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Losing Principles in the Search for Coherence? A Field-Based Viewpoint on the EU and Humanitarian Aid

on MAY 29, 2013 · LEAVE A COMMENT · in ANDREA PONTIROLI, AURELIE PONTHIEU, KATHARINE DERDERIAN

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INTRODUCTION

With the international intervention in Mali in 2013, humanitarians once again face the challenge of finding an independent space in which to provide assistance. Here, political, military, and aid initiatives strive for coherence between diverse activities in a complex environment involving the United Nations (UN), European Union (EU), France, the African Union (AU), the Economic Community of West African States (ECOWAS), and Malian state and non-state actors. Characteristic of these efforts toward a coherent, integrated response to the crisis is the UN effort to develop an “integrated strategy for the Sahel region encompassing security, governance, development, human rights and humanitarian issues,” even as the need for “impartial, neutral, full and unimpeded access for humanitarian aid” is acknowledged.^[1]

The Sahel is a vast region to the south of the Sahara Desert that spans parts of Mali, Niger, Chad and Mauritania. Over the past few years, multiple crises have unfolded in the region, including localized nutritional crises and chronic food insecurity due to persistent poverty coupled with droughts, high food prices, low agricultural production and loss of coping mechanisms. In addition, the current crisis in Mali has led to significant forced displacement. As of January 2013, some 230,000 Internally Displaced People (IDPs) had fled within Mali and 150,000 refugees had sought shelter in neighboring countries, mainly in Mauritania, Burkina Faso and Niger.^[2]

The Sahel has long been a concern for the EU and EU member states as a result of its close geographical proximity, historical ties, and relevance to an extensive security agenda including responses to illegal arms flows, human trafficking and irregular migration, drug trafficking, terrorism and crime. The direct involvement of the EU and several member states means that the crisis in the Sahel has significant implications for Europe, specifically regarding the EU’s search for coherence.

Along with the Horn of Africa, the Sahel is the first place where the EU and its Member States are implementing a comprehensive approach.^[3] The idea of a comprehensive approach is new neither to EU member states nor to other states and institutions such as the UK’s “whole of government” approach, the North Atlantic Treaty Organization’s (NATO) “comprehensive approach” or the United Nations’ (UN) ambitions toward “integrated missions” or “one UN.” While the concept is “notorious for being a catch-all phrase for what can turn out to be quite different things,”^[4] there are some common denominators, in particular the ideas that security and development are inseparable and that different branches in crisis management should integrate their thinking and action.

For the EU and its member states, the “comprehensive approach” is a key part of recent external action discourse, pointing to the mobilization of the entire range of instruments available to the EU and its member states in crisis management to achieve a more holistic, sustainable response addressing multiple facets of crises in a coherent manner. While the 2009 Lisbon Treaty institutionalized this approach through changes to EU foreign and security policy structures, a joint EU External Action Service (EEAS)/European Commission communication further detailing the EU comprehensive approach is expected in 2013. At the same time, recent EU approaches to two regional crises have been formulated to provide for a EU Comprehensive Approach in the Horn of Africa and the Sahel.[5]

Many commentators already see the Sahel crisis as a crucial test of the European Union’s Common Security and Defense Policy.[6] Less discussed but equally significant is how the situation will also test the EU’s commitment to humanitarian principles.

Field-tested humanitarian principles of impartiality (solely needs-based aid), independence and neutrality point to the need to clearly distinguish between humanitarian and all other forms of political, military and state-centric development action. In conflicts and other volatile crisis settings, whenever humanitarian aid forms or is perceived to form, part of international or national political or military efforts, authorities or communities may revoke access to populations in need. At the same time, people may hesitate to seek assistance considered politically compromised, fearing retribution by one of the parties to the conflict.[7] Likewise, the security of humanitarian staff and beneficiaries may be endangered where assistance is seen as part of a political or military agenda and thus at risk of becoming a target in itself.

While it is too early to draw conclusions about the impact of the EU comprehensive approach, safeguards in the Sahel case and elsewhere will be crucial to ensuring that humanitarian aid remains distinct from security and development efforts. The European Commission Directorate General for Humanitarian Aid and Civil Protection (ECHO) decision not to require EU visibility for implementing partners in Mali is just one example of such a safeguard.[8] Other examples include ECHO granting a waiver on visibility requirements for humanitarian implementing partners working in conflict areas like Somalia, Eastern DRC, Afghanistan and Chad during the EUFOR Chad/CAR mission.[9]

Médecins Sans Frontières (MSF) has long documented the serious risks for humanitarian aid wherever political and military interventions harness humanitarian aid for foreign policy objectives—both in individual contexts such as Afghanistan, Pakistan, the Horn of Africa, and South Sudan, [10] as well as in the wider effort to better coordinate among humanitarian aid actors.[11] In this sense, the push for coherence in the Sahel is not a unique phenomenon. In their multi-faceted response in the Horn and the Sahel today, and elsewhere in the future, the EU and its member states will face the growing challenge of reconciling the ambition of comprehensive crisis management—or eventually even responses throughout a conflict cycle—with existing commitments to humanitarian principles.

This article looks at existing and evolving EU policy frameworks and practices to point out inherent tensions between the EU’s commitment to humanitarian principles and current approaches to foreign policy at a time when the EU comprehensive approach is evolving rapidly at the levels of policy, debate, and practice. Drawing on MSF field perspectives, the authors argue that **co-existence of various EU crisis management tools in the field, in a context aimed at policy coherence, risks EU-funded humanitarian aid becoming, or being perceived as, a foreign policy tool**—with very real consequences: lack of humanitarian access to people in need, beneficiaries’ lack of access to assistance and biased provision of aid to different populations. In conclusion, the article provides a number of specific recommendations in terms of EU norms, policies and public discourse. Policy coherence and the comprehensive approach have featured prominently in EU and global debates for over a decade and will remain on the agenda for the foreseeable future. Today, the EU and its member states have the opportunity—and, indeed, the responsibility—to address potential misperceptions of humanitarian aid and ensure a safe and distinct working space for humanitarian aid and thus the effectiveness of EU humanitarian responses to emergencies.

THE EU AND CRISIS MANAGEMENT: WHAT SPACE FOR HUMANITARIAN AID?

The 2007 EU Consensus on Humanitarian Aid[12] highlights the need to respect humanitarian principles as key to accessing and assisting people in need. The Consensus is an

unprecedented attempt to maintain the independence of humanitarian action within the EU. The Consensus clearly states that EU humanitarian aid is “not a crisis management tool” (15) and distinguishes between humanitarian principles and the use of a “full range of tools” to address crises (30).

Yet the Consensus also refers to “transitional contexts and situations of fragility” where “humanitarian aid and development cooperation, as well as the various instruments available to implement stability measures, will be used in a coherent and complementary fashion...in order to use the full potential of short and long-term aid and cooperation”(30). The EU’s commitment to humanitarian principles is already challenged by tensions within the Consensus itself; the search for co-existence and coherence between humanitarian aid and various other actions of the EU, including those related to development objectives, early recovery, civil protection, gender and the responsibility to protect (R2P).

While humanitarian aid represents one form of crisis response, it cannot serve as a means of crisis management. Despite efforts to distinguish humanitarian aid from EU crisis management tools, the existence of various crisis responses in a policy environment aimed at coherence inevitably raises points of tension. In the best-case scenario, wherever humanitarian aid and other crisis responses co-exist, the EU still risks the misperception of humanitarian aid as one of many tools in crisis response, and thus also as a potential foreign policy tool.

This being said, **ECHO has implemented a number of measures aimed at distinguishing between EU humanitarian aid and wider political and military efforts.**[13] For example, in Afghanistan, where EU member state armed forces have been present on the ground within a NATO framework, ECHO has asked the NGOs it funds to exercise extreme caution—beyond the standards normally and formally requested of all ECHO partners—in upholding humanitarian principles and ensuring that they are and are perceived as neutral, impartial, and independent of the wider Western intervention.[14] Other possible ways for the EU and its member states to uphold the distinction between humanitarian aid and other crisis management tools could also include making visibility optional and contingent upon potential risks for humanitarians and their beneficiaries, as well as consistently applying established commitments such as the EU Consensus and long-standing best practices for interaction of humanitarians and other actors in the field (e.g. Oslo Guidelines).

At the same time, in conflict and violent settings where various EU crisis management tools co-exist, there is the potential for EU humanitarian aid to be misperceived. Three key threats arise for EU interventions in particular.

1) **The overlap between the EU, EU member states and other interests and alliances suggest politicized intentions even in the best-case scenario.** Misperceptions can arise even when the EU has limited political or military involvement in a given situation, but EU Member States are militarily or politically active individually or as part of another institution, such as NATO.

2) **EU policy and actions at times link humanitarian aid and other crisis management initiatives in ways that blatantly contradict the EU’s commitment to humanitarian principles.** The proposed EU Force (EUFOR) Libya mission is one instance where the EU risked undermining the independence of humanitarian organizations by offering a military intervention to “protect” them at a time when several EU member states were actively involved in the Libyan conflict under the umbrella of NATO. This offer alone risked compromising the perceived independence of humanitarian actors in Libya.

3) **Public discourse of EU Member States, and at times of EU officials, regularly associates humanitarian aid with other political and military measures,** heightening the risk that humanitarian aid and other co-existing crisis responses are not distinguished from one another, and are therefore risk being perceived as part of the same EU comprehensive strategy to face a specific crisis.

The key risks: norms & policies, public discourse and perception

To date, **EU responses to complex crises have regularly included humanitarian aid as one key component or as a stated objective** of interventions such as the proposed European Union military operation in support of humanitarian assistance operations in response to the crisis situation in Libya (“EUFOR Libya” operation)[15] and EU Naval Force (EUNAVFOR)-Operation Atalanta.[16] Since 2008, EUNAVFOR-Operation Atalanta aims to address piracy and its economic

and regional impact—including activities aimed at simultaneous protection of both the African Union Mission in Somalia (Amisom), a party to the Somali conflict on the ground, and humanitarian aid, namely World Food Programme (WFP) food shipments for displaced people within Somalia. Humanitarian justification of politically and military strategic goals in EU public discourse and in practice raises questions about the political uses of humanitarian aid. More recently, in 2011, the above-mentioned proposal for EUFOR Libya provided for the UN's Office for the Coordination of Humanitarian Affairs (OCHA) to request that EUFOR Libya intervene on behalf of humanitarian actors.[17] While the idea of placing the choice for collaboration in the hands of a humanitarian actor might be construed as a positive step, the creation of this precedent remains a double-edged sword. If a humanitarian coordination body were to be seen as “requesting” a military intervention, this would profoundly compromise its neutrality along with other aid actors in the same working environment.

Comprehensive approaches to the Horn of Africa and the Sahel likewise foresee multi-faceted EU interventions that include humanitarian aid alongside development aid, political action and military measures for overall objectives of regional stabilization. The ambiguity regarding the distinct roles of these measures is exacerbated by public discourse of the EU[18] and its member states aligning humanitarian and other efforts, or designating overall EU interventions as “humanitarian” per se. Key member states have taken politicized positions on EU interventions; for example, the French minister of Defense Jean-Yves Le Drian stated in November 2012 that “Europe will support a global response—political, humanitarian, military—to the Malian problem.”[19] Further, the German Foreign Minister Guido Westerwelle recently articulated the objectives of addressing Islamism, stabilizing Mali and ensuring European security at a time when his government had just released new funding for humanitarian aid in Mali.[20]

More broadly, EU member states may make policy decisions that raise wider questions about their various agendas and that of the EU as a whole. For example, in February 2013, the UK government proposed using parts of its aid budget for security, demobilization and peacekeeping activities. This proposal directly associated humanitarian and development aid with stabilization of conflict-affected states in the interest of national security, as well as connecting UK aid, foreign policy and defense bodies to one another, as it stated that they “work incredibly closely together.”[21]

At the same time, EU discourse makes little attempt to emphasize the distinction between humanitarian aid and other efforts. The concomitant provision of humanitarian aid along with development, political, military and anti-terror measures in contexts such as Horn of Africa and the Sahel risks creating the perception that the measures are linked and share objectives.[22] In Somalia, ECHO placed a priority on reinforcing needs-based humanitarian assistance in the most vulnerable South-Central zone, in areas controlled by both government and opposition group forces.[23] Yet elsewhere, the EU designates their approach to Somalia as “a comprehensive approach including security support, development assistance and humanitarian aid.” [24]

In these two same contexts, new measures aimed at resilience, such as Supporting the Horn of Africa's Resilience (SHARE) in the Horn of Africa and the Global Alliance for Resilience Initiative (AGIR) in the Sahel,[25] mix humanitarian and development approaches to “boost assistance,” further exacerbating the risk of misperception. With the ideas of Linking Relief Rehabilitation and Development (LRRD) and now resilience, donors and practitioners have long aspired to better link humanitarian and development efforts, an ambition that is still being debated and developed in practice.[26] Yet several risks persist. Specifically, the idea of “resilience”[27] may displace humanitarian aid through longer-term and as yet unproven measures that merge development and capacity-building with emergency preparedness and response.[28] In addition, the idea of resilience is sometimes advanced as a means to address increased needs against the backdrop of limited funding during the current financial crisis. This suggests a possible compromise of humanitarian principle if resilience is not driven solely by humanitarian need, but also explicitly influenced by political considerations around the allocation of limited resources.[29]

Certainly, continuity and complementarity between emergency and development efforts remain desirable at field level, as MSF has argued in the Sahel.[30] Yet coherence remains a slippery slope, with confusion of agendas re-emerging where the sum of aid efforts—humanitarian and development together— are harnessed as part of overall political or military efforts. Bundling humanitarian and development efforts into a joint effort, resilience strategies aim to be “mutually supportive and consistent” in conflict settings with “the wider EU political and security approach.” Vigilance will be necessary where the overall label of “resilience” for both humanitarian and development efforts may camouflage the co-optation of humanitarian aid into wider political and

security efforts, in blatant contradiction of EU commitments to humanitarian principle.[31] In a conflict setting, this bundling of diverse objectives could mean a risk of misperception with consequences for humanitarian access or security—and in any context where humanitarian aid intervenes, this raises the more fundamental issue of ensuring sufficient life-saving assistance in the face of wider development, political or security objectives.

How does it play out in the field?

It is often hard to draw a direct causal link between such politicized and/or misperceived practices and concrete impact on humanitarian action, but coherent approaches are generally understood to represent an additional risk factor facing humanitarians in an already volatile working environment.[32] In view of existing commitments to humanitarian principle and field-tested best practices for the interaction of military and political actors with humanitarians, any additional risks remain unacceptable in a time of widespread insecurity facing humanitarians and their beneficiaries.

For example, during the EUFOR Chad/Central African Republic intervention in 2008,[33] belligerent parties publicly questioned EU missions and their political motives, suggesting the same questions could arise for humanitarian aid. Indeed, at the time, ECHO in Chad instituted a blanket waiver for EU visibility for humanitarian organizations working in the same areas as EUFOR, anticipating and attempting to address the danger of misperception of humanitarian aid. Drawing on a similar logic, MSF has drawn operational consequences in response to the potential dangers of EU coherence. This has included instituting a long-standing global organizational policy not to use EU visibility in ECHO-funded projects in most conflict zones and not to accept EU humanitarian funding in key contexts of prominent EU presence or involvement, including Afghanistan, Somalia and northern Mali.

Like any donor, the EU and its member states have political objectives. Where such goals translate into specific actions that join humanitarian aid with either military missions or political interventions however, there is an acute risk of misperception of humanitarian aid. This risk can be heightened in situations in which humanitarian aid is considered an unwelcome Western intervention; in which humanitarians are perceived as assisting one belligerent—either the state or an opposition group—over another; in which individuals, groups or populations considered “terrorist” are excluded from aid or access negotiations. The maintenance of a distinct humanitarian space— independent of military, political or economic interests—has been the key, field-tested step to ensure humanitarian aid can work effectively in volatile zones worldwide.

Thus far, EU policy and practice have generally demonstrated an awareness of the importance of distinguishing between humanitarian aid and other objectives. Despite this, a word of caution is in order about humanitarian response in challenging contexts such as Mali. When engaging in political or military interventions, states may take the initiative or, in certain circumstances, even have the obligation to provide humanitarian assistance. Whatever the motives of this assistance may be, the co-existence of various initiatives within an international intervention, including humanitarian aid, risks the perception of mixed agendas. Preserving the needs-based nature of humanitarian aid, and upholding its needs-based character in practice and public discourse, are the sole keys to avoiding this unnecessary risk.

CONCLUSIONS AND A WAY AHEAD

Access to populations in conflict or contested zones remains the keystone of humanitarian aid. Humanitarians work on a daily basis to put principles of impartiality and independence into practice. At the same time, what other political, military and aid actors say and do in our shared environment has equally significant impact. As soon as the slightest doubts arise about aid workers’ intentions among states or armed groups, humanitarians’ access to people in need—and their access to the assistance humanitarians provide—can be lost. Even if a causal link between the efforts toward coherence and impact on access to humanitarian aid cannot always be demonstrated with absolute certainty, we would argue that taking the risk of losing principle in the search for coherence is not worth the cost. The stakes for people in need are simply too great for the EU and its member states to take this risk knowingly.

Some realistic and pragmatic steps could be taken to protect the distinctive space for humanitarian aid within EU action, now and in the future:

- At normative level, the EU Consensus, along with the extensive body of existing best practices, guidelines and legal frameworks around humanitarian aid (e.g. Red Cross Code of Conduct, Oslo Guidelines) should continue to inform all present and future EU interventions and policies, in particular as the EU comprehensive approach is defined and put into practice. While humanitarian aid funded by the European Commission via ECHO respects the principles enshrined in the EU Consensus on Humanitarian Aid, this is not the case for a number of EU member states. These states should comply with the EU Consensus on humanitarian aid.
- At the policy level, the EU and its member states must ensure a clear distinction between humanitarian aid and other crisis response tools, especially where different initiatives co-exist at the field level, in a scenario that may become more likely as the Comprehensive Approach is expanded. The points of departure are existing policies, norms and commitments binding and often developed by the EU and/or its member states, including the humanitarian principles and the EU Consensus, as well as best practices and policies regularly used by ECHO to monitor implementing partners' implementation of humanitarian principle. In the spirit of the Consensus, all practical measures should be taken to ensure that EU humanitarian aid will not be seen by beneficiaries, local populations or global audiences as part of, or aligned with, EU political, military and development action. The Horn of Africa and the Sahel are the first test cases with regard to how the Comprehensive Approach will impact humanitarian action—and continued vigilance will be necessary, as these will hardly be the last such test.
- At the level of public discourse, EU officials and EU member states must remain vigilant about how, even if the distinction of humanitarian aid is maintained at normative and policy level, public discourse labelling multi-faceted EU interventions as “humanitarian”, or describing humanitarian response as a part of a wider political and security strategy, undermines efforts at distinction and re-opens risks of misperception about humanitarian aid responses on the ground.

In financially troubled times and in the search for EU-wide frameworks, aspirations toward coherence will not disappear. In the end, the challenge will be for the EU to recognize the pitfalls of coherence and act to realize principles in practice, building on the singular precedent set by the Consensus.

[1] *UN Security Council Resolution 2056 S/RES2056 (2012)*, http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2056%282012%29.

[2] Internal Displacement Monitoring Centre (IDMC), “Nowhere to run: Fleeing Malians struggle to find safety and assistance,” January 21, 2013, <http://www.unhcr.org/refworld/docid/50fe61d52.html>.

[3] On the Comprehensive Approach and debates around its content and implications, see e.g. Andrew Sheriff, “Time to clear the confusion around the Comprehensive Approach,” *ECDPM Talking Points*, January 25, 2013, <http://www.ecdpm-talkingpoints.org/time-to-clear-the-confusion-around-the-comprehensive-approach/>; Eva Gross, “EU and the Comprehensive Approach,” *DIIS report* 13, 2008, http://www.diis.dk/graphics/Publications/Reports%202008/R2008-13_EU_and_the_Comprehensive_Approach.pdf; European Peacebuilding Liaison Office (EPLO), “The EU’s Comprehensive Approach to External Action: Gathering Civil Society Input [Meeting report, Wednesday, January 30, 2013],” <http://www.eplo.org/assets/files/2.%20Activities/Civil%20Society%20Dialogue%20Network/Policy%20Meetin> and Linda Barry, “European Security in the 21st Century: The EU’s Comprehensive Approach,” *IIEA European Security and Defence Series*, 2012. <http://www.iiea.com/publications/european-security-in-the-21st-century-the-eus-comprehensive-approach>

[4] Margriet Drent, “The EU’s Comprehensive Approach to Security: A Culture of Coordination?” *Studia Diplomatica* 64.2 (2011). http://www.clingendael.nl/publications/2011/20111000_sd_drent_approach.pdf

[5] See: Council of the European Union, “A Strategic Framework for the Horn of Africa,” November 14, 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/126052.pdf; and European Union External Action Service, “Strategy for Security and Development in the Sahel,” March 2011, http://www.eeas.europa.eu/africa/docs/sahel_strategy_en.pdf

[6] See e.g. Giovanni Faleg, “Mali and the Demise of the EU’s Common Security and Defence

Policy,” Centre for European Policy Studies, January 28, 2013 <http://www.ceps.eu/book/castles-sand-mali-and-demise-eu%E2%80%99s-common-security-and-defence-policy>; and Damien Helly, “EU engagement in the Sahel: Lessons from Somalia and AfPak,” *European Union Institute for Security Studies Policy Brief* 9 (November 30, 2012), <http://www.iss.europa.eu/publications/detail/article/eu-engagement-in-the-sahel-lessons-from-somalia-and-afpak/>.

[7] “In Afghanistan, this dangerous phenomenon has been illustrated on many occasions. ISAF protection of health personnel and facilities has contributed to turning the latter into a battleground with armed opposition groups. The result is that patients who need care are afraid to go to these facilities. They fear an attack on the facility. They also fear retribution (retaliation) for having used these services. In too many communities, people are hence left with the impossible choice of watching a child suffer without treatment or risking a night visit from the armed opposition.” (Christophe Fournier, “Our purpose is to limit the devastations of war,” December 8, 2009, <http://www.doctorswithoutborders.org/publications/article.cfm?id=4309>).

[8] Private conversations with ECHO officials.

[9] While a causal link between visibility waivers and increased access or security has not yet been documented, visibility waivers are a recurring practice of ECHO, extended to MSF (which frequently requests visibility waivers in conflict contexts when working with ECHO) and to the wide variety of humanitarian implementing partners working with ECHO.

[10] On Afghanistan, see Michiel Hofmann and Sophie Delaunay, “Afghanistan: A return to humanitarian action,” March 11, 2010, <http://www.doctorswithoutborders.org/publications/article.cfm?id=4311&cat=special-report>, and Michiel Hofmann, “Dangerous Aid in Afghanistan,” *Foreign Policy*, January 12, 2011, http://afpak.foreignpolicy.com/posts/2011/01/12/dangerous_aid_in_afghanistan. On Pakistan, see Christopher Stokes, “Drowning humanitarian aid,” *Foreign Policy*, October 27, 2010, http://afpak.foreignpolicy.com/posts/2010/10/27/drowning_humanitarian_aid. On Somalia and the Horn of Africa famine, see Unni Karunakara, “Famine in Somalia: a man-made crisis,” *The Guardian*, September 2, 2011, <http://www.guardian.co.uk/commentisfree/2011/sep/02/famine-somalia-africa-international-aid>. On South Sudan, see Parthesarathy Rajendran, “Violence persists in South Sudan, humanitarian neutrality vital,” *Alertnet*, October 17, 2011, <http://www.trust.org/alertnet/blogs/aid-worker-diaries/violence-persists-in-ssudan-humanitarian-neutrality-vital/>.

[11] See e.g. Unni Karunakara, “Haiti: where aid failed,” *The Guardian*, December 28, 2010, <http://www.guardian.co.uk/commentisfree/2010/dec/28/haiti-cholera-earthquake-aid-agencies-failure>; Fabien Dubuet and Emmanuel Tronc, “United Nations: deceptive humanitarian reforms?” *MSF International Activity Report*, 2006, <http://www.doctorswithoutborders.org/publications/ar/report.cfm?id=3230>; Katharine Derderian, Eric Stobbaerts, Iesha Singh, Simone Rocha and David Melody, “UN humanitarian reforms: a view from the field,” *Humanitarian Exchange Magazine* 39 (July 2007) <http://www.odihpn.org/humanitarian-exchange-magazine/issue-39/un-humanitarian-reforms-a-view-from-the-field>.

[12] 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*, 2007, http://ec.europa.eu/echo/files/media/publications/consensus_en.pdf.

Lisbon Treaty article 214 is likewise a key text, providing the first treaty-level basis for EU humanitarian aid and requiring that EU and Member State national policies on humanitarian aid not only complement but also reinforce each other. While international law and humanitarian principles of impartiality, neutrality and non-discrimination figure prominently in this article, the principle of independence of humanitarian aid is not explicitly mentioned, and humanitarian aid is placed squarely in the remit of the overall external action of the EU—reflecting tensions between commitment to humanitarian principle and overall external action that are also found in the EU Consensus: “The Union’s operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union” (“The Treaty of Lisbon,” <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-5-external-action-by-the-union/title-3-cooperation-with->

third-countries-and-humanitarian-aid/chapter-3-humanitarian-aid/502-article-214.html)

[13] Cf. DARA, *Humanitarian Response Index 2011*, 2012, http://daraint.org/wp-content/uploads/2012/03/HRI_2011_Complete_Report.pdf. DARA gives ECHO “high marks for its performance in Pillar 1 [Responding to Needs]. Field partners largely consider its humanitarian aid neutral, impartial and independent. One organization stated, “ECHO is the least restrictive donor in contexts dealing with non-state actors, like in oPt and Somalia,” a sentiment many others shared. Another expressed appreciation for EC/ECHO taking a stand to support humanitarian principles.”

[14] Private conversations with EU officials.

[15] Council of the European Union, “Council decides on EU military operation in support of humanitarian assistance operations in Libya,” April 1, 2011, <http://register.consilium.europa.eu/pdf/en/11/sto8/sto8589.en11.pdf>.

[16] Council of the European Union, Council Decision 2010/766/CFSP, December 7, 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:327:0049:0050:EN:PDF>.

[17] “The decision provides that the EU will, if requested by the UN Office for the Coordination of Humanitarian Affairs (OCHA), conduct a military operation in the framework of the Common security and defence policy (CSDP) in order to support humanitarian assistance in the region. More specifically, EUFOR Libya, if requested by the UN, will:

- contribute to the safe movement and evacuation of displaced persons,
- support, with specific capabilities, the humanitarian agencies in their activities.

See Council of the European Union, “Council decides on EU military operation in support of humanitarian assistance operations in Libya,” April 1, 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/121237.pdf.

[18] See e.g. European Commission, “EU releases extra €20 million crisis response and stabilisation support package for Mali,” February 15, 2013, http://europa.eu/rapid/press-release_IP-13-117_en.htm. This EU communication explicitly positions humanitarian aid (along with military, police, counter-terrorism and development initiatives) as a complement to the comprehensive response to the Mali crisis, itself again including political and military measures: “A first 20 million Euro stabilisation support package was approved today under the Instrument for Stability (IfS) to provide immediate support to Mali’s law enforcement and justice services, the Malian local authorities, dialogue and reconciliation initiatives at local level, and the first phases of the upcoming electoral process...”

This much needed package is an early installment of the EU’s comprehensive response to the crisis in Mali, and complements the on-going efforts of the Union through other instruments, in particular the financial and logistical support to the African-led International Support Mission to Mali (AFISMA), the EUTM and EUCAP Sahel CSDP missions, the current IfS long-term Counter-Terrorism project for the Sahel, the EU-INTERPOL Western Africa Police Information System, ongoing EU humanitarian aid, and development cooperation.”

[19] “Les pays africains veulent “aller vite” sur le Mali, selon Le Drian,” *Libération*, November 13, 2012, http://www.liberation.fr/monde/2012/11/13/les-pays-africains-veulent-aller-vite-sur-le-mali-selon-le-drian_860098

[20] “In the fight against Islamic militants, the Malian government is not alone—this message stood at the center of the trip by Foreign Minister Guido Westerwelle to the North West African country. The Federal Republic [of Germany] therefore reinforced its funding for humanitarian aid by a further million to reach 13.5 million Euros, the FDP politician said on Thursday during a visit to Bamako. “The stability of Mali is also of great importance for the security of Europe,” said Westerwelle.” (“Kampf gegen Islamisten: Westerwelle stockt Hilfe für Mali auf,” *Spiegel Online*, November 1, 2012, <http://www.spiegel.de/politik/ausland/westerwelle-sagt-mali-bei-besuch-in-bamako-hilfe-gegen-islamisten-zu-a-864760.html>. **MSF has positioned itself on this statement** by Foreign Minister Guido Westerwelle; MSF, “Mali: Medizinische Hilfsorganisationen werfen Außenminister Westerwelle Missbrauch humanitärer Hilfe vor [“Medical Aid organizations accuse Foreign Minister Westerwelle of misuse of humanitarian aid”], January 30, 2013, <http://www.aerzte-ohne-grenzen.de/presse/pressemitteilungen/2013/pm-2013-01-30/index.html>:

“In his references to German support for the military operation in Mali, Westerwelle has repeatedly mixed military and humanitarian tasks, says an open letter sent...to the Foreign Minister. As a result, [humanitarian aid workers] could be seen as part of a military intervention and become “targets”. [Westerwelle] also brings the people [aid workers] assist in danger. Westerwelle misuses the prestige of humanitarian aid to make a military intervention with the participation of the Federal Government “politically more acceptable.”

[21] “Cameron said: ‘What is very healthy about this government is that DFID [Department for International Development, including humanitarian aid] is no longer seen as, nor does it see itself as, a sort of giant NGO. It is very much part of the government on the national security council. DFID, the Foreign Office and the defence secretaries work incredibly closely together.’” (Nicholas Watt, “David Cameron gives green light for aid cash to go on military,” *The Guardian*, February 21, 2013, <http://www.guardian.co.uk/politics/2013/feb/21/david-cameron-aid-military>). Cf. MSF, “MSF Statement: Aid must not be hijacked as a political tool,” February 21, 2013, http://www.msf.org.uk/articleDetail.aspx?fid=PM_aid_response_20130221.

[22] “Though the EU development assistance to Mali was put on hold, the EU has showed determination to enhance its humanitarian aid and direct support to the population of Mali. In the framework of the Strategy, the EU also launched a new civilian CSDP mission ‘EUCAP SAHEL’ in July 2012 in order to contribute to the fight against crime and terrorism in Niger and abroad.” (“The European Union and the Sahel,” November 14, 2012, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132802.pdf).

“The EU is already heavily engaged in the region, with more than €2.5 billion of development assistance funding committed for the period 2008-13. The EU has also responded to specific crises – with more than €760 million of humanitarian assistance, and with its anti-piracy naval mission to protect World Food Programme and African Union Mission AMISOM shipping. Longer-term and more sustainable actions are underway in building EU-Africa trade relations, and in regular national and regional political dialogues, with shared targets.” European Union External Action Service, “A new and comprehensive EU approach to the Horn of Africa,” November 14, 2011, http://eeas.europa.eu/top_stories/2011/141111_en.htm

Cf. the CSDP mission EUAVSEC in South Sudan: “The EU’s engagement to support the development of Juba international Airport will be part of the EU’s *Comprehensive Approach* to Sudan and South Sudan as agreed by EU Foreign Ministers in June 2011. This approach defines the EU’s strategy to post-independent South Sudan, covering all aspects of the EU’s support to this country: political/diplomatic, security and rule of law, stabilisation, development, human rights, humanitarian and trade.” European Union External Action Service, “CSDP Mission to strengthen airport security in South Sudan,” June 18, 2012, http://www.consilium.europa.eu/media/1661298/factsheet_csdp_mission_south_sudan_120618.pdf.

[23] Kristalina Georgieva, “Mission to the Horn of Africa July 22-26, 2011,” unpublished document. “The on-going conflict exacerbates the impact of the drought on the 4.2 million people living in Central and South Somalia, most of whom have little access to humanitarian assistance. Providing such assistance inside Somalia must be a priority for the international community. This would allow help to be delivered where it is most urgently needed... Access inside Somalia is extremely difficult but not impossible... For their part, the authorities in Somalia (both Transitional Federal Government and Al Shabab) should do everything in their power to allow humanitarian organizations unhindered access to reach the people in need.”

[24] European Commission, “Catherine Ashton travelled to Somalia,” August 27, 2012, http://europa.eu/rapid/press-release_IP-12-917_en.htm?locale=en: “The EU is the biggest donor to Somalia having committed over 1 billion Euros for the period 2008 to 2013 through a comprehensive approach including security support, development assistance and humanitarian aid.”

[25] European Commission, “The EU Approach to Resilience: Learning from Food Security Crises,” October 3, 2012, http://ec.europa.eu/europeaid/what/food-security/documents/20121003-comm_en.pdf, cf. SHARE in the Horn of Africa (“Horn of Africa – SHARE,” ECHO, accessed April 4, 2013, http://ec.europa.eu/echo/policies/resilience/share_en.htm) and AGIR in the Sahel (“Sahel – AGIR,” ECHO, accessed April 4, 2013, http://ec.europa.eu/echo/policies/resilience/agir_en.htm).

[26] Commission of the European Communities, “Communication from the Commission to the

Council and the European Parliament on Linking Relief Rehabilitation and Development,” COM (1996) 153, April 30, 1996, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:1996:0153:FIN:EN:PDF>; and “Linking Relief Rehabilitation and Development: An assessment,” COM (2001)153, April 23, 2001, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2001:0153:FIN:EN:PDF>. The idea of linking humanitarian and development aid efforts goes back to the 1980s—and today, ongoing reflection continues on how to define LRRD and how it should translate into field and donor practice. See work already done by ALNAP (“LRRD,” ALNAP, accessed April 4, 2013, <http://www.alnap.org/tag/288.aspx>) and Groupe URD (“Knowledge for Action,” URD, accessed April 4, 2013, <http://www.urd.org/Research>), as well as e.g. Margie Buchanan-Smith and Paola Fabbri, “Linking Relief, Rehabilitation and Development: A review of the debate,” Tsunami Evaluation Coalition, November 2005, <http://www.alnap.org/pool/files/lrrd-review-debate.pdf>; Kai Koddenbrock and Martin Büttner, “The Will to Bridge? European Commission and U.S. Approaches to Linking Relief, Rehabilitation and Development,” in *Raising the Bar: GPPI* (2008), http://www.gppi.net/fileadmin/gppi/RTB_book_chp8.pdf; NGO Voice and Concord, “Linking Relief, Rehabilitation and Development (LRRD): Towards a more joined up approach enhancing resilience and impact,” July 2012, <http://www.ngovoice.org/documents/VOICE%20CONCORD%20position%20paper%20Linking%20Relief%20July%202012.pdf>.

[27] “Resilience is the ability of an individual, a household, a community, a country or a region to withstand, adapt, and quickly recover from stresses and shocks such as drought, violence, conflict or natural disaster.” ECHO, “Resilience,” http://ec.europa.eu/echo/policies/resilience/resilience_en.htm.

[28] Simon Levine, Adam Pain, Sarah Bailey and Liliane Fan, “The relevance of ‘resilience’?” *HPG Policy Brief* 49 (September 2012), <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7818.pdf>. Cf. Caroline Hargreaves, “The Concept of ‘Resilience’: Assessing the Applicability of the Discourse across the Development and Humanitarian Sectors,” 2012, http://www.academia.edu/1635866/The_Concept_of_Resilience_Assessing_the_Applicability_of_the_Discot

[29] “If we want our assistance to be effective and cost-efficient, we must not just put a bandage on the wound – we must help find a cure. This requires a shared vision from the humanitarian and the development communities and a joint commitment to act.” (Commissioner Kristalina Georgieva quoted in Mark Tran, “EU to focus on building resilience to disaster among world’s poorest: Closer co-ordination between EU emergency and development arms aims to make aid more efficient and save money,” *The Guardian*, October 3, 2012, <http://www.guardian.co.uk/global-development/2012/oct/03/eu-policy-building-resilience-disaster>). Cf. also “Aid policy: Needs, gaps and resilience,” *IRIN*, July 23, 2012, <http://www.irinnews.org/Report/95926/AID-POLICY-Needs-gaps-and-resilience>).

[30] “‘We have to rethink what constitutes a ‘crisis’ and what is ‘normal’ in this region,’ Doyon says. “More than 300,000 children severely malnourished, this is an enormous number—and that’s just in Niger. Emergency humanitarian response is necessary as it allows saving lives, but it cannot be the only option’...Many of the aid organizations working in the region have agreed they must start to transition from emergency response efforts towards structural measures that can assist the longer-term mission to fight illness. MSF, for its part, is already implementing strategies that can help combat the recurring malnutrition crisis in the Sahel over time, not just in the immediate moment. (MSF, “Sahel: As Likely Malnutrition Crisis Looms, MSF Prepares Short- and Long-Term Responses,” March 30, 2012, <http://www.doctorswithoutborders.org/news/article.cfm?cat=field-news&id=5855>).

[31] “Where violent conflicts exist the resilience strategy and the wider EU political and security approach should be mutually supportive and consistent...” European Commission, “The EU Approach to Resilience: Learning from Food Security Crises,” October 3, 2012, http://ec.europa.eu/europeaid/what/food-security/documents/20121003-comm_en.pdf

[32] “The research team found no clear evidence of a direct link between UN integration arrangements and attacks on humanitarian workers in the contexts reviewed. Nonetheless, most security analysts interviewed for this study agreed that, in particular environments, the association of humanitarian actors with political actors, including the UN, can be an additional

risk factor. This association is particularly problematic in high-risk environments, where the UN mission is implementing a political mandate that is opposed or contested by one or more of the conflict parties, and where those parties are willing and able to distinguish between international actors. In these contexts, highly visible integration arrangements may blur this distinction and therefore pose an additional risk to the security of humanitarian personnel.” Victoria Metcalfe, Alison Giffen and Samir Elhawary, “UN Integration and Humanitarian Space. An Independent Study Commissioned by the UN Integration Steering Group,” December 2011, <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/7526.pdf>.

[33] Leigh Philips, “Chad rebels say French EU peacekeepers ‘not neutral,’” *EU Observer*, February 12, 2008, <http://euobserver.com/defence/25646>.

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