

# **The International Committee of the Red Cross and Civil-Military Relationship – The Example of Afghanistan**

Bernhard Julier

## **Introduction**

In the name of the International Committee of the Red Cross, I would like to thank the National Defence Academy for the invitation and the opportunity to address some thoughts within the framework of the Symposium on “Comprehensive International Engagement in Conflicts – Civil-Military Interaction as Challenge and Opportunity”.

The panel topic “Civil-Military Interaction: The Test Case of Afghanistan” that is discussed today is indeed of high interest, in particular, in view of the recent developments in Afghanistan. Since last August and October respectively, i.e. since the Transition/Redeployment phase of the NATO-led International Security Assistance Force (ISAF), that, after the fall of the Taliban government, had taken over responsibility from the US-led Coalition Forces engaged in “Operation Enduring Freedom”, the situation in Afghanistan’s south and east has deteriorated. Armed confrontations between Afghan government troops, supported by international forces, and the armed opposition have increased. The ICRC is closely following these developments. It is worth mentioning that the ICRC has defined the present situation in Afghanistan as a non-international armed conflict, internationalized through the presence of foreign troops, where international humanitarian law is applicable.

My presentation will briefly mention some points regarding the ICRC in Afghanistan. It will then develop our understanding of a neutral and independent humanitarian organization and the main reasons why the ICRC does not take part in the integrated approach favoured by civil-

military cooperation. I will close my presentation with some concrete examples on the relations we have established with ISAF and the NATO countries concerned.

## **The ICRC in Afghanistan**

The ICRC opened an office in Kabul in 1987, after having assisted victims of the Afghan- Russian conflict for six years from different bases in Pakistan. Since then, the ICRC has maintained an important presence in Afghanistan. We have presently offices in eight cities around the country with the main office in the capital Kabul. The ICRC visits persons arrested and detained in connection with the conflict or to the state's security and supports health structures that treat wounded or conflict-affected people. It is managing six orthopaedic centres; which are engaged in assistance to newly displaced people and in the emergency rehabilitation of wells and water systems in areas where no other organization is active. It provides training for the Afghan National Army, supports, and cooperates with the Afghan Red Crescent Society, which has an extensive network in the country. The budget for 2006 was of 39 Million Swiss Francs. In view of the increased needs of the conflict-affected population, the 2007 budget will increase to 48 Million CHF.

## **The fall of the Taliban and the deployment of international forces to Afghanistan**

After the fall of the Taliban government in late 2001, based on several UN Security Council Resolutions, in particular resolution 1386 of 20 December 2001, the International Security Assistance Force and the Operation Enduring Freedom led by the Coalition Forces were deployed to Afghanistan. Both did and do engage in reconstruction and rehabilitation work via PRTs. In most cases, the PRTs are supporting reconstruction work, such as building roads, bridges and schools. In some cases, they provide emergency assistance directly to the population. PRT officials sometimes wear civilian clothes and travel in white land cruisers, as do

many independent humanitarian organizations. Since the deployment of ISAF in the south and east of the country, discussions are taking place in some NATO capitals on how victims affected by the confrontation with the armed opposition could be better assisted and compensated by ISAF for the collateral damage caused by the fighting. ISAF may thus get more and more involved in directly or indirectly assisting the victims. In this context, it is worth recalling a statement made by the then commander of the coalition forces in Kandahar, in September 2003, who publicly referred to aid workers as: “Those are the guys who are going to win it for us [...] That’s how we’re really going to defeat the root causes” (New York Times, 1st September 2003).

Only some weeks earlier a message attributed to Taliban leader Mullah Omar became public. It says, “O Muslims know the enemies of your religion – the Jews and Christians. America, Britain, the United Nations and all Western aid groups are the greatest enemies of Islam and humanity” (AP, 12 August 2003). Such statements clearly reduce the space for neutral and independent humanitarian action.

Nevertheless, since the establishment of the new leadership in Afghanistan and the engagement of the international community through an integrated approach, the ICRC has insisted on a clear distinction between stabilization and reconstruction efforts within the framework of civil-military cooperation on the one hand and neutral and independent humanitarian actions on the other. In view of the deteriorating security situation in the country, the question of how the ICRC interacts with organizations and national and international structures involved in civil-military activities is becoming even more relevant.

## Civil-military operations and the ICRC

As the above-mentioned statement of the Taliban leader suggests, organizations supporting the present government and involved in an integrated approach are or may be seen as taking sides with one of the parties to the conflict and may become a target themselves. In Afghanistan, humanitarian workers have been, and are, attacked and sometimes killed

by opposition groups. The ICRC has not been spared either. While a number of non-governmental organizations agree to operate within the framework of an integrated approach, others wish to be accepted as independent by all parties, arguing that the integrated approach bears the risk of jeopardizing their credibility and thus their access to the people in need. They are, therefore, reluctant to contribute to the integrated approach. These organizations favour what we call Neutral and Independent Humanitarian Action: The ICRC is among these organizations. However, the ICRC has other reasons not to work within the integrated approach.

For the ICRC, stability, democratization and post-conflict reconstruction are not tasks – it has a mandate. The ICRC's *raison d'être* is to promote International Humanitarian Law (IHL) and protect and assist the war-affected population. It is not its task to comment on or be engaged in political agendas. Therefore, the ICRC advocates a clear distinction between its independent and neutral humanitarian actions on the one hand and the stabilization efforts supported by military means on the other. If this distinction cannot be made, the ICRC is at risk of being rejected by one or another party involved in the conflict. In addition, this would entail reduced access to conflict-affected people and diminishing influence on the rising respect for IHL by all parties concerned.

Let me explain a bit further why these two issues, access and respect for IHL, are of particular importance for the ICRC:

### **Access to the conflict-affected population**

To gain access to people in need of protection and assistance, while keeping security risks at an acceptable level, is, no doubt, a major challenge we have to meet. This challenge goes back to the roots of the ICRC. Direct contact with those affected by armed conflicts and other forms of violence is essential in order to understand their plight and try to address their needs. In this context, access to all belligerents, not only to the population in need, is crucial, also for ICRC staff security. The most challenging aspect is thus to ensure the acceptance of ICRC presence and activities by all belligerents. Their degree of acceptance can

change over the time, as was the case in Afghanistan where the ICRC could work with an acceptable level of security, while the Taliban held power over large areas in the country, including the capital Kabul. Since 2003, ICRC presence and activities have faced more difficulties from the organized militant opposition. Therefore, the ICRC seeks to continuously expand its network of contacts with all weapons bearers and with those influencing them. The identity of the ICRC as a neutral and independent humanitarian organization is a core feature of this access. While being no guarantee, it enables the ICRC to play its role of a neutral intermediary amongst the belligerents. In spite of a few areas that are off limits, the ICRC has succeeded well in maintaining uniquely wide access to persons affected by armed violence around the world.

### **Improving the Respect for International Humanitarian Law**

A second major challenge for the ICRC is to contribute as efficiently as possible to improving the respect for International Humanitarian Law (IHL). IHL seeks to mitigate the suffering caused by war, first in that it aims at limiting the choice of means and methods of conducting military operations, and second in that, it obliges the belligerents to spare people who are not, or no longer, participating in hostilities.

In case of IHL violations, the ICRC sends representatives to the belligerents who are suspected of being responsible. Such representations are undertaken on a bilateral and confidential basis and are founded on factual information ICRC representatives have gathered in the field, complemented by testimonies collected from victims and eyewitnesses as well as information received from the authorities. In case of serious consequences for the civilian population due to ongoing hostilities, the ICRC may decide to make a public appeal to the belligerents for better respect of IHL. This was, for instance, the case when clashes between Government/ISAF forces and armed insurgents left more than 100 civilians dead near Kandahar, at the beginning of this month. To have an impact, (albeit a limited one) with such interventions, it is necessary to be accepted as a neutral and independent organization and not to take sides for one or the other party of the conflict. Again, a clear identity of the organization is essential for this endeavour.

## **ICRC relations with Civil-Military actors**

Not participating in an integrated approach but insisting on a clearly distinct identity does not mean that the ICRC wants to avoid contact with the military and civilian actors engaged in the integrated approach. On the contrary, as mentioned above, the ICRC needs to develop consistent working relationships with all parties and stakeholders present. The level of coordination and cooperation with civil-military actors depends on their status in a given situation. Since the deployment of international forces to Afghanistan, the relations between them and the ICRC have steadily become tighter and a constructive dialogue based mutual respect for the different objectives and mandates has been established.

The main issues regarding the relations and discussions between the ICRC and the international forces are:

- ICRC specialized staff contributes to pre-deployment briefings of ISAF troops: for instance this year, such briefings were given in Germany and Norway to NATO contingents that were going to be deployed to Afghanistan.
- ICRC delegates based in Kabul and in the provincial capitals meet regularly with ISAF commanders to discuss issues, related to the humanitarian consequences of confrontations with insurgents and the handling of detainees. The ICRC contributed to the considerations of ISAF IX, concerning the “standing operating procedures” with regard to detention matters.
- The ICRC is engaged in a dialogue with political and military policy and decision makers, paying particular attention to NATO, the U.S. and the EU. In 2006, for instance, we organized a “capital tour” to those countries providing soldiers to ISAF in the south, in order to discuss their reading of the situation and the legal consequences for these countries in case they get involved in fighting and, in particular, concerning detention matters.
- And finally yet importantly, the ICRC discusses ways to avoid confusion/blurring of lines between actors participating in civil-military cooperation and those engaged in humanitarian activities based on a neutral and independent approach.

## **Conclusion**

The objective of the ICRC's humanitarian action is not to settle conflicts but to protect human dignity and save lives. It bases its action on the mandate conveyed to it in the Geneva Conventions. In this sense, it clearly has a different role (and mandate) than actors involved in nation-building, reconstruction and fighting insurgency.

In order to access, protect and assist all victims of the conflict, the ICRC needs to engage in efficient working relationships with all parties of the conflict. It needs to be respected by them as a neutral and independent humanitarian actor. We strongly believe that it remains the best available means to provide a degree of protection to wounded soldiers, to those captured, and to civilians caught between fighting lines.

In Afghanistan, as in many other contexts, a substantial number of diverse actors are engaged in a multitude of assistance programs. The ICRC sees this diversity as complementary and beneficial in responding to the needs of the population, as long as this response is coordinated and aimed at effective action, based on the real capacities of the various organizations as well as in regard to their different roles and mandates.

## Karte Afghanistan

