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Meðfylgjandi er umsögn Rauða kross Íslands um frumvarp til laga um alþjóðlega þróunarsamvinnu, <sup>422.</sup> ~~442.~~ mál 135. löggjafarþings, þskj. 705.

Einnig fylgir með bæklingurinn „The European Consensus On Humanitarian Aid“ sem útgefinn er af Evrópusambandinu.

Með vinsemd og virðingu,



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framkvæmdastjóri

**Umsögn Rauða kross Íslands**  
**um**  
**frumvarp til laga um alþjóðlega þróunarsamvinnu Íslands.**  
(Lagt fyrir Alþingi á 135. löggjafarþingi 2007-2008.)  
Þskj. 705 – 442. mál.

Rauði kross Íslands þakkar fyrir það tækifæri sem hér gefst til umsagnar um frumvarp til laga um alþjóðlega þróunarsamvinnu Íslands. Að mati Rauða krossins er mjög tímabært að löggjöf varðandi þróunarsamvinnu Íslendinga verði endurskoðuð. Eftirfarandi eru athugasemdir þær sem Rauði kross Íslands vill koma á framfæri varðandi frumvarpið:

**Almennar athugasemdir.**

Rauði kross Íslands telur að með frumvarpinu sé verið að gera breytingar í rétta átt. Það er til bóta að hafa í sömu lögum ákvæði er varða þróunarsamvinnu, neyðaraðstoð og mannúðarstarf, hvort heldur um tvíhliða eða fjölþjóðleg verkefni er að ræða. Það er til þess fallið að samhæfa slíkt starf og auka líkur á að gott samræmi verði á milli skuldbindinga og samþykktu sem gerðar eru á alþjóðavettvangi og framkvæmd á vettvangi. Þá eru ákvæði í frumvarpinu sem mæla fyrir um samvinnu stjórnvalda við íslensk og alþjóðleg félagasamtök og aðra aðila sem geta komið að framkvæmd verkefna í samvinnu við heimafólk mjög til þess fallin að betri árangur verði af þróunarsamvinnu sem Íslendingar koma að. Í því sambandi vill Rauði krossinn þó sérstaklega minna á það lykilhlutverk sem íslensk félagasamtök hafa þegar félagasamtök heimafólks bera ábyrgð á framkvæmd verkefna, á eigin vegum og/eða í umboði stjórnvalda í viðkomandi löndum. Þá er vert er að minna á sérstöðu Alþjóðaráðs Rauða krossins sem vinnur hlutlaust mannúðarstarf á átakasvæðum samkvæmt umboði frá ríkisstjórnnum sem bundnar eru af alþjóðlegum mannúðarlögum (Genfarsamningum).

Rauði krossinn telur hins vegar aðfinnsluvert að frumvarpið er annars vegar mjög opið og án skilgreininga á lykilhugtökum og hins vegar mjög sértækt. Í frumvarpinu eru t.a.m. sett fram háleit markmið, svo sem að “stuðla að friði” án þess að þar séu að finna ákvæði sem skýra hvernig þeim skuli náð. Tengslin á milli meginmarkmiða frumvarpsins og framlags Íslands eru m.ö.o. ekki skýr. Þá eru t.a.m. nákvæm og ítarleg ákvæði í frumvarpinu varðandi kjör opinberra starfsmanna sem starfa að þróunarsamvinnu en þar er hins vegar ekkert fjallað um aðkomu félagasamtaka að framkvæmd tvíhliða þróunarverkefna. Þá er ekki fjallað um fræðslu- og málsvarastarf héraðs í frumvarpinu né heldur vikið að öðru mikilvægu starfi á sviði þróunarsamvinnu, sem fram fer á Íslandi, s.s. starfrækslu háskóla Sameinuðu þjóðanna á sviði sjávarútvegs og jarðhita eða annarri sérmenntun sem Íslendingar gætu boðið fólki frá þróunarlöndum að sækja hér á landi.

**Athugasemdir við einstakar greinar frumvarpsins.****1. gr.**

Í lokamálslið 2. mgr. greinarinnar segir að alþjóðleg þróunarsamvinna Íslands hafi meðal annars það markmið “að tryggja öryggi á alþjóðavettvangi, m.a. með því að stuðla að friði og gæta hans, vinna að uppbyggingu og gæslu friðar og veita mannúðar- og neyðaraðstoð þar sem hennar er þörf.” Við þessi ákvæði frumvarpsins vill Rauði kross Íslands gera eftirfarand athugasemdir:

Rauði krossinn telur að ákvæði um “að tryggja öryggi á alþjóðavettvangi, m.a. með því að stuðla að friði og gæta hans, vinna að uppbyggingu og gæslu friðar ...” eigi ekki heima í lögum um alþjóðlega þróunarsamvinnu. Að mati Rauða krossins getur ekki hjá því farið að sá skilningur verði lagður í ákvæðið að þar kunni að vera vísað til hernaðaríhlutunar og stjórnmalalegra afskipta á alþjóðavettvangi án þess að þau afskipti falli undir þróunarmál. Markmiðið með þróunarsamvinnu og mannúðar- og neyðaraðstoð er að stuðla að “efnahags- og félagslegri þróun” og bjarga mannlífum. Það starf getur vissulega stuðlað óbeint að friði en varast ber að blanda stjórnmalalegum og hernaðarlegum afskiptum / íhlutunum um of saman við þróunarsamvinnu og mannúðarstarf. Rauði krossinn telur afar mikilvægt að þess sé eins vel gætt og nokkur kostur er að ákvæði laga og framkvæmd geri skýran greinarmun á friðargæslu, sem undantekningalítið byggist á hernaðarlegum og/eða stjórnmalalegum sjónarmiðum að meira eða minna leyti, a.m.k. í huga íbúa viðkomandi landsvæða, og þróunarsamvinnu og mannúðaraðstoð sem yfirleitt byggist á öðrum sjónarmiðum og er veitt á öðrum grundvelli. Ef þessa er ekki vel gætt er afar mikil hættu á því að sú togstreita, tortryggni, deilur og átök sem óhjákvæmilega geta fylgt friðargæslu grafi alvarlega undan þeim ávinningi sem þróunarsamvinna getur skilað þeim sem hennar þarfnast og eiga að njóta. Í þessu sambandi skal einnig bent á að ef mörk á milli friðargæslu og þróunarsamvinnu og mannúðaraðstoðar eru gerð óskýr getur það beinlínis dregið úr öryggi þeirra sem starfa að þróunar- og mannúðarmálum.

Verði tilvitnuð ákvæði að lögum óbreytt verða lagaleg mörk þróunarsamvinnu og friðargæslu gerð enn óskýrari en þau nú þegar eru, sbr. ákvæði 1. gr. laga nr. 73/2007, um íslensku friðargæsluna og þátttöku hennar í alþjóðlegri friðargæslu.

Þá vill Rauði krossinn nota þetta tækifæri til að áréttu mikilvægi þess að skilin milli hlutlausrar og óháðrar mannúðaraðstoðar (e. Neutral and Independent Humanitarian Action, NIHA), sem veitt er af hálfu mannúðar- og hjálparsamtaka og aðstoðar sem veitt er af friðargæslusveitum séu höfð eins glögg og kostur er og þau virt í orði og verki. Rétt er að taka fram að íslensk stjórnvöld hafa látið í ljós skilning á mikilvægi þeirrar aðgreiningar, sbr. áheiti það sem ríkisstjórn Íslands gerði, ásamt öðrum ríkisstjórnnum á Norðurlöndunum og landsfélögum Rauða krossins í sömu löndum, á alþjóðaráðstefnu Rauða krossins á árinu 2007 en það er svohljóðandi:

*Ríkisstjórnir norrænu ríkjanna og landsfélög Rauða krossins í þeim ríkjum gera hér með það áheiti fyrir tímabilið 2008-2011 að auka skilning á því hlutleysi og sjálfstæði, sem mannúðarstarf Rauða krossins byggist á, meðal mikilvægustu aðila (e. key actors), s.s. valdhafa, starfsfólks herja og mannúðarsamtaka. Við heitum því jafnframt að auka skilning þessara aðila á því hvaða afleiðingar það hefur fyrir mannúðarstarf ef mörkin milli mannúðarstarfsemi og stjórn mála legrar / hernaðarlegrar starfsemi eru gerð óskýr á einhvern hátt. (Þýðing Rauða kross Íslands).*

Vegna niðurlagsákvæðis 1. gr. frumvarpsins, er varðar mannúðar- og neyðaraðstoð, vill Rauði krossinn benda á, að þó að vissulega sé afar mikilvægt þegar aðstoður kalla á mannúðar- og neyðaraðstoð sé jafnframt sem fyrst hugað að langtímauppbyggingu á viðkomandi svæðum, þá er mannúðar- og neyðaraðstoð að ýmsu leyti annars eðlis en þróunarsamvinna og oft grundvölluð á öðrum sjónarmiðum. Rauði krossinn og önnur mannúðarsamtök, sem búa yfir mikilli reynslu og sérþekkingu á mannúðarstarfi á átakasvæðum, neyðaraðstoð vegna náttúruhamfara, langtíma þróunarsamvinnu og hvernig slík aðstoð og samvinna tengist og best verður tengd, eru mjög vel í stakk búin til að annast slíka aðstoð á árangursríkan og hagkvæman hátt. Mikilvægt er einnig að hafa í huga í þessu sambandi að það er grundvallatriði varðandi allt mannúðarstarf að aðstoð er veitt þeim sem á henni þurfa að halda, burtséð frá því hvar í flokki þeir standa, hvaða skoðanir eða trú þeir hafa eða aðhyllast o.s.frv. Sá sem veitir mannúðaraðstoð tekur m.ö.o. ekki neina afstöðu til deilna eða átaka sem upp kunna að vera og oft eru að meira eða minna leyti orsök þess að aðstoðar er þörf. Þess vegna eru hlutlaus og sjálfstæð samtök yfrleitt best til þess fallin að koma mannúðaraðstoð til þeirra sem eru hjálpar þurfi. Í þessu sambandi vekur Rauði krossinn sérstaka athygli á meðfylgjandi bæklingi Evrópusambandsins, “The European Consensus On Humanitarian Aid”, þar sem fjallað er um nefndar meginreglur varðandi mannúðaraðstoð.

### **2. gr.**

Í frumvarpinu er hvergi kveðið á um hvernig og hvenær Ísland skuli ná því marki, sem samþykkt hefur verið á vettvangi Sameinuðu þjóðanna, um að framlög til þróunarsamvinnu nemi 0,7% af vergum þjóðartekjum. Rauði kross Íslands telur eðlilegt og mikilvægt að löggjafinn kveði skýrt á um þetta í lögum. Í þessu sambandi skal og bent á að í i-lið 3. gr. núgildandi laga um Þróunarsamvinnustofnun, nr. 43/1981, sem falla úr gildi verði frumvarp þetta að lögum, segir að til að ná markmiðum þeim sem löggin kveða á um skuli starfsemi Þróunarsamvinnustofnunar m.a. beinast að því að “framlög Íslendinga til aðstoðar við þróunarlöndin nái sem fyrst því marki, sem samþykkt hefur verið á þingi Sameinuðu þjóðanna, að þau nemi 1% af þjóðartekjum.”

### **3. gr.**

Áætlun af því tagi sem hér er kveðið á um er, að mati Rauða krossins, til þess fallin að auka gagnsæi í öllu því sem lýtur að þróunarsamvinnu og stuðla þannig að upplýstri og málefnalegri umræðu og auknum árangri af því starfi. Rauði krossinn lýsir því ánægju með ákvæði greinarinnar en vill jafnframt ítreka það sem segir í athugasemdum við 2. gr.

frumvarpsins hér að framan um mikilvægi þess að ákvæði um framlög Íslands til þróunarsamvinnu verði fest í lög.

#### **4.gr.**

Rauði krossinn fagnar því að í frumvarpinu skuli gert ráð fyrir að samráð við mannúðarsamtök verði lögbundið. Slíkt er eðlilegt þar sem slík samtök búa yfir afar mikilli reynslu og þekkingu á þessu sviði. Reglubundið samráð af þessu tagi við hlutaaðeigandi félagasamtök og aðra hagsmunaaðila er því mjög til þess fallið að stuðla að meiri og betri árangri í því þróunarstarfi sem íslenskir aðilar koma að.

Í ljósi þess hve Rauði krossinn hefur mikið vægi á sviði þróunarsamvinnu og neyðar- og mannúðaraðstoðar og sinnir umfangsmiklu starfi á þeim vettvangi telur Rauði kross Íslands eðlilegt og æskilegt að kveðið verði á um að félagið eigi fastan fulltrúa í samráðshópnum til viðbótar þeim fulltrúum sem frumvarpið gerir ráð fyrir að skipaðir verði í samráði við samstarfshóp íslenskra mannúðarsamtaka í alþjóðlegu hjálparstarfi og þróunarsamvinnu. Í þessu sambandi skal sérstök athygli vakin á því mikilvæga og einstaka hlutverki sem Alþjóðaráð Rauða krossins gegnir á áttaksvæðum í samræmi við Genfarsamningana og stoðhlutverki því sem landsfélög Rauða krossins hafa gagnvart stjórnvöldum, m.a. hvað varðar neyðarvarnir og aðstoð við flóttamenn.

#### **5. gr.**

Rauði krossinn telur mikilvægt að í lögnum sé kveðið á um samstarf við innlend og alþjóðleg félagasamtök hvað varðar marghliða þróunarsamvinnu. Í þessu sambandi verður hins vegar ekki hjá því komist að vekja athygli á því að í lagafrumvarpinu er ekki að finna sambærilegt ákvæði varðandi tvíhliða þróunarsamvinnu, sbr. athugasemdir við 7. gr. frumvarpsins.

#### **6. gr.**

Rauði krossinn telur að fyrirsögn greinarinnar “störf í þágu friðar” sé afar misvísandi, þar sem sú skilgreining getur, að meira eða minna leyti, átt við um margs konar störf sem unnin eru á alþjóðavettvangi, sem ekki geta fallið undir ákvæði laga nr. 73/2007, um íslensku friðargæsluna og þátttöku hennar í alþjóðlegri friðargæslu, sbr. einkum 1. gr. þeirra laga.

Þá vill Rauði krossinn áréttta að afar mikilvægt er að skýr greinarmunur sé gerður á friðargæslu og þróunarsamvinnu, sbr. það sem segir í athugasemdum hér að framan við 1. gr. frumvarpsins. Einnig vísast í þessu sambandi til þess sem fram kemur í umsögn Rauða kross Íslands um frumvarp það sem varð að lögum nr. 73/2007, um íslensku friðargæsluna og þátttöku hennar í alþjóðlegri friðargæslu, sbr. 1. gr. þeirra laga.

#### **7. gr.**

Rauði krossinn og fleiri mannúðar- og hjálparsamtök hafa sinnt og sinna nú umfangsmiklum verkefnum á sviði þróunarsamvinnu og búa því yfir margvíslegri sérþekkingu og mikilli reynslu af slíkri verkefnavinnu. Rauði krossinn telur nauðsynlegt

að reglur, skipulag og framkvæmd varðandi þróunarsamvinnu af hálfu Íslendinga taki tillit til þessa, svo að hún megi verða sem skilvirkust og hagkvæmust og þar með verða

að sem mestu gagni öllum þeim sem hlut eiga að máli. Þess vegna telur Rauði krossinn að í lögum um þróunarsamvinnu eigi að vera ákvæði sem tryggi að við alla ákvarðanatöku varðandi verkefni á sviði þróunarsamvinnu verði ávallt metið með ítarlegum og málefnalegum hætti hvort betri árangur og/eða hagkvæmari lausnir geti náðst með því að hafa samstarf við eða, eftir atvikum, með því semja við samtök á borð við Rauða krossinn um að þau taki verkefni að sér að hluta eða að öllu leyti.

Í 5. gr. frumvarpsins er kveðið á um að utanríkisráðuneytið skuli annast marghliða þróunarsamvinnu Íslands m.a. í samstarfi við innlend og alþjóðleg félagasamtök, eftir því sem við á. Í frumvarpinu er hins vegar hvergi að finna sambærilegt ákvæði varðandi tvíhliða þróunarsamvinnu Íslands. Að mati Rauða krossins eru engin málefnaleg rök fyrir þessu ósamræmi. Með vísan til þess og þess sem rakið er hér að framan leggur Rauði krossinn til að við 7. gr. frumvarpsins verði bætt ákvæði um að við tvíhliða þróunarsamvinnu sem Þróunarsamvinnustofnun annast skuli stofnunin hafa samstarf við félagasamtök sem sinna verkefnum á því sviði. Ennfremur vill Rauði krossinn vísa til þeirrar þróunar sem verið hefur áberandi í nágrannalöndum okkar þar sem þróunarsamvinnustofnanir eru í auknum mæli fjármögnunar- og eftirlitsaðilar sem semja við félagasamtök og aðra aðila um framkvæmd þróunarverkefna.

#### **8. gr.**

Eins og fram kemur í athugasemdum við 7. gr. frumvarpsins annast Rauði kross Íslands og fleiri íslensk mannúðar- og hjálparsamtök margvísleg verkefni á sviði þróunarsamvinnu. Starfsmenn þeir, sem sinna þessum verkefnum á vettvangi, hafa önnur kjör sem eru að ýmsu leyti lakari en kjör þau sem starfsmenn Þróunarsamvinnustofnunar, sem starfa að þróunarverkefnum á sömu svæðum, hafa. Rauði kross Íslands telur það réttlætismál að ríkið leitist við að jafna þennan mun, að því leyti sem það er á þess valdi og vill hér sérstaklega benda á þann mun sem er á reglum sem eiga við um skattafrádrátt eftir því hvort um starfsfólk Þróunarsamvinnustofnunar eða félagasamtaka er að ræða.

Starfsmenn ríkisins við alþjóðlega þróunarsamvinnu eru oft við störf í löndum og á svæðum þar sem stofnanir, sem eiga að tryggja virðingu fyrir grundvallarmannréttindum og/eða mannúðarreglum eru veikburða eða ekki til staðar. Rauði krossinn telur því æskilegt að í lögum verði sett ákvæði varðandi þjóðréttarlegar reglur, siðareglur og skyldur til að greina frá brotum á alþjóðlegum mannréttindum og mannúðarlögum, sambærileg við þau sem er að finna í 6. gr. laga nr. 73/2007, um íslensku friðargæsluna og þátttöku hennar í alþjóðlegri friðargæslu.

#### **9. gr.**

Rauði kross Íslands vísar til þess sem segir í athugasemdum við 7. gr. frumvarpsins hér að framan, varðandi þátttöku félagasamtaka í verkefnum á sviði þróunarsamvinnu.

## **Rauði kross Íslands**

Félagið bendir á að ef slíkum samtökum er falin framkvæmd tiltekinna verkefna, að hluta eða að öllu leyti, samkvæmt samningi við Þróunarsamvinnustofnun, fylgist stofnunin með verkefnavinnunni, sem þar með verður undir betra eftirliti en þegar Þróunarsamvinnustofnun vinnur verkefnið sjálf.

Rauði kross Íslands gerir ekki athugasemdir við aðrar greinar frumvarpsins.



COMMISSION OF THE EUROPEAN COMMUNITIES

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**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT AND THE COUNCIL**

**Towards a European Consensus on Humanitarian Aid**

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# COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

## Towards a European Consensus on Humanitarian Aid

### 1. HUMANITARIAN ACTION IN A CHANGING WORLD

Humanitarian action has a centuries-long tradition of solidarity rooted in people working to aid victims of crises. The objective of humanitarian aid is to save lives and to provide immediate relief for people facing severe crisis whether as a result of natural disaster or of conflict. Over the last thirty years there has been increased emphasis on principles, quality and professionalism in the provision of international humanitarian aid.

However, humanitarian actors today face a number of specific challenges. Humanitarian crises happen with greater frequency and severity in impact, linked to climate change, the changing nature of conflict, increasing competition for access to energy and natural resources, extreme poverty, poor governance and failed states. The main victims are civilians, most of them living in developing countries. There has been an increasing tendency for humanitarian and international law to be ignored or blatantly violated. Encroachment of the 'humanitarian space'<sup>1</sup> adversely affects access to vulnerable populations and the safety and security of humanitarian workers, two essential preconditions for humanitarian action and for the EU and its partners to be able to continue to get assistance to crisis-hit people.

Humanitarian aid is one of the EU's main external policies. The EU collectively is the leading humanitarian donor in the world and Europeans are strongly committed to supporting humanitarian action. This places particular responsibility and expectations on the EU. It is time to bolster European humanitarian action in the face of these developments by setting out an explicit EU Consensus on the common values and principles that underpin EU humanitarian action. It is also opportune to look at practical ways to reinforce complementarity between Member States' and Community humanitarian action to enhance the effectiveness of the EU aid effort. The European Consensus on humanitarian aid should promote a more coherent, consistent and comprehensive approach to humanitarian aid. A clear commitment to good donorship practice and a definition of the roles of the respective actors is essential to help preserve the humanitarian space and therefore our ability to continue to deliver aid to people in need. The consensus on humanitarian aid would therefore be distinct from and complementary to the European Consensus on Development of December 2005<sup>2</sup>.

In developing this Communication, the European Commission reviewed lessons learnt in its responses to crises<sup>3</sup>, and conducted an intensive consultation process of

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<sup>1</sup> For all underlined terms, please refer to definitions in the glossary in annex.

<sup>2</sup> "The European Consensus" (OJ C 46, 24.2.2006).

<sup>3</sup> See linked Commission Staff Working Paper SEC(2007) 781: Responses to crises.

its humanitarian partners, which showed considerable consensus on the challenges faced by humanitarians<sup>4</sup>, including on the “responsibility to protect” and “human security”.

## 2. A COMMON VISION

### 2.1. VALUES, PRINCIPLES AND COHERENCE

Humanitarian action is a moral imperative and a fundamental expression of the value of solidarity of European citizens with people suffering. In a world of more frequent and severe natural disasters and where human suffering as a result of conflict persists, with the severest impacts on the poorest people, EU actors must work together to ensure effective delivery of aid to the victims of humanitarian crisis and to reduce vulnerability.

As an external action instrument, humanitarian aid is part of the continuum of EU external actions. While it actively contributes to the protection and empowerment of victims of disasters, humanitarian aid is not a crisis management tool: the EU has a firm commitment to the fundamental humanitarian principles of humanity, neutrality, impartiality and independence. This principled approach is essential to the acceptance and ability of the EU to deliver aid to the victims of crisis in often complex political and security contexts. The perception of the EU and its commitment to neutrality and independence in humanitarian action are clearly linked to behaviour and engagement on the ground. All EU actors involved in crisis response must work in coherence with these principles.

Humanitarian aid differs from other types of assistance in that its sole objective is to provide an emergency response that specifically aims to save and preserve life and to prevent and relieve human suffering wherever the need arises if local actors are overwhelmed, unable or unwilling to act. Preparedness and local response to crisis are key to saving lives. While the principles and modalities that apply to humanitarian aid are specific and distinct from other forms of aid, coherence with other policy instruments, in particular those related to crisis management and development cooperation must be ensured.

Regrettably, global experience in recent years has demonstrated a persistent lack of respect for International Law, including International Humanitarian Law. The EU agreed in 2005 operational guidelines on the promotion of compliance by third States and where appropriate non-state actors with International Humanitarian Law (IHL)<sup>5</sup>. These cover a variety of actions, from assessment and reporting, political dialogue and restrictive measures to crisis management operations and the fight against impunity. The European Commission underlines the importance of a proactive approach to preserving the conditions necessary for humanitarian action.

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<sup>4</sup> See linked Commission Staff Working Paper SEC(2007) 782: Report on the consultation on a Consensus on European Humanitarian Aid policy.

<sup>5</sup> European Union Guidelines on promoting compliance with international humanitarian law (OJ C 327, 23.12.2005, p. 4).

### **Committed and principled action**

The EU should:

- uphold and promote the humanitarian principles of humanity, neutrality, impartiality and independence; and thereby contribute to preserving the humanitarian space and the ability to deliver aid;
- advocate strongly and consistently for the respect of international law;
- ensure policy coherence, complementarity and effectiveness by using its tools and influence to address the root causes and prevention of humanitarian crisis.

## **2.2. THE EU AND HUMANITARIAN AID**

In 2006 the EU collectively was the biggest donor of official humanitarian aid, contributing over € 2 billion of aid for humanitarian response, that is over 40% of officially-reported overall international humanitarian assistance<sup>6</sup>. In 2006 humanitarian aid from the EC alone reached 75 countries and an estimated 100 million people<sup>7</sup> helping to save many lives around the world, notably in the so-called forgotten crises. The EU's contribution is composed of Community humanitarian aid (managed by the Commission) and the provision of considerable levels of bilateral humanitarian aid directly by EU Member States, with shared competence.

The effectiveness and impact of the provision of humanitarian aid by the EU could be considerably enhanced by strengthening the co-ordination reflex and practice and sharing experience actively. This would enable all Member States to improve the quality of the overall humanitarian response. Coordinating positions in humanitarian fora and for advocacy makes the EU voice stronger. The EC's extensive humanitarian field presence is a valuable asset that provides a natural focal point for EU representatives working together in emergency response and preparedness, linking coherently into international humanitarian efforts and coordination approaches ('the Cluster System').

### **The aim of enhanced EU coordination is**

- to act in a concerted way to strengthen and optimise the overall humanitarian response;
- to promote and support well-organised aid delivery strategies ;
- to share understanding on needs and appropriate responses;
- to identify gaps and ensure strong arrangements are in place to react before a crisis occurs.

<sup>6</sup> As registered by the UN Financial Tracking system (UN-OCHA).

<sup>7</sup> Catchment population : population that benefits directly and indirectly of EC funded humanitarian assistance.

### 2.3. GOOD DONORSHIP

Principled donor practice must be firmly embedded in international efforts. The Good Humanitarian Donorship Initiative (GHD) launched in June 2003 provides a useful basis, including a definition of humanitarian aid, a firm commitment to upholding the fundamental humanitarian principles, and guidance on good donor practice. The EC considers that it is time for the EU as a whole to commit more actively to the substance of what constitutes good donorship and how this is translated into practice. This work should be linked to a broader Partnership approach. Building on the GHD initiative and on other existing standards and processes<sup>8</sup>, the EU should support an inclusive approach to promoting best practice in humanitarian action through 'Good Humanitarian Partnership' that brings together Donors ("traditional" and "emerging") and Partners (international and local actors).

The EU should:

- confirm its commitment to, and jointly assess its implementation of humanitarian aid in the framework of the existing 'Good Humanitarian Donorship Principles and Best Practice';
- support an ambitious international approach that brings together donors and partners to review principles, standards and best practice for humanitarian action ('Good Humanitarian Partnership').

## 3. TRANSLATING PRINCIPLES INTO PRACTICE

### 3.1. APPROPRIATE AND EQUITABLE AID, BASED ON NEEDS AND STANDARDS

Since the perception of a shortfall of humanitarian aid funding persists despite a commitment to higher levels of Official Development Aid (ODA), the EU should analyse both the quantity and effectiveness of funding. This funding should be based on agreed minimum standards of assistance and protection.

In addition, humanitarian aid must be transparently allocated on the basis of needs. Currently there is no single framework or agreed approach to needs-assessment. The EC applies a specific global needs assessment methodology linked to its annual programming strategy, and conducts an annual 'Forgotten Crises Assessment'. Results are shared with all interested parties. Detailed needs assessments are conducted by a large network of ECHO field experts and desks in close consultation with other Commission services and Member States.

Whenever possible best practice in aid-effectiveness means that aid in kind should draw on local and regional resources and procurements and pre-positioned stocks to avoid undue environmental and financial extra-cost of shipping aid from Europe over long distances. Naturally, decisions on where to purchase aid must remain context

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<sup>8</sup> Notably the 'Principles of Conduct for the International Red Cross and red Crescent Movement and NGOs in Disaster Response Programmes' (1994) and the SPHERE 'Humanitarian Charter' and Minimum Standards.

specific. Other 'innovative' modalities for aid delivery, including non-commodity based approaches (such as cash and vouchers) should also be considered.

#### **Providing effective aid**

The EU should:

- commit to adequate provision of humanitarian aid, in line with its commitment to increase ODA;
- base this on agreed minimum standards of assistance and protection;
- seek to establish a common framework for assessment of needs and sharing of expert analysis;
- ensure an overall balanced response with a special focus on 'forgotten crises' and neglected needs; and to crises facing serious funding shortfalls where need is clearly demonstrated.

### **3.2. PARTNERSHIP**

Partnership is key to the effective provision of humanitarian aid. EU donors work through multiple implementing partners: the European and local NGOs, the UN and the Red Cross movement, all of whom have essential and complementary roles. Delivery of humanitarian aid in challenging circumstances demands quality, professionalism, experience and co-operation with others. All Partners of EU donors should adhere to international standards and guidelines applicable to the provision of aid, and should be transparent and accountable to the recipients, as well as to those providing funding.

The EU recognises and fully supports the central role of the United Nations - spearheaded by the Office for the Coordination of Humanitarian Affairs (OCHA) - in promoting a coherent international response to humanitarian crises and welcomes the concerted efforts made to reform the humanitarian system. Good coordination between partners and with donors particularly in the field, building upon broad participation in and flexible use of 'the Cluster Approach,' is essential for an effective humanitarian response.

#### **Diversity and Quality in Partnership**

The EU should:

- underline its intrinsic support for a plurality of implementing Partners - the NGOs, the UN and the Red Cross Movement;
- acknowledge that each has comparative advantages in responding to certain situations or circumstances;
- support the central coordinating role of the UN in advancing reforms aimed at improving the overall international humanitarian response.

The defining criteria for selection of implementing partners should be:

- professionalism;
- capacity to respond to identified need (including presence and access);
- adherence to the humanitarian principles, international guidelines and best practice in delivery of aid;

- specialist knowledge or mandate;
- cost-efficiency;
- local partnership and context;
- accountability, including reporting transparently on results.

### **3.3. EFFECTIVENESS, QUALITY AND ACCOUNTABILITY**

Speed and quality are both critical in delivering humanitarian aid. We have a clear responsibility as donors to ensure that aid delivered represents the best available option and does the job it is intended to do. Aid must be suitably adapted to the specific circumstances of a particular humanitarian crisis. Qualitative input and performance indicators, cost effectiveness criteria (eg overheads in proportion to aid going to recipients), and partnership with local populations in managing response particularly in protracted crises, are all elements that the European Union needs to consider carefully to ensure its humanitarian aid is implemented effectively to best serve people in need. A quality approach demands a high-level of assurance from implementing partners through the application of partner eligibility criteria and performance monitoring. The EC experience shows that it is possible and necessary to combine rapid response and efficiency in humanitarian aid with strict accountability policy<sup>9</sup>, through partner-accreditation systems and financial control measures. This is an integral part of ensuring accountability to the European public and to recipients of aid.

### **3.4. CAPACITIES TO RESPOND RAPIDLY**

Significant gaps in the global response capacity of the humanitarian community were highlighted in the 2005 Humanitarian Response Review, some of which are being addressed through humanitarian system reform. The EU needs to increase its crisis response capacities in a way that helps fill the remaining gaps. Its role is to support international efforts to identify and plug capacity gaps at a global level (eg on logistics and pre-positioning), ensuring that these capacities are available to a full range of partners. This would include contributing to regional hubs and to arrangements for additional surge capacities in the case of major crisis, for example for transport or assessment teams.

Long-term capacity building measures, including early-warning systems at local, national and regional level, joint training and information systems, also need to be reinforced. Support for local capacity-building, particularly in areas of prolonged or recurrent crises, should focus on quality and sustainability with the clear aim of increasing capability for local independent humanitarian action.

EU capacities could be strengthened by applying a flexible but systematic operational approach to ensure timely EU donor co-ordination and to provide additional recourse to available capabilities, assets and expertise. Practical measures are also needed to ensure complementarity with existing emergency rosters/deployment teams. The European Commission making full use of its

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<sup>9</sup> See, for instance, European Court of Auditors, Special Report 3/2006, concerning the European Commission humanitarian aid response to the tsunami.

permanent field presence should facilitate a rapid quality EU co-ordinated field level humanitarian response anchored in international relief efforts.

### 3.5. USE OF CIVIL PROTECTION AND MILITARY ASSETS AND CAPABILITIES

European humanitarian aid is a policy that draws on various Community and Member States' instruments, including civil protection resources coordinated via the Monitoring and Information Centre (MIC) in liaison with the EU Presidency or dispatched bilaterally; such resources have many applications besides forming part of a response to humanitarian disasters<sup>10</sup>. Increasingly, Member States use their civil protection capacities in disaster responses outside Europe, reflecting their citizens' desire to use available capacities for the purpose of international solidarity. In a humanitarian response proper coordination between different European actors and instruments is essential to maximise their complementarity and coherence.

Civil protection resources can provide an important contribution to humanitarian actions based on humanitarian needs assessments and their comparative advantages in terms of speed, sector expertise, efficiency and effectiveness especially in the early phase of relief response. When acting in a humanitarian context outside the EU, it is important that such resources support and complement the humanitarian actors in line with agreed international principles and guidelines – in particular in relation to neutrality, impartiality and independence.

Civil protection resources and assets cover a wide range of state-owned assets, both military and civilian. Such assets are used in response to a formal request from the affected state; which in countries at war or fragile states, would almost certainly amount to acting upon the invitation of a warring party. This in turn risks compromising the perception of the neutrality and impartiality of the relief effort and 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. Recourse to state-owned civil protection assets in complex emergencies is therefore rather the exception. Where civil protection is used in complex emergencies, it should be under the guidance of the UN and humanitarian organisations. A distinction should be made here between humanitarian interventions and an EU crisis management operation.

As it is vital to ensure the neutrality of humanitarian action, any blurring of lines between humanitarian and military tasks should be avoided. Therefore, military forces and assets should only be used as a "last resort" in humanitarian operations in line with international guidelines.

#### **Building on Comparative strengths in response to humanitarian situations**

The EU should:

- commit to underpinning international efforts to map and plug identified gaps in

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<sup>10</sup> Council Decision 2001/792/EC established the Community Mechanism for interventions inside and outside the EU.

capacities, in particular related to transport, communications, logistics and surge-arrangements for responding rapidly to disaster;

- examine ways to strengthen its own rapid response capacity by working together building on existing comparative strengths;
- adhere to and promote the Military and Civil Defence Assets and Oslo guidelines;
- reaffirm that Military and Civil defence/protection capabilities must be deployed in a way which complements and supports the work of humanitarian organisations, according to need/context for specialist tasks and support

#### 4. A JOINED-UP APPROACH TO AID

##### 4.1. DISASTER RISK REDUCTION - INCREASING PREPAREDNESS

Given the increased frequency and recurrence of natural disasters notably due to the effects of climate change, affecting the most vulnerable groups most severely, the promotion of disaster risk reduction strategies and preparedness activities is essential. Depending on the instrument used, this should be done at local, regional and national level in developing countries. Following the World Conference on Disaster Reduction held in Hyogo (Japan) in January 2005, there has been renewed international mobilisation to develop more effective strategies for disaster risk reduction and mitigation. The EU clearly recognises this and is shaping its aid approach accordingly: through stand-alone support for community-based preparedness activities, such as the EC's DIPECHO programme; through mainstreaming of this dimension into EU humanitarian and development aid, which is reflected in the commitment of the EU Development Consensus to support disaster prevention and preparedness; and through advocacy.

##### **Promoting Disaster Preparedness**

The EU should:

- promote international efforts within the Hyogo Framework for Action to increase coping capacities at local, regional and national level through strategic planning and action;
- mainstream disaster risk reduction in humanitarian and development operations and ensure that adequate EU funding is made available for disaster preparedness and risk reduction activities;
- establish an overall EU policy approach to support action in this area.

##### 4.2. LINKING RELIEF, REHABILITATION AND DEVELOPMENT

The recovery and reconstruction of countries in the aftermath of a disaster is a major challenge, which requires structural and development action beyond immediate emergency aid. Although the necessity of effectively linking Relief, Rehabilitation and Development (LRRD) thereby contributing to poverty reduction, food security



and sustainable development, is a well-recognised and crucial objective<sup>11</sup>, making this happen in practice necessitates flexible and innovative transition strategies on the part of all aid actors. Development and humanitarian actors are increasingly present in parallel for longer periods, with the phasing out of humanitarian aid varying according to sector or region. Increasing mutual awareness of the differing modalities, instruments and approaches is critical to aid effectiveness and ensuring a smooth transition. With the introduction of new EC financing instruments from 2007, in particular the Development and Cooperation Instrument and the Stability Instrument, the EC has a renewed opportunity to tackle the LRRD challenge by applying a policy mix in states emerging from crisis that includes early engagement of development programming and instruments that support early recovery alongside carefully planned exit strategies for humanitarian aid, thus ensuring a smooth hand-over to more structural programmes. Considering the EU collective experience in dealing with countries in transitional contexts, there is a case for developing a more systemic policy in addressing LRRD situations.

#### **Reinforcing the link to other aid instruments**

- The EU should work together on a framework for advancing practical approaches to LRRD, based on experiences and lessons learnt;
- identify a number of LRRD pilot countries for trialling implementation of case-specific joint EU approaches;
- improve cooperation between humanitarian and development agencies and other assistance actors, particularly at field level and in situations of complex crisis and state fragility.

## **5. IMPLEMENTATION OF COMMUNITY HUMANITARIAN AID**

EC humanitarian aid is governed by Council Regulation (EC) No 1257/96 of 20 June 1996, which provides a clear mandate to provide relief and protection to people facing humanitarian crises.

The Commission seeks to add value to the effectiveness of the overall EU aid effort by:

- putting good donorship into practice itself and encouraging others to do so;
- promoting quality needs-based responses that draw upon acquired operational experience and lessons learnt from previous crises;
- developing and disseminating best practice and sectoral guidance;
- facilitating policy dialogue and exchange of operational information ;
- striving continually to improve performance and professionalism in the delivery of aid as a learning organisation; and
- facilitating EU coordinated efforts to contribute to effective humanitarian response, including LRRD.

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<sup>11</sup> The European Consensus on Development commits the EU to linking emergency aid, rehabilitation and long-term development.

The EC is committed to maintaining both a high quality response and its ability to react quickly. In order to do this it is reinforcing its pre-crisis readiness, including situational assessments and analysis of capacities to respond, as well as its own surge capacity linking to that of Partners. It is in this context that the reinforcement of DG ECHO's experts' network is taking place and that 6 regional EC Delegations' crisis response capacities will be strengthened.

The Commission, in close partnership with those who implement humanitarian aid on the ground, should maintain its role as an active 'reference donor' and humanitarian player through its dedicated humanitarian DG. It must remain a strong voice on issues affecting humanitarian action, building upon the foundations of DG ECHO's operational experience, added-value and international recognition. This implies a reinforcement of capacity to work closely with others, and at the centre of the EU humanitarian effort. Some specific measures to reinforce rapid reaction and flexibility are currently under review.

At a Community level a number of policy areas link closely to humanitarian aid, which include: crisis management, food security, development policy, the promotion of human rights and human security, public health. The EC is committed to ensuring that policy coherence and complementarity are translated consistently into coordinated operational implementation for the delivery of aid. There is a need to build on synergies and avoid potential confusion or duplication of effort<sup>12</sup>.

## **6. A EUROPEAN CONSENSUS ON HUMANITARIAN AID**

The European Commission invites the Council of the European Union and the European Parliament to:

- adopt a joint declaration on the "European Consensus on Humanitarian Aid", based on the principles and approaches to active donorship outlined in this Communication;
- reaffirm the EU/EC commitment to working together in a co-ordinated, coherent and complementary way to ensure that this consensus is translated effectively into practice.

On the basis of a European Consensus, the European Commission stands ready to propose a roadmap of specific implementing measures to be taken forward by the EU.

By working together on a European Consensus on Humanitarian Aid and its practical implementation, our objective is to enhance the EU contribution to the global humanitarian response in partnership with others. In so doing we reaffirm our commitment to providing assistance to people in need as a fundamental expression of EU solidarity.

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<sup>12</sup> This is line with the objectives set out in the Commission's communication "Europe in the world : Some Practical Proposals for Greater Coherence, Effectiveness and Visibility" - COM(2006) 278, 8.6.2006.

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## **ANNEX**

### **GLOSSARY**

#### **FORGOTTEN CRISES**

The EC's Forgotten Crisis Assessment methodology defines "forgotten crises" as crises that receive little or no media attention and whose victims receive relatively little or no international assistance.

#### **GOOD HUMANITARIAN DONORSHIP INITIATIVE (GHD)**

The GHD Initiative outlines principles and good practice of humanitarian donorship and was endorsed in Stockholm in 2003 by Germany, Australia, Belgium, Canada, the European Commission, Denmark, the United States, Finland, France, Ireland, Japan, Luxemburg, Norway, the Netherlands, the United Kingdom, Sweden and Switzerland. Since then, Austria, the Czech Republic, Greece, Italy, Portugal and Spain have also joined the initiative, which through peer review, dialogue and exchange of experience seeks to advance implementation of good donorship in practice.

#### **HUMAN SECURITY**

General Assembly Resolution 60/1 of 24 October 2005 recognizes "that all individuals, in particular vulnerable people, are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their human potential. To this end, we commit ourselves to discussing and defining the notion of human security in the General Assembly". The emphasis on freedom from want and freedom from fear is meant to ensure that the most vulnerable are empowered to manage their own security.

#### **HUMANITARIAN PRINCIPLES**

The definition of the principles can be found in the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in disaster relief and in United Nations General Assembly Resolution 46/182. They are derived from the Fundamental Principles of the Red Cross, particularly principles I (humanity), II (impartiality), III (neutrality) and IV (independence).

#### **Humanity**

The principle of humanity means that humankind shall be treated humanely in all circumstances by saving lives and alleviating suffering, while ensuring respect for the individual. It is the fundamental principle of humanitarian response.

## **Impartiality**

Provision of humanitarian assistance must be impartial and not based on nationality, race, religion, or political point of view. It must be based on need alone.

## **Independence**

Humanitarian agencies must formulate and implement their own policies independently of (other) government policies or actions.

## **Neutrality**

Neutrality means not taking sides in hostilities or engaging at any time in controversies of a political, racial, religious or ideological nature.

United Nations General Assembly Resolution 46/182 lists the principle of neutrality, along side the principles of humanity and impartiality in its annex as a guide to the provision of humanitarian assistance.

## **HUMANITARIAN SPACE**

The operating environment which humanitarian actors need on the ground in order to have full access to victims to be able to deliver assistance and to offer protection, without endangering the safety and security of aid workers.

## **HYOGO FRAMEWORK FOR ACTION**

In January 2005, at the World Conference on Disaster Reduction (held in Kobe, Hyogo, Japan), 168 Governments adopted a 10-year plan to make the world safer from natural hazards. The Hyogo Framework for Action (HFA) is a global blueprint for disaster risk reduction efforts during the next decade. Its goal is by 2015 to reduce substantially disaster losses – in terms of lives, and in the social, economic, and environmental assets of communities and countries.

## **LRRD**

Linking Relief, Rehabilitation and Development is a concept that strives to ensure that the exit and entry strategies of different aid actors/instruments join each other to cover the so-called "grey zone" between humanitarian assistance and development cooperation programmes in such a way that there is no assistance gap. Successful LRRD requires assistance planning from the earliest stages (early recovery) to take into account later stages in the process with development instruments dovetailing with the emergency relief instruments and the rehabilitation phase.

## **OSLO AND MCDA GUIDELINES**

The Oslo and MCDA guidelines are international guidelines designed to ensure that the impartiality and neutrality of humanitarian activities are preserved when Military

or Civil Defence Assets (MCDA) are used in support of humanitarian operations. Their main aim is to establish the basic framework for formalizing and improving the effectiveness and efficiency of the use of foreign military and civil defence assets in international disaster relief operations.

The **Oslo Guidelines** concern the Use of Military and Civil Defence Assets to support United Nations humanitarian activities in natural disasters. In contrast, the **MCDA Guidelines** deal with the use of military and civil defence assets to support United Nations humanitarian activities in complex emergencies (i.e. conflict zones).

#### **RESPONSIBILITY TO PROTECT**

General Assembly Resolution 60/1 of 24 October 2005 stipulates that "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity". It further provides that "the international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapter VI and VII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity". It also makes reference to the use of Chapter VII of the Charter, if peaceful means are inadequate.