

# GUIDELINES

## for Relations Between U.S. Armed Forces and Non-Governmental Humanitarian Organizations *in Hostile or Potentially Hostile Environments*



humanitarian relief efforts in hostile or potentially hostile environments. NGHOs are a subset of the broader NGO community.

**Independence for NGHOs:** Independence is defined in the same way as it is in the Code of Conduct of the International Federation of Red Cross and Red Crescent Societies (IFRC) and NGOs Engaged in Disaster Relief: Independence is defined as not acting as an instrument of government foreign policy. NGHOs are agencies that act independently from governments. NGHOs therefore, formulate their own policies and implementation strategies and do not seek to implement the policy of any government, except insofar as it coincides with their own independent policies. To maintain independence, NGHOs will never knowingly—or through negligence—allow themselves, or their employees, to be used to gather information of a political, military, or economically sensitive nature for governments or other bodies that may serve purposes other than those that are strictly humanitarian, nor will they act as instruments of foreign policy of donor governments.

**InterAction:** InterAction is the largest coalition of U.S.-based international development and humanitarian non-governmental organizations. With over 165 members operating in every developing country, InterAction works to overcome poverty, exclusion, and suffering by advancing basic dignity for all.

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tions Center (CMOC) or similar mechanism is established in-country. Once this occurs, liaison officers of individual NGHOs could begin coordination in-country through the CMOC for civil-military liaison.

### **D. Possible organizations that could serve as a bridge between NGHOs and U.S. Armed Forces in the field<sup>2</sup>, e.g., U.S. Agency for International Development's (USAID's) Office of Military Affairs, State Department's Office of the Coordinator for Reconstruction and Stabilization (S/CRS), and the UN's Humanitarian Coordinator:**

1. If the U.S. Agency for International Development or the State Department's Office of the Coordinator for Reconstruction and Stabilization agree to serve a liaison function, they should be prepared to work with the broader NGO community in addition to U.S. Government implementing partners.
2. The UN's Humanitarian Coordinator or his/her representative could be a strong candidate to serve as liaison because he/she normally would be responsible for working with all NGHOs and maintaining contact with the host government or a successor regime.

### **Key Terms**

**Non-Governmental Organizations (NGOs):** In wider usage, the term NGO can be applied to any nonprofit organization that is independent from government. However, for the purposes of these guidelines, the term NGO refers to a private, self-governing, not-for-profit organization dedicated to alleviating human suffering; and/or promoting education, health care, economic development, environmental protection, human rights, and conflict resolution; and/or encouraging the establishment of democratic institutions and civil society. (JP 3-08/JP 1-02)

**Non-Governmental Humanitarian Organizations (NGHOs):** For the purposes of these guidelines, NGHOs are organizations belonging to InterAction that are engaged in

<sup>2</sup> In situations in which there is no actor to serve as a bridge, a U.S. military Civil Affairs cell could serve as a temporary point-of-contact between NGHOs and other elements of the U.S. Armed Forces.

1. Access to NGHO and military assessments directly from a DOD or other U.S. Government Web site.
2. Access to NGHO and military assessments through an NGO serving in a coordination role and identifying a common Web site.
3. Access to NGHO and military assessments through a U.S. Government or United Nations (UN) Web site.

### **C. Procedures for NGHO liaison relationships with combatant commands that are engaged in planning for military operations in hostile or potentially hostile environments. (NGHO liaison personnel are provided by the NGHO community):**

1. The NGHO liaison officer should not be physically located within the military headquarters, but if feasible, should be close to it in order to allow for daily contact.
2. The NGHO liaison officer should have appropriate access to senior-level officers within the combatant commands and be permitted to meet with them as necessary and feasible.
3. There should be a two-way information flow. The NGHO liaison officer should provide details on NGHO capabilities, infrastructure if any, plans, concerns, etc. The military should provide appropriate details regarding minefields, unexploded ordnance, other hazards to NGHOs, access to medical facilities, evacuation plans, etc.
4. The NGHO liaison officer should have the opportunity to brief military commanders on NGHO objectives, the Code of Conduct of the International Federation of Red Cross and Red Crescent Societies (IFRC) and NGOs Engaged in Disaster Relief, the United Nations Inter-Agency Standing Committee (IASC) Guidelines, country-specific guidelines based on the IASC Guidelines, and, if desired, The Sphere Project Humanitarian Charter and Minimum Standards in Disaster Response. U.S. Armed Forces personnel should have the opportunity to brief NGHOs, to the extent appropriate, on U.S. Government and coalition goals and policies, monitoring principles, applicable laws and rules of engagement, etc.
5. The NGHO liaison officer could continue as a liaison at higher headquarters even after a Civil-Military Opera-

On March 8, 2005, the heads of major U.S. humanitarian organizations and U.S. civilian and military leaders met at the U.S. Institute of Peace (USIP) to launch a discussion on the challenges posed by operations in combat and other nonpermissive environments. The Working Group on Civil-Military Relations in Nonpermissive Environments, facilitated by USIP, was created as a result of this meeting.

InterAction, the umbrella organization for many U.S. NGOs, has coordinated the non-governmental delegation.<sup>1</sup> Representatives from the Department of Defense, the Joint Chiefs of Staff, the State Department, and the U.S. Agency for International Development have participated on behalf of the U.S. Government.

### Guidelines for Relations between U.S. Armed Forces and Non-Governmental Humanitarian Agencies in Hostile or Potentially Hostile Environments

#### Recommended Guidelines

The following guidelines should facilitate interaction between U.S. Armed Forces and Non-Governmental Organizations (see Key Terms) belonging to InterAction that are engaged in humanitarian relief efforts in hostile or potentially hostile environments. (For the purposes of these guidelines, such organizations will henceforth be referred to as Non-Governmental Humanitarian Organizations, or NGOs.) While the guidelines were developed between the Department of Defense (DOD) and InterAction, DOD intends to observe these guidelines in its dealings with the broader humanitarian assistance community. These guidelines are not intended to constitute advance endorsement or approval by either party of particular missions of the other but are premised on a defacto recognition that U.S. Armed Forces and NGOs have often occupied the same operational space in the past and will undoubtedly do so in the future. When this does occur, both sides will make best efforts to observe these guidelines, recognizing that operational necessity may require deviation from them. When breaks with the guidelines

<sup>1</sup>The InterAction delegation includes CARE, Catholic Relief Services, the International Medical Corps, the International Rescue Committee, Mercy Corps, Refugees International, Save the Children, and World Vision.

occur, every effort should be made to explain what prompted the deviation in order to promote transparency and avoid distraction from the critical task of providing essential relief to a population in need.

#### A. For the U.S. Armed Forces, the following guidelines should be observed consistent with military force protection, mission accomplishment, and operational requirements:

1. When conducting relief activities, military personnel should wear uniforms or other distinctive clothing to avoid being mistaken for NGO representatives. U.S. Armed Forces personnel and units should not display NGO logos on any military clothing, vehicles, or equipment. This does not preclude the appropriate use of symbols recognized under the law of war, such as a red cross, when appropriate. U.S. Armed Forces may use such symbols on military clothing, vehicles, and equipment in appropriate situations.
2. Visits by U.S. Armed Forces personnel to NGO sites should be by prior arrangement.
3. U.S. Armed Forces should respect NGO views on the bearing of arms within NGO sites.
4. U.S. Armed Forces should give NGOs the option of meeting with U.S. Armed Forces personnel outside military installations for information exchanges.
5. U.S. Armed Forces should not describe NGOs as “force multipliers” or “partners” of the military, or in any other fashion that could compromise their independence and their goal to be perceived by the population as independent.
6. U.S. Armed Forces personnel and units should avoid interfering with NGO relief efforts directed toward segments of the civilian population that the military may regard as unfriendly.
7. U.S. Armed Forces personnel and units should respect the desire of NGOs not to serve as implementing partners for the military in conducting relief activities. However, individual NGOs may seek to cooperate with the military, in which case such cooperation will be carried out with due regard to avoiding compromise of the security, safety, and independence of the NGO community at large, NGO representatives, or public perceptions of their independence.

#### B. For NGOs, the following guidelines should be observed:

1. NGO personnel should not wear military-style clothing. This is not meant to preclude NGO personnel from wearing protective gear, such as helmets and protective vests, provided that such items are distinguishable in color/appearance from U.S. Armed Forces issue items.
2. NGO travel in U.S. Armed Forces vehicles should be limited to liaison personnel to the extent practical.
3. NGOs should not have facilities co-located with facilities inhabited by U.S. Armed Forces personnel.
4. NGOs should use their own logos on clothing, vehicles, and buildings when security conditions permit.
5. NGO personnel’s visits to military facilities/sites should be by prior arrangement.
6. Except for liaison arrangements detailed in the sections that follow, NGOs should minimize their activities at military bases and with U.S. Armed Forces personnel of a nature that might compromise their independence.
7. NGOs may, as a last resort, request military protection for convoys delivering humanitarian assistance, take advantage of essential logistics support available only from the military, or accept evacuation assistance for medical treatment or to evacuate from a hostile environment. Provision of such military support to NGOs rests solely within the discretion of the military forces and will not be undertaken if it interferes with higher priority military activities. Support generally will be provided on a reimbursable basis in accordance with applicable U.S. law.

#### C. Recommendations on forms of coordination, to the extent feasible, that will minimize the risk of confusion between military and NGO roles in hostile or potentially hostile environments, subject to military force protection, mission accomplishment, and operational requirements are:

1. NGO liaison officer participation in unclassified security briefings conducted by the U.S. Armed Forces.
2. Unclassified information sharing with the NGO liaison officer on security conditions, operational sites,

location of mines and unexploded ordnance, humanitarian activities, and population movements, insofar as such unclassified information sharing is for the purpose of facilitating humanitarian operations and the security of staff and local personnel engaged in these operations.

3. Liaison arrangements with military commands prior to and during military operations to deconflict military and relief activities, including for the purpose of protection of humanitarian installations and personnel and to inform military personnel of humanitarian relief objectives, modalities of operation, and the extent of prospective or ongoing civilian humanitarian relief efforts.
4. Military provision of assistance to NGOs for humanitarian relief activities *in extremis* when civilian providers are unavailable or unable to do so. Such assistance will not be provided if it interferes with higher priority military activities.

#### Recommended Processes

##### A. Procedures for NGO/military dialogue during contingency planning for DOD relief operations in a hostile or potentially hostile environment:

1. NGOs engaged in humanitarian relief send a small number of liaison officers to the relevant combatant command for discussions with the contingency planners responsible for designing relief operations.
2. NGOs engaged in humanitarian relief assign a small number of liaison officers to the relevant combatant command (e.g., one liaison was stationed at U.S. CENTCOM for 6 of the first 12 months of the war in Afghanistan, and one was in Kuwait City before U.S. forces entered Iraq in 2003).
3. The relevant military planners, including but not limited to the Civil Affairs representatives of the relevant commander, meet with humanitarian relief NGO liaison officers at a mutually agreed location.

##### B. Procedures for NGOs and the military to access assessments of humanitarian needs. U.S. military and NGO representatives should explore the following: