



Humanitarian action and the militaries

Difficulties and ambiguities

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Nato School CIMIC course
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Let me first thank the responsible for this CIMIC course, Lieutenant-Colonel Michael Oehl, for inviting Médecins Sans Frontières (MSF) at the Nato School.

My regular presence at the Nato School's CIMIC courses, the various conferences of several MSF officials before military schools and assemblies, are clear indications of the reality and the regularity of the dialogue existing between MSF and the military forces.

This dialogue, these conversations are always an opportunity to have frank discussions, to raise the key issues and to put the problems on the table, while respecting each other.

I would like especially to take this opportunity to give you two preliminary precisions :

- MSF is not an anti-militarist organisation : we do not think that being a soldier is less noble than being a member of a humanitarian agency. We just insist on the fact that these are two different activities, implemented by different actors with different objectives;
- Humanitarian action is peaceful by nature, but not pacifist. We have nothing to say against war in itself. The resort to force *per se*, the justness or lack thereof of wars, the legal or illegal basis of wars (*the jus ad bellum*) are of no concern for humanitarian organisations. For instance, it is not the role of humanitarian organisations to judge the relevance of the US/British thesis to attack Iraq. Moreover, the modern humanitarian action developed out of armed conflicts in the 19th century, by asking "Who needs help because of this war ?" instead of "Who is right in this war ?", i.e. the respect of the principle of neutrality.

These precisions given, I would like to divide my presentation in three parts :

- in a first part, I will make a brief presentation of MSF, our mission, responsibilities and identity;
- in a second part, I will remind you what is humanitarian action;
- in a third part, I would like to underline the ambiguities and the difficulties in the relations between humanitarian action and the militaries, with the concrete examples of peace keeping/enforcement operations and recent military interventions.

Presentation of MSF

MSF was born in France in 1971, as a medical and humanitarian association. It is now the first medical and humanitarian organisation in the world and one of the main non governmental relief agencies. MSF is composed of five operational sections in France, Belgium, the Netherlands, Spain and Switzerland, an international secretariat based in New York, Brussels and Geneva and 18 offices worldwide recruiting human resources, raising money and supporting our communication and lobby strategy towards public opinion and national and international decision-makers. As you see, MSF is now an international movement, with a budget of 365 million euros, and employing on the field 3000 expatriates and about 15 000 national staff, in 80 countries.

As you probably know, MSF has developed a particular identity : the association fulfils a double responsibility :

- The first one, is of course to provide medical care in emergency situations, but this initial mission has developed and has been enlarged to a wide range of humanitarian activities : medical care, surgery, psychological care but also water supply, sanitation, food delivery and shelter.
- The second one is at the core of “the French Doctors” identity or “Without borderism” movement. It is the responsibility to speak out/to denounce publicly severe violations of Human rights and humanitarian law when our teams on the field face such situations. I am talking of situations like Bosnia, Rwanda, East-Timor, Chechnya, Kosovo... This decision to break the silence which was a key principle of humanitarian action was at the time a revolution in the relief community. But we do think that in situations where massive crimes are perpetrated against populations, it is of crucial importance to create a public pressure and to attract the attention in order to better the protection of the targeted population. In other words, as stressed in our speech when we were awarded the Nobel Peace Prize in 1999, we are not sure that speaking out will save the population, but we are sure that silence kills.

Last element about MSF, but a key information. We are independent from political, military, economical, religious powers. To defend our independence, our budget is composed of almost 90% of private funds (coming from individuals like you and me). The other 10% comes from institutional bodies, mainly the European Union (Echo) and some UN agencies (UNHCR, WFP...).

In conflict situations, this independence is our best tool to discuss with the belligerents, to obtain their confidence, to gain free access to the population in need and to be granted free movement.

The very first consequence of this independence is that we are absolutely free without any political pressure to determine our operational strategy and to deploy humanitarian operations after an independent evaluation of the needs. This capacity to evaluate the humanitarian needs on an independent basis together with the capacity to control over the distribution of relief and the possibility to access and discuss freely with the population are key operational principles within the MSF movement. Those three elements constitute what we call in French “l’espace humanitaire”, i.e. a sufficient room to manoeuvre or existing conditions that make sure for us that we are really doing humanitarian action in favour of the population in need.

What is humanitarian action ?

The humanitarian action of MSF inscribes itself in an international and precise legal framework : it is international humanitarian law.

What is exactly international humanitarian law ? It is composed of six international treaties, six texts adopted by the international community and that have to be respected by all belligerents : states and non state actors, i.e. Parties to the conflict which are rebellions, liberation movements like UCK in Kosovo, SPLA in Sudan, local fighters in DRC and Afghanistan...

Those six texts are as follow:

- The Four Geneva Conventions of 1949;
- The Two Additional Protocols of 1977.

These treaties provide rules that apply in international and non international conflicts. Those rules limit the methods of war used by the belligerents, give a right to assistance and protection for the civilian population, the wounded and sick, the prisoners of war (all the protected persons as defined by the Geneva Conventions) and organise very practically the legal framework of humanitarian action in conflict situations.

The medical mission is particularly protected and granted rights by international humanitarian law. As a medical organisation, MSF is thus deeply rights credited by the Geneva Conventions and our action has a strong legal basis that we defend and try to implement on the field.

All those rights granted to humanitarian organisations come with important duties to respect. If they want to continue to benefit from the rights and protection provided by international humanitarian law, the relief organisations have especially to respect and implement the two humanitarian principles mentioned in the Geneva Conventions and elevated by the International Court of Justice in 1986, as the criteria to qualify all humanitarian action: impartiality and humanity.

Impartiality has two practical meanings:

- humanitarian action must be carried out without any adverse discrimination. All individuals are equal in their suffering. No one can be deprived of assistance because of its colour, religion, race, nationality...
- impartiality must not be confused with a mathematical equality that would consist of providing equal aid to each party present, under the pretext of not favouring any one. Impartiality actually requires that relief be given in priority to those who most need it, regardless of their affiliation.

Humanity means that the strictly humanitarian character of the organisation that distributes aid must be a reality. This principle implies that each relief actor must be independent from any constraints other than humanitarian ones. Consequently, it is obvious that the nature of this actor and its intention are key issues and that the action of States can be questioned.

Let me remind you that, without totally forbidding the parties to the conflict and third States non parties to the conflict to deliver assistance, international humanitarian law none the less establishes a clear distinction in terms of responsibilities, at wartime :

- on the one hand, independent, humanitarian and impartial organisations are asked to provide assistance to the population in need;
- on the other hand, states and armies have the responsibilities to respect international humanitarian law, to defend its rules, to have them respected by the Parties to the conflict and to prevent and punish war crimes.

The very first goal of humanitarian action and international humanitarian law is indeed to try to withdraw the protected persons from an area that is very politically and militarily exposed, to transfer them to another place that is less dangerous, neutral, accepted by the Parties to the conflict because it is organised by actors (the humanitarian organisations) which have no political, strategic or military objectives but only one goal : to alleviate human suffering.

By definition, no state, no army can limit itself to this only ambition. For MSF, Nato, for instance, is not and will never be a humanitarian organisation. And the

relief activities sometimes led by Nato cannot be qualified as “humanitarian action”.

As a consequence, you can easily understand why the attempt of those actors to enter or to maintain a presence in the humanitarian field is a danger for the civilian and independent relief organisations : it alters their perception by the belligerents as strictly independent and humanitarian actors and their civilian character and it has direct consequences on their security and capacity to deliver assistance and access to the population in need.

This is the reason why, in general, apart from exceptional circumstances, MSF refuses armed escorts. This is also the reason why MSF was reluctant to work in the Nato refugee camps during the Kosovo crisis and asked for the respect of the strictly civilian and humanitarian character of the camps. This is also why, at the light of several US officials’ declarations and in the wake of the “war on terror”, MSF feels particularly concerned today about the absence of respect for civilian and independent humanitarian action.

Last June in Afghanistan, five MSF aid workers were killed in a deliberate attack, when a clearly marked MSF vehicle was ambushed in the province of Badghis. In addition, following the assassinations, a Taliban spokesperson claimed responsibility for the murders and stated later that organisations like MSF working for American interests, are therefore targets and would be at risk of further attacks. Later, Afghan officials presented MSF with credible evidence that local commanders in fact conducted the attack, but they neither detained nor publicly called for their arrest.

At the end of July, with a deep feeling of sadness and anger, MSF announced its withdrawal from Afghanistan, after 24 years of independent aid to the Afghan people, because of the killing, the public threats launched by the Taleban and the growing insecurity for aid workers linked to the confusion between military and humanitarian operations.

The violence directed against humanitarian aid workers has also come in a context in which the US backed coalition has consistently sought to use humanitarian aid to build support for its military and political ambitions.

Since the beginning of operation “Enduring Freedom”, Coalition forces and US officials have indeed kept on co-opting humanitarian assistance in Afghanistan, through the deployment of military personnel (Provincial Reconstruction Teams) under the label of humanitarian assistance” and the description of NGOs

as “force multipliers”. During 2003, Coalition soldiers have also frequently worn civilian clothing while carrying guns and distributing food. As a result, the line between humanitarian activity and military operations has become blurred, leading to the perception that relief agencies were simply an arm of the occupying forces.

Last April, Coalition forces distributed leaflets in Southern Afghanistan, demanding that people “pass on any information related to Taliban, El Qaeda and Gulbuddin Hekmatyar to the coalition forces” saying that it was necessary “in order to have a continuation of the provision of humanitarian aid”. This leaflet, which included a picture of an Afghan girl carrying a bag of wheat, was a clear attempt to use humanitarian aid for the military aims of the coalition and an initiative that was compromising the independent, impartial and neutral character of humanitarian assistance.

Of course, MSF publicly rejected any linkage between the provision of humanitarian aid and collaboration with the coalition forces and officially protested against such initiative, in letters sent on April 28th 2004 to the US Secretaries of State and Defence and to the British ministers for Foreign Affairs and Defence. In the wake of several attacks on aid workers, MSF also indicated that we were extremely worried that these leaflets would increase the dangers for humanitarian organisations and worsen the climate of suspicion against relief actors.

In Iraq, the humanitarian organisations were also asked by the US government to join the coalition and to play their humanitarian role under the protection and coordination of “operation Iraqi Freedom”. This appeal was followed by the creation of an office of reconstruction and humanitarian assistance, controlled directly by the Pentagon. Of course, MSF cannot accept this appropriation of humanitarian action by a belligerent.

These concrete examples enables me to come to the third and last part of my presentation, about the ambiguities and difficulties we have sometimes in our relations with the militaries.

Humanitarian action and the militaries : difficulties and ambiguities

Since the beginning of the 1990’s, the multiplication of military interventions deployed officially on the ground of humanitarian purpose could lead to the idea that the protection of populations threatened by severe violations of human rights and international humanitarian law has become a top priority of the

international community. Of course, this so called reality should be examined very carefully.

It is precisely around the crucial issue of the place granted to the protection of populations in peace-keeping/enforcement operations that I would like to develop this last part of my presentation.

As you know, the end of the Cold War has provoked a transformation in the international environment. The disappearance of the USSR threat has enabled a transition from a confrontation strategy to a crisis management strategy. In other words, a shift from collective defence to collective security.

Several decisions adopted at the national and international level confirm this movement.

Let me give you 4 examples.

- Created in 1949 by the Washington treaty, Nato was a couple of years ago a military organisation responsible for the defence of its members territory against a USSR attack. While preserving this primary responsibility to defend their territory, the officials of the then 19 member countries of the Alliance have decided to enlarge the mission and geographical jurisdiction of Nato to crisis management, with the adoption of the new strategic concept in April 1999 and the recent project of rapid reaction force. Nato has thus become officially a permanent instrument for crisis management.
- Same movement for the European Union. During the Helsinki Council, in December 1999, the member states have decided to create before 2003 a rapid reaction force, able to lead a series of management crisis operations: the Petersberg missions. These missions are now being implemented, as illustrated by the military operation launched in Ituri, in June 2003 or the current operations in Bosnia and Fyrom.
- At the African level also, regional organisations like the Ecowas or the new African Union have become increasingly involved in peace operations, as the examples of Liberia, Sierra Leone, Ivory Coast or Darfur illustrate it.
- Last example, at the national level, in various countries, in the European Union, but also in Japan, Canada or Brazil, there has been a reorganisation of military forces with the priority given to the projection of forces abroad for peace-keeping/enforcement operations.

As you see, military operations for crisis management seem to have a real future. In the wake of this growing involvement of the Armies in conflict resolution, MSF is concerned that the multiplication of such operations since 10 years has been accompanied by a severe instrumentalisation of humanitarian action. We have seen the development of military interventions that are always launched in the name of law, “humanitarian interference” or human rights. Behind this apparent generosity, it is obvious that a military operation never pursue humanitarian objectives but is always launched because it responds to precise interests.

In reality, the problem for us is that states often use humanitarian situations to pursue political, economical or strategic goals. Most military interventions have been launched when a humanitarian situation under heavy media coverage was in synergy with precise interests. The instrumentalisation of humanitarian action seems to be automatic when a military operation is decided, as the latest US military action in Afghanistan illustrates it : the start of the military campaign in October 2001 was immediately followed by so called “humanitarian” bombings. For MSF which denounced it, this was certainly communication or propaganda action or psychological operations, but certainly not humanitarian action.

From operation “Provide Comfort” in Kurdistan, following the “Gulf War” itself, to the Nato intervention in Kosovo, all those operations have been presented as ethical, humanitarian aimed and officially and publicly motivated by the protection of populations whereas they all pursued political and strategic goals and whereas the result in terms of protection of population was often low. There are of course some exceptions as the British operation in Sierra Leone, the EU “Artemis” intervention in DRC and the Australian led coalition in East Timor.

Something unacceptable for an organisation like MSF is the gap between this instrumentalisation of humanitarian action and the absence of concern for the protection of populations during military operations. If the humanitarian ambition continues to be used and presented publicly to legitimate the use of force, this ambition does not resist to the field reality. The attitude of the international community in Bosnia and in Rwanda has shown the absence of real political will to oppose massive crimes when they are perpetrated against populations. Those two events illustrated the very little concern granted to the protection of population in the decision making process at the political level. The failure of international military forces to put an end to ongoing violence against civilians in Darfur, Ivory Coast and DRC, in spite of official mandates of protection of people, illustrates the lack of political will to stop massive crimes against non-combatants in war situations.

Let's be clear : MSF is not calling for the use of force each time serious breaches of human rights are perpetrated, nor we say that the use of force is always the relevant answer to stop violence. As a humanitarian organisation, we cannot place ourselves in such a belligerent situation by calling for the use of force. We would lose the confidence of the Parties to the conflict. Moreover, as a humanitarian organisation, we are not competent to elaborate political solutions. We just put a light on illusions of protection created by the international community and we criticise the non respect of promises made to people in danger. Because the consequences are always the death of thousands of individuals.

Before concluding, I would like to share with you two ideas that commonly circulate among the armies :

- 1st idea : the presence of international forces automatically means more security for populations and humanitarian organisations. It can be true but it has been often false : in Bosnia, in Somalia, without talking of Iraq and Afghanistan today, the deployment of soldiers increased the insecurity of relief workers and the politicisation of aid.
- 2^d idea : armies are best organised and more efficient than humanitarian agencies. Here again, it is not a general rule. In Albania, during the Kosovo crisis, the multiplicity of states relief initiatives mainly led by communication concerns, created gaps in terms of assistance and protection of refugees. Several camps set up by some contingents were not in conformity with the basic principles of refugee law. The current international response to the tsunami also shows that some armies arrived very late after the NGOs and that the heavy presence of national contingents creates serious problems of coordination, especially at the level of airports.

You have understand it : MSF defends and implements a civilian and independent humanitarian action, determined to denounce publicly massive violence perpetrated against populations and determined to refuse the different instrumentalizations of humanitarian action. Consequently, it is possible that we clash with political and military authorities. But this does not mean that we establish a moral hierarchy between the “good humanitarian guys” and the “bad politicians and military guys”. And this does not prevent good relations and cooperation on an *ad hoc* basis with militaries.

Let me remind you that far from being anti-militarist and pacifist, MSF has already recognised in exceptional circumstances that the use of force may be relevant in situations where a population is victim of massive violations of

human rights and humanitarian law. For instance, MSF asked publicly for a military intervention to stop the genocide in Rwanda in 1994.

In this kind of situations, the role and responsibilities given by the political authorities to the Armies are certainly not to answer to crimes against humanity and genocide, by distributing sandwiches and medicine. I am sure that most soldiers share this personal opinion.

Thank you for your attention.

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