aid may be less controversial, but still present difficult dilemmas when other warring parties do not perceive that distinction.
- The right way for military forces, including peacekeepers, to win the support of local populations is not through distributing aid – but by protecting civilians and improving security for all.
- As governments develop 'comprehensive' approaches in conflict-affected states, aid must not be subordinated to short-term military objectives. Aid agencies and military forces should share appropriate information, but not for military purposes; and maintain a clear separation between their roles. That distinction helps safeguard the independence, impartiality, and security of humanitarian responses; allow military forces to focus on their mission; and ensure that women, men and children receive the assistance and protection they need.
- To maintain their impartiality and independence, humanitarian agencies should not participate in military-led teams; accept funding from forces or defence departments; or accept money from any fund dedicated to military objectives, or that allows a donor to claim an agency's support for military or counter-terrorism objectives.

1. Background

In April 2011, the EU offered military resources to support humanitarian relief in Libya; the UN declined. Instead, Under-Secretary-General for Humanitarian Affairs, Valerie Amos, flew to Libya to secure agreement for safe and unimpeded access to those in need.² She repeated humanitarians' long-standing concern: that using foreign military forces in relief tends to increase risks to aid workers and the local population alike, and reduce the effective delivery of aid.³ This concern underlies the international guidelines that limit military assets to the 'last resort' when they offer a unique capability, and when no civilian alternative exists.

In 2010, Pakistan's flooding showed that exceptional circumstances do occur. The UN Humanitarian Country Team (HCT) approved helicopters from the US, Japan, and the UAE, as well as Pakistan, to transport life-saving relief, while rejecting an 'air bridge' that NATO set up to fly in supplies, because of the risk of associating with NATO whose convoys to Afghanistan were under frequent attack, and when Pakistanis were dying in US drone strikes. Applying the international guidelines, judging each case on its merits, was not without difficulties, and the UN came under pressure from Pakistan, the US, and the UK to welcome more military involvement. But as one review concluded, 'the Pakistan flood response proved that it is possible for an HCT to draw on principled policy frameworks to develop unified positions to guide operational practice'.⁴

Pakistan's flooding was a natural disaster in a conflict-affected country. In peaceful countries, foreign military assets may create less controversy, but, as Haiti showed in 2010, almost any disaster presents tensions. In the first few weeks after Haiti's earthquake, more than 20,000 US and Canadian troops⁵ took part in rescue and recovery. They put a strong emphasis on the *Oslo Guidelines*, which stress the need to limit the time that military assets are deployed.⁶ As the months went on, however, US troops remained to build schools, clinics and community centres.⁷ After the first few weeks, there was no compelling reason for this. What made this sensitive was that US policy had been controversial in Haiti as recently as 2004.

There was also widespread criticism of the poor value for money of military-provided aid, as there has been in other situations since at least the Rwandan refugee crisis of the mid-1990s. One glaring example in Haiti was the Spanish army's vaccination and water distribution, which cost eighteen times as much as comparable civilian efforts.⁸

In other countries too, the record of military involvement has been mixed. Some air transport has been vital, such as the foreign and Indonesian helicopters used in Aceh after the Indian Ocean tsunami, or those used after Pakistan's earthquake in 2005.⁹ But the attempt to use aid as a 'force multiplier' in Afghanistan and Iraq was largely ineffective – both in aid quality and winning local support. In 2008, NATO agreed guidelines to restrict the aid its forces provide, if necessary, in Afghanistan to 'basic infrastructure and urgent reconstruction assistance limited to gap-filling measures until civilian organizations are able to takeover'.¹⁰ These guidelines have been widely disseminated, but not regularly monitored, and huge amounts of money have still been spent on military-provided aid with limited results.

The following sections set out five challenges to make foreign military-provided aid more effective – in the exceptional circumstances where it is needed.

Quality and effectiveness

In Afghanistan, aid projects implemented by military forces have often been poorly executed and unsustainable. Military teams and their private contractors have lacked the training required to assess needs with local communities, and a number of private Afghan service providers, contracted to build roads or other infrastructure, have been linked to militia and warlords.

In a number of crises, military forces have developed Quick Impact Projects (QIPs),¹¹ and in Afghanistan, Provincial Reconstruction Teams (PRTs), combining military and civilian staff, have implemented them to show visible but not always lasting results. CARE found that 'wells have been dug, and fallen into disuse as nobody was trained in their maintenance'.¹² There are situations, too insecure for civilian agencies, where only PRTs can operate. Much of the evidence, however, suggests that, like QIPs, they can often be expensive and not sufficiently effective.

Failing aid effectiveness standards

According to the international standard for effective aid, the Paris Declaration,¹³ it must be:

- Results-focused;
- Aligned to recipients' priorities;
- Owned by the recipient government – contributing to its strategy to reduce poverty;
- Harmonised and coordinated with other donors;
- Accountable to donor and recipient governments and their citizens.

Aid provided by military forces to win 'hearts and minds' is likely to fail these tests, as well as the OECD principles for *Good International Engagement in Fragile States*.¹⁴ Good aid in fragile states, the OECD said, must also:

- *Act fast, but stay engaged long enough to give success a chance* – while almost by definition, foreign military-provided aid ends when the forces move on;
- *Do no harm* – while military-provided aid can increase threats, as the next section shows.

Security

Oxfam works in insecure environments using strategies to ensure that all parties accept our activities – including providing aid with impartiality and building long-term relationships and knowledge.¹⁵ Foreign armed forces, deployed for a short time, cannot use such tactics, but can bring security risks with them. As one Afghan official said, 'we are poor and need development. But wherever international forces go, the Taliban follow them.' Many Afghans consider that schools built by PRTs are at higher risk of attack than others.¹⁶

There is also concern that insurgents target aid workers because they see all aid as an effort to extend the Afghan Government's authority. Military forces providing aid only fosters that perception. Not only in Afghanistan, but in Somalia, Darfur, and elsewhere, there has been a rising trend of attacks on aid workers since 2006. Though the motives for attacks may be complex and uncertain, an increasing proportion has been politically motivated.¹⁷ The result has not only been the deaths of aid workers, but an increasing inability to bring aid to insecure places.

Access

As the OECD recognised, 'the use of the military can politicise the delivery of humanitarian aid and threaten the neutrality, impartiality, and independence of that aid'.¹⁸ As a result, people may not get the aid they need. Humanitarian agencies provide assistance wherever there is need. To do so, they require unimpeded access to areas controlled by states or insurgents alike. To get that, they must be, and seen to be impartial, not associated with any military or political force.

Meeting the needs

In Iraq and Afghanistan, military forces have tended to identify the beneficiaries of their aid not on the basis of needs, but according to whose 'hearts and minds' are important to win. This has focused resources in areas like Helmand, with limited resources for other parts of Afghanistan where needs are equally compelling as a result of floods, drought, and chronic food insecurity.¹⁹

2. Oxfam International's position on the provision of aid by military forces²⁰

Governments and armed forces, including UN peacekeeping operations, must follow:

- In natural disasters: the *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief* [the *Oslo Guidelines*];
- In conflicts: the *UN Guidelines on the Use of Military and Civil Defence Assets to Support UN Humanitarian Activities in Complex Emergencies*.

In natural disasters, foreign military involvement should be a last resort when no comparable civilian alternative exists; as far as possible limited to infrastructure and indirect support; and troops providing aid should not provide security as well.

In conflicts and insecure environments, foreign military-provided aid presents greater risks. The *UN Guidelines* set out that it will only be appropriate to use military assets to meet urgent humanitarian needs, and when:

- There is no comparable civilian alternative;
- The assets are clearly distinguished from those providing security or involved in combat;

- As far as possible there is civilian direction and coordination of the operation;
- As far as possible the military assets are used only for indirect assistance or infrastructure;
- Their use is limited in time and scale;
- There is a clear exit strategy towards a civilian response.

Armed forces should not provide humanitarian aid 'for the purpose of political gain, relationship-building, or winning "hearts and minds"'. The right way for military forces, including peacekeepers, to win 'hearts and minds' is through protecting civilians and improving security for all. Providing aid can sometimes be at the expense of that more useful function.

Official Development Assistance

Governments may count the *additional* costs – like fuel – incurred by military forces providing aid as official development assistance (ODA). But they must not count regular salaries or any other regular costs,²¹ or anything motivated by 'hearts and minds' rather than humanitarian needs.

Official aid must, according to the OECD, have 'the economic development and welfare of developing countries as its main objective.'²² Humanitarian ODA must be neutral,²³ and aid designed to counter terrorism is specifically excluded because it 'targets perceived threats to donor as much as to recipient countries'.²⁴

Coordination as equals

Aid agencies should not be coordinated by military forces, follow military strategies or give up their independent decision-making. Structured engagement between agencies and military forces is vital however to avoid duplication; and ensure security, and the best use of resources. That engagement should be on equal terms, facilitated by an organisation like the UN Office for Coordination of Humanitarian Affairs.

When the military is the last resort

Some environments are so insecure or inaccessible that only military forces can provide the relief required. In consultation with humanitarian actors, and preferably at their request, military forces should act in such cases. They must focus on results, not a quick 'win', to meet needs identified with beneficiaries or by an existing civilian plan. They should be careful that aid is not directed by local military leaders, which risks failing to respond to some needs, and worsening local conflicts.

Whenever they provide infrastructure (apart from the most temporary items) they should ensure that it will have a lasting impact. They should also ensure that their aid does not make their beneficiaries more likely to be attacked by looters or opposing forces. And they should plan an exit strategy, properly coordinated with the civilian authorities and organizations who should take over providing aid as soon as security allows.

3. Summary recommendations

Humanitarian agencies should not:

- Participate in military-led teams;
- Accept funding from military forces, defence departments, or any fund dedicated to military objectives, or that allows a donor to claim an agency's support for military or counter-terrorism objectives;
- Use armed escorts of any kind, other than in the most exceptional circumstances.

Governments should:

- Implement the appropriate international guidelines:
 - In disasters, the *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief* [the Oslo Guidelines];
 - In conflicts and post-conflict crises, the UN *Guidelines on the Use of Military and Civil Defence Assets to Support UN Humanitarian Activities in Complex Emergencies*
- Develop comprehensive approaches in conflict-affected states, to achieve not just security but *the range of policy objectives that contribute to effective, accountable states and human security for all*. Aid must not be subordinated to military objectives.
- Invest in the capacity of their civilian aid departments, as well as the UN and NGOs, to engage effectively in civil-military training and dialogue – including in UN OCHA country offices where they facilitate civil-military dialogue on the ground.

Military forces, national and donor governments, the UN, and NGOs should:

- Share appropriate information. Oxfam will not provide information that may endanger communities or its staff, or that might be used for military purposes. But it is important that:
 - Aid agencies share information on the location of staff and facilities, the movement of staff and goods, and major movements of civilians;
 - Military forces provide information on their aid, on the location and munitions used in military operations, and, as far as possible, on future operations that could affect the safety or displacement of civilians, or the provision of humanitarian assistance.

¹ This note covers foreign military forces, their private contractors, and civil-military units, such as the Provincial Reconstruction Teams operating in Afghanistan. It does not cover the role of national armed forces of countries affected by disaster, though their role can also be controversial, particularly when those forces are parties to a conflict. Please see Oxfam International's forthcoming policy note on that subject.

This current note also covers both the emergency relief and reconstruction services that may be provided. In general, similar guidelines should apply. The central humanitarian principles of independence and impartiality, however, add a particular emphasis when providing relief. For more details, please see the Steering Committee for Humanitarian Response's *Position Paper on Humanitarian–Military Relations*: note xxii below.

² UN Office for Coordination of Humanitarian Affairs (2011), Statement to the Press on Libya Mission, 20 April 2011: http://ochanet.unocha.org/p/Documents/USG%20Amos%20Press%20Statement%20on%20Libya%20Mission_20%20April%202011.pdf (last accessed November 2011).

³ BBC News (2011) 'Libya: UN warns of blurring aid and military operations', 21 April 2011: <http://www.bbc.co.uk/news/world-africa-13152392> (last accessed November 2011).

⁴ N. Bennett (2011) 'Civil-military principles in the Pakistan flood response', *Humanitarian Exchange*, No. 49, January 2011, pp. 11-14, London: Overseas Development Institute, <http://www.odihpn.org/documents%5Chumanitarianexchange049.pdf> (last accessed November 2011).

⁵ France, Italy, Spain, the Netherlands and many others also contributed military personnel to Haiti's post-earthquake relief.

⁶ UN Office for the Coordination of Humanitarian Affairs (2007), *Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief*, revised November 2007, <http://www.unhcr.org/refworld/docid/47da87822.html> (last accessed November 2011).

⁷ US Southern Command, 'US Southern Command Transitions Haiti efforts', press release, 1 June 2010.

⁸ M. Lewis (2011) *Whose Aid is it Anyway? Politicising aid in conflicts and crises*, Oxfam Briefing Paper 145, p.26, <http://policy-practice.oxfam.org.uk/publications/whose-aid-is-it-anyway-politicizing-aid-in-conflicts-and-crises-121669> (last accessed November 2011).

⁹ C-A. Hofmann and L. Hudson (2009) 'Military responses to natural disasters: last resort or inevitable trend?', *Humanitarian Exchange*, Issue 44, Overseas Development Institute: <http://www.odihpn.org/report.asp?id=3030> (last accessed November 2011).

¹⁰ Afghanistan Civil-Military Working Group (2008), *Guidelines for the Interaction and Coordination of Humanitarian Actors and Military Actors in Afghanistan*, UN Office for Coordination of Humanitarian Affairs,

<http://ochaonline.un.org/afghanistan/CivilMilitaryCoordination/tabid/5356/language/en-US/Default.aspx> (last accessed November 2011).

¹¹ For a fuller analysis, see: Oxfam International et al (2010) *Quick Impact, Quick Collapse: The dangers of militarized aid in Afghanistan*, joint agency briefing paper, <http://policy-practice.oxfam.org.uk/publications/quick-impact-quick-collapse-the-dangers-of-militarized-aid-in-afghanistan-114999> (last accessed November 2011).

¹² S. Cornish and M. Glad (2008), 'Civil-Military Relations: No Room for Humanitarianism in Comprehensive Approaches', Norwegian Atlantic Committee, p. 14.

¹³ OECD (2005), *Paris Declaration on Aid Effectiveness*,

http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html (last accessed November 2011).

¹⁴ Quote in UK Department for International Development (2010), *Working Effectively in Conflict-affected and Fragile Situations*, p. 2, www.gsdrc.org/go/fragile-states (last accessed November 2011).

¹⁵ The UN has developed separate guidelines on armed escorts: UN Office for Coordination of Humanitarian Affairs (2001), 'Use of Military or Armed Escorts for Humanitarian Convoys'.

¹⁶ Oxfam International (2010), *op. cit.*

¹⁷ A. Stoddard, A. Harmer and V. DiDomenico (2009), 'Providing aid in insecure environments: 2009 update – trends in violence against aid workers and the operational response', Policy Brief 34, Humanitarian Policy Group, London: Overseas Development Institute.

¹⁸ OECD (1998), 'Civilian and Military Means of Providing and Supporting Humanitarian Assistance During Conflict: Comparative Advantages and Costs', Development Assistance Committee/OECD Conflict Series, p. 32.

¹⁹ Oxfam International (2010), *op. cit.*

²⁰ Oxfam supports the *Position Paper on Humanitarian-Military Relations*, adopted in 2009 by the Steering Committee for Humanitarian Response, which includes most of the world's leading humanitarian agencies.

²¹ OECD (2007), *op. cit.*

²² OECD (2008), 'Is it ODA?', Factsheet November 2008, www.oecd.org/dacs/stats.

²³ OECD (2007), 'Extracts from DAC Statistical Reporting Directives,' DCD/DAC(2007)34.

²⁴ OECD (2008), *op. cit.*