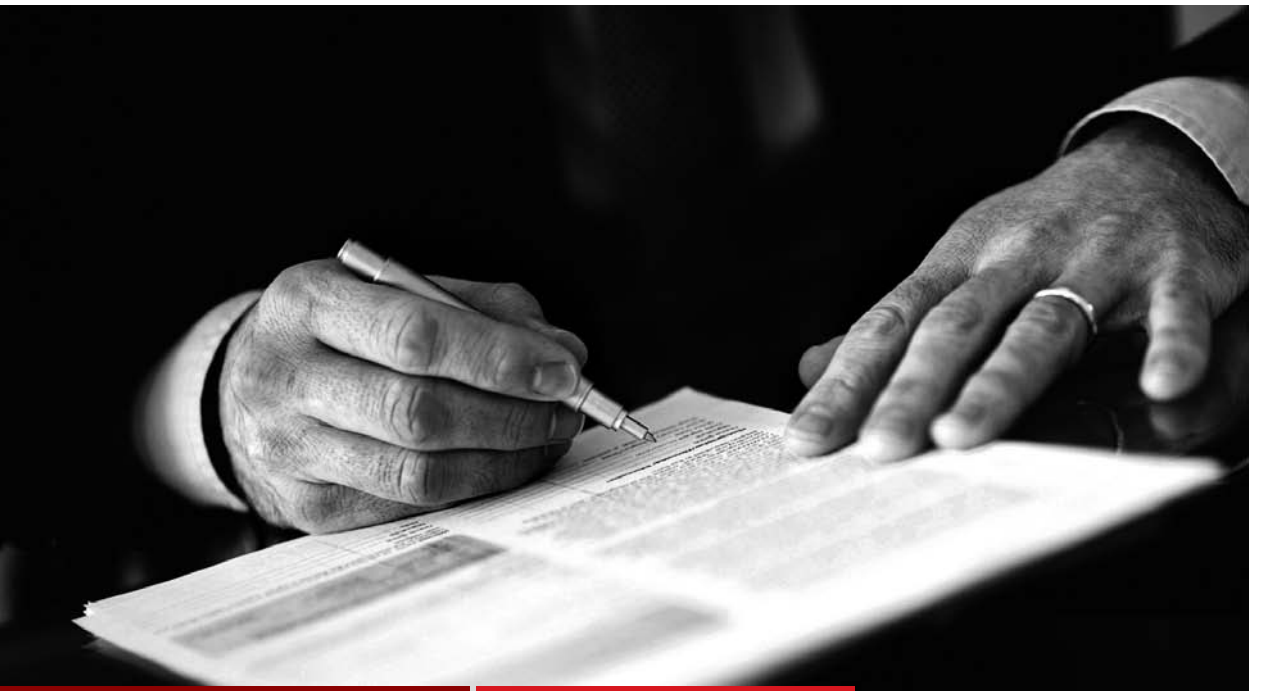

BRIDGING THE GAP BETWEEN POLICY & PRACTICE

THE EUROPEAN CONSENSUS ON HUMANITARIAN AID AND HUMANITARIAN PRINCIPLES

October 2011

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BRIDGING THE GAP BETWEEN POLICY & PRACTICE

THE EUROPEAN CONSENSUS ON HUMANITARIAN AID AND HUMANITARIAN PRINCIPLES

Main contributors:

Acronyms

BAR	[DFID's] Bilateral Aid Review
BMZ	Federal Ministry for Economic Cooperation and Development
CA	Civil Affairs
CAFOD	Catholic Agency for Overseas Development
CCAI	Centres for Integrated Coordination and Action
CERF	Central Emergency Response Fund
CHAP	Common Humanitarian Action Plan
CIMIC	Civil Military Cooperation
CAP	Consolidated Appeals Process
CODHES	Consultoría para los Derechos Humanos y el Desplazamiento
COHAFA	EU Council Working Group on Humanitarian Aid and Food Aid
DAC	Development Assistance Committee
DFID	Department for International Development
DRC	Democratic Republic of the Congo
DG ECHO	Directorate General for Humanitarian Aid and Civil Protection
EC	European Commission
EEAS	European External Action Service
EU	European Union
EUFOR	European Military Mission
FARC	Fuerzas Armadas Revolucionarias de Colombia
FCA	Forgotten Crisis Assessment
GHD	Good Humanitarian Donorship
GNA	Global Needs Assessment
HERR	Humanitarian Emergency Response Review
HPG	Humanitarian Policy Group
HPN	Humanitarian Practice Network
HRI	Humanitarian Response Index
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IFRC	International Federation of the Red Cross
IDP	Internally Displaced Person
IHL	International Humanitarian Law
MAR	[DFID's] Multilateral Aid Review
MCDA	Military & Civil Defence Assets [Guidelines]
MFF	Multi-annual Financial Framework
NGO	Non-Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODA	Official Development Assistance
ODI	Overseas Development Institute
OECD	Organisation for Economic Cooperation and Development
OFAC	Office of Foreign Asset Control
OFDA	Office of Foreign Disaster Assistance
PRT	Provincial Reconstruction Team
QIP	Quick Impact Project
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
USAID	United States Agency for International Development
VOICE	Voluntary Organisations in Cooperation in Emergencies

Foreword

The core humanitarian principles of humanity, neutrality, impartiality, and independence, as they are borne out of International Humanitarian Law and enshrined in the Red Cross/Red Crescent Code of Conduct for Humanitarian Action[1], provide a value base that underpins the day-to-day operations of humanitarian organisations in situations of both natural disasters and conflict. In particular in politicised and insecure environments, these principles can lay the foundations for trust and acceptance of assistance which enable NGOs, the Red Cross/Red Crescent Societies and UN agencies to operate.

[1] IFRC/ICRC (1996), The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Government Organisations (NGOs) in Disaster Relief [Online]. Available: http://www.ifrc.org/Global/Publications/disasters/code-of-conduct/code-english.pdf, (Accessed 10 May 2011)

At the heart of these principles is the concept of humanity, which encapsulates a universally shared belief in the fundamental dignity of every human being and requires that we provide help in their hour of need. For Caritas, as a confederation of 163 Catholic relief, development and social service organisations working to build a better world, the concept of humanity is seen, ultimately, as rooted in the Divine, introduced by Scripture and Catholic Social Teaching. Being created in the image of God, a human person is not just something but someone, with an indispensable value. This belief shapes and drives our work in Caritas.

This report uses the European Consensus on Humanitarian Aid (adopted in 2007) as a policy framework to examine adherence to humanitarian principles on the part of the European Union and its Member States. Caritas Europa, a network of 49 Caritas organisations on the European continent, hopes that it provides a useful contribution to on-going debates around the humanitarian principles in the context of, and the challenges posed by, a fast changing EU institutional environment. We encourage Caritas organisations to renew their efforts to promote and defend these principles in the course of their humanitarian response work as well as in policy and advocacy discussions with humanitarian donors and European Union Member States.

This report was commissioned by eight member organisations (Austria, Belgium, Czech Republic, England & Wales, France, Germany, Ireland and Spain) of Caritas Europa.
I would like to express my heartfelt gratitude to those who have conducted the research and done the major piece of writing, in particular Andy Featherstone, an independent consultant, with support of Anne Street (CAFOD), Helen Nic an Rí, Ciara O'Malley (Trócaire) and Harald Happel (Caritas Europa).

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Jorge Nuño Mayer
Secretary General, Caritas Europa

Executive summary

1 Humanitarianism Confused: The Blurring of Boundaries

Those providing humanitarian assistance today do so in a highly complex environment. Increasing frequency and severity of natural disasters has seen unprecedented numbers of people in need of humanitarian assistance. In violent conflicts, abuse of rights and the failure of states and non-state armed actors to observe the rules of war have confounded efforts to provide assistance to those who require it. In many of the world's most complex humanitarian crises the growth in the number and diversity of humanitarian actors, the subjugation of humanitarian priorities to foreign policy objectives and the conflation of military, political and humanitarian objectives constitute a significant threat to the delivery of impartial humanitarian assistance.

2 The Humanitarian Principles: The Basis for Establishing and Maintaining Access

The humanitarian principles of humanity, impartiality, neutrality and operational independence provide the fundamental foundations for humanitarian action. Based on international humanitarian law (IHL), they are considered essential for establishing and maintaining access to affected populations, whether in the context of a natural disaster, an armed conflict or in complex emergency settings. Whilst humanitarian principles are sometimes perceived as lofty theoretical undertakings, they are in fact an essential framework on which humanitarian actors build trust and acceptance of assistance. In politicised and insecure environments it is this trust that allows NGOs and UN agencies to provide life-saving assistance. When governments, militaries or donors seek to co-opt or undermine these universal principles, this trust between those providing and those receiving assistance can be damaged or destroyed and it can become too dangerous to assist those who most require it.

3 The European Consensus on Humanitarian Aid: Protecting and Promoting Principled Humanitarian Action

Building on the 2004 Good Humanitarian Donorship (GHD) initiative, the European Consensus on Humanitarian Aid (hereinafter referred to as the Humanitarian Consensus) was adopted in 2007 by the EU institutions and the Member States. It is a non-binding policy framework, complemented by an Action Plan agreed in May 2008. The Humanitarian Consensus sets out a common vision for humanitarian aid for EU institutions and Member States, outlining core principles and commitments.[2] It affirms the primacy of humanitarian principles and international law (including IHL, human rights law and refugee law), enshrines, a clear distinction between civil and military action in humanitarian crises, and confirms that humanitarian aid is not a crisis management tool. As such it is an important instrument for promoting principled humanitarian assistance, for guarding humanitarian space and for facilitating the delivery of aid to those most in need.

The EU and Member States have expressed their commitment to the humanitarian principles, as affirmed by the Humanitarian Consensus. This report demonstrates, however, that there is sometimes a gap between the policies which they have committed to and their implementation in practice, and that there are negative consequences resulting from this for humanitarian actors and ultimately for crisis-affected communities.

While the commitment of the EU Member States and EU institutions to the Humanitarian Consensus has ensured that the Humanitarian Aid General Directorate of the European Commission (ECHO) remains outside the remit of the European External Action Service (EEAS), the terms of the Lisbon Treaty require that humanitarian aid is conducted within the framework of the external action of the EU. An important implication of this is that there is now far greater potential for politicisation of humanitarian donorship, particularly in situations of conflict. Although coordination between the Commission and the European External Action Service is required, care has to be taken that humanitarian aid does not become a crisis management tool, as clearly stated in article 15 of the Humanitarian Consensus.[3] Therefore, a primary recommendation of this report to European decision makers is to ensure that the mandate of ECHO remains distinct from other Commission services and EU institutions so as to enable ECHO to deliver impartial and neutral humanitarian assistance and to advocate for principled humanitarian action.

A commitment across all EU institutions to principled humanitarian engagement and a shared undertaking not to use humanitarian aid as a crisis management tool will provide the strongest foundation for the provision of effective assistance to those affected by disaster and maintain the image of the EU as a quality humanitarian donor at global level. Caritas Europa calls on both EU institutions and Member States to show a greater political will to consistently put the Humanitarian Consensus into practice, in particular in terms of respecting and advocating for humanitarian principles and of ensuring donor practice is guided by them. Caritas Europa also asserts that monitoring should be strengthened at all levels and calls for an independent end-of-phase evaluation in 2013 of the impact of the Humanitarian Consensus and its Action Plan.

[2] European Union (2008), Joint Statement by the Council and the Representatives of the Governments of the member States meeting within the Council, the European Parliament and the European Commission: The European Consensus on Humanitarian Aid, Doc 2008/C 25/01 [Online]. Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF; European Commission (2008), Commission Staff Working Paper: European Consensus on Humanitarian Aid – Action Plan, Doc SEC (2008)1991 [Online]. Available at: http://ec.europa.eu/echo/files/policies/consensus/working_paper_en.pdf

[3] ECHO, European Consensus on Humanitarian Aid, article 15, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

In order for the Humanitarian Consensus to be credible in a context where key aspects of the framework are either unknown, misunderstood or ignored, there is an urgent need to continue to raise awareness throughout various EU institutions and those Member States' government departments involved in the delivery of humanitarian aid. Whilst several Member States have made considerable progress and have developed national policies and strategies with a strong reference to the Humanitarian Consensus, there are some EU countries where such frameworks are still missing. Commitment to the Humanitarian Consensus in national policy frameworks will in turn provide more transparency at national level, enabling national parliaments and civil society organisations to monitor adherence to the Humanitarian Consensus more closely. Where Member States do not meet their obligations and when donor governments' crisis responses contravene the spirit and the intent of the Humanitarian Consensus there needs to be a stronger commitment to collective action to address this.

Lastly, the report notes that the humanitarian principles need to be more strongly reflected in NGOs' organisational policies and decision-making procedures.

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Recommendations

Recommendations to the institutions of the European Union, to its 27 Member States and to non-governmental humanitarian actors

The EU and its Member States must renew their commitments to meeting obligations under the European Consensus on Humanitarian Aid and its accompanying Action Plan, and to the delivery of principled humanitarian aid. In particular the Caritas Europa Member Organisations recommend:

1 Primary Recommendations:

- That the **European Commission** establishes an independent end-of-phase evaluation in 2013 of the impact of the Humanitarian Consensus and its Action Plan to ensure a strong continued commitment to humanitarian principles post-2013.
- That the **European Council** ensures that the mandate of ECHO remains distinct from other Commission services and EU institutions so as to enable ECHO to deliver impartial and neutral humanitarian assistance and to advocate for principled humanitarian action.
- That **Member States** establish mechanisms for independent annual review of their commitments under the Humanitarian Consensus, including an assessment of adherence across relevant government departments (Foreign Relations, Development, Defence, Interior) and public disclosure of the findings.

2 Secondary Recommendations:

We further call on European Union Member States:

- To include reference to the Humanitarian Consensus in their national humanitarian strategies and policy papers, or in countries where they do not yet exist, to develop such strategies and policy papers.

We call on relevant European Union bodies:

- To ensure a clear distinction between the remit of the First Vice President of the European Commission and High Representative for Foreign Affairs and Security Policy and the remit of the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response.
- To make the findings of the Annual Review on the implementation of the Humanitarian Consensus and its Action Plan public.
- To develop and roll out training material on the Humanitarian Consensus and humanitarian principles to EU institutions and other humanitarian actors.

We call on NGOs:

- To monitor EU Member States' policies through actively engaging in National Platforms (as appropriate) in order to highlight and address practices where government implementation is not in line with the Humanitarian Consensus.
- To ensure that humanitarian principles are strongly reflected in their organisational policies and decision-making procedures on such issues as funding, models of operation, communication with beneficiaries and liaison with other actors in the field.

NGIPEYOK EDULCON FROM THE KAARUKO VILLAGE IN LOKORI, NORTHERN KENYA.
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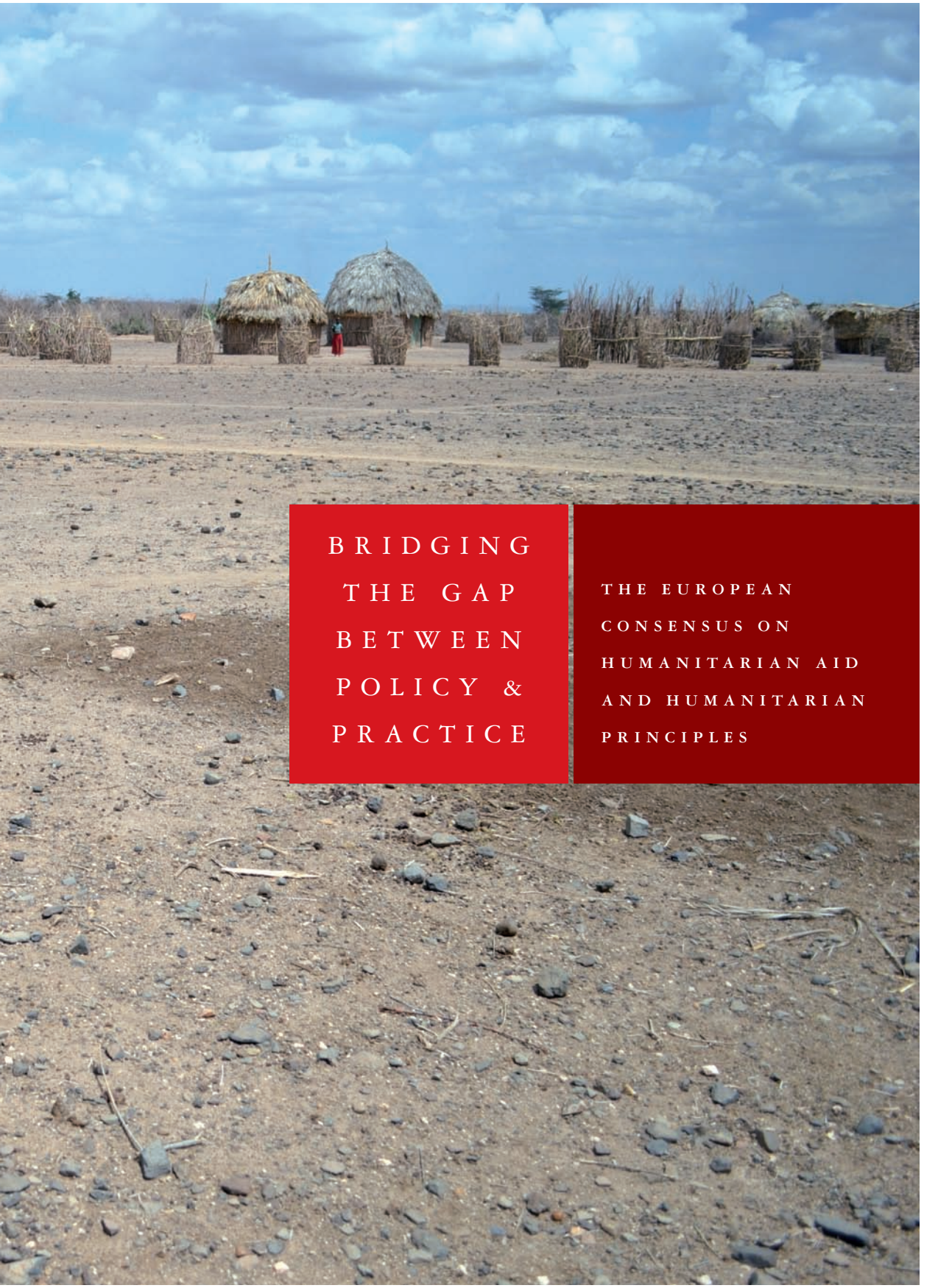

BRIDGING THE GAP BETWEEN POLICY & PRACTICE

THE EUROPEAN CONSENSUS ON HUMANITARIAN AID AND HUMANITARIAN PRINCIPLES

Introduction

There is no doubt that those providing humanitarian assistance today do so in a highly complex environment. Increasing frequency and severity of natural disasters has seen unprecedented numbers of people in need of humanitarian assistance, and in conflicts, abuse of rights and the failure of states and non-state armed actors to observe the rules of war have confounded efforts to provide assistance to those who require it. In many of the world's most complicated humanitarian crises, the growth in the number and diversity of humanitarian actors, the subjugation of humanitarian priorities to foreign policy objectives and the conflation of military, political and humanitarian objectives constitute a significant threat. While humanitarianism has always welcomed diversity, whilst at the same time being vulnerable to attempts to co-opt or manipulate it, what is different is the increasing complexity and multiplicity of challenges being faced now, and probably into the future, which have the potential to damage the construct of principled humanitarianism and people's perception of it.

HUMANITARIAN PRINCIPLES – THE BASIS FOR ESTABLISHING AND MAINTAINING ACCESS

The humanitarian principles of humanity, impartiality, neutrality and operational independence provide the fundamental foundations for humanitarian action. Based on international humanitarian law (IHL), they are considered essential for establishing and maintaining access to affected populations, whether in the context of a natural disaster, an armed conflict or in a complex emergency. At the core of these principles is the universal shared belief in humanity. This is reflected by all major religions, prescribing that the sick and suffering should be assisted irrespective of race, creed or culture. Humanitarian actors know by experience: adherence to a principled approach to humanitarian aid builds trust for the acceptance of assistance. In politicised and insecure environments it is this trust that allows NGOs, the Red Cross/Red Crescent Societies and UN agencies to provide life-saving assistance.

HAITI EARTHQUAKE CARITAS AND WRECKAGE
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While it is recognised that political crises require political solutions, donor policies which explicitly prioritise security or foreign policy interests over a commitment to a principled humanitarian approach compromise the effectiveness of needs-based delivery of humanitarian aid. There is little surprise, then, that many of the countries where it is most difficult to access those needing assistance are those where humanitarian action has been politicised. In environments such as these, a lack of trust and misperceptions about the impartiality and independence of humanitarian assistance can create a vicious circle of declining access to those most in need of assistance and increasing insecurity for aid workers. The fact that aid worker casualties are highest in Afghanistan, Sudan and Somalia bears this out.[4]

[4] A. Stoddard, A. Harmer and V. DiDomenico (2009), Providing Aid in Insecure Environments: 2009 Update, HPG Policy Brief 34 [Online]. Available at: http://www.odi.org.uk/resources/download/3250.pdf

BOX 1

Humanitarian Principles Defined[5]

Humanity: Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.

Neutrality: Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

Impartiality: Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions.

Operational Independence: Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

HUMANITARIAN PRINCIPLES & THE EUROPEAN CONSENSUS ON HUMANITARIAN AID

In recent years, the failure of the humanitarian community to overcome these challenges has seen humanitarian principles eroded and humanitarian space reduced and has created an increasingly complex and potentially dangerous operating environment for humanitarian actors. The status quo poses many challenges to independent humanitarian action and to the ability of NGOs to remain committed to the humanitarian principles from which they derive their legitimacy.

However, it would be wrong to paint too gloomy a picture. Given the basis of humanitarian principles in IHL, governments have an important role to play in their promotion and defence. Over the last ten years there has been progress made towards strengthening collective practice amongst donors. One of the most significant contributions to this has been the coming together of donors under the banner of the Good Humanitarian Donorship (GHD) framework, which has allowed for the development of consensus around a wide-ranging agenda for good humanitarian donor policy and practice.[6]

Building on the GHD initiative, the European Consensus on Humanitarian Aid (hereinafter referred to as the Humanitarian Consensus) was adopted in 2007 as a policy framework (complemented by an Action Plan agreed on in May 2008). The Humanitarian Consensus is a Joint Statement by the Council of the European Union, the European Parliament, the European Commission and Member States which sets out a common vision for humanitarian aid at EU level.[7] It affirms the primacy of humanitarian principles and international law (including IHL, human rights law and refugee law), enshrines a clear distinction between civil and military action in humanitarian crises, and confirms that humanitarian aid is not a crisis management tool. Although its non-binding nature means that compliance depends on goodwill rather than sanctions or treaty obligations, it is an important instrument for promoting principled humanitarian assistance, for guarding humanitarian space and for facilitating the delivery of aid to those most in need.

[5] OCHA, OCHA on Message: Humanitarian Principles [Online]. Available at: http://ochanet.unocha.org/p/Documents/OOM_HumPrinciple_English.pdf (accessed 10th July 2011)

[6] Good Humanitarian Donorship, [Online]. Available at www.goodhumanitariandonorship.org, (Accessed 20 September 2011)

[7] ECHO, European Consensus on Humanitarian Aid, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011))

Contextualising the Humanitarian Challenge

While the humanitarian principles have provided a foundation for humanitarian assistance for many decades, they have also proved fragile. Despite successive studies having affirmed their universality, they remain susceptible to political manipulation, which has been a growing cause for concern in recent years.[8] At the same time that global humanitarian need has increased to new levels, so too has the risk of coercion of humanitarian action by those who would use it for political purposes, or of its co-option by military powers who consider it a tool for winning hearts and minds.[9] This has complicated efforts to provide assistance to those who need it.

PRINCIPLES, POWER & POLITICS

"Collectively the EU provides the largest share of current official international humanitarian aid, comprised of Community and EU Member State bilateral contributions. As such the EU has both the experience and the duty to ensure that its overall contribution to the humanitarian response is effective and appropriate, underpins the international humanitarian effort to deliver aid to people in need, and addresses adequately the challenges facing humanitarian actors today,,[10]

Despite statistics showing increases in the proportion of non-OECD countries contributing funds to emergency responses, humanitarian aid remains largely dominated by western donors. In 2008, which is the last year for which there is a complete data set, it is estimated that over 91% of formal aid flows originated in DAC countries.[11] Furthermore, the humanitarian assistance provided by the EU and Member States accounts for the largest proportion of this total. Although this highlights the significant contribution made by a handful of donors, with the humanitarian purse strings in so few hands, it also provides them with an unprecedented ability to shape the humanitarian environment. While the Humanitarian Consensus seeks to use this influence to support humanitarian actors to provide principled humanitarian assistance, there is increasing concern that this power can also be used to further geopolitical goals, particularly ones connected to counter-insurgency strategies.

[8] For further in-depth analysis of the universality of humanitarian principles see Donini, A. et al. (2008), Humanitarian Agenda 2015: Final Report, the State of the Humanitarian Enterprise, Feinstein International Centre, Tufts University [Online]. Available: https://wikis.uit.tufts.edu/confluence/display/FIC/Humanitarian+Agenda+2015+--+The+State+of+the+Humanitarian+Enterprise, (Accessed 10 May 2011)

[9] The 2011 UN consolidated appeal is the largest to date, targeting 50 million people and requesting an unprecedented US$7.4 billion. For further details see UN (2010), Humanitarian Appeal 2011: Consolidated Appeal Process [Online]. Available: http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1911, (Accessed 13 August 2011)

[10] ECHO, European Consensus on Humanitarian Aid, article 5, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[11] Global Humanitarian Assistance (2010), Global Humanitarian Assistance Report 2010, Development Initiatives [Online]. Available: http://www.globalhumanitarian-assistance.org/wp-content/uploads/2011/07/gha-report-2011.pdf, (Accessed 12 May 2011)

BOX 2

The Erosion of Humanitarian Principles in Colombia

Since 1985, 5.2 million people have been internally displaced in Colombia, with an additional 280,041 displaced in 2010 alone.[12] In 2009, UNHCR estimated that 3.7 million people were in need of international protection, the highest number in any country in the world. Violations of international humanitarian and human rights law committed by all parties to the conflict are similarly high.

One of the world's largest civil-military operations in a humanitarian crisis is taking place in Colombia but the dangers this poses to impartial and neutral humanitarian action and the population remain largely unknown.[13] In 2009, the Colombian Government developed and formalised a civil-military strategy, the 'National Plan of Integrated Consolidation', the purpose of which is to secure, defend and consolidate the government's control over the fourteen fiercest conflict zones by establishing 'Centres for Integrated Coordination and Action' (CCAI)[14]. These Centres closely link military and intelligence activities with humanitarian, rehabilitation and development 'social programmes', and are directly coordinated and organised by the civil government agency, 'Agencia Presidencial para la Acción Social y la Cooperación Internacional'. This strategy is based on the Provincial Reconstruction Teams (PRT) used by NATO in Afghanistan. In Colombia's case the military is primarily responsible for implementation and, although a token civil society voice is represented by Acción Social, the resulting policy direction is strongly influenced by military strategy and thinking.

'Embedded' social programmes are implemented in CCAI regions where there are concentrations of armed conflict and high levels of crime against civilians. These are primarily committed by FARC guerrillas who have a long history of influence and atrocities in the region, and by groups of armed bandits, many originating from disbanded paramilitary groups as well as some abuses meted out by government forces. All of this has led to widespread forced displacement which is also linked to large-scale land appropriation for economic interests and investments. The local population and civilian organisations are forced to cooperate with these social programmes and often can only benefit from them if they help with intelligence gathering, which places them at significant risk. Humanitarian organisations and their local partners, who are committed to principled humanitarian assistance, risk jeopardising their safety and access if they are connected to these programmes.

The Colombian Government places considerable pressure on international donors and humanitarian organisations to channel and coordinate their aid in accordance with the National Plan of Integrated Consolidation and the CCAI. During the survey work for the 2010 Humanitarian Response Index (HRI) Switzerland and Spain were singled out for praise by many humanitarian organisations interviewed for not accepting the Colombian Government's stance and for explicitly framing their humanitarian assistance as a response to armed conflict. Sweden was considered to be one of the few donors who challenged the government's post-conflict discourse and who supported advocacy efforts in support of humanitarian action.[15] Other donors preferred not to openly disagree with the government, a stance that was considered 'deeply disappointing' by humanitarian agencies from whom there was an almost universal demand for more action.[16] In the absence of a concerted donor approach to addressing these issues, humanitarian space in these parts of Colombia is being reduced and humanitarian action is being used for political, military and strategic ends.

[12] This is according to Consultoría para los Derechos Humanos y el Desplazamiento (CODHES), a Colombian human rights organisation.

[13] Lucht, R. (2011), "Colombia - the dangers of civil-military cooperation in a forgotten humanitarian crisis", VOICE Out Loud, Issue 13, May, p.11 [Online]. Available: http://www.ngovoice.org/documents/voice%2013%20HD.pdf, (Accessed 18 August 2011)

[14] For a more detailed explanation and independent monitoring report of the consolidation plan see http://ccai-colombia.org/ 2011/05/24/in-troubled-tumaco-little-progress-2/, (Accessed 19 August 2011)

[15] DARA (2010), The Humanitarian Response Index 2010: The problems of politicisation, p.145 [Online]. Available: http://daraint.org/wpcontent/uploads/2010/10/Complete-report_HRI-2010.pdf, [Accessed 10 May 2011]

[16] Ibid

PRESERVING THE INDEPENDENCE OF HUMANITARIAN ACTION

"Respect for independence means the autonomy of humanitarian objectives from political, economic, military or other objectives and serves to ensure that the sole purpose of humanitarian aid remains to relieve and prevent the suffering of victims of humanitarian crises." [17]

In the last three years the move towards more clearly articulating the linkages between aid, security and foreign policy as a core part of donor humanitarian policies has become pervasive. In its 2009 aid allocation policy, France prescribed that its criteria for selecting aid recipients would include their importance to French national defence and counter-terrorism strategies in addition to five needs-based criteria.[18] Similarly, the UK's 2010 Strategic Defence and Security Review commits to tackling the root causes of instability through "an effective international development programme making the optimal contribution to national security within its overall objective of poverty reduction, with the Department for International Development focussing significantly more effort on prioritising national security and fragile states."[19] This shift in focus from needs-based to securitisation priorities is reflected in the emergence and growing pre-eminence of an international 'stabilisation' agenda which includes 'a combination of military, humanitarian, political and economic activities to control, contain and manage areas affected by armed conflict and complex emergencies.'[20]

While the argument for an inclusive approach to aid that recognises peoples' right to security and access to justice in addition to their basic needs is valid, it is critical that efforts to provide these are based on the needs of affected people and states rather than on donor priorities. In complex political crises such as Afghanistan and Somalia, it is important to recognise the need for a political process which may require integrated approaches across a range of policy areas from an array of actors. However, this should not mean subsuming humanitarian assistance into defence or foreign policy.[21] In responding to crises, humanitarian principles provide a very practical means of building trust and working in solidarity with people who are in need of assistance. It is when response becomes politicised or linked to a political or military agenda that trust is broken. This can have important implications for safely and effectively accessing those most in need.

In Article 22, the Humanitarian Consensus explicitly outlines the relationship of humanitarian principles to other policies, including development cooperation, crisis management, civil protection and consular assistance. While it recognises the importance of coherence and complementarity in achieving the most effective use of the various instruments, it makes the important assertion that the principles that apply to humanitarian aid are distinct from these other forms of assistance. It is this distinction that is essential for creating an environment that allows safe and unimpeded access to people in need of assistance, particularly in areas of conflict.

[17] ECHO, European Consensus on Humanitarian Aid, article 14, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[18] République Française (2010), Document de Politique Transversale: Politique Française en faveur du Développement [Online]. Available: http://www.diplomatie.gouv.fr/fr/IMG/pdf/DPTapd.pdf, (Accessed 18 August 2011).

[19] HM Government (2010), Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review, p.11 [Online]. Available: http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/documents/digitalasset/dg_191634.pdf?CID=PDF&PLA=furl&CRE=sdsr, (Accessed 13 May 2011)

[20] Collinson, S., Elhawary, S. & Muggah, R. (2010), States of Fragility: Stabilisation and its Implications for humanitarian action; HPG Working Paper, May, p.3 [Online]. Available: http://www.odi.org.uk/resources/download/4881.pdf, (Accessed 18 August 2011)

[21] Saferworld (2011), The securitisation of aid? Reclaiming security to meet poor people's needs [Online]. Available: http://www.saferworld.org.uk/resources/view-resource/505, (Accessed 11 May 2011)

SOMALIA. MOHAMMAD FAMILY
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AFGHANISTAN, PROVINCE DAIKUNDI, HAZARAJAT
WATER AND INFRASTRUCTURAL PROJECT
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BOX 3

Threats to Principled Assistance in Afghanistan

Relief organisations have voiced concern that progress in meeting humanitarian needs in Afghanistan is being hampered by the insistence of donors that humanitarian needs play a less important role in Afghanistan than other factors. Instead, many donor strategies have prioritised Western military and aid intervention on post-conflict recovery and the building of Afghan military and civilian capacity. The de-prioritisation of humanitarian assistance in this way is challenged by humanitarian agencies, whose concerns about the politicisation of assistance to Afghanistan are echoed by the 2010 HRI report, which notes 'that with the exception of ECHO, Norway and Switzerland, donors do not defend the principled humanitarian approaches defined by the GHD.'[22]

Rather than providing needs-based funding, political and military conditions have been placed on the use of funds to direct aid towards specific areas linked to military presence. For example, the German Ministry for Economic and Development Cooperation established a new funding line of €10 million which was open only to those NGOs willing to implement projects in Northern Afghanistan where the German army is based. The funding offer was further linked to an agreement to exchange information with the army. This not only undermines the principle of impartiality and neutrality but also that of independence, creating significant security risks for NGOs that are perceived as cooperating with the German military.

While humanitarian organisations have at times struggled to distinguish themselves as guardians of humanitarian principles, donor policies which explicitly prioritise security interests over meeting humanitarian needs serve to undermine efforts to provide principled assistance.[23] In such instances there is little doubt that Donino et al (2008) are not far off the mark in concluding that "coherence and integration agendas increase the risk that humanitarians will be seen as 'guilty by association' with political and stabilisation agendas and, more broadly, with the failings of internationally supported reconstruction efforts".[24]

[22] DARA (2010), The Humanitarian Response Index 2010: The problems of politicisation, p.135 [Online]. Available: http://daraint.org/wpcontent/uploads/2010/10/Complete-report_HRI-2010.pdf, [Accessed 10 May 2011]

[23] Whittall, J. (2011), "'We don't trust that': politicised assistance in North-West Pakistan", Humanitarian Exchange Magazine, Issue 49, February, pp.14-6 [Online]. Available: http://www.odihpn.org/search_results.asp?searchText=Humanitarian+Exchange+Magazine, (Accessed 9 May 2011)

[24] Donini et al., Humanitarian Agenda 2015, p.24

THE PROVISION OF IMPARTIAL, NEEDS-BASED ASSISTANCE

"The EU affirms its commitment to ensuring a balance of response between different crises based on need, including aid for protracted crises. Forgotten crises or crises where intervention is particularly difficult and where the overall international humanitarian response is inadequate, warrant special attention from the EU. Neglected needs in response to specific crises also deserve particular consideration."[25]

One consequence of the aid coherence agenda has been a growth in donor efforts to focus their resources on 'fragile states'.[26] While this is laudable as many fragile states have significant humanitarian need, they are often also countries where there are perceived to be national security threats or where donors have committed military resources. One of the implications of this shift in donor policy is that countries outside of the foreign policy spotlight can miss out. While operational access constraints such as security have at times precluded the provision of assistance to countries in dire need of assistance, the disproportionate value of humanitarian aid to places where donors are also combatants is particularly striking. Oxfam estimates that despite having comparable levels of need, since 2001, the Democratic Republic of Congo's (DRC) population has received at best $10 per head per year in international assistance while people in Iraq, a far wealthier country, have in some years received over twelve times that amount.[27]

The EU, through ECHO, is one of the few donors that has sought to develop tools to promote the impartiality of their assistance (see box 4 below). This represents good practice in principled humanitarian donorship and provides a model for Member States to replicate.

[25] ECHO, European Consensus on Humanitarian Aid, article 33, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[26] The OECD defines fragile states as 'those failing to provide basic services to poor people because they are unwilling or unable to do so.' OECD (2007), Glossary of Statistical Terms [Online]. Available: http://stats.oecd.org/glossary/detail.asp?ID=7235, (Accessed 19 August 2011)

[27] Oxfam International 2011, Whose Aid is it Anyway? Politicizing aid in conflicts and crises, 145 Oxfam Briefing paper, p.10 [Online]. Available: http://www.oxfam.org.uk/resources/policy/debt_aid/downloads/bp145-whose-aid-anyway-100211-en.pdf, (Accessed 12 May 2011)

[28] European Commission (2010), Commission Staff Working Document, Directorate-General for Humanitarian Aid and Civil Protection – ECHO Operational Strategy 2011, Doc SEC(2010) 1428 [Online]. Available: http://ec.europa.eu/echo/files/policies/strategy/strategy_2011_en.pdf, (Accessed 18 August 2011)

BOX 4

Good Practice in Identifying and Earmarking Funds for Forgotten Emergencies

In order to target its funding to those most in need of aid, ECHO adopts a two-pronged approach: in coordination with humanitarian actors, a Global Needs Assessment (GNA), one of the few globally comparable indices of humanitarian need, is conducted, which categorises humanitarian need in 139 developing countries which have recently experienced crisis. This is tempered by a Forgotten Crisis Assessment (FCA) that attempts to identify crises that have been overlooked or neglected by the international humanitarian community and/or the global media. In 2011, countries or territories identified by the GNA as extremely vulnerable will receive humanitarian and food aid worth 71% of the planned budget. Furthermore, 10 crises in 12 countries have been identified as 'forgotten' for the purposes of allocating 2011 funding. At the time the 2011 Operational Strategy was prepared, 10% (€55 million) of the planned geographical humanitarian and food aid budget allocation was being earmarked for these forgotten crises.[28]

A second challenge to the principle of impartiality is donor regulations that forbid or place restrictions on the delivery of aid in areas under the control of specific, listed non-state armed actors as part of counter-terrorism policies. Such policies are often unclear and practice between different donors varies widely. Best known is the US counter-terrorism legislation which criminalises certain actions and is applicable to agencies funded by the US Agency for International Development (USAID) or the US Office for Foreign Disaster Assistance (OFDA). However, there are also laws in Canada, the UK, Australia, Colombia, Pakistan, Sri Lanka and the Philippines which place various restrictions on aid and humanitarian actors.

In order to deliver aid to those who need it most, humanitarian agencies have to work with or alongside whatever local authority structures are in place in a given context, regardless of the politics they represent. It is often in contexts where governance is weak or contested that humanitarian need can be greatest. Counter-terrorism policies that criminalise or restrict contact with listed or proscribed organisations in such contexts fundamentally contradict humanitarian principles and potentially place crisis-affected communities beyond the reach of aid. Moreover, such policies raise questions about funding and long term donor support for assistance in complex emergencies, as well as affecting perceptions of the neutrality and impartiality of aid.[29]

[29] For a fuller discussion see HPCR (2011), Humanitarian Action under Scrutiny: Criminalizing Humanitarian Engagement [Online]. Available: http://c0186748.cdn1.cloudfiles.rackspacecloud.com/HPCR%20CHE%202011.pdf, (Accessed 12 May 2011)

BOX 5

Politicisation of Aid and the Impact of Anti-terrorism Laws on Humanitarian Assistance in Somalia

There are many factors that render the delivery of humanitarian aid in Somalia difficult, but the politicisation of the humanitarian context there, and the enforcement of tight restrictions by key donors on the delivery of aid in certain areas as part of a global war on terror strategy, have impacted negatively on humanitarian access and have helped undermine the principled delivery of humanitarian aid to those most in need.

The US Treasury, for example, has listed the Islamic rebel group al-Shabaab a terrorist group, with the result that US aid channelled to Somalia has been drastically reduced in recent years, and US counter-terrorism legislation has criminalised "material support" for listed groups, creating considerable uncertainty for humanitarian organisations operating in al-Shabaab-controlled areas.[30] This uncertainty about the potential implications of anti-terrorism policies and legislation has contributed to the unwillingness of many agencies to accept US funding. Those agencies that are prepared to accept these funds can face a harsh dilemma. As one commentator notes, "NGOs and UN agencies operating in these regions have no choice but to work [alongside] local al-Shabaab commanders to distribute critically needed humanitarian aid. But by doing so, they risk criminal prosecution in the US due to anti-terrorism laws."[31]

The unfolding 2011 crisis in the Horn and East Africa region, which has had a devastating impact in Somalia, appears to have led (at the time of writing) to some easing of restrictions on the use of US funds by the Office of Foreign Asset Control (OFAC), a body within the US Treasury Department, as long as agencies pledge their best efforts to ensure that al-Shabaab does not profit from their aid.[32] The implications of such statements for the

continued on page 18

[30] Department of Justice (2001) Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001, [Online], Available: http://frwebgate.access.gpo.gov/cgibin/getdoc.cgi?dbname=107_cong_public_laws&docid=f:publ056.107.pdf, (Accessed 01 September 2011)

[31] DARA (2010), Albertien Van Der Veen: "There is a very dangerous erosion of humanitarian principles in Somalia" [Online]. Available: http://daraint.org/2010/11/04/771/albertien-van-der-veen-there-is-a-very-dangerous-erosion-of-humanitarian-principles-in-somalia/, (Accessed 18 August 2011)

[32] The New York Times, (2011), State Department Reassures Aid Groups Aiding Somalia in Food Crisis, The Associated Press, Available: http://www.nytimes.com/2011/08/03/world/africa/03somalia.html, (Accessed 01 September 2011)

delivery of humanitarian aid in real terms remain unclear, however. They are vague and provide no indication of whether restrictions will be tightened again once the emergency phase passes. Moreover, other criminal provisions more than likely continue to apply and the authority of OFAC to determine matters of criminal justice in the first place is questionable. Besides, as the humanitarian context in Somalia has now been politicised to such an extent, many humanitarian actors are still not in a position to respond, even with restrictions lifted.

The strong anti-terrorist stance taken by donors, which has had the effect to date of restricting assistance to some of the most crisis-affected areas, has arguably reinforced perceptions of the partiality of aid in Somalia. With aid seen as a non-neutral political tool, al-Shabaab is wary of attempts by the international community to respond in Somalia. The recent declaration of famine by the UN in certain areas, for example, was dismissed by al-Shabaab as political propaganda.[33] Ultimately, this politicisation of the humanitarian crisis by all actors has serious consequences for people and communities in extreme need, as access to them is so restricted. Access is not impossible, however; those agencies who have managed to remain operational in Somalia have done so by adhering strictly to humanitarian principles and to their commitments as neutral and impartial actors.

MULTI-DIMENSIONAL MISSIONS AND MILITARY HUMANITARIANISM

"Under very specific conditions, humanitarian aid may draw upon military assets, notably for logistical and infrastructure support mainly in the context of natural disasters… In order to avoid a blurring of lines between military operations and humanitarian aid, it is essential that military assets and capabilities are used only in very limited circumstances in support of humanitarian relief operations as a 'last resort'...military assets that are unique in capability and availability can meet a critical humanitarian need."[34]

The military's role in responding to humanitarian crises is not a new one and, working under the mandate of the UN General Assembly, the Inter-Agency Standing Committee (IASC) has developed clear policy frameworks for the coordination of civil–military action.[35] While engagement has historically been focused on facilitating the provision of humanitarian assistance as a 'provider of last resort', in recent years there has been a shift in approach. The move towards multi-dimensional missions, either within or outside a UN mandate, has seen an expanded role for military powers as part of a whole-of-government approach that integrates political, military and humanitarian functions under a single structure.[36]

[33] U.S. Department of State (2011), Background Briefing on Somalia and Delivery of Humanitarian Assistance [Online]. Available: http://www.state.gov/p/af/rls/spbr/2011/169479.htm, (Accessed 16 August 2011)

[34] ECHO, European Consensus on Humanitarian Aid, article 61, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[35] IASC (2003), Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies [Online]. Available: http://coedmha.org/Media/Guidance/3MCDAGuidelines.pdf, (Accessed 18 August 2011); IASC (2001), Use of Military or Armed Escorts for Humanitarian Convoys and IASC (2004), Civil–Military Relationship in Complex Emergencies – An IASC Reference Paper [Online]. Available: http://ocha.unog.ch/drptoolkit/PNormativeGuidanceSpecificIssues.html#CivMil, (Accessed 18 August 2011). Various (2006), Guidelines On The Use of Military and Civil Defence Assets in Disaster Relief – "Oslo Guidelines". Various (2006), Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies, 'MCDA Guidelines', Available: http://ocha.unog.ch/drptoolkit/PNormativeGuidanceSpecificIssues.html#CivMil, (Accessed 18 August 2011)

[36] Oxfam International (n.d.), Policy Compendium Note on Multi-Dimensional Military Missions & Humanitarian Assistance [Online]. Available: http://www.oxfam.org.uk/resources/policy/conflict_disasters/downloads/oi_hum_policy_intervention_missions.pdf, (Accessed 13 May 2011)

The use of 'hearts and minds' tactics to boost the acceptance of state authorities or foreign powers has been particularly contentious, as it challenges the distinction between humanitarian and military action required by international humanitarian law, a distinction essential for the safety of crisis-affected people and humanitarian workers. The assistance element of such missions is delivered through quick impact projects (QIP). These projects are often (although not exclusively) delivered by military forces or private contractors and are designed to provide short-term humanitarian or development gains through fast, small-scale, infrastructural projects such as road-construction or school building. Despite their objectives of short-term security or political gain, evidence suggests that they are rarely as effective or cost-efficient as planned. Recent studies have also suggested that rather than winning hearts and minds, local communities are often unconvinced of the value of QIPs. There is a growing body of evidence (from Kenya, Afghanistan and Pakistan) to suggest the very limited impact such projects have.[37]

Emerging military doctrine has done little to reinforce the separation between military forces and humanitarian agencies. One US counter-insurgency guide, for example, identified humanitarian organisations as an "independent and often credible source of ground truth about the areas in which they work", with humanitarian activities now considered a basic building block for winning "hearts and minds… from insurgents and extremists".[38] The co-option of humanitarianism in this way poses a significant threat to legitimate humanitarian action and the negative impact is exacerbated when military forces have not taken sufficient care to distinguish themselves from humanitarian staff, or have proactively encouraged the blurring of lines between the military, political and humanitarian functions of an international response.

Given the growing involvement of military engagement in humanitarian action, it seems no coincidence that the countries that have witnessed the greatest number of attacks on humanitarian staff are also ones with foreign military powers.[39] With this in mind it has become essential that the EU and Member States work more closely with the UN and humanitarian organisations to weigh up the costs and benefits of military engagement, and in instances where civil protection and military assets are deployed ensure that a clear distinction is made. On this, the preparations for a potential EUFOR Mission to Libya in 2011 provide reason for cautious optimism (see box 7 below).

A number of foreign military contingents were involved in the initial response to the earthquake in Haiti in 2010, for example playing a useful role in enabling the airport to operate. However some national governments went beyond the 'last resort' guideline in the execution of their national response. A case in point was the Spanish government, which channelled a large percentage of its budget for the Haiti emergency through its armed forces, providing 450 soldiers in an amphibious craft which dispensed aid in a coastal city where NGOs were already providing water and sanitation, thus risking the blurring of perceptions and compromising the efficiency of the response through limited coordination or the sharing of needs assessments with humanitarian actors already delivering aid.[40]

ESCORT MONUSCO
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[37] Bradbury, M. & Kleinman, M. (2010), Winning Hearts and Minds? Examining the Relationship between Aid and Security in Kenya, Feinstein International Centre, Tufts University [Online]. Available: http://www.humansecuritygateway.com/showRecord.php?RecordId=32759, (Accessed 11 May 2011); Wilder, A. (2010), Aid & Stability in Pakistan: Lessons from the 2005 Earthquake Response, Disasters, vol. 34, pp.406-26 (ODI: London); Oxfam International et al. (2009), Quick Impact, Quick Collapse: The Dangers of Militarized Aid in Afghanistan [Online]. Available: http://www.oxfam.org/sites/www.oxfam.org/files/quick-impact-quick-collapse-jan-2010.pdf, [Accessed 13 May 2011]

[38] Schweiss, C.M. & Rowe, J. (2007), Irreconcilable Differences? Emerging U.S. Military Doctrine and Humanitarian Space, in Meharg, S.J. (ed.), Helping Hands and Loaded Guns: Navigating the Military and Humanitarian Space, pp.194-5 [Online]. Available: http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-25037.pdf, (Accessed 11 May 2011)

[39] Sudan, Somalia and Afghanistan see Stoddard et el., Providing Aid in Insecure Environments

[40] Oxfam International, (2011) Whose Aid is it anyway? Available at: http://www.oxfam.org/sites/www.oxfam.org/files/bp145-whose-aid-anyway-100211-en_0.pdf

THE LINK BETWEEN INDEPENDENCE, IMPARTIALITY AND NGO IDENTITY

"The EU is firmly committed to upholding and promoting the fundamental humanitarian principles of humanity, neutrality, impartiality and independence. This principled approach is essential to the acceptance and ability of the EU, and humanitarian actors in general, to operate on the ground in often complex political and security contexts. The perception of the EU and its commitment to these fundamental principles in humanitarian action are linked to behaviour and engagement on the ground of all EU actors."[41]

The proliferation of actors in humanitarian response – which includes traditional actors in addition to civil protection assets, business contractors, private philanthropists and military forces – has witnessed a 'crowding' of humanitarian space. While this used to be the dominion of a small number of humanitarian agencies who often shared a similar modus operandi and who broadly subscribed to a similar set of principles, this is no longer the case. This growth in the response 'market' has contributed to the blurring of roles and dilution of principles.

Since the South East Asian Tsunami in 2004 the trend has been towards the increased use of Member States' civil protection assets such as search and rescue teams, environmental protection, high capacity pumping and water purification equipment and use of fire services. These assets are coordinated at an EU level by the Monitoring and Information Centre (MIC), formerly under DG Environment. Since the coming into force of the Lisbon Treaty on December 1st 2009, the EU's civil protection mechanism has been integrated into ECHO's portfolio, something which marked an important institutional change. ECHO now has a much broader range of instruments and tools available to respond to emergencies. Given the rise in the number and severity of natural disasters, this pooling of resources is a welcome development. On the other hand in certain humanitarian settings, particularly conflict settings, or in the context of a contested government being in power, civil protection, which is essentially about support for state structures and which can directly support state-building, can be perceived as an inherently political as distinct from humanitarian act.

The increased importance of the role placed on civil protection outside of the EU is evident in the recent draft Multi-Annual Financial Framework (MFF) which was released in June 2011. The MFF is a minimum five year plan which sets out the EU's budgetary priorities by setting annual maximum limits of spending for the EU as a whole and for main categories of EU expenditure. In the draft MFF, external civil protection and the Emergency Response Centre is allocated an average of €30 million annually for 2014-2020 - a 500% increase from the €5 million that was allocated in 2013.[42] In budgetary terms, civil protection outside of the EU is now almost as important as civil protection within the EU.

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[41] ECHO, European Consensus on Humanitarian Aid, article 10, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[42] 29/06/11: European Commission; Communication from the Commission to the European Parliament, The Council, The European Economic and Social Committee and the Committee of the Regions- A Budget for Europe 2020, Available: http://ec.europa.eu/budget/library/biblio/documents/fin_fwk1420/MFF_COM-2011500_Part_I_en.pdf (Accessed 23 August 2011)

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Despite the Humanitarian Consensus asserting the principle that humanitarian aid will not be used as a crisis management tool, the EU continues to strengthen its disaster response capacity through enhancing the role of civil protection and the military in crisis response.

Article 58 of the Humanitarian Consensus clearly underlines that civil protection should be needs-driven and not supply driven.[43] However, in large-scale crises with intense media attention, humanitarian concerns can become subordinate to political and image imperatives. This can then result in the over-shadowing of a needs-based approach to humanitarian aid. In order for humanitarian aid to be given according to needs alone, independent decision-making based on professional needs assessments is of the outmost importance.

In complex emergencies the Humanitarian Consensus provides a clear warning in this regard:

"In complex emergencies recourse to civil protection assets should rather be the exception. Their use in complex emergencies, including in situations of fragility, is especially delicate and sensitive as it risks compromising the perception of the neutrality and impartiality of the relief effort. This can result in exposing relief workers as well as the affected population to attacks from warring parties, and in being denied access to the affected population not only in the current, but also in future emergencies. These risks need to be carefully weighed against the immediacy of the needs of the population and the need for civil protection resources to cover them."[44]

[43] ECHO, European Consensus on Humanitarian Aid, article 58, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[44] ECHO, European Consensus on Humanitarian Aid, article 60, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

Principled humanitarian assistance requires that different actors in disaster response have clear mandates. Within the EU, it is important that the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response and the First Vice President of the Commission and High Representative for Foreign Affairs and Security Policy, who is in charge of the EEAS, have a clear division of labour. A commitment across all of these departments to principled humanitarian engagement and a shared undertaking not to use humanitarian aid as a crisis management tool will provide the strongest foundation for the provision of effective assistance to those impacted by disaster.

A recent survey of aid workers undertaken by UN OCHA underlines the important link between respect for humanitarian principles and operational security and the perceived risks faced by humanitarian organisations when distinctions become blurred and assistance becomes politicised.[45] The same report provides evidence to suggest that while it may be convenient to attribute responsibility for this solely to agencies outside the traditional humanitarian sector, this would be disingenuous.[46] With the rapid expansion in the number and size of organisations in what is already a very diverse sector, the failure of some humanitarian actors to provide needs-based assistance, to meet internationally-agreed quality standards and to extend their accountabilities to people who are receiving assistance has served to further complicate the situation. The actions of some of these new actors risk damaging the entire NGO community image as providers of impartial and independent assistance to disaster affected people. This is compounded by the difficulty for disaster-affected people to distinguish between different actors who may operate in accordance with very different agendas.[47] Moreover the readiness of some to prioritise pragmatism over principles has played a significant role in eroding principles and in complicating the operating environment.[48] While an exploration of these issues is beyond the scope of the paper, it is important to highlight the shared responsibility and corresponding need for humanitarian organisations and donor agencies to work together to find solutions.

PAKISTAN, 2011
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[45] Egeland, J., Harmer, A. & Stoddard, A. (2011), To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments, pp.46-7 [Online]. Available: http://ochanet.unocha.org/p/Documents/Stay_and_Deliver.pdf, (Accessed 30 June 2011)

[46] While 94% of those surveyed said their organisation actively promoted humanitarian principles, a small number of respondents qualified their 'yes' with a caveat which included '...but it violates it in practice' and 'these principles are simply rules on paper'.

[47] Featherstone, A. & Hamid, M. (2010), Access & Oxfam's Identity: Reflections on an Intricate Relationship (Oxfam: Oxford)

[48] For a discussion about the dilemmas NGOs face in providing principled assistance in Somalia, the compromises that are made and the impact of these see Refugee Studies Centre (2009) "Humanitarian Action in Somalia – Expanding Humanitarian Space", Workshop Report, 8-9 June, pp.2-3 [Online]. Available: http://www.rsc.ox.ac.uk/events/humanitarian-action-in-somalia/Somalia%20Workshop%20Report.pdf, (Accessed 30 June 2011)

The Humanitarian Consensus: Protecting and Promoting Principled Humanitarian Action

"The objective of EU humanitarian aid is to provide a needs-based emergency response aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity wherever the need arises if governments and local actors are overwhelmed, unable or unwilling to act."[49]

The aim of the European Consensus on Humanitarian Aid is to ensure a principled, needs-driven, high-quality and effective EU response to humanitarian crises. In its current form it sets high standards for humanitarian action, including good donorship, partnership, EU support for the international humanitarian response and links to other actors present in crisis situations. Arriving four years after the creation of the GHD initiative, the European Consensus on Humanitarian Aid marked "real progress in terms of understanding the humanitarian imperative, the need for distinction between different actors across the system, and the complexities of the on-going debates."[50]

In 2010, DARA's HRI ranked ECHO in 6th place on its list of 20 GHD donors, based on a combination of weighted criteria including responding to need, prevention, risk reduction and recovery, working with humanitarian partners, protection and international law, and learning and accountability. The HRI rates the European Commission as performing "especially well" against Pillar 1, which assesses the extent to which donors respect the humanitarian principles of impartiality, neutrality and independence, and allocate aid according to needs.[51] DFID's 2011 Multilateral Aid Review (MAR) also praised ECHO's technical expertise and commitment to humanitarian principles.[52] Being located within, but acting in a distinct way from the European Commission and EU institutions has enabled ECHO to promote humanitarian principles in field settings where Member States representatives have sometimes failed to do so.

ECHO is tasked with the promotion and implementation of the Humanitarian Consensus. The Humanitarian Consensus has an Action Plan to guide its implementation, which was endorsed by the European Council in July 2008 and outlines 49 actions to be carried out between 2008 and 2012 across six thematic areas. Despite the importance attached to the Action Plan, there is little information available on what progress has been achieved by the EU institutions and Member

[49] ECHO, European Consensus on Humanitarian Aid, article 8, [Online], Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[50] VOICE (2007), VOICE Comments & Recommendations to the EC Communication – Towards a European Consensus on Humanitarian Aid (not publicly available)

[51] In DARA's HRI, the European Commission is praised for being one of the few donors engaged in political lobbying in Somalia (p.216), for their commitment to lobbying for humanitarian space in Sri Lanka (p.227) and for being one of only 2 donors with a presence both in Darfur and South Sudan (p.237)

[52] DFID (2011), Multilateral Aid Review: Ensuring maximum value for money for UK aid through multilateral organisations [Online]. Available: http://www.dfid.gov.uk/Documents/publications1/mar/multilateral_aid_review.pdf, (Accessed 18 August 2011)

States. The most significant contribution is the 2010 Mid-term Review of the Action Plan, which provides information about the steps taken by the European Commission to advocate for and promote humanitarian principles and documents the progress made by Member States to integrate the principles into their national frameworks on humanitarian assistance.[53] However, the Review lacks operational detail and as an internal exercise, it was not rigorous. The commissioning of an independent end-of-term evaluation of the impact of the Humanitarian Consensus and its Action Plan could go some way to addressing this gap.

CONFLICT BETWEEN THE TALIBAN AND GOVERNMENT FORCES IN NORTHERN PAKISTAN CAUSED THE DISPLACEMENT OF NAMRO GUL AND MEER (2) FROM SWAT AS THEY MOVE TO A CAVE IN HARIPUR UNTIL THEY COULD SAFELY RETURN HOME © KIM HAUGHTON - TRÓCAIRE

MEMBER STATES & THE HUMANITARIAN CONSENSUS

"Without prejudice to their respective competences and traditions, EU humanitarian donors will work together through strengthened EU coordination and promotion of best practice with a view to promoting the EU common vision in a flexible and complementary way that reinforces international efforts."[54]

While strenuous efforts have been made to raise awareness of the Humanitarian Consensus within the European Commission and other EU institutions, there continues to be much work to do to increase awareness, knowledge and application of the document within Member States themselves, where reference to the Humanitarian Consensus is considered to be "less visible".[55]

This is echoed in an independent review of domestic humanitarian policies undertaken in 2004 on behalf of the GHD initiative. In the review, one of the most significant challenges to their effective implementation was considered to be the lack of dialogue within governments about humanitarian principles. The report concluded that "given the increased approaches to joined-up governmental responses to crises, the challenges regarding the politicisation of aid and the increased humanitarian-military interface, a discussion of wider governmental responsibility and participation would seem to be vital."[56] At the time of this study, only six of 22 GHD members had put these strategies in the public realm.

While progress has been made, both in terms of Member States articulating humanitarian principles as part of their humanitarian strategies and in making these publicly available, there still continues to be a lack of awareness across governments about the commitments that these principles bestow in terms of how Member States respond to humanitarian crises. It is noteworthy that the current work plan of GHD (which ran until August 2011) contained a work stream on improved adherence to humanitarian principles, which commits to commissioning a study to examine varying perceptions of, and challenges to, the adherence of donors, UN agencies, Red Cross/Red Crescent societies and NGOs to humanitarian principles – with recommendations for practical steps to improve donor adherence to the same. It is disappointing that when the GHD work plan was last reviewed the project had been put on hold due to competing priorities and there is no date indicated for its commencement.[57]

[53] European Commission (2010), Commission Staff Working Document on the Mid-term Review of the European Consensus on Humanitarian Aid Action Plan: Assessing Progress and Priorities in the EU's Implementation of Humanitarian Action, [Online]. Available: http://register.consilium.europa.eu/pdf/en/10/st17/st17778-ad01.en10.pdf, (Accessed 13 May 2011)

[54] ECHO, European Consensus on Humanitarian Aid, article 26, [Online], Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[55] VOICE (2010), Voice Input to DG ECHO, Consultation on the Mid-Term Review of the Implementation of the European Consensus on Humanitarian Aid (not publicly available)

[56] Harmer, A. & Stoddard, A. (2005), Review of Good Humanitarian Donorship Domestic Strategies [Online]. Available: http://www.odi.org.uk/resources/download/3194.pdf, (Accessed 8 June 2011)

[57] GHD (2010), Work plan 2010-11 [Online]. Available: http://www.goodhumanitariandonorship.org/gns/activities/current-workplan.aspx, (Accessed 19 August 2011)

BOX 6

Member States' Humanitarian Policies

This box is an analysis of a selection of European national governments key humanitarian policies and their adherence to the Humanitarian Consensus. The countries were chosen according to the membership of the eight Caritas Europa member organisations who commissioned this study.

Austria

In its humanitarian aid policy document, the Austrian agency for Development Cooperation states that "humanitarian aid is guided by the principles of humanity, impartiality, neutrality and independence."[58] However, the government's humanitarian aid programme has been criticised for being "very fragmented and formally uncoordinated" and hampered by scarce resources, often resulting in slow response and low efficiency.[59] As evaluators commissioned to undertake an independent review of the government's humanitarian aid policy noted, such a scenario risks giving room for humanitarian interventions to be based on political decisions rather than humanitarian principles and needs.[60] The 2008 – 2013 government programme clearly states that the Austrian military has a role to play in humanitarian aid and emergency relief.[61] This role has the potential to undermine humanitarian principles.

Belgium

The Belgian government's policy on humanitarian aid has not been revised since the Royal Decree, which sets the parameters and principles of humanitarian assistance and rehabilitation, was signed in November 1996. The government does adhere to the principles of the Good Humanitarian Donorship, and has approved the Humanitarian Consensus. However, the lack of a humanitarian policy document, and accordingly adapted legislation, leaves too much room for the possibility of the instrumentalisation of humanitarian aid.

The 2010 HRI provides a good indication of perceptions of principled donorship. Germany, Finland and New Zealand were the donors perceived as the most impartial by their partners, with above average scores in this indicator. In contrast, Belgium, France and the US all scored significantly below the OECD/DAC average in this indicator. The majority of survey responses for Belgium came from organisations working in the DRC, a country with colonial ties to Belgium, which may partially explain this low score.[62]

In response to the low rank assigned in the 2010 HRI, the Belgian Government has sought to address the issues raised, and after an extensive consultation process with Belgian humanitarian NGOs, submitted a draft strategy document that explicitly refers to the Humanitarian Consensus, prioritises humanitarian principles and rejects the politicisation of humanitarian assistance. The second meeting of the Libya Contact Group on 5 May 2011 provided encouraging evidence of the shift, when Belgium defended the separation of humanitarian assistance from security and political objectives.

[58] Austrian Development Agency (2007), Internationale Humanitaräe Hilfe: Leitlinie der Österreichischen Entwicklungds – und Ostzusammenarbeit, p.8 [Online]. Available: http://www.entwicklung.at/uploads/media/LL_HuHi_01.pdf, (Accessed 18 August 2011)

[59] KEK CDC Consultants (2010), Evaluierung der Humanitären Hilfe der Österreichischen Entwicklungszusammenarbeit im Zeitraum 2004–2008, Endbericht, p.xi [Online]. Available: http://www.oecd.org/dataoecd/33/10/46231608.pdf, (Accessed 18 August 2011)

[60] Ibid, p.23

[61] Republik Österreich (2008), Regierungsprogramm 2008-2013 Gemeinsam Für Österreich, p.144 [Online]. Available: http://www.bka.gv.at/DocView.axd?CobId=32965, (Accessed 18 August 2011)

[62] DARA (2010), The Humanitarian Response Index 2010: The problems of politicisation, p.33 [Online]. Available: http://daraint.org/wp-content/uploads/2010/10/Complete-report_HRI-2010.pdf, [Accessed 10 May 2011] "The highest scores in the HRI for the perceived independence and non-conditionality of aid were given to Luxembourg, Finland, Denmark, Switzerland and Sweden, each with scores well above the overall average. The US, Italy and Japan receive some of the lowest scores for this indicator."

Czech Republic

International humanitarian aid is an integral part of the Czech Republic's foreign policy, with the stated purpose of saving lives, alleviating suffering and providing needs-based assistance. The government has endorsed the principles of GHD, which require humanitarian aid to be provided in accordance with humanitarian principles, and has affirmed a commitment to the 'Do No Harm' principle, as well as to the tenets of international humanitarian, refugee and human rights law.[63]

The Development Cooperation and Humanitarian Aid Act, which brought about institutional transformation of Czech ODA, was adopted in mid-2010. This Act established the Czech Development Agency. However, responsibility for humanitarian aid remains under the Ministry of Foreign Affairs.[64] Under the government's current Operational Strategy and in accordance with governmental adoption of GHD, the role of NGOs in humanitarian response has increased relative to other actors, such as UN agencies, ensuring a better balance of key stakeholders in the implementation of the strategy. In fact the government has noted in several documents that it was the adoption of GHD which led them to work more closely with NGOs. The Strategy refers to the importance of respecting international humanitarian law and addressing shrinking humanitarian space. It also includes important chapters on Disaster Risk Reduction, Linking Relief, Rehabilitation and Development, climate change, and the government's commitment to targeting small scale, complex, long-term and protracted crises is acknowledged.[65]

France

While the French Government now has a development policy in place, it does not, as yet, have an official humanitarian policy. With a view to developing one, former Minister of European and Foreign Affairs, Bernard Kouchner, commissioned a report in 2009 to look at the evolution of humanitarian aid in France and emerging trends, as well as to make recommendations for a way forward.[66] Amongst other issues, this report identified the politicisation of aid as a matter of concern. It listed five concrete recommendations to the French Government in relation to the development of a humanitarian strategy:

- Adopt and promote the European Consensus on Humanitarian Aid as a reference framework for the humanitarian policy
- Link the humanitarian policy with a framework of multi-annual programming
- Increase the resources dedicated both to humanitarian aid and reconstruction
- Maintain regular concerted dialogue with the NGO community
- Defend humanitarian principles within the context of the UN's humanitarian reform agenda.

This report is due to be made public in late 2011 at a national conference on humanitarian aid, at which a strong commitment is expected from the Minister to develop a humanitarian policy that reflects the text of the Humanitarian Consensus. Despite these positive developments there have been worrying indications of an increased merging of humanitarian objectives with political priorities. In its 2009 aid allocation, France declared that its criteria for selecting aid recipients would include their importance to French national defence and counter-terrorism strategies, in addition to five needs-based criteria.[67] It is important, therefore, that any humanitarian policy developed

[63] Ministry of Foreign Affairs of the Czech Republic, Introductory Information [Online], Available:http://www.mzv.cz/jnp/en/foreign_relations/development_cooperation_and_humanitarian/humanitarian_aid/introductory_information.html, (Accessed 19 August 2011)

[64] Parliament of the Czech Republic (2010), Act on Development Cooperation and Humanitarian Aid, and Amending Related Laws, 1 July [Online]. Available: http://www.mzv.cz/jnp/en/foreign_relations/development_cooperation_and_humanitarian/general_information/act_on_development_cooperation_and.html, (Accessed 18 August 2011)

[65] Ministry of Foreign Affairs of the Czech Republic (2011), Operational Strategy 2011 [Online]. Available: http://www.mzv.cz/jnp/en/foreign_relations/development_cooperation_and_humanitarian/humanitarian_aid/how_to_work_with_wfp/operational_strategy_2011.html, (Accessed 19 August 2011)

[66] Boinet, A. & Miribel, B. (2010), Analyses et propositions sur l'action humanitaire dans les situations de crise et post-crise [Online]. Available: http://conferenceordredemalte.org/uploads/contents/100000796002/File/71498//analysesetpropositionssurlactionhumanitairedanslesa_3.pdf, (Accessed 29 June 2011)

[67] République Française (2010), Document de Politique Transversale: Politique Française en faveur du Développement [Online]. Available: http://www.diplomatie.gouv.fr/fr/IMG/pdf/DPTapd.pdf, (Accessed 18 August 2011)

[68] Federal Foreign Office (2011), How do we help? [Online]. Available: http://www.auswaertiges-amt.de/EN/Aussenpolitik/HumanitaereHilfe/WieHelfenWir_node.html, (Accessed 11 August 2011)

reflects the above recommendations. France must position itself as an active defender of humanitarian principles and independent humanitarian aid at an EU and UN level.

Germany

German government funds for humanitarian aid are 50% managed by the Foreign Office, which funds lifesaving short-term humanitarian emergency assistance, and 50% by the Federal Ministry for Economic Cooperation and Development, focussing on food aid, food security and early recovery. The Foreign Office is strictly committed to the European Consensus on Humanitarian Aid, the Twelve Basic Rules of Humanitarian Aid Abroad and the Code of Conduct.[68] In contrast the Ministry for Economic Cooperation and Development does not subscribe to these principles, and aligns its strategy more closely to German political interests, stating that "foreign policy, trade policy, security policy and development policy are today very closely linked".[69]

An example of this was the May 2010 decision to concentrate funds for civil reconstruction in Afghanistan in regions of German military presence, and to favour NGOs which are willing to link with the Federal Armed Forces.[70] This conflicts with the goal of the European Consensus on Humanitarian Aid, which articulates a clear distinction between civil and military interventions in humanitarian crises. The NGO umbrella organisation VENRO has expressed reservations about the growing trend to integrate humanitarian action into Germany's overall security strategy.[71] Tying funding decisions to political motivations signifies a departure from the humanitarian principles of impartiality, and neutrality, and consequently jeopardises the security of German NGOs operating in the country. Another risk of this trend is that the operational independence of German NGOs is curtailed.

The increasing link between Germany's political interest and aid policy is also evident in the current government's emphasis on development aid defined as economic progress and cooperation.[72] Both the OECD and German NGOs have expressed concern at the concentration of projects which favour German interests, and warn that the basis of humanitarian and development aid has to remain that of needs.[73]

It can be concluded that the gap between policy and practice in the adherence to humanitarian principles of German humanitarian aid policy is at risk of widening, and must be monitored with vigilance.

Ireland

Ireland's commitment to overseas aid and to the principles of GHD is to be commended. Ireland was ranked second of twenty-three countries in DARA's Humanitarian Response Index for 2010, and there is express reference to the Humanitarian Consensus in the Irish agency for overseas development, (Irish Aid) humanitarian relief policy.[74] During recent parliamentary questions, the Minister of State at the Department for Foreign Affairs and Trade affirmed Ireland's commitment to the Humanitarian Consensus and to promoting adherence to the humanitarian principles through its role in the GHD initiative, continued response to forgotten crises, significant contribution to the UN Central Emergency Response Fund (CERF) and on-going work on aid effectiveness.[75]

[69] BMZ (2010), Mandate of the Ministry [Online]. Available: http://www.bmz.de/en/ministry/mandate/index.html, (Accessed 11 August 2011)

[70] BMZ (2010), Bundesminister Dirk Niebel stellt deutschen Nichtregierungsorganisationen die neue NRO-Fazilität für Afghanistan vor [Online]. Available: http://www.bmz.de/de/presse/aktuelleMeldungen/2010/mai/20100506_nro_fazilitaet/index.html, (Accessed 11 August 2011)

[71] VENRO (n.d.), Afghanistan [Online]. Available: http://www.venro.org/afghanistan.html, (Accessed 11 August 2011)

[72] Federal Foreign Office (2011), Das Afrika-Konzept der Bundesreigierung [Online]. Available: http://www.auswaertiges-amt.de/DE/Aussenpolitik/RegionaleSchwerpunkte/Afrika/AktuelleArtikel/110615-Afrika-Konzept-node.html, (Accessed 15 June 2011)

[73] Der Spiegel (2010), OECD kritisiert Niebels Ministerium, 23 October [Online]. Available: http://www.spiegel.de/politik/deutschland/0,1518,724931,00.html, (Accessed 11 August 2011); VENRO (2011), Das Afrika-Konzept der Bundesregierung: An der Realität vorbei, Standpunkt, Nr. 1, July [Online]. Available: http://www.venro.org/fileadmin/redaktion/Newsletter_Bilder/Newsletter_Dokumente/Juli_2011/VENRO-Standpunkt1-2011-Afrika-Konzept.pdf, (Accessed 11 August 2011)

[74] Irish Aid (2009), Humanitarian Relief Policy [Online]. Available: http://www.irishaid.gov.ie/Uploads/Humanitarian%20Relief%20Policy1.pdf, (Accessed 11 August 2011)

[75] Response from Deputy Jan O' Sullivan, Minister of State at the Department of Foreign Affairs and Trade with special responsibility for Overseas Aid and Trade, 19 May 2011 [Online]. Available: http://debates.oireachtas.ie/dail/2011/05/19/00006.asp, (Accessed 11 August 2011)

However, there remains a lack of transparency or clarity on how Ireland is implementing the Humanitarian Consensus Action Plan, making it difficult to ascertain what progress has been made (if any) and the extent to which Ireland adheres to the Humanitarian Consensus. Moreover, there are concerns that in the stride towards 'policy coherence', there is an increasing will within parliament to link issues of aid, defence and foreign affairs. This was notable, for example, in the 2011 General Election manifesto for the largest party (albeit not reflected in the current programme for government), which called for a more prominent role for the defence forces in response to humanitarian crises.[76] Statements by government officials in recent years are also reflective of this trend, such as comments in relation to Ireland's mission in Chad that if "troops on missions are to integrate and communicate as much as possible with local communities... humanitarian work may help them maintain their security".[77] While this argument was rejected by a Minister of State at the Department of Defence at the time ("we must not forget the primary function of our Defence Forces... is to keep the peace") it nevertheless points to the need for express commitments by government to ensure that a slide towards politicisation does not take place.[78] It is imperative, therefore, that the 2011 review of the government White Paper on Irish Aid affirms the primacy of humanitarian principles and an actionable commitment to implementing the Humanitarian Consensus.

Spain

The Humanitarian Action Strategy for Spanish Development Cooperation (2008) states that "the Spanish government and its public administration as a whole will promote humanitarian actions that follow these [humanitarian] principles and do not compromise the impartiality, neutrality and independence of humanitarian actors. The Humanitarian Action Strategy aims to bring together, and make more effective, the humanitarian efforts of all of Spanish society and its institutions."[79] In the more recent Cooperation Master Plan 2009-2012 humanitarian action has a separate chapter, thereby highlighting its specific nature and independence from other agendas. This, together with the creation of a separate Humanitarian Aid office in 2008, demonstrates an encouraging willingness to improve the Spanish Government's humanitarian structures, underpinned by respect for humanitarian principles.

Nevertheless, all these are recent steps and the challenge remains to develop the strategy, to relocate the required resources and to articulate mechanisms to consolidate the independence of humanitarian action from Spain´s foreign policies. At all government levels, the lack of knowledge of humanitarian principles and strategies often leads to a blurring of actors and actions when it comes to humanitarian interventions.

[76] Fine Gael (2011), Fine Gael Manifesto [Online]. Available: http://www.finegael2011.com/pdf/Fine%20Gael%20Manifesto%20low-res.pdf, (Accessed 11 August 2011)

[77] Deputy Jimmy Deenihan, former Fine Gael Spokesperson on Defence, 10 April 2008 [Online]. Available: http://debates.oireachtas.ie/dail/2008/04/10/00010.asp, (Accessed 11 August 2011). Fine Gael were in opposition at the time but are now in government.

[78] Deputy Jimmy Deenihan, former Fine Gael Spokesperson on Defence, 10 April 2008 [Online]. Available: http://debates.oireachtas.ie/dail/2008/04/10/00010.asp, (Accessed 11 August 2011). Fine Gael were in opposition at the time but are now in government.

[79] Ministerio De Asuntos Exteriores Y De Cooperacion et al. (2008), Humanitarian Action Strategy Paper, Spanish Development Cooperation, Executive Summary [Online]. Available: http://www.maec.es/SiteCollectionDocuments/Cooperaci%C3%B3n%20espa%C3%B1ola/Publicaciones/DES%20AH%20Resumen%20ing.pdf, (Accessed 11 August 2011)

[80] DARA (2010), Humanitarian Response Index [Online]. Available: http://daraint.org/humanitarian-response-index/humanitarian-response-index-2010/, (Accessed 20 September 2011)

[81] OCHA (2011), Top 5 Donors to Humanitarian Appeals in 2011 [Online] Available: http://fts.unocha.org/, (Accessed 13th September 2011)

[82] DARA (2010), Humanitarian Response Index [Online]. Available: http://daraint.org/humanitarian-response-index/humanitarian-response-index-2010/, (Accessed 20 September 2011)

[83] P. Ashdown et al. (2011), Humanitarian Emergency Response Review [Online]. Available: http://www.dfid.gov.uk/Documents/publications1/HERR.pdf, (Accessed 9 June 2011)

[84] DFID (2011), Humanitarian Emergency Response Review: UK Government Response, [Online]. Available: http://www.dfid.gov.uk/Documents/publications1/hum-emer-resp-rev-uk-gvmt-resp.pdf, (Accessed 30 June 2011)

[85] DfID (2011) Saving Lives Preventing Suffering and Building Resilience: The UK Government's Humanitarian Policy (Online) Available: http://www.dfid.gov.uk/Media-Room/News-Stories/2011/Saving-lives-building-resilience-and-preventing-suffering/ (Accessed 22nd September 2011)

[86] Ibid

[87] ibid

[88] Ibid

United Kingdom

The British Government was placed 8th of 23 donors ranked in DARA's Humanitarian Response Index.[80] It was rated highly for responding to needs, a reflection of its leading role as a generous humanitarian donor, for example it is in the top five humanitarian donors of 2011[81] and the largest donor to the Central Emergency Response Fund (CERF), as well as providing multi-year funding for several UN agencies, the International Federation of the Red Cross (IFRC) and the ICRC. However, DARA noted that "the UK received one of the lowest scores of OECD/DAC donors in both the independence and impartiality indicators" and stated that "It could improve its performance by ensuring the independence and impartiality of its aid".[82]

In its policy documents, DFID acknowledges the importance of principled donorship which was underlined in the 2011 independent Humanitarian Emergency Response Review, (HERR), commissioned to examine the Department's humanitarian work.[83] In response to the HERR[84] the British Government introduced a new Humanitarian Policy in September 2011 which states, "The British Government recognises the importance of humanitarian principles and preserving the civilian nature of humanitarian assistance."[85] The policy affirms: "We will provide aid according to need and need alone, in line with the humanitarian principles of humanity, impartiality, neutrality and independence"[86] and that the British Government's humanitarian action "will be autonomous from political, military, security or economic objectives."[87] The policy also states, "The UK supports the European Consensus on Humanitarian Aid and the UN General Assembly resolution 46/182 on the coordination of humanitarian assistance."[88]

In contrast, the UK's Strategic Defence and Security Review links overseas aid to foreign policy and national security objectives. This is echoed in the subsequent Building Stability Overseas Strategy (issued in July 2011) which the 3 government Departments of Defence, Development and Foreign Affairs describe as setting out "how we will use the UK's diplomatic, development, military and security tools as part of an integrated approach to identifying, preventing and ending instability and conflict overseas."[89]

Coming shortly after the publication of the Strategic Defence and Security Review, DFID's 2010 Bilateral Aid Review (BAR) saw significant increases in the aid budgets for fragile states such as Afghanistan, Somalia, Yemen and Pakistan, each of which has seen humanitarian action delivered alongside development work.[90]

The most significant challenge facing the implementation of the Humanitarian Consensus is reinforcing the commitment to humanitarian principles in situations where whole-of-government approaches have been adopted and where senior government ministers, tasked with crafting policy, are often unfamiliar with the Humanitarian Consensus and the language and practice of principled humanitarian action.

[89] HM Government, Strategic Defence and Security Review; Department for International Development, Foreign and Commonwealth Office & Ministry of Defence (2011), Building Stability Overseas Strategy [Online]. Available: http://www.dfid.gov.uk/Documents/publications1/Building-stability-overseas-strategy.pdf, (Accessed 13 May 2011)

[90] DFID (2011), The Bilateral Aid Review: Technical Report [Online]. Available: http://www.dfid.gov.uk/Documents/MAR/FINAL_BAR%20TECHNICAL%20REPORT.pdf, (Accessed 30 June 2011)

STRENGTHENING PRACTICE BY MONITORING PERFORMANCE

"Regular evaluation and lessons learnt exercises reviewing response to specific crises are valuable components in enhancing the effectiveness of humanitarian aid. The EU could usefully work together on both joint approaches and on exchange of information on evaluation done by each individual donor. The EU will therefore exchange information on evaluation planning, results and responses, including on quality of partnership and undertake joint lessons learnt exercises in response to major crises involving multiple donors. The EU should collectively review its overall humanitarian aid provision regularly, where possible on a yearly basis."[91]

While both donors and their NGO, Red Cross/Red Crescent, and UN agency partners share a common commitment to humanitarian principles, accountability (meaning the responsibility to monitor and report on principled humanitarian action) is currently weighted more heavily towards partners. However, the findings in this report suggest that it is now urgent that this imbalance is addressed and that Member States open themselves up to far greater scrutiny of their own progress towards meeting their commitments to principled donorship.

The recent European Union Council Conclusions on the Mid-term Review commits to an "enhanced role" for the Council Working Party on Humanitarian Aid and Food Aid (COHAFA) to ensure the Humanitarian Consensus is "fully respected" by the European Commission and Member States, and proposes annual monitoring and reporting of progress against implementation, which are welcome suggestions.[92]

Where performance fails to meet the standards set out in the Humanitarian Consensus, there needs to be a corresponding willingness to robustly address this in a coordinated way at field level and within the COHAFA. While this falls short of the ideal, which is an independent institution mandated to monitor progress, the successful fulfilment of this recommendation would represent a significant step forward.

As the Action Plan draws to a close in 2013, discussions concerning the independent evaluation of the current phase should be concluded and agreed, and terms of reference should be developed which include progress made towards meeting commitments to humanitarian principles. The evaluation team could also be tasked to develop a light monitoring framework for COHAFA based on the evaluation methodology. Such an evaluation would provide a good practice model for Member States who should replicate such efforts to independently monitor their own domestic humanitarian policies in order to ensure coherence with the Humanitarian Consensus and to highlight progress against commitments made to principled humanitarian donorship.

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[91] ECHO, European Consensus on Humanitarian Aid, article 47, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[92] European Union Council (2011), Council conclusions on the mid-term review of the European consensus on humanitarian aid action plan – implementing effective principled EU humanitarian action, 3088th Economic and Financial Affairs Council Meeting, Brussels, 17 May, p.3 [Online]. Available: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/122057.pdf, (Accessed 17 May 2011)

SAFEGUARDING THE FUTURE OF THE EUROPEAN CONSENSUS ON HUMANITARIAN AID

"The principles that apply to humanitarian aid are specific and distinct from other forms of aid… EU humanitarian aid is delivered in situations where other instruments related to crisis management, civil protection and consular assistance may also come into play. Hence, the EU is committed to ensure coherence and complementarity in its response to crises, making the most effective use of the various instruments mobilised. Therefore the EU should enhance efforts to raise awareness of and take into account humanitarian principles and considerations more systematically in its work throughout its Institutions."[93]

DANGEROUSLY DIRTY WATER, EAST AFRICA DROUGHT, 2011, NORTHERN KENYA
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The 2009 Lisbon Treaty has led to a number of significant reforms of EU institutional structures. An important one has been the creation of the post of High Representative (HR) of the European Union for Foreign Affairs and Security Policy, who is supported by the European External Action Service (EEAS), which has a mandate to increase the coherence and coordination of EU Foreign and Security Policy. While EU development assistance has been placed under the control of this body, the commitment of current key actors has ensured that humanitarian aid policy has remained outside its remit. Despite this, there continues to be fears that the trend within Member States' governments of increasingly subordinating humanitarian aid policy to foreign assistance priorities might be replicated within the European institutions, such as the EEAS.

The terms of the Lisbon Treaty require that humanitarian aid policy is conducted within the framework of the principles and objectives of the external action of the EU, the implication of which is that there is now far greater potential for politicisation, particularly in situations of violent conflict. ECHO's 2011 Operational Strategy reflects this requirement to coordinate with the new EU architecture and speaks of a need to strengthen ties between EU actors involved in longer-term development work and with EU Delegations once the EEAS is fully operational.[94] The purpose of this is both to increase understanding and to promote coherence across the actions of the EU institutions. This balancing act of promoting principled humanitarian action alongside strengthening collaboration across the EU Institutions was raised during an interview in May 2011 with the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, where she outlined her views:

[93] ECHO, European Consensus on Humanitarian Aid, article 22, [Online], Available at: http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF, (Accessed 20th September 2011)

[94] ECHO, Commission Staff Working Document, ECHO Operational Strategy 2011. Available at: http://ec.europa.eu/echo/files/policies/strategy/strategy_2011_en.pdf, (Accessed 20th September 2011)

"We have made in Europe a conscious choice to protect the impartiality, neutrality and independence of humanitarian aid by keeping our humanitarian service outside of our foreign affairs entity, the External Action Service. I am convinced, and so is Catherine Ashton, that this is the right choice..."

"…At the same time, of course, we don't live on two separate planets with Catherine Ashton, and there is a high degree of collaboration. It is strongest in the field, when you are in a zone of conflict, say, right now, Cote d'Ivoire. Of course it's very important that the ECHO team and the External Action Service see eye to eye, we exchange information, we work together. And I have been to many of these hot spots. Practically in every place I've been – in Yemen, in Sudan, in Kyrgyzstan – I have seen this cooperation in the field working extremely well."[95]

As the Commissioner points out, field level cooperation appears to be working well. It is at the level of central institutions that vigilance is required.

[95] Rosenkranz, R (2011), The State of EU Humanitarian Relief: A Conversation with ECHO Chief Kristalina Georgieva, Devex, 16 May [Online]. Available: http://www.devex.com/en/articles/the-state-of-eu-humanitarian-relief-a-conversation-with-echo-chief-kristalina-georgieva?source=EM+DefaultHomepage_Center_1, (Accessed 18 August 2011)

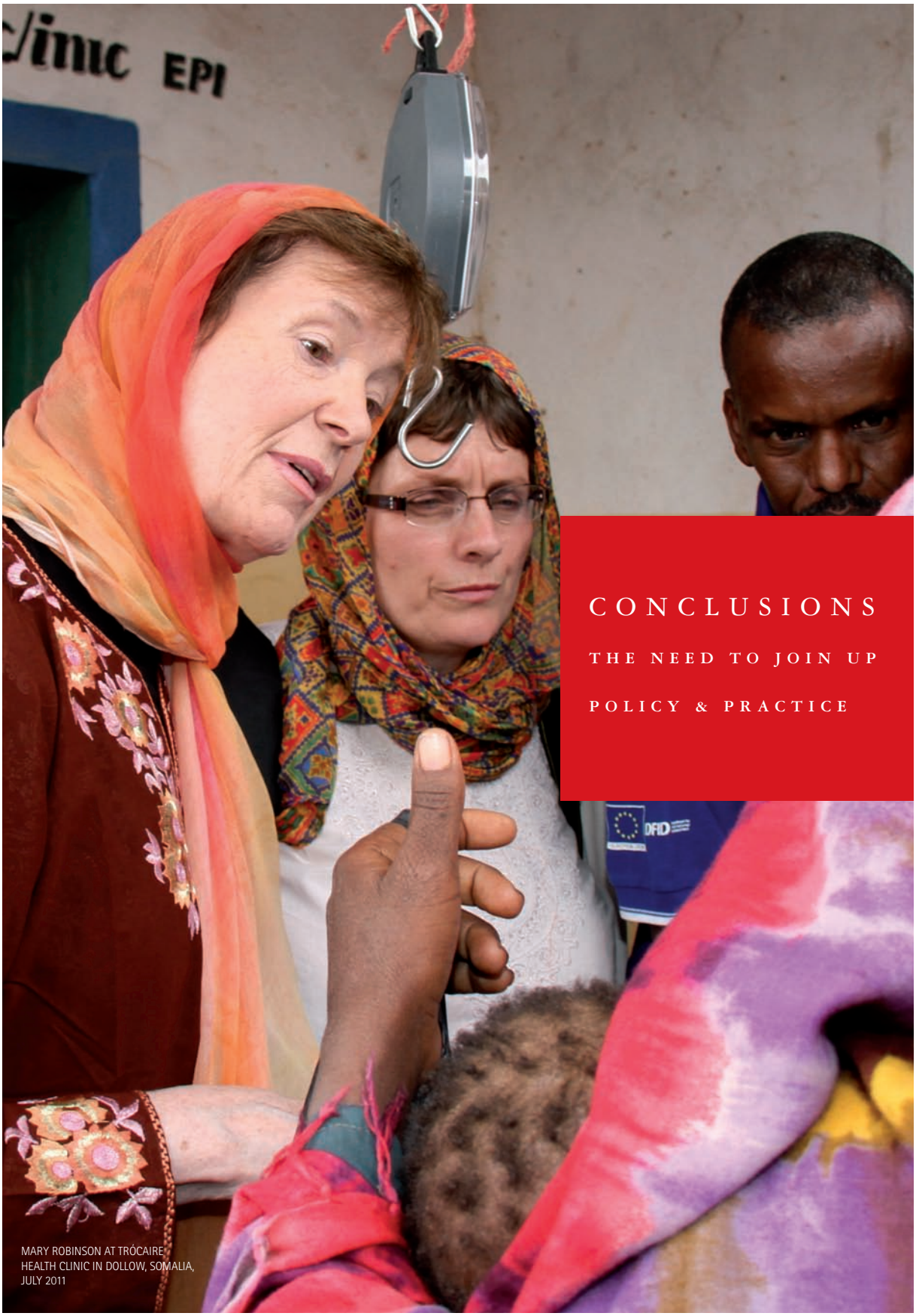
BOX 7

Putting Policy into Practice. The example of Libya and EUFOR

In April 2011, preparations were made by the European Union to send a European-led military mission (EUFOR) to Libya to support the United Nations' humanitarian assistance. In its conclusions, the EU Council reinforced adherence to existing commitments made under the Lisbon Treaty and the European Consensus on Humanitarian Aid, which state that humanitarian assistance should be delivered in accordance with the principles of impartiality, neutrality and independence.

EU Member States came to an agreement that if this military operation was initiated, it would operate in accordance with the Humanitarian Principles and the MCDA Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies. Crucially, these guidelines require that any military assets used under these criteria must remain under civilian coordination and must respect the needs-based and neutral nature of humanitarian aid. Furthermore, it was decided that EUFOR can only be deployed at the request of UN OCHA.

This decision maintained the integrity of the Humanitarian Consensus and is a credit to Member States' commitment to it. However, the fact that some Member States questioned this approach raises fears as to how such a situation would be dealt with in the future, and underscores the need for continued vigilance and commitment to upholding the humanitarian principles as enshrined in the Humanitarian Consensus.



CONCLUSIONS

THE NEED TO JOIN UP POLICY & PRACTICE

MARY ROBINSON AT TRÓCAIRE HEALTH CLINIC IN DOLLOW, SOMALIA, JULY 2011

Conclusions

The EU and Member States have expressed their commitment to the humanitarian principles, as affirmed by the Humanitarian Consensus, which provides a strong policy framework. However, the failure of some Member States to consistently put this into practice is problematic, and there are negative consequences of this for humanitarian actors and crisis-affected communities.

While the commitment of the EU Member States and EU institutions to the Humanitarian Consensus has ensured that ECHO remains outside the remit of the EEAS, the terms of the Lisbon Treaty still require that humanitarian aid is conducted within the framework of the external action of the EU. An important implication of this is that there is now far greater potential for politicisation of humanitarian donorship, particularly in situations of conflict. While coordination between the Commission and the EEAS is required, care has to be taken to ensure that humanitarian aid does not become a crisis management tool, as clearly stated in article 15 of the Humanitarian Consensus. In light of this, this report's recommendation to European decision makers to ensure that the mandate of ECHO remains distinct from other Commission services and EU institutions is essential to enable ECHO to continue to deliver impartial and neutral humanitarian assistance and to advocate for principled humanitarian action. A commitment across all EU institutions to principled humanitarian engagement and a shared undertaking not to use humanitarian aid as a crisis management tool will provide the strongest foundation for the provision of effective assistance to those affected by disaster and maintain the image of the EU as a quality humanitarian donor at a global level.

EL SALVADOR FLOODS.
CHILDREN MAKING THEIR WAY HOME
IN FLOOD WATER
© TRÓCAIRE

Caritas Europa Member Organisations call on both the EU and Member States to show a far greater political will to consistently put the spirit of the Humanitarian Consensus into practice, in particular in terms of respecting and advocating for humanitarian principles and for donor practice to be guided by them. Caritas Europa also believes that monitoring should be strengthened at all levels and an independent end–of-phase evaluation in 2013 of the impact of the Consensus and its Action Plan should be commissioned.

In order for the Humanitarian Consensus to be credible in a context where key aspects of the framework are either unknown, misunderstood or ignored, there is a vital need to continue to raise awareness throughout various EU institutions and those Member States' government departments involved in the delivery of humanitarian aid.

The growing transparency of Member States about their adherence to humanitarian principles is an important step towards achieving this. A further step will be the development of national policies and strategies which strongly reference the Humanitarian Consensus in EU countries where such frameworks still do not exist. This in turn will provide more transparency at the national level, enabling national parliaments and civil society organisations to monitor more closely adherence to the Humanitarian Consensus.

Lastly there is a need for humanitarian organisations to change the way they work in order to adapt to, and seek to address, the dilution of humanitarian principles or the co-option of humanitarian response. While this is beyond the scope of this report, progress towards a greater focus on providing needs-based assistance, on communicating humanitarian values to those receiving assistance and on a redoubling of efforts to increase agency accountability to disaster victims will all play an important role in ensuring the best possible humanitarian outcomes for crisis affected people. ■■

Recommendations

Recommendations to the institutions of the European Union, to its 27 Member States and to non-governmental humanitarian actors

The EU and its Member States must renew their commitments to meeting obligations under the European Consensus on Humanitarian Aid and its accompanying Action Plan, and to the delivery of principled humanitarian aid. In particular the Caritas Europa Member Organisations recommend:

1 Primary Recommendations:

- That the **European Commission** establishes an independent end-of-phase evaluation in 2013 of the impact of the Humanitarian Consensus and its Action Plan to ensure a strong continued commitment to humanitarian principles post-2013.
- That the **European Council** ensures that the mandate of ECHO remains distinct from other Commission services and EU institutions so as to enable ECHO to deliver impartial and neutral humanitarian assistance and to advocate for principled humanitarian action.
- That **Member States** establish mechanisms for independent annual review of their commitments under the Humanitarian Consensus, including an assessment of adherence across relevant government departments (Foreign Relations, Development, Defence, Interior) and public disclosure of the findings.

2 Secondary Recommendations:

We further call on European Union Member States:

- To include reference to the Humanitarian Consensus in their national humanitarian strategies and policy papers, or in countries where they do not yet exist, to develop such strategies and policy papers.

We call on relevant European Union bodies:

- To ensure a clear distinction between the remit of the First Vice President of the European Commission and High Representative for Foreign Affairs and Security Policy and the remit of the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response.
- To make the findings of the Annual Review on the implementation of the Humanitarian Consensus and its Action Plan public.
- To develop and roll out training material on the Humanitarian Consensus and humanitarian principles to EU institutions and other humanitarian actors.

We call on NGOs:

- To monitor EU Member States' policies through actively engaging in National Platforms (as appropriate) in order to highlight and address practices where government implementation is not in line with the Humanitarian Consensus.
- To ensure that humanitarian principles are strongly reflected in their organisational policies and decision-making procedures on such issues as funding, models of operation, communication with beneficiaries and liaison with other actors in the field.

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