

Working Group VII

Working document 48

Working Group VII – " External Action "

Subject: Note from Mr Poul Nielson, member of the European Commission, on Humanitarian Assistance

- Document forwarded by Mr Michel Barnier and Mr António Vitorino, members of the Convention



EUROPEAN COMMISSION

Brussels, 20 November 2002

Dear Mr Dehaene,

Please find enclosed the personal contribution of our colleague Mr Poul Nielson for distribution to the Working Group VII ("External Action") of the Convention on the Future of Europe, concerning humanitarian assistance.

Yours sincerely,

António VITORINO

Michel BARNIER

Mr Jean-Luc DEHAENE
Vice-President of the Convention
Chairman of the "External Action" Working group

Note from Commissioner Nielson
On
Humanitarian assistance

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1. The EC Humanitarian Assistance, a widely praised EC policy.

Humanitarian assistance is viewed as a true "success story" of Community external relations, not only by the European institutions¹ but more importantly by the international community. Community humanitarian assistance has indeed become the expression of the values of humanity on which EU is founded and also a concrete demonstration of world- wide solidarity to the people in need.

There is also a large consensus among European citizens in favour of the provision of humanitarian aid collectively through the Community².

Two key factors have played a decisive role.

First, there is the **continuing necessity to act at European level**. The large international humanitarian crises at the beginning of the 90's led the Member States and Commission to increase the volume and efficiency of European humanitarian assistance by pooling resources at Community level. This rationale is still valid nowadays in the light of the countless number of humanitarian disasters the EU has to deal with.

¹ See the resolution of the EP on the report of the Development and Co-operation Committee of 28.6.2000 (Imbeni report) and the conclusions of the 2263rd meeting of the Development Council of 18.5.2000.

² Eurobarometer survey, Spring 2001 : Community aid is very valued *"because better use can be made of financial resources available"*

Second, Community humanitarian assistance **has created a clear EU added value** in this policy area, based on a productive **division of labor** between Member States bilateral humanitarian aid and Community humanitarian assistance. The creation in 1992 of ECHO, the European Commission Humanitarian Aid Office, and its action since then have certainly been instrumental in developing such synergies.

With an average annual budget of € 500 million covering operations in more than 60 countries on all continents, benefiting between 40 and 50 million people each year, **Community humanitarian aid has a true global outreach**. In keeping with the core principles of international humanitarian law, namely impartiality and non-discrimination, Community humanitarian is delivered wherever there are humanitarian needs to be addressed, including in so-called "forgotten crises", *i.e.* areas where hardly any other EU Member State is present (Western Sahara conflict, civil conflict in Sri Lanka).

This complements the action of **EU Member States**, which **are much more selective** in their approach (for financial or political reasons) and concentrate on regions of special interest to them.

When the two types of actions are pooled, **the EU is the biggest humanitarian donor** in the world (EU as a whole supplies 50% of global humanitarian aid annually, ECHO alone representing 25% of it). Externally, this enables the EU to influence the humanitarian international response (*i.e.* vis-à-vis the other main donors like USA and organisations like the U.N.). Internally, it helps creating favourable synergies and economies of scale at EU level (strategic dialogues; exchange of information both at field and Headquarters' level, joint missions, etc) as this has been positively experienced in the recent Afghan crisis.

2. The role of humanitarian assistance with respect to the future of EU external relations.

The ongoing discussions on the coherence and efficiency of the Union's external action are of direct relevance to Community humanitarian assistance.

Humanitarian Assistance and Crisis Management

While humanitarian assistance definitely contributes to the EU external action, it should not become subordinated to an EU crisis management instrument.

Indeed, it is very doubtful that bringing humanitarian assistance under a Crisis management mechanism would result in increased efficiency and coherence, for the following reasons.

- Humanitarian assistance has its own rationale, rooted in the universality of humanitarian principles in which the EU recognises itself. The allocation of humanitarian aid is made according to the needs of affected populations, focusing on the most vulnerable such as children, women, disabled, refugee and uprooted people. It is neither guided by, nor subject to, political considerations.

If the allocation of humanitarian aid were to be geopolitical rather than needs-based, there would be a risk of discriminating between victims, with victims of so-called "forgotten crises" becoming even more forgotten. This would run counter to the international responsibility of the EU with respect to global solidarity.

- Delivery of humanitarian assistance is all about speed and efficiency. The current provisions in the first pillar³ enable the Commission to take funding decisions within hours after a disaster occurs and to finance humanitarian organisations according to budgetary fast-track procedures (contracts and payments all made within 5 days).

If humanitarian assistance were to be integrated to an EU crisis management "chain of command", it would certainly not go quicker as it is the case now. The risk may be that the decisions regarding humanitarian aid would be delayed because of political considerations into play and of the complex decision-making mechanisms of CFSP.

In conclusion, humanitarian assistance should be covered by a distinct chapter of external policy, subject to specific Community decision-making mechanisms and not fall under Crisis Management procedures.

Humanitarian Assistance in relation to ESDP

The current developments of EU ESDP aim at giving a more prominent role to military and civil defence forces in the direct delivery of relief aid, notably as part of Petersberg tasks.

However, the resulting multiplication of non-humanitarian actors in the delivery of relief aid poses real risks both in terms of confusion of roles and waste of resources, as illustrated below:

³ Legal basis is Council Regulation (EC) 1257/96 of 20 June 1996 concerning humanitarian aid.

- Humanitarian implementing organisations, such as the Red Cross, insist on preserving the distinction of roles between humanitarians and military not just for ethical reasons but above all because of genuine operational concern. If military forces were to deliver aid directly and/or were to control operational activities of humanitarian organisations (denying access to certain zones, for example), there would be a serious risk for relief workers to be perceived as auxiliaries of soldiers and potentially as 'enemies'. The blurring of roles in Afghanistan created by certain US military initiatives (Special forces using humanitarian cover) is one (bad) example.
- Second, subordinating humanitarian aid delivery to EU military or ESDP processes would go against accepted **international humanitarian mandates** (e.g. UNHCR for refugees, ICRC for the protection of populations, UNOCHA for the co-ordination of international relief aid) **and norms**.

There are indeed internationally agreed guidelines (known as the "Oslo-guidelines") in place concerning the use of military and civil assets to support humanitarian activities in crisis situations. The basic principle is that military forces intervene only at the request of humanitarian organisations.

- Third, there might be operational duplication and financial waste if military and civil defence interventions cover activities i.e. medical, water or refugee care, which are also covered by humanitarian organisations funded by the Community and with real experience and expertise.

In conclusion, clear terms of reference and co-ordination systems must be put in place between humanitarian actors and military forces in crisis contexts where both intervene. These must be based on the recognition and respect of their respective mandates.

It is particularly essential that the EU Concept for Civil Military Co-ordination currently under elaboration should be brought in line with the international norm e.g. the use of military and civil defence assets for humanitarian purposes should be made at the request of and not imposed on the humanitarian actors, with strict agreed rules of engagement.