Civil–military relations and the US armed forces

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With an annual budget of $650 billion and over two million military and civilian personnel, the US Department of Defense is the largest institution in the world. Since September 2001, its primary focus has been the ‘global war on terror’, a war of avowedly unlimited scope and duration. Its critical components include counter-insurgency and stabilisation operations, which have increasingly involved the US military in relief and development activities. NGOs have struggled to develop a unified response to the growing scope and pace of US military involvement in areas normally reserved for civilian leadership and action. Although regular dialogue has been established, much greater collective effort is needed on the part of US humanitarian and development NGOs to shape this engagement.

The Guidelines

Following the 9/11 attacks on the United States, NGOs abruptly found themselves operating alongside US soldiers who were simultaneously fighting enemies and acting like NGO workers in the name of ‘winning hearts and minds’. Clear rules were needed. The Guidelines for Relations Between US Armed Forces and Non-Governmental Humanitarian Organizations in Hostile or Potentially Hostile Environments resulted from more than two years of intense negotiation beginning in 2005 between InterAction staff, member representatives and the Department of Defense, under the good offices of the US Institute of Peace (USIP), an independent think-tank.

Negotiating the Guidelines was challenging. The military wanted a quick, practical outcome that would allow them to get on with their main tasks. NGO representatives wanted to make sure that underlying humanitarian principles were clear, and used the dialogue sessions as didactic opportunities to explain them. USIP was invaluable in its role as facilitator; without its objective and experienced staff, agreement would have been much more difficult to achieve. Ultimately, the Guidelines are practical, focusing on mundane though essential issues such as meeting places, liaison arrangements and communication protocols. Two components have been especially significant. The first is the agreement that US military personnel wear uniforms when conducting relief activities. The second is the agreement that the US armed forces should not describe NGOs as ‘force multipliers’ or ‘partners’. Each of these components was seen as essential to ensuring that the security risks faced by humanitarian organisations, and the civilian populations they seek to assist, are not exacerbated by the conflation of humanitarian action with the political objectives and activities of US military forces.

Implementation challenges

There have been a number of challenges to implementing the Guidelines. Firstly, the Guidelines are not being explained consistently and are not regularly included in US professional military education or military handbooks, or in doctrine on stabilisation operations, counterinsurgency, protection of civilians and related topics. Although the Guidelines provide the rules to regulate US military behaviour towards humanitarian organisations, military personnel lack comprehensive understanding of both the normative and operational considerations.
underpinning the necessary distinction between military personnel and operations, and the concurrent roles and activities of humanitarian entities. This inhibits the full internalisation and operationalisation of the rules, including their application in new doctrine and training.

Secondly, the Guidelines are inconsistently implemented by force commanders in theatre, and some elements of the Guidelines are neglected, whether due to lack of awareness or because it is believed that operational necessity outweighs the importance of adherence. For example, US military personnel still visit the offices of local NGOs, or wear civilian clothing or use unmarked vehicles for force protection purposes. Often the civilian Chief of Mission, normally the US Ambassador, insists on such force protection practices without being aware of the Guidelines.

A third factor concerns the conduct of NGOs themselves. While many regularly cite humanitarian principles when trying to persuade US forces to modify their behaviour, their own compliance with the principles of neutrality, impartiality and independence tends to be erratic. Large international NGOs have accepted substantial US government funding in Afghanistan and northern Pakistan, for example, despite the counter-insurgency framework for these programmes. Some NGOs choose to collaborate with Provincial Reconstruction Teams (PRTs) and consciously or not accept the consequences in the form of security risks and limited humanitarian access to all affected populations. The diversity of the NGO community is understandably confounding to the US military, especially in places where humanitarian and development NGOs are working side by side. Development NGOs in particular do not frame their role in terms of impartiality or treat access to all populations as a fundamental operational requirement.

New dynamics

The scope of the Guidelines may now be outstripped by the ever-evolving footprint and activities of US military deployments. Developed in response to the operational challenges faced in Iraq and Afghanistan, the Guidelines focus on ‘hostile and potentially hostile environments’ – contexts where US forces are party to the conflict or where the situation may otherwise escalate and become hostile to the presence of US forces. Their focus is limited to humanitarian action and international NGOs, excluding development actors as well as national and local civil society organisations. However, the US is now broadening the scope of its doctrine and operational missions; ‘humanitarian’ roles for US forces are now being elaborated and embedded in military doctrine, and new missions are being conceived and carried out. While the massive logistical capabilities of the US military may help to save lives in major catastrophes, InterAction and its members repeatedly reinforce the civilian and impartial character of humanitarian action, the use of military assets as a ‘last resort’ and the importance of maintaining strict limits on the US military’s role in the provision of relief or development assistance. This is falling on deaf ears.

There is a strong consensus in the United States, including within Congress and the senior leadership of the Obama administration, that military advantage and political dividends can be derived from relief and development activities conducted by the military. These dividends include showing the ‘friendly’ face of the US armed forces, addressing perceived drivers of instability, building local relationships and gaining access to information about local populations or the activities of insurgents, positioning forces to rapidly intervene to quell violence and restore stability and extending the host state’s legitimacy by winning the loyalty of local populations or local elites. Such expectations drive efforts to recruit local civil society and international NGOs as implementing partners in counter-insurgency and stabilisation activities. The US military is providing food and building schools and other infrastructure in a range of countries, from Latin America to Southeast Asia and Africa. Military officers frequently refer to the inability of the US
government’s civilian institutions to carry out assistance activities within the timeframe and to the scale that their security-driven objectives demand.

Overall, there has been little critical examination within the US military, and the US government as a whole, of the underlying rationale driving these activities, and whether these military and political benefits outweigh the costs, including for humanitarian organisations. There is little understanding of how US military proximity to civilian populations and resource transfers may make civilian populations more vulnerable, fuel local tensions, create opportunities for corruption and diversion of resources and exacerbate conflict. On the civilian side of the US government, the emphasis on ‘whole of government’ approaches to achieve security outcomes tightly binds relief and development programmes to military objectives. USAID’s policies validate the alignment of resources against security priorities, for example through its Civilian–Military Cooperation policy and its recently issued policy on countering violent extremism. Where NGOs decline to cooperate, private contractors conveniently pick up the slack.

Additional developments in US military posture and activities have humanitarian implications and should be accounted for in shaping future civil–military dialogue. Firstly, there is a growing emphasis on achieving economy of force through small forward outposts to enable rapid deployment in high-risk environments and quick interventions in crises. Military operations appear more forward-leaning and wideranging. International, national and local NGOs that seek to save lives, alleviate suffering and facilitate sustainable development in these contexts are encountering US military forces more frequently, and may find it increasingly difficult to separate themselves from US political and military objectives. The diversity of contexts and the sheer spread of the US military presence will hugely expand the challenge of civil–military relations.

In addition, the US government and military forces, as well as NATO and other regional organisations, have increasingly sought to frame overall political objectives, doctrine and operational stabilisation missions in terms of proactive measures to protect civilians in armed conflict. However, doctrine and guidance in this area remains a work in progress, with many questions unanswered. For example, it remains unclear whether and how US military doctrine will be impartial in its pursuit of greater protection of civilians, or whether such measures will be pursued only when they do not conflict with US political objectives.

Learning from InterAction’s experience, there will be two important components to US protection of civilians doctrine. Firstly, it will be important to ensure that US military forces are able to situate the design of protection of civilians efforts within the normative framework governing civilian immunity from the effects of war, in particular to establish awareness of the status of ‘protected persons’ and the relevant obligations of parties to conflict. This is essential to ensure that military forces know the parameters of the desired outcome they may help to bring about. A second and related component should ensure that US military forces are able to understand their role in relation to civilian actors seeking to enhance the protection of civilians in the same context. Without these, protection of civilians operations by US military forces may undermine the efforts of other actors and may place civilians at the centre of competing political objectives.

Looking to the future

While these expanded US military roles are already well in motion, there are reasons to feel positive about future civil-military dialogue. In informal, private conversations, some US military officers understand very well why humanitarian action requires actual and perceived neutrality in order to help ensure safe access to all affected populations, even as they recognise that their own behaviour undermines this. Some also express concern over the ever-expanding scope of
the roles expected of US military forces, and are reluctant to encroach on the roles and responsibilities of civilian entities. In the words of one officer involved in developing doctrine for US forces: ‘We hear you when you say, “stay in your lane” but we don’t know what our lane is anymore’.

The current Guidelines provide an important tool to navigate relationships at an operational level. Clearly, however, the investment by both development and humanitarian NGOs in this dialogue needs to increase in scale and in scope. Firstly, greater investment is needed in dissemination and training on the Guidelines, including simulation exercises, audio-visual materials and online training. Both development and humanitarian NGOs need to invest personnel time in this effort. On the US military side, directives from force commanders and the appointment of senior-level liaison officers would support compliance in operational theatres. The US Department of State and USAID should ensure that US ambassadors, foreign service personnel and specialised staff are familiar with the Guidelines and support their implementation.

Secondly, while NGOs are typically invited to input into doctrine before it is finalised, this often entails reviewing many hundreds of pages within a short timeframe and without any concurrent dialogue with US military personnel on the effect of the doctrine on humanitarian issues or actors. NGOs need to be present in the process of doctrine development much earlier in order to help ensure that relevant norms and standards are used, and to craft appropriate limits and firewalls to safeguard humanitarian action.

Thirdly, NGOs need to seek dialogue with senior civilian leaders in the executive branch, as well as Congress, which provides the mandate and the money for these expanded US military roles. In the first instance, this dialogue should enhance awareness of the humanitarian implications of new doctrine and new types of military deployments with a view to modifying or clarifying the directives given to the military leadership. This dialogue should be informed by more objective research to examine assumptions about expected political dividends arising from US military engagement in assistance activities, and whether the benefits outweigh the costs, including in terms of their net effect on impartial humanitarian actors and the civilian populations they seek to assist.

Finally, the NGO community itself, starting with the major operational international agencies, requires an urgent process of internal reflection on its own adherence to humanitarian principles in the context of these developments. NGO leaders need to ask themselves hard questions about whether the drive for ever-expanding budgets has undermined their ability to adhere to humanitarian principles, and what the costs of a pragmatic approach have actually been. Efforts in this direction, organised by the Norwegian Refugee Council, for example, are already under way. Links with research institutions such as the Humanitarian Policy Group and Tufts University will be critical in making an objective assessment and planning for a future of continued operational complexity.


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