

# RELATIONS BETWEEN THE COMPONENTS OF THE MOVEMENT AND MILITARY BODIES<sup>1</sup>

(adopted by the CoD 2005)

## Part I: Introduction

### 1. Strategy for the Movement

The present document constitutes a follow-up to Action 15 of the 2001 Strategy for the International Red Cross and Red Crescent Movement, adopted in Resolution 3 of the 2001 Council of Delegates. It responds to the Strategy's statement that, *"when establishing cooperative relationships with governments or the military, the Movement's components should make sure that they promote effective assistance and protection of victims of conflict and vulnerable people, and that they respect the Fundamental Principles"* of the Red Cross and Red Crescent.

*"Particularly in contexts where there is a trend towards integrating humanitarian action into a wider political and military framework, it is essential for the Movement to retain its identity as an independent, neutral and impartial humanitarian force. In situations where there are military operations, the components of the Movement need to clearly delineate their humanitarian activities from those carried out by military bodies and to explain their modus operandi to the latter"*<sup>2</sup>.

This document provides guidance aimed at enabling the Movement to preserve its identity and to coordinate its activities as far as possible with other entities, without compromising respect for the Fundamental Principles.

### 2. The Red Cross and Red Crescent Movement

National Red Cross and Red Crescent Societies, the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies are components of the International Red Cross and Red Crescent Movement. The humanitarian mission of the Movement is to prevent and alleviate human suffering wherever it is found, by means of independent, neutral and impartial humanitarian action.

The mandates of the Movement's three components are specified in its Statutes.<sup>3</sup> When fulfilling their mission and on the basis of their mandates, all components frequently interact with military bodies. In order to facilitate this interaction, the components generally maintain a dialogue with them. The components may establish and maintain cooperative relationships in order to carry out their mission.

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<sup>1</sup> The present document relates to all bodies and groups carrying out military tasks and operations.

<sup>2</sup> Action 15 of the Strategy for the International Red Cross and Red Crescent Movement - The implementation of this action does not affect the obligations of National Societies working as auxiliaries to the medical services of the armed forces, in accordance with Article 26 of the First Geneva Convention (see Part III.1).

<sup>3</sup> Statutes of the International Red Cross and Red Crescent Movement, in particular Articles 3 to 7.

### 3. Purpose and scope

The purpose of the present document is to provide general guidance on the relationship between the components of the Movement and military bodies, both in the national and international contexts. This relationship can arise in all kinds of situations: non-emergency peacetime, armed conflict, internal strife or other violence, and natural and/or technological disasters. Although a number of examples of interaction between the Movement and the military are explored below, these are not exhaustive. This document should be taken into account in all decisions by the Movement's components concerning their relations with military bodies. Its aim is to safeguard the independence, neutrality and impartiality of their humanitarian work.

### 4. General framework

In their relationships with military bodies, the Movement's components ensure that they promote effective assistance for and protection of the victims of conflict and vulnerable people, and that they respect the Fundamental Principles, in particular those of humanity, impartiality, neutrality and independence.

Relations between the Movement's components and military bodies must be conducted in particular within the following framework:

- the Fundamental Principles of the International Red Cross and Red Crescent Movement
- international humanitarian law (IHL), especially the four Geneva Conventions of 1949 and their Additional Protocols
- the Statutes of the International Red Cross and Red Crescent Movement
- the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief
- the Principles and Rules for Red Cross and Red Crescent Disaster Relief
- the Seville Agreement<sup>4</sup> and other mechanisms in force for coordination within the Movement
- other relevant resolutions and regulations adopted by the International Conference of the Red Cross and Red Crescent and the Council of Delegates, in particular on armed escorts<sup>5</sup> and the use of the emblems.<sup>6</sup>

## Part II: Guiding principles

### Principles guiding interaction between the components of the Movement and military bodies

In carrying out their mission, it is recognized that the components of the Movement often interact with military bodies. They do so on the basis of their mandates in areas relevant to their respective recognized roles and expertise. The guiding principles for such interaction are the following:

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<sup>4</sup> Agreement on the Organization of the International Activities of the Components of the International Red Cross and Red Crescent Movement, Council of Delegates Resolution 6, Seville, 1997

<sup>5</sup> Resolution 9, Council of Delegates, Geneva, 1995

<sup>6</sup> Resolution 5, Council of Delegates, Budapest, 1991

- While maintaining a dialogue with armed forces at all levels, the components of the Movement preserve their independence of decision-making and action, in order to ensure adequate access to all people in need of humanitarian assistance.<sup>7</sup>
- When establishing and maintaining relationships with military bodies, the components of the Movement ensure that such relationships seek to enhance effective assistance to and protection of the victims of armed conflict and vulnerable people.
- All components of the Movement ensure that their decisions are taken with due consideration for potential consequences for other components and the positioning of the whole Movement.
- All components of the Movement ensure that they act and are perceived as acting in accordance with the Fundamental Principles, in particular independence, neutrality and impartiality.
- Each component promote a clear distinction between the respective roles of military bodies and humanitarian actors, paying particular attention to perceptions locally and within the wider public.
- In their relations with military bodies, the components of the Movement ensure that their activities do not amount to a contribution to the military effort and are not perceived as such.
- The more military bodies are perceived as party to an armed conflict, the more the components of the Movement weigh the intensified need for interaction with those bodies against the consequences of such relations on their observance of the Fundamental Principles.
- The Movement's components always take care that their relationship with military bodies does not negatively affect the safety and security of beneficiaries and humanitarian personnel.

## **Part III: Specific considerations**

### **1. Relations between the Movement's components and military bodies on the latter's national territory**

#### **Dialogue**

National Societies generally maintain a dialogue with the military bodies in their respective countries. They exchange views and information on areas of possible interaction, including working methods and scope of activities, with a view to establishing mutual understanding of roles and mandates and mutual trust and respect. When other components of the Movement have contact with these military bodies on the territory covered by these National Societies, they must keep them informed of any activities planned or conducted.

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<sup>7</sup> It is recognized that National Society personnel, when acting as auxiliaries to the military medical services, are subject to military command (see Article 26 of the First Geneva Convention: "The staff of National Red Cross Societies and that of other Voluntary Aid Societies, duly recognized and authorized by their Governments, who may be employed on the same duties as the personnel named in Article 24, are placed on the same footing as the personnel in the said Article, provided that the staff of such societies are subject to military laws and regulations. Each High Contracting Party shall notify to the other, either in time of peace or at the commencement of or during hostilities, but in any case before actually employing them, the names of the societies which it has authorized, under its responsibility, to render assistance to the regular medical service of its armed forces.").

Components of the Movement may establish formal agreements or other arrangements with military bodies concerning issues such as dissemination, disaster-preparedness and -response, health, social welfare services, first-aid training, and tracing.

### **Activities**

On the basis of their mandates, the components of the Movement often interact with military bodies. Appropriate interaction includes:

- disseminating knowledge of IHL (including provisions on the emblems), the Fundamental Principles, and the mandates and activities of the components of the Movement
- helping military bodies to implement IHL
- ICRC work in accordance with its specific mandate and role
- working with military bodies in disaster-preparedness and -response, in accordance with the policies and framework set out at the national level
- health and social welfare services, as well as first-aid training
- tracing services, restoring family links and ascertaining the fate of missing persons.

### **National Societies as auxiliaries to the medical services of the armed forces**

According to Article 26 of the First Geneva Convention, a National Society may assist its national armed forces medical services during an armed conflict.<sup>8</sup> The National Society personnel then operate under the authority of the armed forces, while strictly adhering to the Fundamental Principles. In this auxiliary capacity, the main role of National Societies is to carry out medical activities on behalf of wounded and sick military personnel.

## **2. Relations between the Movement's components and the military deployed outside the latter's national territory**

### **Dialogue with military bodies**

When components of the Movement engage in a dialogue with military bodies at the international level, they inform and consult other components of the Movement for whom such dialogue can have operational implications.

### **International activities of the Movement's components**

All Movement components involved in international activities must safeguard the neutrality and independence of their work and clearly distinguish themselves from military bodies at all times. Movement coordination agreements and mechanisms must always be observed. National Societies working internationally (other than in the situation described by Article 26 of the First Geneva Convention) in the same theatre of operations as their national military forces take special care that they are not, and are not perceived to be, part of that military operation. This is particularly important if the armed forces in question are, or are perceived as being, party to the armed conflict.

### **Military bodies involved in missions outside their national territory**

As a matter of principle, special attention should be given to avoiding a situation in which a National Society is concurrently operating, within in the same country, as part of its national armed forces and as part of a humanitarian operation carried out collectively by the Movement.

In international armed conflicts or internationally mandated missions, a National Society may accompany the armed forces of its country abroad in its capacity as an auxiliary to the

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<sup>8</sup> The decision of the National Society is based on the Guiding Principles as set out above.

medical services of the armed forces. In such cases it should come to an agreement with the authorities of its country on the scope and manner of its involvement. National Societies who feel it is not their task to become involved in such operations, or who base their decision on whether to participate on certain criteria, inform their authorities of their position well in advance in order to enable the relevant military bodies to adequately plan possible operations of this type.

Where there is a trend towards integrating humanitarian action into a wider political and military framework, components of the Movement promote and safeguard a clear distinction between their humanitarian work and the military/political actions of others.

When one of the parties to an international armed conflict occupies part or all of the territory of another party to an armed conflict, the National Society of the occupying country must follow the policies and coordination mechanisms of the Movement, except in situations where it is acting under Article 26 of the First Geneva Convention.

Where military bodies are involved in disaster-response abroad and the National Society is asked to assist them in this, it make its decision in accordance with the general framework and guiding principles set out above.

### **3. Information-sharing with military bodies**

When relevant, components of the Movement share with military bodies with whom they are in contact information on the situation in humanitarian terms, provided that this does not threaten the neutrality and independence of their humanitarian action.

### **4. Participation in training and exercises**

Components of the Movement may participate in military training and exercises. When they do so, the purpose is to raise awareness among military bodies of the mandate(s) and activities of the Movement's components,<sup>9</sup> the Fundamental Principles and the protective role of the emblems, and to promote IHL. Whenever more than one component of the Movement is engaged in an exercise, they keep each other informed and duly coordinate their activities. Participation in exercises may also serve to promote mutual understanding between components of the Movement and military bodies.

### **5. Use of the emblems**

Components of the Movement must promote correct use of the emblems by all, including military bodies, and make widely known the provisions of IHL regarding legitimate use.

### **6. Use of military logistical assets by components of the Movement**

In contexts affected by armed conflict or strife or other violence, the use of military assets can have a negative impact on the way the whole Movement is perceived and on the independence of its decision-making. In other situations, such use may be in greater accordance with the Fundamental Principles. Even then, however, it may create precedents of cooperation that might be difficult to change subsequently.

In all cases, due consideration needs to be given to the setting of precedents, the need to preserve neutral and independent humanitarian action and the need to consult other components of the Movement.<sup>10</sup>

<sup>9</sup> In particular the role of National Societies in disaster-preparedness and disaster-response.

<sup>10</sup> The ICRC often provides contextualized guidance on such matters.

The use of military assets by a component of the Movement – particularly in countries affected by armed conflict and/or strife or other violence – should be a last resort: it can be justified only by the serious and urgent need for life-saving humanitarian action and when there is no alternative means of taking that action. Such a serious decision must be taken by the senior leadership of the organization concerned. Any use of military assets should be prompted by needs rather than by availability.

## **7. Use of escorts and armed protection**

Components of the Movement may not resort to armed protection. Exceptions can be considered only in cases defined by Resolution 9 of the 1995 Council of Delegates.<sup>11</sup>

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<sup>11</sup> The criteria are set out in the Report on the Use of Armed Protection for Humanitarian Assistance, adopted by the Council of Delegates (1995, Resolution 9). The Council of Delegates endorsed "the guiding principles laid down in Section III of the report and particularly the minimal criteria laid down for the exceptional use of armed protection of humanitarian convoys".