

Aid for people in need

Policy Framework for Humanitarian Aid

Ministry of Foreign Affairs of the Netherlands

Contents

1. Introduction
 2. Summary
 3. International principles and agreements
 4. Dutch ambitions and commitments
 - A. More self-reliance and resilience
 - B. Greater effectiveness
 - C. Humanitarian access and neutrality
 - D. Greater accountability
- Annexe: International principles and agreements
- International humanitarian law: the Geneva Conventions
 - UN resolutions
 - Principles of humanitarian aid
 - Good humanitarian donorship
 - European Consensus for Humanitarian Aid

1. Introduction

Of all forms of international cooperation, humanitarian aid speaks most vividly to the imagination. Harrowing images on TV and the internet bring us closer to the suffering, showing the victims of long-term conflict, natural disaster, famine and disease. Such images have helped maintain support for humanitarian aid among the Dutch public. The Netherlands does not provide humanitarian aid directly but, as a donor, enables humanitarian organisations to do so. In recent years, the humanitarian aid system has become more effective. But more improvements are needed to address new developments and challenges. In the past decade, moreover, the public has become more critical. Is the humanitarian aid system efficient? Doesn't emergency aid too often fall into the wrong hands? And are those responsible held properly to account?

The government shares these concerns. Take Pakistan, for instance, a country that regularly suffers natural disasters such as earthquakes and floods. The Pakistani government has invested heavily in a large-scale response capacity, in which the army plays a major role. But the army does not adhere to the same values as humanitarian aid workers, which hampers cooperation. And take Somalia, large parts of which are ruled by the radical Islamist Al-Shabaab movement. Since international aid workers in these parts face physical danger, aid organisations often work with local partners. This can hamper monitoring and inspection by international organisations. Finally, take Haiti, where coordination between the aid organisations working there after the 2010 earthquake was limited to information exchange, while it is also needed in areas like the division of labour, prioritisation and aid allocation.

To put it briefly, humanitarian aid is not without its dilemmas and problems, which puts the international aid community before increasing challenges. In recent decades, the number of natural disasters has risen to an average of almost 400 per year. Their impact hurts more because of urbanisation, climate change, the exhaustion of natural resources and the growing complexity of conflicts. Natural disasters are especially destructive in developing countries. The 2010 earthquake in Haiti, for instance, killed more than 200,000 people, while the 2011 earthquake in New Zealand killed 20.

The Netherlands does not want to leave people in need to their own devices. To be able to offer them the right assistance now and in the future, the government is working to achieve structural improvements in its approach and methods.

This Policy Framework intends to outline how the Netherlands is acting upon lessons learned in recent years in order to respond to new developments and challenges.

2. Summary

The Netherlands has the following ambitions:

- ***More self-reliance and resilience***

In the case of humanitarian aid, we must, as far as possible, use local capacity and structures – or ensure that they are strengthened. We must also devote more attention to disaster risk reduction (DRR): preventing disasters, mitigating the impact of disasters, and disaster preparedness.

- ***More effectiveness through less duplication and more coordination***

Emergency appeals must become more uniform, so that they are mutually comparable and better coordinated. At present, each aid organisation operates its own system, which is inefficient. More cooperation in needs assessments will ensure more cohesion, less duplication, and fewer gaps in aid provision.

- ***Humanitarian access and neutrality***

Aid organisations must have free access to the people affected. The humanitarian principles of neutrality, impartiality and independence must be upheld. This protects humanitarian aid from being equated with politics and from the resulting dangers to both victims and aid workers. The Netherlands wants to be an active advocate in this area.

- ***Greater accountability***

The Netherlands will continue to give attention to accountability for results in humanitarian aid. The Dutch public and disaster victims also need to be informed about aid results..

3. International principles and agreements

The Netherlands allocates humanitarian aid in various ways: bilaterally, multilaterally, via NGOs, financially, and in kind (for example by assigning experts). All these forms of aid are

subject to international agreements and principles, especially the European Consensus on Humanitarian Aid and the Good Humanitarian Donorship Principles, which largely determine our policy choices. (See annexe for a short description of international agreements and principles).

4 Dutch ambitions and commitments

A. More self-reliance and resilience

Even when providing initial life-saving aid, aid organisations must be guided as far as possible by the principle of self-reliance. It is especially important that aid should not do any harm. Local structures should be left intact as much as possible. The country affected is primarily responsible for providing aid. Only when that country has launched an international appeal should international aid become an option.

Strengthening local capacity

The most effective way of providing aid is to strengthen the response capacity in the country affected. This will help promote local self-reliance. The Netherlands supports aid organisations that specialise in strengthening local capacity or include it in their broader working programmes. Strengthening local capacity is an important component, for instance, in training programmes for disaster preparedness. Involving women is also indispensable to strengthening local capacity.

Transition

Any organisation providing humanitarian aid must remember that the transition to reconstruction needs to begin as soon as possible. In practice that is not always easy.. Aid organisations often work differently from development organisations. In striving for immediate action, they often assume responsibility too quickly, taking over tasks from local people. Development organisations, on the other hand, usually put more emphasis on local ownership, but they can be slow to initiate reconstruction after the first critical stage. Moreover, although aid organisations and development organisations are often active side by side, they do not always coordinate their activities. The Netherlands believes that in countries hit by crises the UN, the World Bank and NGOs should attune their development activities in more closely to the provision of humanitarian aid. This applies especially to organisations, some within the UN, that are active in both humanitarian aid and development.

Exit strategies

Protracted crises require long-term humanitarian aid, which increases the likelihood of market distortion and aid dependency. To avoid such situations, exit strategies are important. In many cases, the Netherlands cannot follow up humanitarian aid with development assistance, since it does not have a development relationship with the country concerned. In such cases, it has to make firm agreements with aid organisations and other donors about the phasing out of Dutch humanitarian aid and the transition to development cooperation. In its partner countries, the Netherlands is working on linking humanitarian aid to reconstruction and structural development.

Disaster risk reduction

As well as providing immediate aid when disasters occur, we must focus on their underlying causes. Natural disasters affect more people in countries where governance is weak because their precautionary measures and response capacity tend to be inadequate. To reduce vulnerability in such countries, we must increase our attention to disaster risk reduction (DRR): disaster prevention, impact mitigation, and disaster preparedness. Prevention and mitigation are associated with policy areas like environment, poverty reduction, climate change, and sustainable development.

Reconstruction after conflicts

When humanitarian emergencies arise owing to violent conflicts, there is a considerable danger that the situation will regress, resulting in long-term (post-) crisis situations. In such cases, a smooth transition from humanitarian aid to reconstruction is especially important. Peace-building activities can help combat the underlying causes. Donors, multilateral organisations, and civil society organisations must take a joint approach. Local capacity also needs to be used and strengthened at the reconstruction stage, where the private sector can also play a positive role.

Commitment

- Focus more attention and resources on disaster risk reduction (DRR). Disaster preparedness is part of humanitarian aid. Convince development partners of the importance of preventing disasters and limiting their effects.
- Strive to meet the target of reserving 10% of the development budget for humanitarian aid and at least 1% of Dutch ODA for DRR. This is in line with the agreements made at the World Conference on Disaster Reduction (2005) and reaffirmed at the Global Platform for Disaster Risk Reduction (2011).

- Integrate DRR and transition into the development programmes of the 15 partner countries and regional programmes especially with regard to development cooperation focus areas like food security and water management programmes (given the risks of drought and flooding).
- Wherever possible, make more use of local structures and capacities, for instance via NGOs, emphasising the role of women. Monitor for harmful side-effects, such as market distortion as a result of food aid.
- Continue offering training programmes for local capacity-building via national and international NGOs and the Red Cross, which often work with local partners.
- Encourage the relevant UN agencies (UNHCR, UNICEF and WFP) in bilateral contacts and existing international forums to further define their role in the transition from humanitarian aid to structural assistance. Our assessment of these bodies will depend in part on their performance in these areas.
- Seek flexible and timely financing in order to facilitate a smooth transition from humanitarian aid to reconstruction.

B. Greater effectiveness

What are the important factors in making humanitarian aid more effective? Humanitarian aid should be demand driven; there should be accurate needs assessment, especially of the needs of women, the elderly and children; actively involving women in providing aid; optimising prioritisation; a selection of the most effective and efficient aid channel; more effective aid coordination and finally, raising quality.

Needs-based and demand-driven aid

The starting point in providing humanitarian aid is to assess the needs and the demand for international aid. Experience has taught us that aid can be ineffective if it meets no specific demand and if the needs have been assessed by donors only. If aid in kind is required, it is often more efficient to purchase locally or in the region. The best instrument is usually to contribute financially, as the Netherlands already does. The Netherlands is recognised internationally for its rapid, unearmarked financial contributions.

Needs assessments

To deploy the available humanitarian resources where they are required most urgently, it is essential to have an accurate overall picture of the needs. This is why each appeal for humanitarian aid is based on a needs assessment. Special attention has to be paid to the specific needs, wishes and capacities of women, children and the elderly. These groups are

almost always very vulnerable. Women have specific needs regarding maternity care and personal hygiene. Moreover, especially in conflict situations, women suffer increasingly from sexual and other violence.

Despite visible improvements in recent years, much is still lacking in the mutual comparability of needs assessments. This leads to inefficiency and makes it difficult to get an overall picture. Many organisations base their applications for financing, and their monitoring and steering, on their own needs assessments. More cooperation in cataloguing aid needs, for instance using common needs assessments, can prevent duplication and gaps in aid provision. The leading role of OCHA (the UN Office for the Coordination of Humanitarian Affairs) in this area needs to become more visible the Netherlands will continue to hold the relevant (UN)-organisations to account..

Selection of aid channels

Having assessed the needs and the specific situation, the government determines which channel is likely to be most effective and therefore eligible for a Dutch contribution. In some areas, Dutch NGOs have been working for years with local partner organisations and can accordingly gain ready access. In other cases, the magnitude of the disaster, and thus of the aid required, is so great that it is more effective to contribute to large multilateral UN agencies. In conflict areas, access sometimes is easiest for the International Committee of the Red Cross (ICRC) because its neutrality is beyond question. In some situations, several organisations may be suitable and can complement each other.

The broader question of the division of labour between the public sector and civil society falls outside this policy framework.

Coordination

The number of players in the field is growing: there are more international donors as well as more local and international aid organisations. Coordination is not an end in itself, but it is essential for preventing duplication of efforts and gaps in aid and for making aid effective. The Netherlands advocates this viewpoint in many international forums. The UN General Assembly has designated OCHA as the worldwide coordinator of humanitarian aid, under the leadership of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. At country level, humanitarian coordinators (HCs) are responsible for coordination between UN agencies, NGOs, and the governments of the countries concerned. In recent years, much progress has been made. But UN bodies and other

humanitarian actors need to work together more effectively. Local structures and populations need to become more involved.

Pooled funds

The UN Central Emergency Response Fund (CERF) aims to provide timely and flexible financing via UN agencies in acute emergency situations and forgotten crises around the world. In countries affected by long-term crises, pooled funds (joint donor funds) provide strategic, flexible and predictable financing for emergency aid. In countries often affected by disasters, small pooled funds are available to finance sudden needs. Evaluations show that pooled funds help improve effectiveness and coordination. The Netherlands will continue to contribute to the CERF and pooled funds at country level.

The cluster approach

Humanitarian aid is organised into clusters: shelter, nutrition, water and sanitation and hygiene, education, health, food security and agriculture, telecommunications, and logistics. In each cluster, a UN agency and/or NGO takes the lead. The advantage of this approach is that, in every crisis, it is clear in advance who is responsible for coordinating the needs assessment, monitoring implementation, achieving results, and involving all interested parties. The cluster approach has proved its added value by improving coordination. There is room for improving cluster cooperation when determining common objectives.

Learning from disasters

Research, innovation, and the exchange of practical information are essential for learning and improving results. Various specialist organisations are working to improve evaluation methods as well as the monitoring and further development of quality standards.

Commitment

- The Netherlands supports the Good Humanitarian Donorship principle of needs based financing. The Netherlands provides aid only if welcomed by the government of the country affected. As, for instance, shown by a request for international aid.
- Together with other donors and aid organisations, the Netherlands is working to improve the use of common needs assessments. The Netherlands will raise this issue with the UN bodies concerned.
- If the Netherlands contributes to an NGO project, the NGO must take part in coordination structures, unless it can prove that it has strong reasons for not doing so.

The Netherlands urges UN bodies to comply with the agreements made in the Principles of Partnership, which relate to cooperation between the UN and NGOs.

- The Netherlands supports OCHA's efforts to improve the implementation of humanitarian reforms: strengthening the role of the Emergency Relief Coordinator, improving pooled funds, improving the efficiency of the cluster approach, involving NGOs more effectively, improving cooperation between OCHA and other UN bodies, and improving accountability among UN bodies themselves. The Netherlands presses for these improvements in bilateral contacts and in international dialogue with OCHA and various UN bodies. It is also working on forging coalitions for this purpose in the UN and the EU.
- The Netherlands will continue to support quality improvements of humanitarian aid. For instance by supporting initiatives from the sector itself.

C. Humanitarian access and neutrality

Under international humanitarian law, warring parties are obliged to ensure that the affected population has free access to aid. Reality often shows a different picture.. And for several reasons:

Physical access

For reasons of geography or poor infrastructure, whole regions can sometimes be physically inaccessible. Physical danger (armed conflict or minefields), can also play a role

New players and spoilers

New donors, like Brazil, South Korea, Turkey, Saudi Arabia and Qatar, are entering the arena. Regional organisations and South-South cooperation forums are committed to humanitarian aid. Closer cooperation with some new donors is hampered by differences in approach, such as differing interpretations of the humanitarian principle of neutrality.

Modern conflicts are less easy to understand, for instance because of the growing involvement of non-state parties like armed gangs and militias. Respect for international humanitarian law is virtually absent among these parties, sometimes owing to ignorance. Negotiations on access conducted by aid organisations are more complicated when it is unclear where power lies and who is the victim.

Politicisation of humanitarian aid

Governments sometimes hesitate to appeal for aid because they fear negative effects on their image or excessive influence from donors. Aid sometimes even risks becoming part of a political strategy: for political reasons, for instance, a country in need may restrict aid organisations' activities. This happened in Sudan immediately after the International Criminal Court issued an arrest warrant for President Bashir in 2009. As a response, 13 international organisations were expelled from Darfur. In such cases, aid organisations are wrongly suspected of having political or military motives. In any case, prohibiting aid organisations also deprives people in need of the assistance they require. Some donors also use humanitarian aid as part of a political strategy. This has adverse consequences for the safety of aid workers and the people who require assistance. In extreme cases, aid organisations are even forced to suspend or cease their activities, as has happened in Sudan, Somalia, Iraq and Afghanistan.

When countries impose restrictions, they may be contravening their obligation to protect people within their territory. Where humanitarian aid is required, donors must urge the governments concerned to allow access to aid organisations. But aid organisations must also ask themselves whether they can offer aid in line with humanitarian principles in such a (political) context. And donors must be more aware of host countries' concerns – sometimes justified – about the harmful effects of aid could have and the welfare of the unaffected host communities sheltering victims.

In order to ensure the provision of humanitarian aid, it will remain essential to safeguard humanitarian space rigorously. Humanitarian aid organisations cannot do this alone; states must also play a major role.

Commitment

- Wherever governments prohibit humanitarian aid or threaten the humanitarian space, the Netherlands will be an active advocate for access. It may do so bilaterally, within the EU, or in conjunction with new donors.
- The government helps maintain humanitarian space. It promotes compliance with international humanitarian law by its annual contribution to the International Committee of the Red Cross (ICRC), which trains new actors in international humanitarian law.
- Humanitarian aid should not be used as a political instrument. The neutrality of humanitarian aid and the safety of aid workers must be guaranteed. The Netherlands complies with this rule and will actively promote it within the UN and the EU.

- In UN and EU forums and in contacts with other states, the Netherlands will advocate for respect for international humanitarian law, including the right of victims to life-saving aid. For this purpose, the Netherlands will ally itself as much as possible with EU member states, the EU institutions and other donors.
- The Netherlands will use existing forums to improve coordination with new donors.

D. Greater accountability

As the public becomes more aware of the risks of abuse and corruption, it is increasingly holding government to account for the proper use of aid funds. Aid recipients also need to be properly informed. The Netherlands will therefore increase its attention to accountability for the objectives and results of humanitarian aid. Reporting does not only consist of statements on income and spending, but also on results achieved. Of course accountability should not lead to unnecessary bureaucracy for aid organisations or aid recipients.

Selecting implementing organisations

The government is ever more closely monitoring the capacity of implementing organisations for accountability to donors and recipients alike. It is also paying greater attention to risk management, such as of the risks of abuse and corruption. The Netherlands requires annual narrative and financial reports and – depending on the situation – audit reports and evaluations. Depending on the nature of the contribution, the reports and evaluations will either describe all aid activities or be limited to activities financed by the Netherlands. In the case of UN emergency appeals or contributions to a pooled fund, the reported results can be linked to the Netherlands' contribution by imputation. In the case of specific projects it is easier to establish a direct link between the results achieved and the Dutch contribution.

Accountability to aid recipients

Traditionally, we associate accountability primarily with donors. But the realisation is growing that aid organisations must pay more attention to local needs and initiatives. This is why aid organisations are increasingly engaging the people and governments affected in needs assessments, informing them more about aid objectives and getting them involved in implementation. Aid organisations are also increasingly verifying whether the victims are receiving the aid intended for them.

Accountability in the international context

Accountability has been improving thanks to the development of international principles, standards, and codes of conduct for donors as well as the establishment of monitoring and

accountability frameworks. Organisations like OCHA, UN bodies, NGOs and audit offices are working to achieve further improvements.

Commitment

- The government wants to improve public information on the spending of humanitarian aid financed by the Netherlands. This may involve more use of new means of communication like the internet and social media, as exemplified by the Results Reporting and the Open Data project.
- The Netherlands wants to see more improvements in the monitoring, auditing, and evaluation of pooled funds. It is therefore playing an active role in the pooled funds working group of donors and OCHA. We also use the recommendations in the evaluations of these funds to achieve improvements in implementation.
- The Netherlands reviews the quality and effectiveness of aid by consulting in bilateral and multi-donor forums with UN bodies and the ICRC and by consulting with the NGOs concerned.
- The Netherlands will make humanitarian organisations more accountable for their communications with aid recipients. If these organisations fail to account for themselves adequately, ultimately the Netherlands' financial contribution will be called into question.
- The Netherlands advocates interlinking the various initiatives to improve accountability. It will continue to support organisations that actively improve accountability by supporting initiatives from the sector itself.

Annexe: International principles and agreements

International humanitarian law: the Geneva Conventions

Humanitarian law lays down rules that for humanitarian reasons restrict the ways warfare is conducted. Its objectives include protecting civilians and safeguarding humanitarian aid during armed conflicts. Humanitarian law is contained in the Geneva Conventions (amalgamated and supplemented in 1949) and the Additional Protocols (1977). The Conventions relate to armed conflicts between states. The Additional Protocols also relate to the protection of civilians in internal armed conflicts.

UN resolutions

In 1991, at the initiative of the Netherlands (holding the EU Presidency at the time), the UN adopted Resolution 46/182, which lays down guiding principles for humanitarian assistance.

This resolution aims to strengthen the UN's emergency response in humanitarian emergencies. The resolution established the position of the UN Emergency Relief Coordinator and the forerunner of the UN Office for the Coordination of Humanitarian Affairs (OCHA). It also provided for the establishment of the Inter-Agency Standing Committee (IASC), which represents UN agencies and some of the NGOs that provide humanitarian aid. The IASC is chaired by OCHA and is an important forum for policy agreements.

Principles of humanitarian aid

In 1994, the International Red Cross, together with a large group of NGOs, laid down a Code of Conduct¹ containing 10 basic principles on how humanitarian aid should be provided. Its main principles are the right to provide and receive 'life-saving' assistance (the 'humanitarian imperative') and the humanitarian principles of neutrality, independence, and impartiality. The Netherlands only finances organisations that adhere to this Code of Conduct.

Good humanitarian donorship

In 2003, a number of donor countries, including the Netherlands, launched the Good Humanitarian Donorship process. Its goal was to improve the quality of aid supported by the donors. The process resulted in the Principles and Good Practice of Humanitarian Donorship,² consisting of 23 principles aimed at strengthening coordination, assessing humanitarian needs, making donor behaviour more predictable and flexible, and ensuring that financing is unearmarked and timely.

These 'GHD' principles are based on the assumption of a central role for the UN in leading and coordinating international humanitarian aid and of essential roles for the Red Cross, the UN agencies and NGOs in implementing humanitarian aid.

The GHD principles also emphasise the Guidelines on the Use of Foreign Military and Civil Defence Assets in Disaster Relief³ (the 'Oslo Guidelines') and the Guidelines on the Use of Military and Civil Defence Assets (MCDA) to Support United Nations Humanitarian Activities

¹ <http://www.icrc.org/eng/resources/documents/misc/code-of-conduct-290296.htm>

² <http://www.goodhumanitarianandonorship.org/gns/principles-good-practice-ghd/overview.aspx>

³ <http://ochaonline.un.org/OchaLinkClick.aspx?link=ocha&docId=1084542>

in Complex Emergencies.⁴ Both sets of guidelines deal with the deployment of military resources in humanitarian operations and were drawn up in 1994 and 2003 by donors, the UN and NGOs. The Oslo Guidelines deal with aid in natural disasters; the MCDA guidelines deal with aid in conflict situations and complex emergencies. The starting point for both sets of guidelines is that military capacity should be used to provide humanitarian aid only if that aid cannot be provided by a civil society organisation (the 'last resort' principle). In addition, all humanitarian operations must be headed by civilians. Otherwise, confusion may arise concerning the neutrality of aid workers. This type of confusion is referred to internationally as the 'blurring of lines', and it endangers both aid workers and the population concerned. The Netherlands strongly supports the 'last resort' principle because it is the only means of maintaining the credibility of humanitarian aid.

European Consensus for Humanitarian Aid

Within the European Union (EU), responsibility for humanitarian aid is divided between the member states and the European Commission. Each member state and the Commission implements its own humanitarian aid policy, but all coordinate their humanitarian efforts. In 2008, the EU drew up its European Consensus on Humanitarian Aid,⁵ to which both the member states and the Commission have committed themselves. The Consensus contains guidelines for the EU's implementation of humanitarian aid, reaffirming earlier international humanitarian agreements like the GHD principles and the Oslo and MCDA guidelines.

⁴ <http://coe-dmha.org/Media/Guidance/3MCDAGuidelines.pdf>

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:NL:PDF>