

FOR A EUROPEAN PARLIAMENT WHICH PROMOTES EFFECTIVE HUMANITARIAN ACTION



WHAT ARE THE KEY COMMITMENTS FOR #EE24?

- 1** | COMMIT TO SUPPORTING HUMANITARIAN ACTION
- 2** | SUPPORT HUMANITARIAN EXEMPTIONS IN EU AUTONOMOUS SANCTIONS REGIMES
- 3** | COMMIT TO CURBING THE CRIMINALISATION OF AID



PRESERVING HUMANITARIAN SPACE: A PREREQUISITE FOR EFFECTIVE DELIVERY OF AID

In mid-2023, 362 million people required humanitarian assistance, a figure 226.3 million higher than in 2018.¹ To deal with this surge and the increasing number of crises, the preservation of humanitarian space is crucial for ensuring access to vulnerable populations and the supply of aid.

Humanitarian space can be defined as ‘a symbolic space in which there is freedom to conduct operations, and where working methods and respect for principles preserve the flexibility, independence, and impartiality that are necessary in humanitarian action’.² The principles of humanity, neutrality, independence and impartiality govern this space and guide organisations in delivering aid based solely on need. At the European level, the European Consensus on Humanitarian Aid (2007) reaffirms the commitment of the European Union (EU) to these principles and establishes the overarching strategic framework to improve the coherence, effectiveness and quality of the EU’s humanitarian response.

Humanitarian action faces numerous challenges that can disrupt its framework of intervention. These include the increased number of armed conflicts and non-compliance with international humanitarian law (IHL), natural disasters, the impact of climate change, economic and political instability, mass displacements, the ongoing consequences of Covid-19 and epidemic risks. In addition, the increasing number of attacks on humanitarian space are weakening the response capacity of humanitarian organisations. These violations include non-compliance with the rules of law (IHL, human rights, refugee rights and other legal standards), the proliferation of counter-terrorism measures and sanctions regimes, institutional reforms and the politicisation of aid. As humanitarian needs constantly grow, the EU must support and promote the preservation of humanitarian space through respect for IHL, in order to ensure that aid is delivered to people in crisis situations.

1 | COMMIT TO SUPPORTING HUMANITARIAN ACTION

Today, many factors threaten the preservation of humanitarian space as a whole. These include violations of IHL and human rights, refugee laws and other legal standards, as well as the politicisation of aid and the difficulties associated with putting humanitarian principles into action. In addition, excessive compliance and accountability requirements from donors undermine the quality and effectiveness of aid by delaying humanitarian response times and diverting resources away from activities targeting vulnerable people. Finally, the number of recorded attacks on humanitarian workers more than doubled between 2010 and 2021.³

In this respect, compliance with humanitarian principles (humanity, impartiality, neutrality and independence) acts as real protection for actors of aid. The European Parliament has tools allowing it to strengthen its support for humanitarian action as a whole and to make the EU a leader in protecting humanitarian space. To start with, the European Parliament can encourage Member States to preserve humanitarian space by supporting and promoting the ‘Call for Humanitarian Action’, with the goal of having them all sign it.

More generally, it’s important to support civil society initiatives to bolster the preservation of humanitarian space and protection of humanitarian and health personnel. At Parliament level, the Committee on Development (DEVE) has a Standing Rapporteur for Humanitarian Aid. This rapporteur could, in conjunction with the European Commission and the Council of the EU, work to

¹ OCHA (2023), [Global Humanitarian Overview 2023, Mid-Year Update](#), June 18

² URD, [Espace humanitaire](#), Last visit, 4 January 2024

³ International NGO Safety Organisation (2022), [Global 2022 NGO incident overview](#), Reliefweb, August.

expand the monitoring of humanitarian expenditure and hold regular hearings with CSOs. This would help ensure that humanitarian aid is delivered free of the influence of any political or security agenda, based on the needs of local people and in line with humanitarian principles. It could also help bolster the monitoring of the impact of sanctions regimes and restrictive measures on humanitarian action, as well as ask NGOs to describe that impact and find solutions. Furthermore, the Parliament can make continued growth in humanitarian funding a reality through its significant role in the EU budget preparation process.

2 | SUPPORT HUMANITARIAN EXEMPTIONS IN EU AUTONOMOUS SANCTIONS REGIMES

NGOs operating in unstable environments face obstacles due to sanctions regimes, which restrict their access to and ability to provide effective aid.

There are three types of sanctions regimes in place in the EU: 1) autonomous sanctions by the Council of the EU; 2) UN-imposed sanctions which the EU transposes into EU law; and 3) mixed sanctions, by which the EU reinforces UN sanctions with additional measures. These sanctions can include arms embargoes, admission restrictions, asset freezes and economic sanctions.

Combating the financing of terrorism is an EU priority, in accordance with the 1991 directives on money laundering and the financing of terrorism. However, the financing of terrorism must not be fought to the detriment of humanitarian aid. Directive 2018/843 provides for vigilance measures, such as screening. While NGOs are not explicitly mentioned, some States impose disproportionate vigilance measures, which may hamper their humanitarian actions on the ground.

Screening, which consists of checking whether individuals are on sanctions lists, poses major problems by putting into question the neutrality of organisations and compromising the trust people have in these latter. This endangers the safety of humanitarian personnel and disrupts aid delivery. In addition, the World Bank reports that, for about 850 million people, screening is often unfeasible.

Sanctions regimes, which are of increasing concern to organisations operating in restricted areas, have operational, financial, reputational, legal and security impacts. For effective humanitarian aid, it's crucial to protect humanitarian space and include humanitarian exemptions.

More generally, anti-terrorist regulations and restrictive measures have a negative impact on NGOs, leading to the cessation or reduction of funding and the suspension of programmes. Their projects are modified to comply with these constraints, which are often disconnected from people's real needs. Humanitarian exemptions are therefore crucial to avoid negative impacts on vulnerable populations.

Sanctions regimes are crucial in the fight against terrorism, but humanitarian exemption does not undermine their efforts. Some regimes have exemptions, but efforts still need to be made to ensure a permanent and cross-cutting exemption for all current and future sanctions regimes.

A HUMANITARIAN EXEMPTION PARTIALLY TRANPOSED AT EUROPEAN LEVEL

In December 2022, the UN Security Council adopted Resolution 2664, creating a cross-cutting humanitarian exemption for all UN sanctions. NGOs benefit from this exemption when they provide essential services. However, this exemption is not automatically transposed into EU autonomous regimes, which take a case-by-case approach.

3 | COMMIT TO CURBING THE CRIMINALISATION OF AID

The application of sanctions and restrictive measures results in the criminalisation of aid. This leads to civil and/or criminal liability that can hinder the action of humanitarian actors in situations subject to sanction regimes. While rare, the prosecution of some organisations in different countries has raised concerns in the humanitarian sector. To avoid potential liability, organisations can sometimes impose their own limits to their humanitarian activities, resulting in modification of their programmes and impact on the implementation of their humanitarian aid projects. Fighting this phenomenon also requires a commitment to ensure that the EU combats this criminalisation in its humanitarian diplomacy.

Directive 2018/1673 sought to harmonise the definitions of criminal activities related to money laundering, but it has not been uniformly transposed by the EU Member States. Currently, there is no exemption or exceptional regime for offences related to the provision of humanitarian aid. This leads humanitarian actors to limit their action for fear of violating sanctions regimes.

In addition, and as mentioned above, humanitarian and health workers continue to suffer attacks. Enhanced EU action, in close collaboration with civil society including local actors, is needed to:

- strengthen risk management mechanisms;
- improve access to funding, including by local actors; and
- enable better monitoring of incidents and accountability systems.

IMPROVE COOPERATION BETWEEN CIVIL SOCIETY AND THE EU

CSOs (civil society organisations) play a key role in enriching public policy, by providing public authorities with a wide range of expertise and opinions from civil society. They draw on their experience in the field to make these opinions known. CSOs must be informed about public policy and have the opportunity to influence it, as they can propose concrete solutions to the problems raised. They also support parliamentary work by taking part in committees, helping to draft amendments and facilitating communication between MEPs and relevant players on the ground.

It is therefore through their own work – and also by supporting greater participation by CSOs in the work of the Council of the European Union and the EC – that MEPs can contribute to EU policies that leave no one behind.

Finally, special attention should be paid to the inclusion of organisations of diasporas, women, children, and youth; any organisation representing minority and minoritized groups; and organisations of various sizes.



FURTHER READING

- O'Leary, E. (2021), [Politics and principles: The impact of counterterrorism measures and sanctions on principled humanitarian action](#), CICR.
- European External Action Service (2021), [Discussion Series: Ensuring the protection, safety, and security of humanitarian workers and medical personnel in armed conflicts](#), pp 13-14, June
- Inter-Agency Standing Committee (IASC), [Harmonise and simplify reporting requirements](#)

Coordination SUD is the national coordinating body of French NGOs working for international solidarity.

Coordination SUD was founded in 1994 and currently comprises 184 NGOs, either as direct members or through six networks of associations (CLONG-Volontariat, Cnajep, Coordination Humanitaire et Développement, CRID, FORIM and Groupe initiatives). These organisations work in the fields of emergency humanitarian and development aid, environmental protection, human rights, advocacy and global citizenship education for international solidarity — with a special focus on helping the most disadvantaged groups of people.

Coordination SUD's Europe work brings together member NGOs that carry out advocacy work on European issues relating to international solidarity, as well as Coordination SUD's representatives to CONCORD Europe, the European confederation of humanitarian and development NGOs of which Coordination SUD is a member.

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