

Humanitarian Action

The increasing weight of Humanitarian Action (HA) on the total Official Development Aid (ODA) and its specific nature, as well as the growing frequency of crises arising from natural disasters and armed conflicts present new challenges to donors, multilateral organisations, and humanitarian organisations in their attempt to alleviate the suffering of affected populations. In addition, the increasing number of players responding to emergencies gives rise to further tensions due to coordination difficulties and the differing conceptions regarding what tasks are specifically considered humanitarian. The Spanish Master Plan for Development Cooperation 2005-2008 proposes reforming HA concepts and management in order to tackle some of these questions. This document offers a brief summary of the ongoing debate on HA among donors, as well as a description of Spanish Humanitarian Action. Lastly, several questions are presented to help foment this debate.

1. Definition of Humanitarian Action

Among the questions humanitarian players (NGOs, notably) demand be revised in order to improve the effectiveness of HA is the definition of the humanitarian area. Unlike the rest of ODA, HA is based on international law, specifically International Humanitarian Law (IHL) based on the Geneva Convention of 1949 and the Additional Protocols of 1977 that regulate behaviour in countries at war, on the Universal Declaration of Human Rights, and Refugee Law. This legal context protects civilians from warring parties and guarantees assistance by means of humanitarian organisations.

Over the last decade, the successive military interventions based on humanitarian reasons have created confusion among the affected populations and fomented doubt among the traditional humanitarian players who have had to develop new strategies to guarantee their independence and neutrality. The new 'Responsibility to Protect' doctrine,¹ adopted during the United Nations General Assembly in September 2005, may add more to this confusion by making the international community directly responsible for protecting populations threatened by genocide, war crimes, crimes against humanity, and ethnic cleansing. Response to natural disasters raises further questions regarding the value of using military resources, but, in general, this is less controversial.

In addition to the purely assistance side of HA, players also assign it roles such as preventing and preparing for emergencies, strengthening local response abilities, and linking aid tasks during emergencies with actions to promote development over the medium term.

Whether assisting during emergencies or carrying out preventive measures, players demand that the humanitarian principles of *impartiality* (intervening according to needs, without discrimination), *neutrality* (not favouring any of the sides in an armed conflict or dispute), and *independence* (autonomy with respect to political,

¹ For further information, see www.responsibilitytoprotect.org.

economic, military or other objectives aimed at protecting the lives and dignity of war victims and victims of internal violence, and offer them assistance) be upheld at all times. These principles are considered universal and are the basis for the work carried out by the International Committee of the Red Cross (ICRC) and have been included in numerous international documents related to HA (UN resolutions, the 1996 European Council Regulation on humanitarian aid, the Good Humanitarian Donorship initiative, among others).

2. The International Context: the Good Humanitarian Donorship Initiative

Under the auspices of the Swedish government, the Good Humanitarian Donorship initiative (GHD) was launched in 2003 in Stockholm in a meeting held to improve the accountability of donors and ensure that humanitarian aid was effective and that it conformed to the principles of humanity, impartiality, neutrality, and independence. Representatives of the 16 participating donor governments,² the European Commission, the Organisation for Economic Cooperation and Development (OECD), the International Red Cross and Red Crescent Movement, NGOs and scholars agreed to a series of principles with the aim of guiding how official humanitarian aid resources were used.

The 23 Principles and Good Practices of Humanitarian Donorship, besides establishing the general objectives and principles of humanitarian aid offered by member countries,³ identify good practices for financing, improving performance, and promoting basic norms, as well as learning processes and responsibility within HA.

The current GHD work plan has the following objectives:

- Identify five priorities for good donor practice at the field level. These are extracted from the UN Consolidated Appeals Process (CAP) with respect to Burundi and the Democratic Republic of Congo case studies, the lessons learned from the response to the 2004 tsunami, and from the periodic revision the OECD's Development Assistance Committee (DAC) performs on its members.
- An increase in adequate, flexible, and predictable donations for humanitarian response by means of new instruments, such as the United Nations Central Emergency Relief Fund (CERF) or the pooled funding available to the Humanitarian Coordinator in the field, both of which have been studied in 2006.
- Strengthen mechanisms for monitoring official aid flows by adopting a common definition of Official Humanitarian Aid to improve the information reported to the DAC regarding these flows. In lieu of a final definition, it is suggested that humanitarian aid be divided into three areas: Prevention and Preparation, Emergency Response, and Recovery and Reconstruction. All of these should then be subdivided according to the specific aid objectives.
- Foment the harmonisation of the data humanitarian agencies forward to donors and the management requirements imposed. The groups of donors within the Office for the Coordination of Humanitarian Affairs (OCHA), the

² Germany, Australia, Belgium, Canada, Denmark, United States, Finland, France, Ireland, Japan, Luxemburg, Norway, Netherlands, Sweden, Switzerland, and the United Kingdom.

³ Besides Spain, other countries joining the GHD in the meeting held in Ottawa in 2004 include Austria, Greece, New Zealand, and Portugal.

United Nations High Commissioner for Refugees (UNHCR), and the ICRC are working to adopt a common format.

- Track the effect of the GHD initiative on humanitarian policies and practices by means of identifying indicators, including HA in DAC peer reviews, and plans for implementing GHD among donor countries.
- Greater coherence among donors with respect to long-lasting crises.
- Greater support for GHD between donors and NGOs.

3. Spain as a Humanitarian Aid Donor

In the current revision of ODA mechanisms in Spain, the novelties introduced with respect to HA are particularly relevant. Up to the present, Spanish HA has not set limits in terms of its response mechanisms beyond direct intervention in emergencies by means of transporting material and its own and NGO personnel. In addition, data from previous emergencies - for example, its response to the tsunami in the Indian Ocean in December 2004 - reveals that in some cases, the armed forces have been the protagonists in quantitative terms in emergency interventions. The Master Plan 2005-2008⁴ provides a glimpse at the future remodelling of Spanish HA to be developed within a Strategy for Humanitarian Action currently being formulated.

It is expected that this new Strategy will contribute to Spain positioning itself as a humanitarian donor in line with international advances in terms of HA conceptualisation. In particular, it is expected that the new focus on humanitarian aid will incorporate the guidelines included in the GHD initiative which Spain adhered to in 2004.

At the international level, Spain's current position as a humanitarian donor is weak given that its contributions to bilateral HA are below the average for DAC countries. According to the 2004 International Development Cooperation Annual Plan (PACI), Spanish HA represented 2.7% of bilateral ODA contributions, while the average for DAC countries was around 10%. The Master Plan 2005-2008 recognises the need to increase HA's weight and establishes meeting the target of 7% of ODA contributions in 2008.

At the multilateral level, voluntary contributions to humanitarian Non-Financial International Organisations (NFIOs) in 2004 increased by 35% with respect to 2003, from 10.8 to 14.6 million Euros.⁵ This increase is significant and signals greater Spanish support for the work carried out by United Nations agencies, such as UNICEF, the World Food Programme (WFP), UNHCR, or the Food and Agriculture Organisation (FAO). On the other hand, Spain does not contribute to the UN CAP programmes, whose aim is to raise resources to cover needs arising from severe crisis situations.

A noteworthy example is Spain's absence in the calls made by the UN for help for the tsunami crisis in 2004, in which no resources were contributed to the UN's urgent

⁴ Available at http://www.maec.es/NR/rdonlyres/63D1D276-85B5-41C4-BE66-97678A6BC292/0/Plan_Director_Esp.pdf.

⁵ Francisco Rey, 'La acción humanitaria en la cooperación española', in *La acción humanitaria en 2003-2004: años convulsos, respuesta insuficiente*, Informe del Observatorio la Acción Humanitaria, December 2005.

pleas⁶. To summarise, in recent years 'our country has seriously fulfilled its financial obligations and is a good payer, as such, of its obligatory contributions to NFIOs, but a poor contributor to voluntary contributions required by the multilateral system'.⁷

The incorporation of Spain in the GHD initiative suggests that, from now on, it will increase its contributions to multi-donor funds, such as DAC or new instruments arising from this initiative. For the time being, in 2006 Spain has committed itself to a 10-million dollar donation (8.4 million Euros) to the new UN CERF fund, an amount which will make the Spanish contribution the seventh most generous behind the United Kingdom (70 million dollars), Sweden (41), Norway (30), Netherlands (23.8), Canada (17.2) and Ireland (11.9), matching the contribution made by the United States.

To solidify the commitment to GHD principles, it would be desirable that, like other donors, Spain prepared an Implementation Plan detailing the steps to be taken to incorporate the advances promoted by this initiative of primary humanitarian donors.

At the domestic level, profound changes can be expected in HA management as can be inferred by the Master Plan 2005-2008. These changes will range from modifications in the organisms responsible for HA in the Spanish Ministry of Foreign Affairs and Cooperation (MAEC) to the broadening of the HA concept currently used for Spanish development cooperation, the incorporation of actions to prepare for disasters, focusing on prevention and mitigation at all levels when planning development cooperation, and, lastly, raising awareness regarding humanitarian questions.

Undoubtedly, the most important change contemplated, given its implications in the definition and management of HA, is the creation of an HA Unit within the Spanish Agency for International Development Cooperation (AECI) which will centralise the implementation of the new Humanitarian Strategy. Currently, HA falls under the responsibility of the Technical Office of the Secretary General of the AECI within the Food Aid and Emergency Area. Although the resources destined for HA within this Technical Office have increased over the last few years, the importance given to managing bilateral Spanish humanitarian aid is more relevant in terms of coordination than contribution given the Office's limited role in managing HA funds.

The expressed recognition of the growing weight of HA compared to total ODA contributions at the international level and the estimated increase in Official Humanitarian Aid in the Master Plan 2005-2008 seem to indicate that the government intends to endow this new Unit with the necessary personnel and financial resources to assume greater responsibilities in managing Spanish HA.

Besides centralising decisions regarding the final use of HA resources, it would be desirable for the Unit to centralise effective coordination among the multiple donors at the local, decentralised level who also contribute to HA funds. In 2004, Spanish Autonomous Communities donated more than 18 million Euros to HA, representing 34% of Official Humanitarian Aid, and local organisms contributed more than 6 million Euros, 11% of the total.

The quick proliferation of HA donors due to the media visibility of humanitarian emergencies compared to that of development cooperation presents important

⁶ Silvia Hidalgo, 'Review of Spanish state funding for the tsunami emergency and relief operation', Tsunami Evaluation Coalition (TEC, www.tsunami-evaluation.org), December 2005.

⁷ Francisco Rey, op. cit.

challenges to the current efforts to improve HA quality. The main challenge is, perhaps, defining and accepting intervention criteria based on needs in the field. It is expected that the new HA Unit will work in this direction, standardising HA financing guidelines among decentralised development cooperation organisations and thereby contributing to the quality of their interventions to ensure that these are in line with international standards. The Inter-territorial Commission for Development Cooperation, the organism charged with coordinating collaboration between Public Administrations at all levels with ODA responsibilities, is the most appropriate forum for this.

With regards to supporting NGO humanitarian tasks, the Master Plan 2005-2008 includes the establishment of mechanisms to finance HA actions via AECl. Currently, the only way to access AECl funds is by means of the Open Permanent Tender process (*Convocatoria Abierta Permanente*, CAP) launched several times throughout the year to finance all types of NGO activities. The deadlines and procedures in this process make it unsuitable to respond to crisis situations. Aware of this, the General Directorate for Planning and Assessment of Development Policies (DGPOLDE) within the Spanish Ministry of Foreign Affairs and Cooperation signals in the Master Plan 2005-2008 that new instruments will be launched, such as agreements or programmes with humanitarian NGOs, in addition to the 'greater inclusion of humanitarian components in agreements and programmes signed between AECl and NGOs or other players who may be involved in each case'.

4. Spain as a Humanitarian Player

Spanish Agency for International Development Cooperation (AECl)

Over the last few years, AECl has taken on a more important role as a humanitarian player in disaster response. In recent emergencies, most notably after natural catastrophes, AECl has intervened directly by dispatching emergency operatives, transporting both materials and rescue and emergency NGO personnel.

Frequently, AECl's direct intervention is attributed to media visibility versus efficiency. The cost of emergency material and its transport as well as the travel time required have an impact on its distribution in the field or the very contribution implied by the multiple players in the area. These are some of the arguments used to criticise the agency.

In order to overcome some of these problems, AECl is studying the possibility of creating a logistical base in Panama to deal with a good part of the emergencies provoked by hurricanes and other natural disasters in Central America, thereby saving time and lowering costs to reach crisis areas. This base in Panama would work jointly with the recently inaugurated AECl hangar in the Air Force base in Torrejón de Ardoz, Madrid.

Additionally, the Master Plan 2005-2008 contemplates strengthening the Technical Development Cooperation Offices (OTC) in those countries likely to suffer disasters or other crises by means of incorporating protocols for HA actions. The aim of the latter is to offer faster and more adequate response to local needs, thereby guaranteeing the transition from the emergency phase to development cooperation tasks.

In emergency response, it is important to emphasise the coordination of the Spanish response with that offered by the European Union and the rest of the international community. Fluid communications between the EU's humanitarian department, ECHO, and the UN's OCHA offices must be a priority.

Lastly, HA must be a part of the efforts being made by DGPOLDE to foment learning through evaluation processes. The history of Spanish humanitarian intervention is such that, without a doubt, lessons can be learned and useful conclusions reached for future applications, in addition to establishing appropriate protocols. To this end, we strongly recommend Spain's integration within the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP),⁸ whose aim is to improve HA by means of this evaluation. ALNAP is composed by the main HA donors, principle UN agencies, the International Red Cross and Red Crescent Movement, and NGOs.

NGOs

The number of Spanish NGOs working in HA has increased over the last few years, and, today, the experience accumulated by some of these has consolidated them as important players in the area. Nevertheless, many other NGOs still do not perceive the specific nature of humanitarian tasks, and instead consider intervention in emergencies just another facet of development cooperation.

Included among these specific characteristics are: respect for the humanitarian principles of humanity, neutrality, and independence, as well as basing all interventions on the needs of the population. These principles are detailed in the Code of Conduct of the Red Cross and NGOs⁹ which the latter adhere to voluntarily but which, along with the Sphere Project's¹⁰ standards, is considered indicative of the humanitarian organisations' professionalism. Incorporating requirements linked to fulfilling these internationally-recognised initiatives among other conditions could contribute to improving the quality of HA interventions.

Additionally, the People in Aid¹¹ Code, which offers a useful instrument for these organisations to manage their personnel, and the *Humanitarian* Accountability Partnership - International (HAP-I) Project,¹² which promotes accountability among humanitarian agencies with respect to the beneficiaries of their actions, are initiatives which Spanish NGOs should adhere to as they provide guidelines for international work.

Ministry of Defence

The new Law on National Defence, approved in November 2005, worryingly includes participation in humanitarian tasks among the Armed Forces' missions. While true that the Armed Forces' intervention in emergencies is not new, it would be worthwhile to limit the situations that would imply their participation as well as limit the tasks that would correspond to them.

The development of events on the international scene over the last few years in which the concept of 'humanitarian military intervention' has been invoked repeatedly has contributed to confuse terms within the humanitarian area despite the efforts made to define functions and ensure coordination between humanitarian players, such as the 1994 Oslo Guidelines on the Use of Military and Civil Defence

⁸ For further information, see www.alnap.org.

⁹ Available at [www.icrc.org/Web/spa/sitespa0.nsf/iwplList187/924D336CE96ACF4E03256F1500653FF1.
\(http://www.icrc.org/Web/Eng/siteeng0.nsf/html/57JMN8?OpenDocument\)](http://www.icrc.org/Web/spa/sitespa0.nsf/iwplList187/924D336CE96ACF4E03256F1500653FF1.(http://www.icrc.org/Web/Eng/siteeng0.nsf/html/57JMN8?OpenDocument))

¹⁰ For further information, see www.sphereproject.org.

¹¹ Available at www.peopleinaid.org.

¹² For further information, see www.hapinternational.org.

Assets In Disaster Relief and the 2003 Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies.¹³

The decision to use military resources as a part of humanitarian response to a given emergency must be strictly based on criteria regarding its appropriateness. 'If military efforts are aimed at aid or rehabilitation tasks, these must be concentrated in areas of greater comparative experience. To this end, those areas must be identified and, in addition, there must be agreement that the military will focus its activity on offering the help that humanitarian agencies cannot offer (for example, security and large infrastructures) and that both communities work together as efficiently as possible to define their respective roles and objectives in protecting civilians'.¹⁴

Other Ministries

The Ministry of Industry, Tourism, and Trade has been attributing the concession of credits aimed at the export of Spanish products to the Development Aid Fund (FAD in Spanish). The new DAC guidelines do not permit these credits to be calculated as reimbursable humanitarian aid funds. However, the FAD funds made available during recent emergencies over the last few years have been granted as donations. Despite this, the complex and long procedure involved in trying to receive FAD credits and the condition that Spanish goods be acquired make these credits little suited for effective HA.

The Ministry of Work and Social Affairs, for its part, participates in HA by means of assistance to refugees in the donor country in accordance with DAC guidelines.

Other Players

Alongside traditional humanitarian players, other emergency response organisms, such as fire-fighters, civilian protection units, emergency medical care services at the Autonomous Community or local levels, among others, have all contributed to HA emergency response. While there is still an ongoing debate on their added-value to crisis response, the difficulty implied by coordinating the increasing number of players in the field must be dealt with.

5. Questions for Debate

What should the priorities of the Spanish development cooperation's HA Strategy be?

How can it be guaranteed that the quantitative increase in HA is coherent with humanitarian priorities?

What functions should the AECI's new HA Unit have?

Under what circumstances should the AECI intervene directly in response to crisis situations?

What mechanisms should be put into place to harmonise the HA promoted by the different Public Administration offices in order to guarantee respect for humanitarian principles?

¹³ Available at www.reliefweb.int/mcdls/mcdu/MCDAGuidelines/guidelinesCE.html.
(<http://www.reliefweb.int/rw/lib.nsf/db900SID/AMMF-6VXJVG?OpenDocument>)

¹⁴ Victoria Wheeler and Adele Harmer, *Resetting the rules of engagement. Trends and issues in military-humanitarian relations*, Humanitarian Policy Group, March 2006.

Should NGOs meet certain requirements in order to receive HA resources?
Under what circumstances military resources should be used?

Foroaod – Spanish Development Aid

FRIDE organised the project “Spanish Development Aid - Mid-term Review and a Proposal for a Participative Consultation” between June 2006 and April 2007. This project aims to develop a consultation process about the current Spanish government’s development cooperation policy. We have created a forum for participation and debate, in order to assess the Spanish development cooperation reform agenda and to identify the main achievements and shortcomings in operationalising the initiatives based on the principle of “More Aid, Better Aid”. A set of recommendation guidelines were developed, through participative methods, with the objective of putting into practice the aspirations of the Spanish development cooperation policy.

www.foroaod.org