

Chapter 2

From B-Envelopes to the F-Bureau: Understanding Transatlantic Approaches to Humanitarian Assistance

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As argued in chapter 1, the EU and the U.S. should enhance their cooperation in humanitarian assistance to enable joint or mutual learning and make their humanitarian policies more coherent. This chapter provides an introduction to humanitarian policies and practices of the European Commission and the U.S. Government. It describes institutions and funding mechanisms on both sides of the Atlantic, compares the approaches of the two partners, and gives an overview of existing transatlantic cooperation and coordination channels in humanitarian affairs.

An Overview of Humanitarian Institutions in the EU and the U.S.

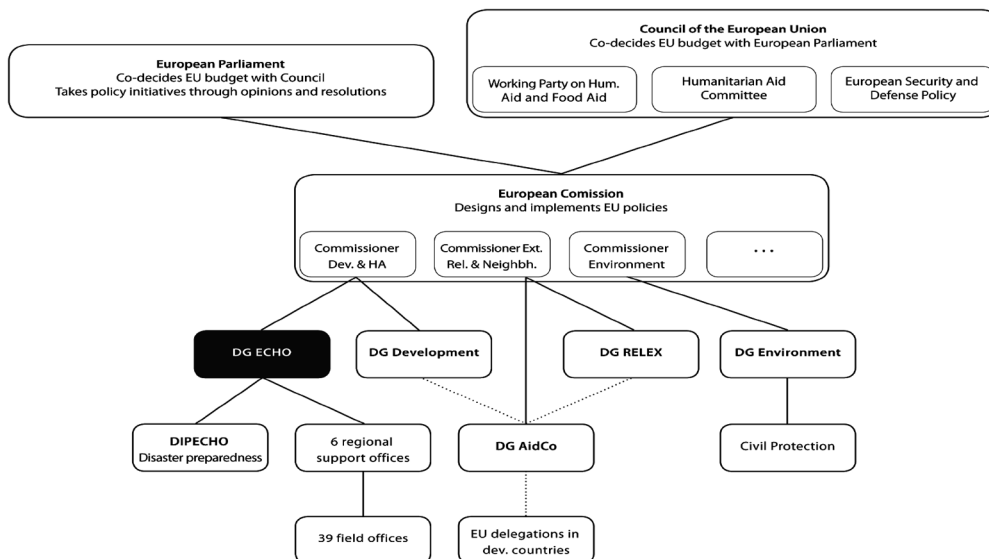
The European Commission and the U.S. Government each have a lead institution responsible for humanitarian assistance: the European Commission Directorate-General for Humanitarian Aid (DG ECHO) and the Office of U.S. Foreign Disaster Assistance (OFDA). Yet, EU member states pursue their own humanitarian policies in addition to those of the European Commission and DG ECHO and OFDA are not the only departments involved in designing and delivering humanitarian assistance. Institutional complexity, at times coupled with a lack of clarity concerning roles and responsibilities, is an impediment to effective cooperation between the transatlantic partners, as well as with other humanitarian actors.

The situation is further complicated by the fact that both sides may face important changes to their humanitarian institutions and policies in the near future. As of this writing, it is unclear which reforms the Obama Administration may introduce. In the EU, the adoption of the Treaty of Lisbon¹ would have major implications for humanitarian assistance, yet the political future of the treaty remains hard to predict.

Institutional Structures for Humanitarian Assistance in the EU

EU institutions have no separate legal basis for providing humanitarian assistance. Instead, the relevant regulations draw on the provisions on development cooperation of the Treaty on European Union.² Development cooperation is a shared competence between the EU and its

¹ The Treaty of Lisbon was signed in December 2007, emerging out of the failed process for an EU Constitution. It reforms, amends and simplifies previous European treaties, strengthens the supranational elements of the EU and increases the foreign policy role of the Union. As of this writing, the Treaty of Lisbon has not yet entered into force because not all member states have ratified it.

Figure 1. Institutions Providing Humanitarian Assistance in the EU

Source: GPPi

member states. This means that member states continue to define and implement their own policies on development and humanitarian assistance, while EU institutions complement these policies through their activities. A unified European approach to humanitarian assistance does therefore not exist, though the recently adopted European Consensus on Humanitarian Aid³ and the corresponding Action Paper are intended to strengthen coherence. In this book, we focus on the policies and activities of the European Commission and analyze the positions of individual member states only as an exception.

At the EU level, several institutions are involved in defining humanitarian policy. The Council of the European Union, the EU's main decision-making organ, decides on the EU's budget jointly with the European Parliament and gives overall strategic direction to common EU policies. The Commission implements these common policies, albeit under the continued oversight and control by member states. They exercise this function through a specialized body of the Council, the Humanitarian Aid Committee, which meets regularly to approve financial decisions exceeding €10 million for emergencies and €2 million for non-emergency situations. Aside from budgetary issues, the substantive terms of humanitarian policy are dealt with by the Council's Working Party on Development Cooperation. From 2009 onwards, however, the expanded Working Group on Humanitarian Aid and Food Aid is explicitly mandated to handle questions relating to humanitarian assistance.⁴ Moreover, the Council is in

² EC Regulation No 1257/96 and No 1882/2003; Treaty on European Union, Art. 130u.

³ Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission (2008/C 25/01) "The European Consensus on Humanitarian Aid", *Official Journal of the European Union*, 30.1.2008, C 25/1 – C 25/12.

⁴ This decision was taken in April 2008 and is documented in the Council of the European Union document 8367/08.

charge of the European Security and Defense Policy. Following the Petersberg Declaration, this includes humanitarian, rescue, and peacekeeping tasks.⁵

The most important institution for developing and implementing EU policies is the EU's executive branch, the European Commission. Since 1992, the Directorate-General responsible for humanitarian assistance is the European Commission Directorate-General for Humanitarian Aid (DG ECHO). DG ECHO's mandate is to provide emergency assistance and relief to the victims of natural disasters or armed conflict outside the European Union and to support disaster preparedness activities.⁶ DG ECHO mainly provides financial aid and works through more than 200 implementing partners, including UN relief agencies, members of the Red Cross and Red Crescent Movement, and NGOs registered in the EU. It also maintains a significant field presence with six regional support offices and 39 field offices in order to assess needs and build the capacity of its partners. A specialized program called Disaster Preparedness ECHO (DIPECHO) oversees disaster risk reduction and disaster preparedness activities.

While DG ECHO has primary responsibility for humanitarian assistance, other bodies of the Commission are also involved in emergency preparedness and response. Instruments with emergency provisions are handled for example by the Directorate-General for Development (DG Development), which is responsible for formulating development policies for African, Caribbean and Pacific (ACP) states and reports to the same Commissioner as DG ECHO. Other institutions contributing to humanitarian activities include the Directorate-General for External Relations (DG RELEX), which coordinates the external relations activities of the Commission, and the EuropeAid Cooperation Office (AidCo), which also reports to the Commissioner for External Relations and implements the Commission's external aid instruments through EU country delegations and based on the policy guidance of DG Development and DG RELEX.

The EU maintains that humanitarian assistance is and should be different from longer-term development efforts. At the same time, however, it aims to forge stronger links between relief, rehabilitation and development. Several development instruments therefore also have a humanitarian element to them. This includes most importantly the Instrument for Stability, which links crisis management and peace building, and the so-called B-Envelopes of the European Development Fund, which are earmarked for unforeseen circumstances and apply to ACP countries. The instruments for food security, human rights and democratization, and mine action can also be spent on projects with a humanitarian character.

Finally, the Directorate-General for the Environment (DG Environment) is responsible for civil protection. Through a financial instrument for civil protection, the Community Mechanism for Civil Protection, a Monitoring and Information Center, and a Solidarity Fund, policies in this area aim to better protect people, their environment, property, and cultural heritage in the event of major natural or manmade disasters occurring inside or outside the EU. In 2008, a unit for crisis management was established within the Secretariat-General of the Euro-

⁵ The Petersberg Declaration was adopted in Bonn on June 19, 1992. The so-called Petersberg tasks have been included in the Maastricht Treaty.

⁶ DG ECHO's mandate is defined in EC Regulation No 1257/96.

pean Commission in order to strengthen coordination and coherence among those various institutions and instruments for responding to disasters within, as well as outside the EU.⁷

As mentioned above, the ratification of the Treaty of Lisbon, which could become reality in the course of 2009, would have important implications for humanitarian assistance. First, the treaty contains an explicit provision on humanitarian assistance and would thus create an independent legal basis for EU action in this policy area. Second, it would extend qualified majority voting to financial emergency aid and thus make it easier to take decisions in this area by removing veto rights. Third, it would designate humanitarian assistance as a “shared parallel competence,” allowing for an autonomous, rather than just complementary, EU policy alongside national policies. This would expand the range activity areas and policy options available to the European Commission. Fourth, it would create a European Voluntary Humanitarian Aid Corps. Finally, it would reshuffle the institutional division of labor regarding the external representation of the EU, which would also affect humanitarian assistance.

Institutional Structures for Humanitarian Assistance in the U.S.

In the U.S., the 1961 Foreign Assistance Act provides the legal basis for all forms of foreign aid, including humanitarian assistance. Through its budgetary and legislative authority, the U.S. Congress wields critical authority over emergency relief and preparedness policies. It can, for example, earmark budgets and is responsible for passing the U.S. farm bill, which determines that U.S. food aid almost exclusively consists of American-grown commodities. Operationally, the U.S. President enjoys far-reaching powers to intervene in emergencies. The President declares emergencies and can authorize the use of resources earmarked for emergency response of several executive agencies as authorized by Congress. While competencies related to humanitarian assistance are thus more strongly centralized in the hands of the U.S. President than in the EU, institutional fragmentation below that level is more pronounced in the U.S. than in the EU.

The main agency in charge of providing foreign assistance is the U.S. Agency for International Development (USAID). Formally, USAID is an independent executive agency. Since 2006, however, the USAID Administrator simultaneously serves as Director of U.S. Foreign Assistance, enjoying the rank of a Deputy Secretary of State and reporting to the Secretary of State. This position and the Office of the Director of U.S. Foreign Assistance (F-Bureau) were introduced in order to integrate foreign assistance planning and resource management across State and USAID. The F-Bureau is staffed by USAID and State officials and provides leadership, coordination, and strategic direction on foreign assistance. Accordingly, USAID no longer maintains an independent policy or program coordination bureau.

Within USAID, the most direct counterpart to the EU’s DG ECHO is the Office of U.S. Foreign Disaster Assistance (OFDA). OFDA is responsible for facilitating and coordinating U.S. Government emergency assistance overseas. It provides humanitarian assistance to save lives, alleviate human suffering and reduce the social and economic impact of humanitarian emergencies worldwide. Like DG ECHO, it primarily provides financial assistance and relies

⁷ Unit SG/B/3 was created based on communication COM (130) 2008.

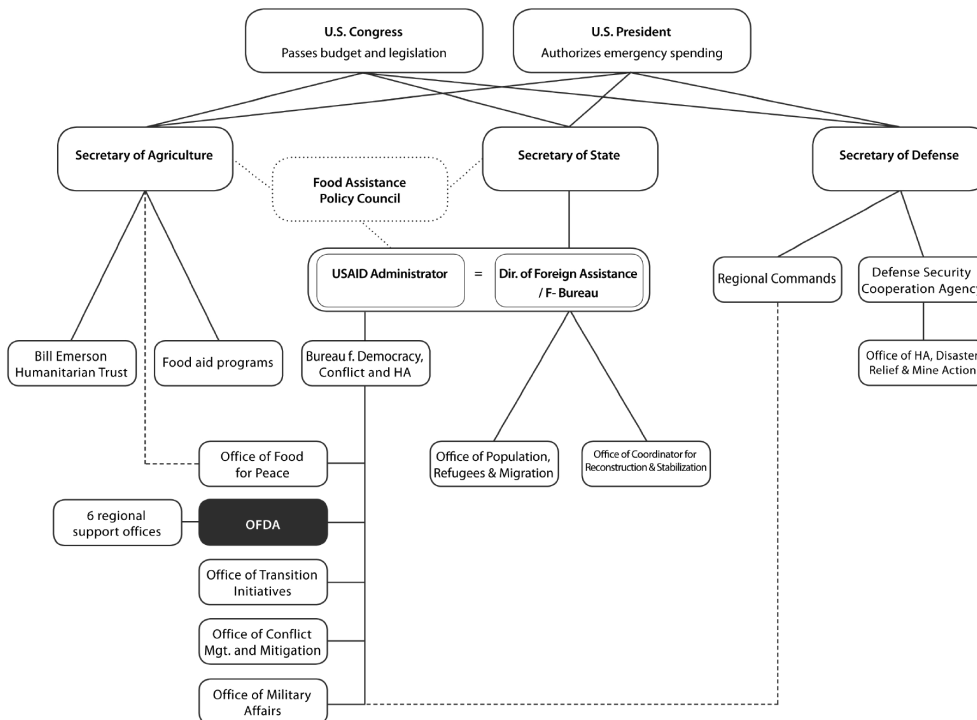
on a broad network of implementing partners. It also maintains a field presence through six OFDA regional offices, and works through USAID country offices or U.S. missions that have Mission Disaster Relief Officers as focal points for disaster related activities. Moreover, OFDA can mobilize Disaster Assistance Response Teams (DARTs) to support the response to specific crises by conducting situation analyses and needs assessments, recommending actions to headquarters and overseeing cooperation with partners on the ground.

Four other offices within USAID provide humanitarian assistance. Like OFDA, they are all part of the Bureau for Democracy, Conflict and Humanitarian Assistance. The Office of Food for Peace is the most important, with a budget almost three times as big as that of OFDA. It provides implementing partners with food commodities. While funds for the program are authorized and appropriated by the Department for Agriculture under Public Law 480, title II, they are administered by USAID. The Office of Transition Initiatives focuses on the demobilization of combatants and the development of democratic governance and media structures in order to facilitate the transition from crisis and conflict to peace and stability. The Office of Conflict Management and Mitigation supports early responses to address the causes and consequences of instability and conflict. The Office of Military Affairs is the focal point for interactions between USAID and the military.

The U.S. Department of State not only influences humanitarian policy through the F-Bureau, but also contains additional offices involved in emergency relief. The Office of the Coordinator for Reconstruction and Stabilization has the lead in coordinating and institutionalizing a civilian response capacity to prevent conflicts or manage stabilization and reconstruction operations in countries emerging from conflict or civil strife. The office is in charge of developing a Civilian Response Corps and a Civilian Response Fund. The Bureau of Population, Refugees, and Migration provides aid for refugees, victims of conflict and stateless people and can draw, among others, on the U.S. Emergency Refugee and Migration Assistance Fund.

The Department of Defense also plays an important, albeit controversial role in humanitarian assistance. The Office of Humanitarian Assistance, Disaster Relief, and Mine Action belongs to the Defense Security Cooperation Agency. It manages the Overseas Humanitarian, Disaster, and Civic Aid appropriation, provides and transports non-lethal excess property to countries in need, implements humanitarian mine action and foreign disaster relief and emergency response activities. The office also oversees the Denton program, which uses available space to transport relief supplies and material. Many humanitarian activities of the Department of Defense are implemented by Regional Commands, which can engage in humanitarian and civic assistance programs. Commanders in Iraq and Afghanistan in particular have access to vast financial resources (around \$1.7 billion) for development and “humanitarian” activities and the newly created U.S. Africa Command (AFRICOM), which includes representatives from USAID and the State Department, focuses on preventing wars and conflicts and building crisis response capacities in Africa.

The Department of Agriculture plays an important role in food aid. As mentioned above, certain food aid programs appropriated by the Department of Agriculture are administered by USAID (Public Law 480, title II). The remaining food aid programs, namely Food for Progress and the McGovern-Dole International Food for Education and Child Nutrition Pro-

Figure 2. Institutions Providing Humanitarian Assistance in the U.S.

Source: GPPI

gram, provide food commodity donations and cover transport costs. They are usually applied in development settings, but can also be relevant in protracted crises or complex emergencies. The Bill Emerson Humanitarian Trust is a food and cash reserve that can be drawn on for emergency needs, should the other programs not suffice. The interagency Food Assistance Policy Council, comprising officials of the Department of Agriculture, the Office of Management and Budget, USAID and the Department of State coordinates the U.S. Government's food aid policies.

Finally, the U.S. Government has a separate agency for dealing with internal disasters. The Federal Emergency Management Agency (FEMA), which is part of the U.S. Department of Homeland Security, aims to reduce the loss of life and property and protect U.S. citizens from all hazards. Coordinated by the Department of State, FEMA engages with foreign humanitarian organizations when a domestic incident or disasters requires external assistance.

Financial Contributions to Humanitarian Assistance in the EU and the U.S.

Over the last two decades, the financial volume of global humanitarian assistance has tripled, reaching almost \$12 billion in 2008.⁸ The EU, comprising the European Commission

⁸ All numbers for humanitarian contributions in 2008 are taken from the United Nations Office for Humanitarian Affairs (OCHA) financial tracking system, available at <http://ocha.unog.ch/fts> (last accessed March 2009). The numbers include

and EU member states, is currently the world's largest donor of humanitarian assistance. Jointly, member states and the Commission contributed almost 39% of the global total or \$4.5 billion; the European Commission accounted for 11% or \$1.3 billion and EU member states together accounted for 28% or \$3.2 billion. The U.S. was the largest single donor in 2008, contributing over \$3 billion or 26% of the total.⁹

As discussed above, various institutions on both sides of the Atlantic provide humanitarian assistance. Accordingly, a wide variety of funding mechanisms exist. Some programs and budget lines can be used both in development and humanitarian settings and some apply to internal, as well as external, disaster relief missions. It is therefore not always possible to clearly distinguish humanitarian funds from development or other funds, and the sum of all funds recorded below exceeds the budget reported to OCHA. The tables below provide an overview of the main financial mechanisms used for humanitarian assistance.

In the U.S., the President can draw on funds available for humanitarian actions through USAID, the Department of State, the Department of Agriculture and the Department of Defense as authorized on an annual basis by Congress. Humanitarian funds administered by OFDA are subject to a "notwithstanding clause," designed to expedite critical assistance by exempting these funds from the restrictions of the Foreign Assistance Act related to sanctions, human rights or good governance. Moreover, the President can authorize the use of defense equipment and military personnel in emergency response. Table 2 provides an overview over humanitarian funds available to the U.S. Government. As in the EU, several funding lines are dual purpose and can be used in regular development, as well as emergency situations.

Geographically speaking, both donors concentrate strongly on Africa, though the geographical focus of the U.S. Government is even more pronounced. In terms of implementing agencies, both donors allocate the lion's share of their funds to the UN and contribute a substantial share of their resources to NGOs. The EU relies more strongly on NGOs and the International Red Cross and Red Crescent Movement, while the U.S. concentrates more heavily on UN agencies. Another difference between the two donors is that DG ECHO does not fund local NGOs, due to strict interpretation of its humanitarian mandate.¹⁰ OFDA, by contrast, enjoys the most flexible funding rules within USAID and routinely funds local NGOs through international NGOs.

Principles vs. Pragmatism: Transatlantic Approaches to Humanitarian Assistance in Comparison

In terms of their geographical focus and their main partner organizations, the European Commission and the U.S. Government display similar priorities. How, though, do their

both contributions and commitments. As mentioned in chapter 1, other estimates of total global humanitarian assistance are higher than the numbers reported to and by OCHA.

⁹ The definition and exact calculation of humanitarian expenditure is controversial. According to the U.S. Congressional Research Service, the total amount allocated to humanitarian assistance by the U.S. Government in 2008 amounted to \$4.2 billion. Curt Tarnoff and Marian L. Lawson, *Foreign Aid: An Introduction to U.S. Programs and Policy* (Washington, DC: Congressional Research Service, 2009)

¹⁰ According to Council Regulation (EC) No 1257/96 of 20 June 1996, only NGOs registered in an EU member state are eligible for concluding a framework agreement with DG ECHO.

Table 1. Financial Contributions to Humanitarian Assistance in the EU (2008)¹

Name of Fund / Budget Line	Responsible Agency	Sum in €	Sum in \$ ²
Main budget line for humanitarian assistance	DG ECHO	€533 million	\$748 million
Food aid budget line	DG ECHO	€363 million	\$543 million
Budget line for disaster preparedness and mitigation	DG ECHO (DIPECHO)	€32 million	\$47 million
Support expenditure	DG ECHO	€8 million	\$12 million
Administrative expenditure	DG ECHO	€19 million	\$28 million
Emergency Aid Reserve	DG ECHO	€479 million (used in 2008: €177 million)	\$705 million (used in 2008: \$260 million)
European Development Fund: ³ B-Envelopes for unforeseen circumstances in ACP countries (incl. humanitarian assistance)	DG Development / DG ECHO	€0 (available for 2008-2013: €1.8 billion)	\$0 (available for 2008-2013: \$2.6 billion)
Food Security Thematic Programme	DG AidCo	€216 million (incl. €98 million for transitions, fragile and failed states)	\$318 million (incl. \$144 million for transitions, fragile and failed states)
Civil Protection Financial Instrument (covers the financial aspects of preparedness and response actions of the Community Mechanism for Civil Protection and the Monitoring and Information Centre)	DG Environment	Reference amount for 2007-2013: €190 million	Reference amount for 2007-2013: \$280 million
Instrument for Stability	DG RELEX	€135 million	\$199 million
Sum of all instruments (including those with mixed purpose)		€1.3 billion	\$1.9 billion
Sum of humanitarian expenditures reported to OCHA		€888 million	\$1.3 billion

¹Source for financial data include: DG ECHO, *Humanitarian Aid Financial Report 2008*; European Commission, *Food Security Thematic Programme, Thematic Strategy Paper and Multiannual Indicative Programme 2007-2010* (Document c/2007/1924).

²The conversion is based on the average euro-dollar exchange rate in 2008 of 1.47134.

³The European Development Fund is not part of the EU's regular budget, but relies on voluntary contributions by EU member states.

approaches to humanitarian assistance compare more generally and what does this entail for the prospects of enhanced transatlantic cooperation in emergency relief and preparedness? This section focuses on the definition of humanitarian assistance as well as the understanding and application of the humanitarian principles and operational approaches in order to trace the main similarities and differences between the humanitarian policies of the European Commission and the U.S. Government.

Defining “Humanitarian Assistance”

Both the U.S. Government and the European Commission derive their understanding of humanitarian assistance from similar philosophical premises. Based on Henry Dunant's principles of action and international humanitarian law, humanitarianism on both sides of the Atlantic is seen to be an expression of human solidarity and to follow the humanitarian imperative by aiming to save lives and alleviate human suffering wherever the need arises.

These core elements defining humanitarian assistance are reflected in key policy documents, including the principles of the Good Humanitarian Donorship Initiative, to which the U.S.

Table 2. Financial Contributions to Humanitarian Assistance in the U.S. (2008)¹

Name of Fund / Budget Line	Responsible Agency	Sum in €²	Sum in \$
International Disaster Assistance and Transition Initiative funds	USAID / OFDA and Office of Transition Initiatives	€474 million (the majority are OFDA funds. OFDA annual budget 2007: €392 million)	\$694 million (the majority are OFDA funds. OFDA annual budget 2007: \$573 million) ³
Food assistance, including Food for Peace, Food for Progress and the McGovern-Dole program	Department of Agriculture (Food for Peace implemented by USAID)	€1.4 billion	\$2.1 billion ⁴
Bill Emerson Humanitarian Trust—an emergency grain and cash reserve	Department of Agriculture	Reserves in 2006: 915,000 metric tons of wheat, €73 million	Reserves in 2006: 915,000 metric tons of wheat, \$107 million cash
Overseas Humanitarian, Disaster, and Civic Aid (OHDACA)	Department of Defense / Defense Security Cooperation Agency	€69 million	\$101 million
Commanders' Emergency Response Program (CERP) – available for operations in Iraq and Afghanistan ⁵	Department of Defense / Commanders in Iraq and Afghanistan	€1.16 billion	\$1.7 billion
Migration and Refugee Assistance Account (MRA) and draw-down from Emergency Refugee Migration Assistance Fund (ERMA)	Department of State / Office of Population, Refugees and Migration	€957 million	\$1.4 billion
Sum of all instruments (including those with mixed purpose)		€4.1 billion	\$6.1 billion
Sum of humanitarian expenditures reported to OCHA		€2 billion	\$3 billion

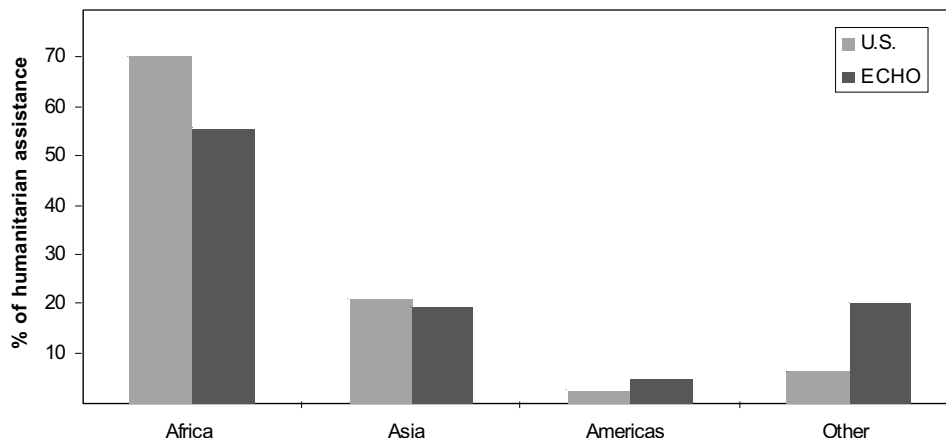
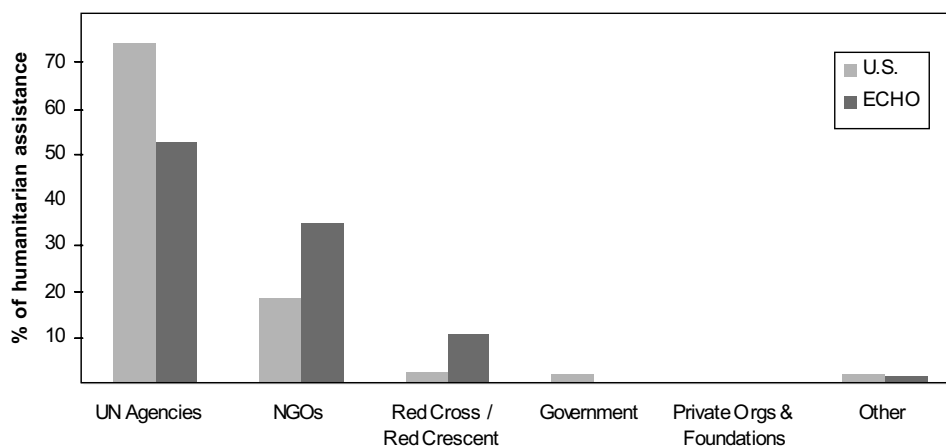
¹Source for financial data include Tarnoff and Lawson, op. cit; USAID Office of U.S. Foreign Disaster Assistance *Annual Report for Fiscal Year 2007*; Department of Defense, *Defense Security Cooperation Agency, Fiscal Year 2008 Report on Humanitarian Assistance*.

²The conversion is based on the average dollar-euro exchange rate in 2008 of 0.68341.

³Total USAID humanitarian expenditure in 2008 amounted to \$582 million. Total emergency assistance (including food aid delivered by USAID) amounted to \$1.8 billion. Cf. USAID *Agency Financial Report Fiscal Year 2008*.

⁴In 2007, the U.S. Government's international food assistance also amounted to \$2.1 billion. The funds have to be used almost exclusive to purchase U.S. commodities. Food assistance was distributed across several programs as follows: Public Law 480 Title II (Food for Peace): \$1.87 billion; Food for Progress: \$130 million; Section 416 (b): \$20 million; Food for education: \$99 million; Farmer-to-farmer program: \$10 million. No funds were allocated to the Bill Emerson Humanitarian Trust. Cf. USAID *U.S. International Food Assistance Report 2007*.

⁵The CERP was originally funded through cash reserves of the Iraqi government, confiscated by the U.S. army. CERP funds can be spent by U.S. commanders in Iraq and Afghanistan to address urgent needs of the population, some of which can be characterized as humanitarian. They include water and sanitation, food production and distribution, agriculture and irrigation, electricity, healthcare, education, telecommunications, economic, financial, and management improvements, transportation, rule of law and governance, civil cleanup activities, civic support vehicles, repair of civil and cultural facilities, battle damage / repair, condolence payments, hero payments, former detainee payments, protective measures, urgent humanitarian or reconstruction payments, and temporary contract guards for critical infrastructure. Cf. DoD Financial Management Regulation Volume 12, Chapter 27, January 2009.

Figure 3. Allocation of Humanitarian Assistance by Region (2008)**Figure 4. Allocation of Humanitarian Assistance by Agency Type (2008)**

Government and the European Commission are signatories; the European Consensus on Humanitarian Aid; and the mandates of the core humanitarian agencies of these two donors, DG ECHO and OFDA.¹¹ Beyond this core consensus, however, the definitions and mandates include explicit references to different aspects relevant to “humanitarian aid,” “humanitarian assistance,” or “humanitarian action.” OFDA’s mandate, for example, also includes the task of reducing the (longer-term) social and economic impact of emergencies, while the mandate of the European Commission emphasizes short-term reconstruction and rehabilitation.

¹¹ Sources: Good Humanitarian Donorship Initiative, *Principles and Good Practices of Humanitarian Donorship*, endorsed in Stockholm, June 17, 2003; OFDA’s mandate is available at http://www.usaid.gov/our_work/humanitarian_assistance/disaster_assistance/; the European Commission’s humanitarian mandate is available at http://ec.europa.eu/echo/ataglance_en.htm and the European Consensus on Humanitarian Aid can be found at http://ec.europa.eu/echo/files/media/publications/consensus_en.pdf (all last accessed in April 2009).

In theory, humanitarian assistance is clearly demarcated from other forms of aid, such as development aid, and is provided unconditionally on the basis of need. In practice, however, the boundaries are often difficult to draw. The European Commission typically adopts a relatively strict or conservative approach to this question, whereas the U.S. Government tends to see the boundaries as more fluid and the U.S. President enjoys more discretion to define emergencies as well as relief activities. This becomes evident, for example, in attempts to quantify humanitarian budgets. The European Commission reports a total humanitarian budget for 2008 of €937 million, which corresponds roughly to the \$1.3 billion indicated by the UN's financial tracking system. The U.S. Government, by contrast, reports \$4.2 billion, whereas the UN only lists around \$3 billion as U.S. humanitarian contributions.¹²

The Humanitarian Principles and their Application

Humanitarian assistance is not only defined by types of activities and emergencies, but crucially also by humanitarian principles. As mentioned earlier, four principles are most commonly recognized as constitutive for humanitarian assistance: humanity, impartiality, independence, and neutrality. Both donors explicitly endorse these humanitarian principles.¹³ Moreover, the core agencies in charge of humanitarian assistance, DG ECHO and OFDA, are ardent defenders of the principles. In practice, however, the EU interprets and adheres to humanitarian principles in a much stricter, more “principled” sense, while the U.S. Government adopts a more pragmatic approach. This distinction between a principled versus a pragmatist approach amounts to a fundamental difference between the two donors and explains many of their more specific and operational divergences.

Several factors bear out this distinction. First, the European Commission's formal commitment to the principles is much stronger. They are central to the European Consensus on Humanitarian Aid, which applies to EU member states and the European Commission, and are referenced prominently in the general presentation of the European Commission's approach to humanitarian assistance, as well as in DG ECHO's strategy document.¹⁴ In the U.S., by contrast, formal commitment is more ambivalent. The joint strategy document of USAID and the Department of State only makes reference to the principles of “universality, impartiality, and human dignity” and integrates humanitarian assistance into the concept of transformational diplomacy, seeing it as one instrument for strengthening democracy and good governance.¹⁵ OFDA itself refers to the humanitarian imperative and the three operational principles, but adds four additional principles, namely do no harm, protection, capacity building and accountability, which exhibit certain tensions with the original humanitarian principles.

¹² See DG ECHO, *Humanitarian Aid Financial Report 2008*; United Nations Office for Humanitarian Affairs (OCHA) financial tracking system; Tarnoff and Lawson, op. cit.

¹³ OFDA, *Annual Report 2007*, p. 17; DG ECHO's website, available at http://ec.europa.eu/echo/atag glance_en.htm (last accessed July 2009)

¹⁴ The European Consensus on Humanitarian Aid, paragraph 10; http://ec.europa.eu/echo/atag glance_en.htm (last accessed April 2009); DG ECHO, *Operational Strategy 2009*, p. 3.

¹⁵ U.S. Department of State and U.S. Agency for International Development *Transformational Democracy. Strategic Plan Fiscal Years 2007-2012*, p. 30.

Second, DG ECHO has been found to be strongly independent of other departments of the European Commission, despite the fact that it reports to the same Commissioner as DG Development. An external evaluation in 2006, for example, concluded that DG ECHO is “neither formally guided by, nor subject to any foreign policy, when managing the implementation of foreign aid.”¹⁶ OFDA also enjoys a relative degree of independence, as evidenced for example by the “notwithstanding” clause, which permits OFDA to allocate resources outside the constraints that apply to other government agencies. As described above, however, the U.S. Government has recently implemented a foreign assistance reform. The rationale behind the creation of the F-Bureau and the position of Director of Foreign Assistance was to ensure that foreign assistance is used as effectively as possible to meet broad U.S. foreign policy objectives. The F-Bureau provides strategic direction on all forms of foreign assistance and reports to the Department of State. Since the reform was only implemented recently, the full implications for humanitarian assistance have yet to emerge, but if the Obama Administration continues to implement this reform, it can only lead to less independence for OFDA.¹⁷

Finally, DG ECHO is responsible for a much larger share of humanitarian assistance than OFDA. DG ECHO administers the entire official humanitarian budget of the European Commission with an equivalent of around \$1.3 billion. In addition, it can draw on the B-envelope of the European Development Fund. Other instruments with potential humanitarian applications (the Food Security Instrument for transitions, fragile and failed states, the Civil Protection Instrument and the Instrument for Stability) amount to less than 20% of the budget available to DG ECHO. OFDA acts as the official lead agency of the U.S. Government on humanitarian assistance, but only has authority over a budget of \$500–600 million (roughly one tenth to one fifth of total U.S. humanitarian assistance as officially declared). Therefore, OFDA’s commitment to humanitarian principles has less impact on U.S. humanitarian assistance than DG ECHO’s commitment has on the European Commission’s humanitarian assistance.

The U.S. Government, then, is more pragmatic in interpreting and applying humanitarian principles than the European Commission. On the one hand, this allows the Administration to deal more explicitly with tensions between the principles and other policy areas;¹⁸ adopt a more flexible approach to humanitarian assistance;¹⁹ and ensure policy coherence across various issue areas. On the other hand, however, the weakening of humanitarian principles creates increased security risks for all relief workers and inhibits access for relief operations in certain emergency situations.²⁰

¹⁶ Daldrup, Grünewald, Weggen and White, *Evaluation of the European Commission’s Directorate General for Humanitarian Aid (DG ECHO)*, June 23, 2006, p. 2.

¹⁷ The 2006 DAC Peer Review found, for example, pointed to the “challenge [...] to integrate humanitarian concerns into the framework’s objectives of peace, security and the state-building.” OECD Development Assistance Committee (DAC) (2006), *The United States. Peer Review*, p. 83.

¹⁸ The DAC Peer Review suggests that the “US Administration is to be commended for recognising openly the significance of these tensions [between humanitarian assistance and US national security priorities].” *Ibid.*, p. 81.

¹⁹ This becomes evident for example in the two donors’ different attitudes towards local NGOs. Both emphasize the need to strengthen and use local capacity for emergency response. OFDA can fund and work directly with local NGOs. DG ECHO, by contrast, cannot engage directly with local organizations and can only support them via third partners.

²⁰ For a discussion of the negative implications of a weakening of humanitarian principles especially in conflict-related emergencies, see for example Walker and Maxwell (2009) *Shaping the Humanitarian World*, chapter 7.

The difference between a more “principled” and a more pragmatic interpretation of humanitarian principles can be seen clearly at the operational level. It becomes apparent, for example, in the positions of the two donors concerning integrated approaches to humanitarian assistance and the role of non-traditional actors, such as the military and business. Each of these topics was the focus of a study group convened for this research project.

Integrated Approaches

Traditionally, humanitarian assistance has been defined as an activity and policy area that operates independently of other policy areas. Over recent years, however, the notion of independence has increasingly come under scrutiny and many relevant actors are now strengthening linkages to other policy fields, particularly development and security.

Many donors, for example, have recognized the advantages of coordinating humanitarian assistance more closely with development activities. This serves to ensure that short-term relief activities do not undermine longer-term development goals and that the results of humanitarian activities become sustainable. Attuning development programs to the risk of new disasters can at the same time help prevent and mitigate their effects by supporting emergency preparedness, disaster risk reduction and local capacity building measures. Both the U.S. Government and the European Commission officially back the concepts of “linking relief, rehabilitation and development” or “development-relief.” The U.S. Government, however, has greater ease in implementing these concepts and has, for example, adopted very clear policy guidance on linking development and humanitarian assistance in food aid. The European Commission also has a number of instruments designed to bridge the gap between relief and development, including for example the B-Envelopes of the European Development Fund, the recently adopted Instrument for Stability, and the Food Security Thematic Program. Nevertheless, the European Commission is still struggling to reconcile the newly adopted concept of linking relief, rehabilitation and development with its principled approach to humanitarian assistance.

Particularly in the context of the global campaign against terrorism and the interventions in Afghanistan and Iraq, another school of thought emphasizes the linkages between humanitarian assistance and security. It stresses that security is an important condition for saving lives and alleviating suffering. At the same time, credible and effective humanitarian assistance and development aid can enhance stability in fragile situations and support security operations. Linking humanitarian assistance to security concerns, however, has sparked an intense controversy in the humanitarian community. The Bush Administration was one of the primary proponents of the concept, as evidenced for example by the recent creation of the Office of the Coordinator for Reconstruction and Stabilization, as well as the massive expansion of the “humanitarian” mandate and budget of the Department of Defense. It is an open question whether the Obama Administration will continue this approach. The European Commission, by contrast, has only the Instrument for Stability at its disposal to engage in crisis prevention and improve the security situation in post-crisis situations. This weaker link between humanitarian assistance and security is in part due to efforts to protect the independence of DG ECHO, but may also be due to the fact that EU member states have currently granted the European Commission farther-reaching competencies regarding humanitarian assistance than

security policy. Thus, some EU member states strongly intertwine their security and humanitarian policies in places such as the Balkans or selected African countries.

Non-Traditional Actors in Humanitarian Assistance

In certain cases, the military is taking on a more pronounced role in providing emergency relief. In the U.S., this function has largely been mainstreamed. According to Executive Order 12966 of July 14, 1995 and United States Code 10, § 404, the Secretary of Defense can provide disaster assistance outside the United States to respond to man-made or natural disasters. Drawing on the budget for Overseas Humanitarian, Disaster, and Civil Aid and the Commanders' Emergency Response Program, the U.S. Department of Defense and its regional commanders routinely engage in and spend significant amounts on programs to "win hearts and minds," some of which are humanitarian in nature. USAID has created the Office of Military Affairs to coordinate its activities with the Defense Department, and each U.S. regional command has USAID staff on secondment. In the EU, the so-called Petersberg Tasks provide European military units with the authority to engage in "humanitarian and rescue tasks."²¹ The European Consensus on Humanitarian Aid also accepts, in principle, humanitarian missions of the military and demands adherence to the 2006 Oslo Guidelines on the Use of Military and Civil Defence 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.²² In practice however, European military forces at the community level have not yet been deployed on strictly humanitarian missions, although military personnel and assets of EU member states are increasingly being used in emergency situations.

The business community is another actor with a small, but growing presence in humanitarian assistance. In recent years, corporations have become increasingly involved in preparedness, disaster risk reduction and emergency response, both on a for-profit basis and as a form of social engagement. A variety of companies are contributing valuable resources, skills and capacities to the humanitarian endeavor. At the same time, however, many humanitarian experts and professionals remain skeptical and question whether business has the right motives for getting involved. Here again the U.S. Government has taken a lead role in promoting this form of engagement, while the European Commission remains cautious.²³ USAID, for example, routinely relies on private for-profit contractors in all areas, including humanitarian assistance, to increase capacity, gain specialized skills and ensure control in politically sensitive situations. DG ECHO, by contrast, does not participate actively in public-private partnerships, and its governing rules prevent it from dispersing funds directly to for-profit companies.

²¹ See Part II, § 4 of the Petersberg Declaration, adopted by the Western European Union Council of Ministers on June 19, 1992. The Petersberg Tasks have been included under Article 17 of the Treaty on European Union.

²² European Consensus on Humanitarian Aid, § 57.

²³ Several EU member states, by contrast, do engage with business in humanitarian operations.

Existing Transatlantic Channels of Cooperation in Humanitarian Assistance

The previous section has shown that the transatlantic partners agree in principle on whether and when to provide humanitarian assistance, though they often differ in practice on how and where to provide it. This section sheds light on how closely the two donors actually work together. It describes the many existing bilateral and multilateral channels for cooperation and points to some of the political and institutional impediments for closer partnership.

Bilateral Cooperation on Humanitarian Assistance

The most significant and most far-reaching agreement on transatlantic cooperation in humanitarian assistance is contained in the 1995 Joint EU-U.S. Action Plan. As part of the 1995 New Transatlantic Agenda, the EU and the U.S. Government agreed on an extensive list of joint activities in the humanitarian area, including to:

- cooperate in improving the effectiveness of international humanitarian relief agencies, and in the planning and implementation of relief and reconstruction activities;
- consider joint missions whenever possible, and hold early consultations on security in refugee camps as well as on the use of military assets in humanitarian actions;
- work towards greater complementarity by extending operational coordination to include the planning phase; continuing and improving operational information-sharing on humanitarian assistance; appointing humanitarian focal points on both sides of the Atlantic; and improving staff relations by exchange of staff and mutual training of officials administering humanitarian assistance.

Following this agreement, the Clinton Administration worked with the EU to establish a High Level Consultation Group on humanitarian assistance that met regularly. Under the Bush Administration, the most important coordination meeting between the European Commission and the U.S. Government became an annual strategic dialogue between USAID (and more recently the U.S. Department of State) and DG ECHO, which was complemented by additional phone conferences throughout the year. This dialogue mainly addresses implementation issues.

In addition to these regular contacts at headquarters-level, the European Commission and the U.S. Government often cooperate closely when responding to specific crises. Both sides maintain a strong field presence and report that they typically see each other as their most important and closest partner on the ground.²⁴ The implementation of a limited number of joint EU-U.S. missions, for example the 1996 joint envoy for the Great Lakes Region or the 2007 joint missions to Liberia, Guinea, and the Democratic Republic of Congo are also an expression of this pragmatic cooperation.

²⁴ Interviews with DG ECHO and OFDA staff, 2008.

Multilateral Channels for Cooperation

The EU and the U.S. are also part of numerous multilateral or multi-stakeholder fora and groups and can use their interactions within or on the sidelines of these groups to enhance their mutual cooperation and coordination. Table 3 provides an overview of the most important of these venues.

Hurdles for Closer Cooperation

Representatives of the European Commission and the U.S. Government meet regularly as part of their strategic dialogues, their operational cooperation on the ground and as members of a number of multilateral or multi-stakeholder initiatives related to humanitarian assistance. Despite these multiple avenues, there still is significant scope for increasing cooperation, coordination, and mutual learning in humanitarian assistance. Currently, several factors limit or hinder closer cooperation. They include:

- ***Lack of clarity concerning roles and responsibilities.*** The institutional setup for humanitarian assistance is complex both in the U.S. and in the EU. This makes it difficult for members of the two administrations to understand exactly who plays what role and who is their relevant counterpart. This problem is compounded by the fact that humanitarian assistance is subject to frequent institutional reforms and changes. For example, even U.S. Administration insiders have difficulties tracing the exact implications of the introduction of the F-Bureau.²⁵ Moreover, the humanitarian field is characterized by rapid staff turnover. To a certain degree this also applies to humanitarian donor organizations.²⁶ This undermines personal contacts and reduces institutional memory.
- ***Limited scope of strategic dialogues.*** As mentioned above, the DG ECHO-USAID strategic dialogue currently is the main channel for bilateral cooperation and coordination in humanitarian assistance. This dialogue, however, is restricted. Recently, the U.S. Department of State's Office for Population, Refugees and Migration has also been involved in the dialogue, but many other institutions involved in providing humanitarian assistance are not regularly participating, including for example the Department of Agriculture and the Department of Defense on the U.S. side, as well as DG Environment, DG RELEX and DG Development in the EU. Strategic dialogues can provide an important forum for discussing and coordinating operational issues, but they do not currently cover all components of humanitarian assistance, are not routinely conducted at a level of sufficient seniority, and often lack full reporting back to decision makers and full staff briefings.
- ***Political controversies.*** Finally, some intense political controversies between the EU and the U.S. persist in the area of humanitarian assistance. This relates to the question of whether or not donors should pursue integrated approaches, linking humanitarian assistance to development, security, broader foreign policy, and economic concerns.

²⁵ Tarnoff and Lawson, op. cit.

²⁶ DAC peer review, op. cit., p. 88.

Table 3. Multilateral Channels for Cooperation (selection)

Name	Purpose / activity	Members
Good Humanitarian Donorship Initiative (GHDI)	Provides a forum for donors to discuss good practice in humanitarian financing and other shared concerns. By defining principles and standards it provides a framework to guide official humanitarian assistance and a mechanism for encouraging greater donor accountability.	Donor governments. Currently 35 members, including the European Commission and the U.S. Government.
OECD Development Assistance Committee (DAC)	A community of policymakers meeting to engage in collective thinking and coordinate their approaches. The DAC conducts regular peer reviews to assess donor aid policies and practice, including humanitarian assistance. It also has working parties and networks on specific topics such as statistics, evaluation or gender equality.	OECD governments. Currently 23 members, including the European Commission and the U.S. Government. Multilateral organizations participate as observers.
Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP)	Aims at improving the quality and accountability of humanitarian action, by sharing lessons; identifying common problems; and where appropriate, building consensus on approaches.	Governments, NGOs, think tanks, individual. Currently 66 full members, including DG ECHO and USAID.
OCHA Donor Support Group	Forum for donors to discuss with OCHA the administrative, policy, and operational aspects of its work	Donors contributing at least \$300,000 to OCHA and providing political support to strengthen OCHA's work and role within the humanitarian system. Currently comprises 18 members.
ICRC Donor Support Group	Meets annually to discuss future policy directions for the ICRC.	Donors contributing at least 10 million Swiss francs per year to the ICRC. Members include the U.S. Government and the European Commission.
UNHCR Donor Consultations	Formal and informal donor consultation meetings and donor field visits organized by the UNHCR donor relations unit.	Governments, non-governmental organizations and individuals. Top ten donors include the U.S. and the European Commission.
UN General Assembly	Occupies a central position as the chief deliberative, policymaking and representative organ of the United Nations. Regularly discusses humanitarian issues.	Comprises all 192 members of the United Nations
NATO Euro-Atlantic Disaster Response Unit	A non-standing, multi-national force of national civil and military elements, which can be deployed in the event of a major natural or man-made disaster.	NATO's 28 member nations and countries in the Partnership for Peace will deploy upon request by countries struck by disaster
Humanitarian Action Group (HAG)	Coordination instrument in specific countries, such as the Democratic Republic of Congo.	UN agencies, NGOs, governments, depending on context, typically including DG ECHO and OFDA.
UN Humanitarian Coordinators	Are appointed by the United Nations Emergency Relief Coordinator and facilitate communication, consultations, and coordination among organizations involved in the relief effort.	Humanitarian Coordinators typically seek to involve all relevant agencies, including donors, into consultation and coordination efforts.

The transatlantic partners also disagree on whether and how to engage with new actors in the humanitarian field, a topic that is particularly controversial in the case of the military, but is also disputed for business organizations. Finally, the European Commission and the U.S. Government have adopted different approaches to food aid. The difference stems less from a disagreement between DG ECHO and OFDA or USAID, but rather from the influence of Congress, which gives priority to the interests of domestic farmers. Following legislation passed by Congress, the U.S. Government has a food aid policy that relies strongly on providing food produced in the U.S. to countries faced with emergencies. Opponents of this policy argue that it is overly costly and risks undermining local food production and markets in developing countries. Following this line of argument, the European Commission pursues a policy of purchasing food locally and/or providing populations in need with cash handouts. Food aid constitutes a major share of total U.S. humanitarian assistance and the intensity of the controversy has undermined many working level contacts. A new Farm Bill was enacted by Congress in 2008. It provides up to \$60 million, or just over 1% of total food aid, between 2009 and 2012 for the local and regional procurement of food commodities to respond to food crises and disasters.²⁷ Albeit minimal, these changes are beginning to ease the controversy over food aid.

Conclusion

The EU and the U.S. are close partners in providing humanitarian assistance, yet significant scope remains for enhancing cooperation, coordination, and mutual learning to improve their own approaches and support reform of the humanitarian system as a whole.

The following chapters explore current transatlantic practices in four crucial issue areas that illustrate the different approaches of the European Commission and the U.S. Government and point to common challenges: implementing lessons learned; linking relief, rehabilitation and development; business engagement in emergency relief and preparedness; and cooperation between civilian and military actors. The concluding chapter summarizes findings, lessons and recommendations.

²⁷ The Food, Conservation, and Energy Act of 2008, Title III.