



THE EUROPEAN HUMANITARIAN AID OFFICE (ECHO): CRISIS RESPONSE IN THE GREY LANE

OVERVIEW

This briefing paper examines in broad terms likely directions in the policy of the European Humanitarian Aid Office (ECHO)¹ in the next two to three years, with special reference to its position in the development of European Union (EU) crisis response structures and processes.² Its particular focus is on how ECHO has responded to the "grey area" dilemmas: whether and how to separate emergency humanitarian assistance from longer term development assistance, and from "political" projects generally. Section I provides an overview of ECHO's structure and funding; Section II describes how the grey area has been addressed to date; Section III discusses how the issue arises again in the context of the development of the EU's new conflict prevention and management ambitions; while the concluding Section IV draws upon recent experience in Macedonia to support the case for a more pragmatic approach to ECHO's role.

Two conflicting tendencies are at work, and are likely to remain so, in relation to ECHO. On the one hand many in the EU, and ECHO itself, would like to narrow the scope of ECHO's activities to have it concentrate more on emergency relief and less on rehabilitation; to have it pay more attention to 'forgotten crises'; and to help it avoid high levels of association with political projects of the EU in the field of crisis response. In essence, they would like to insulate the humanitarian function ECHO was created to perform from contamination

by close association with EU political policies and from diversion by involvement in longer term development tasks. The argument for so doing is, at least in theory, the strong one that humanitarian assistance should be given to the most needy, not the most important, or nearest or friendliest. And it can best be delivered in true emergencies if no one can question the motives of the donor.

At the same time, in a real world where resources are limited and greatly outstripped by needs, political elements almost inevitably enter into the process by which priorities must be established. Accordingly, there are arguments that ECHO will in the future not be much better able to avoid being pressed into support of EU geopolitical interests, especially in South Eastern Europe, than it has been in the past decade. Advocates of this view argue that, in the short run at least, while the EU is still in the process of creating and testing its panoply of new crisis response tools, ECHO, as the single EU entity that already possesses considerable experience of and capacity for rapid reaction in the field, may need to be called on even more often to act in the grey areas between traditional humanitarian assistance and political action on the one hand, and between traditional humanitarian emergency assistance and developmental assistance on the other.

The conclusion this briefing reaches falls somewhere between these positions. ECHO needs to fight hard to preserve and improve its core humanitarian functions and avoid being drawn by political mission creep into work that is better left to development programs. It should be supported by the rest of the EU in doing so since an efficient, focused ECHO could set much of the agenda for humanitarian action, broadly conceived, by the entire international community. But total divorce from the political world, including from involvement in implementation of crisis responses

¹ The acronym ECHO derives from the earlier name of the European Community Humanitarian Office. Usage now varies, even in official documents, but its most commonly used formal name is European Humanitarian Aid Office.

² For a description and evaluation of the EU's crisis response capability, see *EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management*, ICG Issues Report No. 2, 26 June 2001.

identified as priorities by the senior EU leadership, is unrealistic. At least until other EU bodies, in particular the Rapid Response Mechanism being constructed in the Commission, acquire more capacity and experience, and hand-over procedures between ECHO and those entities are better developed, ECHO will need to be, as required, active and effective as well on the political edge of the grey area.

I. ECHO'S STRUCTURE AND FUNDING

A. LEGAL FOUNDATION FOR EU HUMANITARIAN AID

The regulation presently authorising the principles and procedures for EU humanitarian aid (EC N° 1257/96), which ECHO regards as the authority for its operations, does not specifically mention ECHO. Rather, it is the Commission as a whole to which primary administrative authority is granted. The regulation provides for expenditure through direct grants, the recipients of which are normally NGOs, Member States or international organisations. But the regulation also provides that, 'where necessary', the Commission can authorise expenditure by itself or by the specialised agencies of Member States. ECHO is the agency the Commission established in 1991 to advise on and administer grant allocation for EU humanitarian aid, and the lion's share of funds for such aid are administered by it. The office operates under the overall administrative and policy supervision of the Commissioner for Development and Humanitarian Aid, Poul Nielson.

One of the most important aspects of the regulation from the point of view of the debate about politicisation is its explicit statement that the provision of humanitarian aid 'must not be guided by or subject to political considerations' and that it must be delivered on a non-discriminatory basis. The regulation requires EU agencies involved in humanitarian aid to respect, preserve and encourage the impartiality and neutrality of humanitarian NGOs. The regulation also requires 'needs-based' consideration to be primary, a stipulation taken along with the others by some commentators to mean that EU humanitarian aid should not favour one part of the world (such as the Balkans) over another.

The regulation gives very broad scope to possible forms of EU humanitarian aid, as broad a scope as the word 'humanitarian' allows. They may include relief, rehabilitation or protection operations, usually over the short term, taking as a priority the most vulnerable community groups in countries seriously affected by natural disasters or violent conflict. Aid can also be given for activities associated with prevention of disasters or 'comparable exceptional circumstances' (including, again, violent conflict). The list of possible objectives of EU humanitarian aid in the regulation is a long one:

- saving and preservation of life during emergencies and their immediate aftermath;
- aid and relief to people suffering from long lasting crises, especially those arising from violent conflict;
- transport of aid and (non-military)³ protection of humanitarian aid and workers;
- short-term rehabilitation and reconstruction;
- response to population movements (refugees, displaced people or returnees) in accordance with international agreements;
- preparedness for natural disasters or 'comparable exceptional circumstances'; and
- support of civil operations to protect victims of violence (in accordance with international agreements).

While defining ECHO's legal basis, the 1996 Council Regulation left its day to day mission and activities significantly open to interpretation. The Commissioner responsible for humanitarian aid for much of ECHO's existence, Emma Bonino (1994-1999), consistently pushed for a broad interpretation. Under her supervision, ECHO funded many activities, such as documenting war crimes in Kosovo⁴ and supporting an international criminal court, which many would not regard as part of its 'core mandate', a term of art much in use in the present arguments about what ECHO should and should not do. 'Core mandate' proponents emphasise the need to focus on life-saving

³ The wording here is 'excluding operations with defence implications'.

⁴ See *Reality Demands: Documenting Violations of International Humanitarian Law in Kosovo*, ICG Balkans Report No. 97, 27 June 2000.

operations in emergencies, which are to be conducted with an eye to the earliest possible exit by ECHO from the crisis and an orderly hand-over or transition from emergency humanitarian aid to normal cooperation instruments.⁵ Core mandate functions are described as relief, rehabilitation and protection. In practice for ECHO this means providing funds for goods such as essential supplies, specific foodstuffs, medical equipment, medicines and fuel, or services, such as medical teams, and logistical support in areas affected by humanitarian emergencies or violent conflict.

In 2001, ECHO published the first of what are to become annual strategy papers to establish general guidelines, define programming principles, and outline geographic priorities.⁶ In 2001, the priority regions include the Balkans, the Great Lakes, the Horn of Africa, and countries/regions with protracted humanitarian crises such as the Northern Caucasus, Afghanistan and Colombia. Six horizontal priorities are defined, including:

- ❑ security of relief workers;
- ❑ phase-out procedures for countries from which ECHO wants to withdraw;
- ❑ disaster preparedness measures;
- ❑ mainstreaming of human rights considerations (including gender);
- ❑ joint communication with partners in the field; and
- ❑ systematic project evaluation.

EU humanitarian aid, including the operations of ECHO, is subject to the oversight of a committee composed of representatives of Member States and chaired by the Commission. Commonly called the Humanitarian Aid Committee (HAC), it takes decisions by qualified majority voting.⁷ This Committee is supposed to be a coordination mechanism between ECHO and Member States, but according to some ECHO officials, it works as a one-way street, with ECHO keeping Member States informed, and Member States offering little by way of reciprocation.⁸ Another view, however, is that the Committee process itself is simply not

conducive to effective exchange of ideas and information.

B. ECHO'S PARTNERS

ECHO funds proposals that are initiated largely by other organisations. It functions primarily through Framework Partnership Agreements (FPAs) with international organisations and NGOs. Partners span the range of sectors in humanitarian relief: from agencies expert in health and medical support such as Médecins sans Frontières (MSF) and the World Health Organisation (WHO); through refugee relief agencies, such as the International Committee of the Red Cross (ICRC), UN High Commissioner for Refugees (UNHCR) and the Danish Refugee Council and food security agencies, such as the World Food Program; to more development oriented bodies, such as the UN Development Program (UNDP) and Oxfam.

The bulk of financing has been channelled through NGOs: about 69 per cent in 2000. Some 19 per cent was channelled through the UN family in that year and another 10 per cent via other international organisations including the Red Cross movement. Funding of activities implemented by ECHO itself peaked in 1994 at just over 10 per cent but dropped back to about 1 per cent by 2000.⁹

C. ECHO STAFF AND STRUCTURE

In 2001, the ECHO budget provided for an average of 151 staff based in Brussels, and operating in six branches: (1) ACP¹⁰ countries; (2) Central and Eastern European Countries, NIS¹¹ countries; (3) Asia, Latin America and the Middle East; (4) general affairs and relations with European institutions, other donors and international organisations; disaster preparedness; support for major crises; statistics and data base; (5) human resources, including training and contractual relations with NGOs; and (6) finances and audit. ECHO also employs field experts – mostly

⁵ See Communication from the Commission to the Council and the European Parliament, Linking Relief, Rehabilitation, and Development – An Assessment, COM (2001) 153 final, Brussels.

⁶ See ECHO Aid Strategy 2001, available at <http://europa.eu.int/comm/echo>.

⁷ Qualified majority voting involves weighted votes for Member States according to an EU-wide formula. The Commission has no vote.

⁸ ICG interviews, May 2001.

⁹ ECHO, <http://europa.eu.int/echo/en/stats/statistics.htm>. A U.S. government source interviewed by ICG, June 2001, reported that the U.S. would like to see ECHO revise these percentages to provide additional funding to the UN family but that ECHO is resistant, in part on the grounds that it can exercise more control over NGOs rather than UN partners.

¹⁰ Africa, Caribbean, Pacific countries, as defined in the Cotonou Agreement (see below).

¹¹ Newly Independent States – the states that gained their independence upon the collapse of the Soviet Union.

independent consultants – who in early 2001 numbered about 40.

Shortfalls of personnel experienced with and able to adapt the EU's labyrinthine procedures to the need for speedy responses have always posed serious problems for ECHO due to EU-wide internal recruitment rules. For example, in 1995, at the height of major relief operations in Somalia, Bosnia and the Great Lakes, 44 per cent of headquarters staff in Brussels were employed on temporary contracts lasting a maximum of three years. Additionally, the rapid turnover of staff – as often as not the more experienced – has meant that progress towards 'institutional learning and memory' has been limited. Many of these issues have not been resolved, and ECHO, like many other Commission services, continues to operate with a shortfall of permanent staff.¹²

D. ECHO'S SPENDING

EU humanitarian aid includes more than just ECHO's budget. It also covers a small number of programs funded by the European Development Fund¹³ and some programs in countries which were not traditionally development cooperation partners of the EU, including elements of the PHARE¹⁴ and Obnova¹⁵ programs in Central and

Eastern Europe and the former Yugoslavia respectively. According to one estimate, EU humanitarian aid, in this broader sense, was the fifth largest sector in the EU aid budget during the period 1986-1998, totalling 7.7 billion Euros.¹⁶ As shown in Figure 1 below, total EU humanitarian aid, as defined by the OECD Development Assistance Committee (DAC), has risen dramatically over the last decade, peaking at 1.1 billion Euros, in 1995.¹⁷ ECHO's share of total EU humanitarian aid between 1992 and 1998 moved in the range of 50 per cent to 75 per cent, as shown in Figure 1.

E. SECTORAL ALLOCATION OF ECHO GRANTS

In line with the debate over interpretation of ECHO's mandate, considerable attention is being paid to the sectoral distribution of EU humanitarian assistance, including ECHO's share. In 1995, the largest single sector of ECHO expenditure was emergency food aid (39 per cent). By 1998, that figure had been more than halved (15 per cent). In contrast, spending for emergency rehabilitation and temporary shelter increased on an annual basis from about 9 to 15 per cent. Since funding under ECHO is easier and quicker by a long shot than under other programs, EU decision-makers have favoured use of ECHO for some purposes not so visibly of an emergency nature. ECHO cites this shift to reconstruction projects, under the category of rehabilitation, as an example both of the office's identity problem and of the difficulty the EU faces in moving from ECHO funding to funding under longer term non-emergency mechanisms.¹⁸

¹² ICG interview, May 2001.

¹³ The European Development Fund (EDF) is the main vehicle for providing development assistance from the EU to the Africa, Caribbean and Pacific (ACP) countries under the Lomé Convention. That treaty has been replaced by the Cotonou Agreement, signed in June 2000. Funding under the EDF is conducted on the basis of bilateral agreements between an EU member and an ACP state. Consequently, EDF funding does not appear in the budget for the European Commission.

¹⁴ The PHARE program was established in 1989 to support Poland and Hungary in reforming their economies but was gradually extended to cover additional countries in Central and Eastern Europe. PHARE has been used as the main financial instrument for the pre-accession strategies for the ten EU applicant countries from that region and presently covers Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. With the launch of the Stabilisation and Association Process Albania, Bosnia and Herzegovina, and Macedonia have been assisted by a new Community regulation covering the Western Balkans.

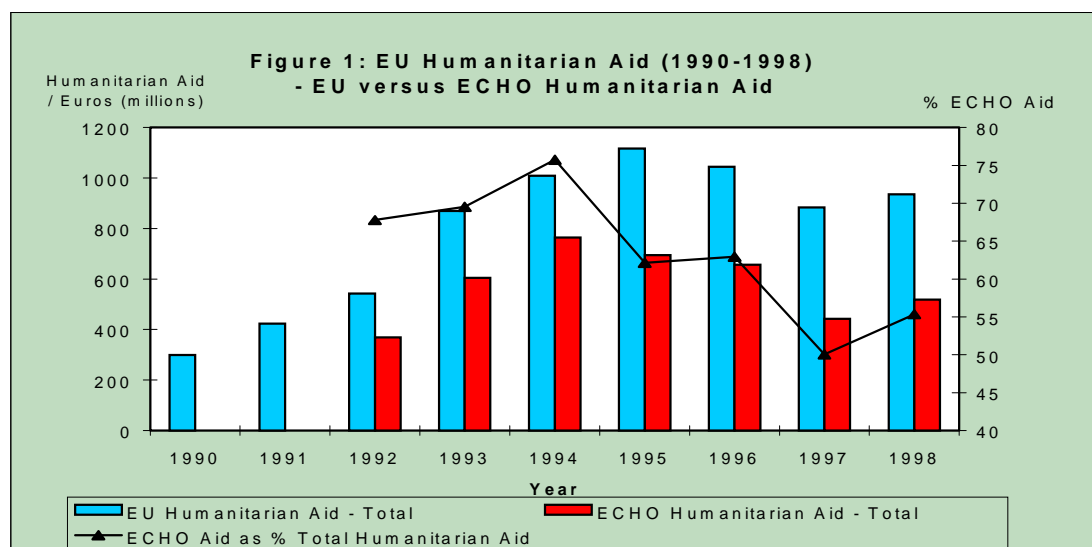
¹⁵ The Obnova program initially provided EU financial assistance principally for reconstruction and rehabilitation in the Western Balkans, including Croatia, Bosnia and Herzegovina, Macedonia and Yugoslavia. In December 2000 it was replaced by a Commission Regulation within

the new policy framework of the Stabilisation and Association Process (SAP) for the Western Balkans.

¹⁶ Aidan Cox and Jenny Chapman, 'The European Community External Co-operation Programmes: Policies, Management and Distribution', *Overseas Development Institute*, 1999.

¹⁷ Categories used by the DAC and the EU for humanitarian aid are not identical. This results in a recording by DAC of higher values for annual EU humanitarian aid than appears to be the case from the EU budget categories.

¹⁸ ECHO Annual Report, 1999.



Source: 'The European Community External Co-operation Programmes: Policies, Management and Distribution', Aidan Cox and Jenny Chapman, Overseas Development Institute, 1999.

The growth in the share of ECHO spending for rehabilitation was particularly pronounced in Bosnia. The EU and its Member States have been the main providers of emergency assistance to Bosnia: over 3 billion Euros between 1991 and 1999, of which ECHO's share was just over 1 billion Euros. By 1999, well after the clearly humanitarian phase of the ongoing political crisis had passed, ECHO funding to Bosnia, while falling, was still 52.5 million Euros, and in that year, 44 of 63 contracts it signed for work in that country were described as rehabilitation projects. They represented a value of 34.5 million Euros, or 65 per cent of total ECHO expenditure approved for Bosnia.¹⁹

Some overlap of emergency humanitarian assistance with development programs is inevitable, particularly in the medium term. Rehabilitation programs in post-conflict situations are the most typical examples of such grey area programs. However, the question is whether overlap between the two involves a coordinated transfer of responsibilities or, rather, masks inefficiency and delay in the timely implementation of development programs. The impression gained is that lack of a clear transition strategy in Bosnia and other politically significant operations has had an important impact on ECHO's ability to direct its humanitarian assistance to the most vulnerable populations. This will not change merely by tightening ECHO's formal mandate. Instead, the EU will need to work at improving the capacity of other entities,

including the Commission's External Relations and Development Directorates General (DG-RELEX and DG-Development), to take over functions that otherwise are left too long with ECHO.

F. GEOGRAPHICAL TARGETING OF ECHO GRANTS

ECHO's funding has been heavily skewed towards Europe, although in the decade of its existence the vast majority of conflicts and affected populations have been located in Sub-Saharan Africa. In the early years after the establishment of ECHO, most funding was clearly targeted to the former Yugoslavia and its neighbour Albania – from 1992-1998, 42 per cent of the total. In 1999, ECHO's annual budget reached its highest level ever, 813 million Euros, of which 55 per cent was assigned to countries and populations affected by the conflict in Kosovo. Emergency support for refugees from Kosovo alone accounted for 378 million Euros.²⁰

By contrast, between 1994 and 1998 Rwanda, the site of a genocide, and the entire Great Lakes region, received about 15 per cent of ECHO funding. If funding for these two regions is subtracted from ECHO's annual budgets from 1994 to 1999, funding for all other ECHO activities remained roughly constant, at around 300 million Euros annually.

¹⁹ Information collated from ECHO's contracts database.

²⁰ Annual Report on Humanitarian Aid, 1999, Report from the Commission, OM (200) 784 final, p. 9.

There is recognition within the EU that this funding pattern is at odds with, at least, the stated commitment to address 'forgotten conflicts'.²¹ In 2000, the European Parliament asked the Commission to review future distribution of funds in order to achieve a better balance in favour of developing countries.²² Some NGOs and some Member States would like the EU to accept a responsibility to provide humanitarian aid globally on a geographically nondiscriminatory basis.

One approach to ensure that humanitarian assistance is more detached from geopolitical considerations would be to limit its scope to the provision of relief goods and 'protection' programs to populations most at risk. The 2001 ECHO Aid Strategy links streamlining of grey area activities with the priority for clearer policy focus. It lists 'needs based' targeting and better funding of 'forgotten crises' as main priorities. Once again, however, as with timely exit from long term EU commitments, the ability to correct regional distortions in funding will depend substantially upon the EU's ability to establish more coherent and effective linkages – handover – between emergency and development phases of assistance. Moreover, the question of whether the relative weight of ECHO humanitarian assistance programs should reflect the EU political priority in achieving stability within Europe is not one that will fade quickly.

G. ECHO'S MANAGEMENT PROBLEMS

ECHO was established by a Commission decision of 6 November 1991, in the aftermath of the Kurdish refugee crisis that followed the Gulf War and with the Yugoslav crisis looming. The two primary objectives were to improve internal co-ordination and efficiency in the delivery of emergency humanitarian aid²³ and to improve external perceptions of the EU²⁴ as an actor in the

field of humanitarian assistance.²⁵ The Commission especially wanted to improve liaison with Member States and NGOs operating in the field on emergency humanitarian issues. ECHO became fully operational in 1993 and was initially tasked with providing only non-food humanitarian aid and that only in emergencies. The mandate expanded, however, in 1993 to all programmable non-food humanitarian aid and in December 1994 to emergency food aid, although the Directorate General for development cooperation retained responsibility for coordinating non-emergency (programmable) food aid.

In the mid-1990s ECHO began to be criticised for poor management, long delays in disbursements of funds, insufficient control of its partner organisations, and lack of rigor in analysis, project management and evaluation.²⁶ In 1998 the Commission identified a case of fraud relating to four contracts signed between 1993 and 1994. These cases and their handling by the Commission were fiercely criticised by the Court of Auditors and the European Parliament.

ECHO's failings were matched, and even surpassed, in other areas of the Commission, a circumstance that led to the dramatic resignation of the whole Santer Commission in 1999. After the Prodi Commission took office in January 2000, major departments and offices, including ECHO, were subjected to senior staff reassignments and purges.

Notwithstanding these dramatic events, ECHO's work had been, on balance, assessed positively by an independent evaluation completed in 1999.²⁷

²¹ ICG interview, May 2001. Responding to forgotten conflicts has been identified in ECHO's strategy for 2001 as a key programming priority.

²² The report was adopted on 5 September 2000, see: *Bulletin of the EU*, September 2000, pp. 80-81.

²³ Until 1992, EC financing of humanitarian aid was split according to the nature of the aid and the urgency of the situation. Responsibility for co-ordination was split between different Directorates-General of the Commission.

²⁴ Actually still the European Communities or EC; the European Union or EU was created by the Maastricht Treaty, which entered into force in 1993.

²⁵ Special Report No. 2/97 Concerning Humanitarian Aid from the European Union between 1992-1995. The visibility question and the importance placed on raising the profile of the EU as a major international donor and player in humanitarian assistance have not diminished since ECHO was established. See interview with Commissioner Poul Nielson, 'The Nielson Touch: EU will not Turn a Blind Eye to Human Rights Blackspots' in *Humanitarian Affairs Review*, Winter 2000; interview with Costanza Adinolfi, ECHO director, in 'Agonising the Limits of EU Aid Policy', *Humanitarian Affairs Review*, Winter, 2001.

²⁶ See for example, Special Report No. 2/97; Report from the Commission, Annual Report on Humanitarian Aid 1998.

²⁷ See Communication from the Commission to the Council and the European Parliament, Assessment and Future of Community Humanitarian Activities (article 20 of Regulation (EC) 1257/96), COM (1999) 468 final, Brussels.

The new team accepted the evaluation as the basis for its review of management practices. A key element identified by the evaluators was the need to develop a coherent, effective strategy for resolving overlaps between emergency response by ECHO and longer term activities like reconstruction that might be better undertaken by other arms of the EU (the grey zone dilemma).²⁸ ECHO also began development of a strategic management plan and review of the Framework Partnership Agreements (FPAs) with its core partners.

Many of the proposals for reform identified in the 1999 evaluation are still being implemented, and time will be needed to learn how effective they have been. But some criticisms have continued to surface. One of the sharpest was a Court of Auditors Report, though this was related to actions in 1999 in response to the Kosovo crisis.²⁹ A parliamentary working document was as critical of more recent operations and arrangements.³⁰ And in April 2001, along with allegations of serious fraud and mismanagement across the Commission as a whole, a member of the European Parliament criticised what he claimed was continuing ECHO waste.³¹ International perceptions of ECHO, including among some of its counterpart organisations like USAID,³² are generally moderately positive, but ECHO is still seen, even by many of its friends, as an organisation that has yet to match potential fully with performance.³³

²⁸ Other needs identified in the report included enhanced cooperation with Member States; strengthened presence in the 'humanitarian capitals' – New York, Geneva and Rome; improved project cycle management, methods for measuring inputs, and monitoring of results; better relations with ECHO consultants in the field; and stronger staff skills both at headquarters and in the field.

²⁹ EC Court of Auditors, Special Report, no. 2/2001, Concerning the Management of Humanitarian Aid for the Victims of Kosovo crisis (ECHO) Together with the Commission's replies, Luxembourg.

³⁰ European Parliament Committee on Budgetary Control, European Parliament Working Document, DT/40312PA.doc, (PE 285.782), 16 February 2000.

³¹ Stephen Grey, 'EU: Prodi hit by wave of new EU fraud', Reuters, 8 April 2001.

³² ICG Interview, May 2001.

³³ One experienced international consultant who worked on the 1999 evaluation of ECHO and has had opportunity to observe its subsequent activity in East Timor and the Balkans told ICG in June 2001 that except in the most exceptional of circumstances, and then only when serious political pressure is applied within the Commission, ECHO remains relatively slow in getting assistance to the field because of the need for '21 authorising signatures.

When the Prodi Commission took office in 2000, responsibility for humanitarian relief was given to the Commissioner who also held the development aid dossier, Poul Nielson. This was intended both to improve the 'coherence' between EU emergency aid and longer term development cooperation and to bring ECHO under control of one of the Commissioners responsible for external affairs. This was a natural enough move, given that in many governments humanitarian aid is administered by the department also responsible for development cooperation.

The bringing together under one Commissioner of emergency aid and development aid has been criticised by some, however, as a downgrading of ECHO, or at least a derogation of its autonomy, that has demoralised staff.³⁴ Others feel that the demoralisation, which until recently at least was marked, resulted more from the scandals and subsequent bruising public criticism. Either way, latest indications are that management reforms have been taking hold, and morale is improving.³⁵

II. THE GREY AREA DILEMMAS

A. INTERNATIONAL GUIDELINES

The past decade has seen considerable pressure on organisations like ECHO, which once prided themselves on their narrow mission of emergency humanitarian aid (and on their political neutrality in delivering it)³⁶, to expand into non-emergency

No one says 'no' but that is a lot of in boxes to which an approval paper must rise to the top of.' On the other hand, a senior ECHO official interviewed by ICG in June 2001 claimed that exceptional procedures have been newly established that permit authorisations for emergency funding to flow to NGO partners almost immediately, by a computer click from the ECHO Director.

³⁴ ICG Interviews, May 2001.

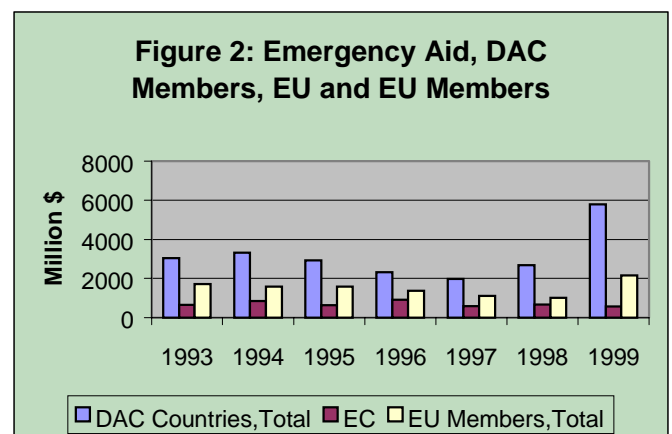
³⁵ ICG Interviews, May and June 2001. One senior ECHO official told ICG that the ethos of the office has changed. ECHO has lost some of its idealism and some of its romance. It has gained more efficient and speedier procedures. If the morale problem has not been fully solved, it is on its way to resolution as ECHO becomes more middle aged and mature, less high spirited perhaps, but "a leaner, meaner, more professional aid machine."

³⁶ It used to be a defining characteristic of the provision of humanitarian assistance that such aid be donated on an impartial basis, strictly according to need. As defined in the Code for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, cited in Toby Porter, 'The partiality of humanitarian assistance – Kosovo

reconstruction or into politically even more sensitive areas.³⁷ This is the problem of "mission creep" – another way to characterise the omnipresent grey area issue. The principle of impartiality is clearly stated in the mandate of ECHO. But as one commentator put it, the 'expansion of mandates has been neither an intended nor controlled development'.³⁸ It is now widely accepted that it was never really possible to isolate the 'humanitarian' world from the 'political'.³⁹

The size of their contribution of humanitarian assistance gives the EU and its Member States unique standing to shape the international debate about appropriate humanitarian assistance mechanisms and policies. Emergency humanitarian assistance from the developed world to poorer countries doubled through the 1990s, as shown in Figure 2.⁴⁰ The aid of the EU and its Member States, while increasing less rapidly, comprises in most years more than half the global total. The international community's failure to respond quickly to the 1994 Rwanda genocide had a dramatic effect on attitudes to humanitarian aid. An international report on emergency assistance⁴¹ noted the lack of coherent UN decisions, particularly in the Security Council where the absence of clear strategic interests combined with the 'shadow of Somalia' to frustrate political and

security policy responses. On the other hand, the report noted, while some aspects of the humanitarian response could have been improved, it had in a *post facto* sense been successful in dealing with the immediate effects of the emergency. The report concluded that 'had proper political decisions been taken earlier on, it is apparent that much of the humanitarian operation subsequently required would have been unnecessary' but the humanitarian assistance had at least served as a palliative for political action⁴²: if you don't have a political or military policy, write a charity check. This is the so-called 'humanitarian alibi' that still threatens to divert both humanitarian assistance from much of its proper work and political leaders from the hard choices required for timely prophylactic responses to conflict.



in comparative perspective', 1999, p. 2, available at www.jca.ac/articles/a057.htm.

³⁷ Katarina West, 'Humanitarian Action in a new Security Environment', WEU Occasional Paper, No. 5, WEU Institute for Security Studies, April 1998.

³⁸ Ibid.

³⁹ According to one author, 'Humanitarian actors must accept that the 'political' will impinge on the 'humanitarian'. [...] to re-examine the political/humanitarian divide is not to suggest that there is no space for humanitarian activities. Rather, it is to place the humanitarian squarely within the political, and in so doing offer greater possibilities not just to victims, but ultimately for a reduction in the number of victims.' See Daniel Werner, 'The Politics of the Political/Humanitarian Divide', *International Review of the Red Cross*, No. 833, 1999, pp. 3-6.

⁴⁰ The Development Assistance Committee (DAC) is the principal body through which the Organisation for Economic Cooperation and Development (OECD) deal with issues related to cooperation with developing countries.

⁴¹ 'Conclusions of the Steering Committee for the Joint Evaluation of Emergency Assistance to Rwanda, following the initiative of the Danish Ministry of Foreign Affairs at Copenhagen in November 1994', published in March 1996.

The Rwandan experience was one reason why the then EU Commissioner for humanitarian aid, Emma Bonino, convened an international meeting of major donors and humanitarian relief actors to work out new approaches. The result was the Madrid Declaration of 1995.⁴³ Three key recommendations, underlining concerns at the increasing overlap and confusion between political and purely humanitarian responses to such situations, are particularly relevant to current EU thinking on the role of ECHO:

- recognise the independence and impartiality of humanitarian assistance;

⁴² Ibid, p. 6.

⁴³ The Madrid Declaration was published following the Humanitarian Summit of 14 December 1995 (see: www.europa.eu.int/en/record/human/annex1.html).

- allocate greater resources to those 'forgotten crises' not receiving media attention; and
- resolve crises rather than fall back on humanitarian activities as a substitute for political action.

The first two recommendations sought to carve out an apolitical and 'purely' needs based approach to the targeting and delivery of humanitarian assistance. The Madrid Declaration argues that emergency humanitarian aid must be perceived as impartially allocated, without geographical bias, and isolated from political considerations. Unlike development assistance, it should not be tied to political conditionality or political projects, and it should not be delayed while external actors seek agreement on an appropriate political response to a crisis.

The Madrid recommendations gain weight from the fact that the unfilled needs for humanitarian assistance are demonstrably massive. A recent report on inter-agency humanitarian appeals monitored by the UN shows that only 23 per cent of the U.S.\$ 2.8 billion sought had been provided.⁴⁴ Many had received no money at all. A substantial part of ECHO's current policy agenda is building more effective relations with UN agencies involved in humanitarian emergencies but this will require some changes to EU regulations.⁴⁵

The grey area challenge of finding durable mechanisms for bridging the gaps between

⁴⁴ Mid-Year Review of the 2001 United Nations Consolidated Appeals Process, Status Report. Available at www.reliefweb.int. The situation, while bad, is perhaps less drastic than the raw figures suggest since many agencies, aware of the difficulty of attracting funding in the competitive environment, ask for amounts they know to be well beyond what they can reasonably anticipate receiving in anticipation of obtaining a workable fraction of their request.

⁴⁵ See Communication from the Commission to the Council and the European Parliament, Building an Effective Partnership with the United Nations in the Fields of Development and Humanitarian Affairs. COM(2001) 231 final, Brussels. In his report to the European Parliament on ECHO's 1999 operations, Commissioner Poul Nielson noted that the current regulation was probably a necessary evolutionary stage for ECHO but it had prevented EU funding of coordination work of the UNHCR in Kosovo, a situation which Nielson found unacceptable. See Agence Europe, 21 September 2001. ICG interviews in Brussels in June 2001 suggest some improvement is underway in ECHO-UN working relationships.

emergency humanitarian assistance and sustainable development, especially in crisis zones, is also at the core of the so-called Brookings Initiative.⁴⁶ That undertaking brings ECHO and EU development officials together with key humanitarian and development actors such as the World Bank Group, UNDP and UNHCR as well as with a variety of NGOs, international donors and recipient countries.

B. INTERNAL EVALUATIONS

There are many areas in which present ECHO policies can be regarded as heavily tinged with political considerations. As already noted, a large proportion of EU humanitarian aid continues to be spent in the Balkans while numerous UN-sponsored pledges for humanitarian relief in parts of the world remote from Europe receive virtually no Euros. The current vogue concept of 'mainstreaming' certain priorities into EU policies across the board, applied first to human rights and more recently to conflict prevention goals, also may well increase perceptions that ECHO's policies are less than politically 'neutral'.

The European Parliament and the Commission are at least aware of the risks and potential inconsistencies and are supporting ECHO's efforts to stave off mission creep and maintain enough separation from EU foreign affairs bodies to deliver humanitarian aid with as little political colour as possible. But all acknowledge that, like it or not, as a practical matter humanitarian actors find themselves increasingly operating at least in that part of the grey area where it is difficult to demarcate clearly between emergency humanitarian assistance and other forms of aid.

The 2001 Commission Communication, 'Linking Relief, Rehabilitation and Development'⁴⁷

⁴⁶ The Brookings Initiative is premised on the fact that institutional and funding gaps currently impede a smooth transition from conflict to sustainable development in a series of global crisis zones. The initiative seeks to bring together key humanitarian and development actors to address these issues through better coordination in international forums and increased use of existing institutional resources and expertise. It pays particular attention to "low-donor-interest" situations and attempts to build "coalitions of the willing" in the field, embracing UN agencies, international financial institutions, major donors, regional organisations, recipient governments, NGOs and other civil society actors.

⁴⁷ Communication from the Commission to the Council and the European Parliament: Linking Relief,

summarised Commission recommendations for improving program effectiveness, particularly in post-conflict situations. The focus was on the familiar problem of ensuring a smooth transition between emergency and development phases of assistance programming, as part of an 'integrated approach'.⁴⁸ In June 2000 the European Parliament's Foreign Affairs Committee called for a 'stop to the increased politicisation of humanitarian assistance', because such aid should address the 'effects of a crisis not its causes'.⁴⁹

Short-term programs, as all emergency aid used to be, inevitably overlap with longer-term programs, both in duration of execution and geographical location. The differences can have important operational significance. For example, emergency and development aid vary not just in the type of assistance provided,⁵⁰ but also in the partner chosen by the donor to carry out programs. In the former, partnerships with NGOs are the main instrument for aid delivery, while in the latter, active support from, and partnership with, the recipient government is a vital component.

The need to find a balance, therefore, has remained. The 1999 evaluation⁵¹ presented three alternatives:

- a return to stricter definition of emergency assistance;

Rehabilitation and Development – An Assessment, COM (2001) 153 final, Brussels.

⁴⁸ *ibid.*

⁴⁹ Conclusions of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, forwarded to the Committee on Development and Cooperation, on the Communication from the Commission on Assessment and Future of Community Humanitarian Activities, Committee on Development Cooperation, PE 286.789, 28 June 2000, A5-0191/2000.

⁵⁰ The concept of impartiality with respect to emergency humanitarian assistance in conflict situations may be approached from a number of angles. Impartiality in targeting can be assessed on the basis of the severity of the situation and the size of the vulnerable population. Another element is the type of assistance delivered. To ensure that such assistance is purely 'needs based', avoiding potential political linkages or conditionality while also at least "doing no harm" politically, emergency humanitarian assistance must be assessed under different criteria to development aid.

⁵¹ See Communication from the Commission to the Council and the European Parliament, Assessment and Future of Community Humanitarian Activities, (article 20 of Regulation (EC) 1257/96) COM (1999) 468 final, Brussels.

- a twin-track approach within ECHO; and
- creation of a long-term planning structure outside ECHO responsible for actions in the grey zone.

The evaluation recommended the second approach, arguing that 'an ECHO that was more aware and self-assured in the humanitarian role could enhance its longer term impact significantly'. It saw the third option as highly desirable but not achievable in the short term. One reason why the consultants made the choices they did was that in many important cases, humanitarian aid was the only substantial funding presence of the EU in countries of considerable political interest to it.

Since the evaluation was published, however, there have been important developments that justify a new look. The Commission has made a commitment to change the balance within its spending on emergency aid between ECHO-funded programs and others, such as food aid (which is administered by DG Development). A second development of note has been the realisation that narrowing the scope of its activities could help ECHO meet its ongoing need to consolidate internal procedures and make them more efficient. Thus, a very recent Commission communication to the Council and the European Parliament concluded that ECHO should 'focus on its core mandate, i.e. life-saving operations in emergencies which aimed for the earliest possible exit'; and that 'assistance to countries where there is no humanitarian emergency should be phased out'.⁵² Most significantly, however, the EU has been going through a virtual revolution in its approach to crisis response.⁵³

⁵² 'Communication from the Commission to the Council and the European Parliament: Linking Relief, Rehabilitation and Development – An Assessment', COM (2001) 153, p. 9.

⁵³ See ICG Issues Report No. 2, *EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management*, 26 June 2001, and the discussion below.

III. THE GREY AREA AND THE NEW EU CRISIS RESPONSE MACHINERY

ECHO's life span closely matches that of the Common Foreign and Security Policy (CFSP) under which for nearly a decade the EU has been developing institutions and procedures for conflict prevention and management.⁵⁴ The EU's High Representative for the Common Foreign and Security Policy, Javier Solana, has frequently called ECHO, to its slight discomfiture, one of several EU instruments available for use in crisis situations. Indeed, as noted above, many observers consider that the EU has used ECHO too often to undertake activities not appropriate to its humanitarian brief simply because the EU had no other crisis response mechanisms available. The hope and expectation is that as new and alternative mechanisms are developed and gain operational competence, ECHO might be able to return to a more narrowly humanitarian brief.

The EU's plans for its new crisis response mechanisms are ambitious. The Maastricht Treaty on European Union (TEU) asserts a role for the EU in the management of complex humanitarian crises well beyond the relatively simple process of giving money to other agencies involved in humanitarian relief. The TEU incorporated in its language the so-called 'Petersberg Tasks':⁵⁵ 'humanitarian and rescue tasks,' but also 'peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking'.⁵⁶

⁵⁴ The Common Foreign and Security Policy was formally created in the Maastricht Treaty on European Union which, as previously noted, entered into force in 1993. However, its roots, as European Political Cooperation, go back much farther into the history of the European Communities.

⁵⁵ Named after the Petersberg Declaration of the Western European Union in 1992. See ICG Report referenced above.

⁵⁶ The full text of the relevant paragraph reads as follows: "Apart from contributing to the common defence in accordance with Article 5 of the Washington Treaty and Article V of the modified Brussels Treaty respectively, military units of WEU Member States, acting under the authority of WEU, could be employed for: humanitarian and rescue tasks; peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking." See Article 17, Treaty of the European Union. The term "peace making" appears to be is used in the Petersberg Tasks for actions now commonly referred to as "peace enforcement". In presently accepted terminology "peace making" is confined to diplomatic type activities. However, the EU's use of the term suggests a different and

Years of negotiation have followed about how these responsibilities might be met, including the military and civilian capabilities that would be required. As matters now stand, the two still evolving capabilities most likely to intersect with ECHO are the civilian Rapid Reaction Mechanism (RRM) and the military Rapid Reaction Force (RRF), the latter of which is the centrepiece of the European Security and Defence Policy or ESDP. ECHO and these new crisis response instruments could be operating in parallel, both in time and in geographical proximity, in pre-conflict, conflict or post-conflict situations. The main policy issues raised by their relationships with ECHO involve the grey zone risks discussed above: 'politicisation' of humanitarian assistance and confusion of mandates.

On 26 February 2001, the General Affairs Council (EU Foreign Ministers) adopted a Commission proposal for establishment of a Rapid Reaction Mechanism (RRM) drawing on existing Community instruments, including election monitoring, human rights initiatives, media support, institution building, border management, police training and provision of police equipment, and mediation. The main purpose of the RRM is to deliver these and other instruments – under the umbrella of a single intervention – as short-term stabilisers. Since the authorisation of an operation will last for six months, RRM is to be capable of delivering interim services while the bureaucratic steps normally associated with regular (slower) Community programs are being undertaken. The RRM will be financed through a separate budget line of 40 million Euros per year. At this writing, the RRM still has only minimal operational capacity, but this is changing rapidly.

Even though the existing community instruments associated with the RRM also specifically include 'humanitarian missions', 'emergency assistance, rehabilitation, and reconstruction', the Commission communiqué on the adoption of its proposal distinguishes between the RRM's purposes and humanitarian assistance. The regulation establishing the RRM is not to be invoked if the regulation governing application of ECHO funds has already been applied to the same situation. The communiqué notes: 'A dividing line has been drawn between the scope of [the RRM] facility and the regulation concerning humanitarian aid.

more expansive definition that includes military combat activities.

Humanitarian action is focused on the individual. Interventions under the RRM are rather aimed at the preservation or reestablishment of the civic structures necessary for political, social and economic stability. While ECHO is politically neutral, the RRM is intended to operate in the context of crisis management.¹

Despite this apparent clarity, the regulation establishing the RRM provides in Article 2 that the new mechanism may be 'combined with ECHO action if appropriate'.⁵⁷ Exactly what the distinctions drawn in the communiqué between ECHO and the RRM will mean in practice will need to be tested.

Planning of RRM capabilities is still at an early stage, but initial priorities include, for example, the development of an EU civil protection capacity.⁵⁸ As noted by a recent European Parliamentary briefing, there is bound to be overlap between the RRM and humanitarian aid in this area.⁵⁹ Commission units involved in implementing policy under the RRM regulation and ECHO will certainly need to coordinate with each other if EU policies are to be coherent.

⁵⁷ Council Regulation (EC) No. 381/2001, 26 February 2001, *Official Journal*, L 057, 27/02/2001, p. 0005-0009.

⁵⁸ See ICG Issues Report No. 2, *EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management*, 26 June 2001. The Feira European Council (19-20 June 2000) identified civil protection as an area where the EU should seek to enhance its capacity in civilian crisis management. It has been defined in the following manner: "civil protection will therefore be called upon to assist, inter, alia, humanitarian actors, in covering the immediate survival and protection needs of affected populations, in respect to e.g. search and rescue, construction of refugee camps and systems of communications and provisions of other types of logistical support. See Presidency Report to the Göteborg European Council on European Security and Defence Policy, Annex III, Göteborg European Council (15-16 June) Presidency Conclusions, available at <http://ue.eu.int>. The Göteborg Council also established new targets for the development of civil protection to include the development of a pool of up to 100 experts who are on call 24 hours, and who can be dispatched within three to four hours; a civil protection intervention team of up to 2000 people who can deploy at short notice, and supplementary resources from competent services of NGOs, that can be deployed within two weeks.

⁵⁹ European Parliament Briefing Note No. 1/2001: Instruments of Conflict Prevention and Civilian Crisis Management Available to the European Union, March 2001,

www.europarl.eu.int/stoa/publi/pdf/briefings/01_en.pdf, p. 7.

The Rapid Reaction Force (RRF) will form the military component of EU crisis response capability. The European Councils in Cologne (June 1999) and Helsinki (December 1999) set specific targets for development of military assets for EU use. The principal target ('headline goal') was that Member States acting together should by 2003 be able to deploy within 60 days a military force of 50,000-60,000 capable of the humanitarian and peace keeping tasks mentioned above and sustainable in the field for one year.

On 20 November 2000, the Member States took part in a Capabilities Commitment Conference in Brussels to pledge national commitments corresponding to the military capability goals set by the Helsinki European Council. In accordance with the guidelines of the Helsinki and Feira European Councils, the Member States also committed themselves to medium and long-term efforts to improve operational and strategic capabilities still further.

At the Nice European Council in December 2000, the French Presidency insisted on the insertion of a Declaration in the Treaty of Nice which stressed that the EU wants to make its European Security and Defence Policy (ESDP) operational 'quickly' and that decisions should not await ratification of the treaty. These decisions, it stipulated, should be taken no later than the European Council meeting under the Belgian Presidency in Laeken in December 2001.⁶⁰

There may also be need at Laeken or subsequently for further clarification of the scope of the military missions, now limited to the Petersberg tasks. One commentator has advocated a more direct statement with respect to the military tasks that include crisis management and may involve the use of combat troops, as well as explicit recognition that the EU may need to use force in 'cases of extreme necessity, that is, humanitarian

⁶⁰ The text reads: 'The European Council calls on the next Presidency, together with the Secretary-General/High Representative, to take forward work within the General Affairs Council, in accordance with the tasks assigned in the Presidency report. The objective is that the European Union should quickly be made operational in this area. A decision to that end will be taken by the European Council as soon as possible in 2001 and no later than at its meeting in Laeken. The incoming Swedish Presidency is requested to report to the European Council in Göteborg on all of these matters.' See Presidency Conclusions, Nice European Council, 7-9 December 2000.

catastrophes' that threaten international peace – 'even in the absence of a mandate from the Security Council'.⁶¹

EU policy-makers may for some purposes like to distinguish between the military and civilian components of their crisis management capabilities and also between these instruments and ECHO. It is unlikely, however, that neat distinctions will prove practicable in the field – either for EU partners or, more importantly, for one or other of the warring factions. EU roles as both donor for emergency humanitarian assistance and, potentially, an important actor in humanitarian intervention operations, are likely to lead to conflicts of interest between political and humanitarian priorities. This has already been encountered by UN organisations, particularly in Bosnia.⁶² Commissioner Nielson has been critical of the way NATO military forces became involved in refugee evacuation in Kosovo.⁶³

At this stage it is difficult to evaluate the indirect ramifications of an EU military capacity for both ECHO and its NGO partners. In UN peace keeping/enforcement missions, EU Member States are already important actors, particularly with respect to political decision making (as members of the Security Council) and as contributors of both funding and troops. Will there be much of an impact on ECHO because troops from EU Member States are operating under an 'EU' hat, rather than a UN one? Possibly not, but it may prove significant whether the RRF is deployed under a UN mandate. The UN Security Council's authorisation can be an important legitimising factor, for both the broader international community and the population of the country in conflict. In a situation such as Kosovo, where enforcement action was not directly approved by the Security Council, perceptions of EU political

bias could be more serious for ECHO, particularly if the RRF was deployed in conjunction with NATO.

The most crucial question is, perhaps, whether the RRF will be operating in 'traditional' peace keeping situations, or whether 'peacemaking' (the third 'Petersberg' task),⁶⁴ could also involve the EU in peace enforcement operations. It is still unclear to what extent the RRF could be deployed in situations where force might be required, for example, to protect vulnerable groups in the country in conflict, or EU staff, or to ensure the delivery of emergency humanitarian assistance.

A difficult scenario for ECHO involvement would be an RRF mission that begins as peace keeping but later 'slides' into enforcement.⁶⁵ The resultant mixture of military peace enforcement and humanitarian assistance programs would make it very difficult indeed for ECHO to maintain an apolitical complexion.

ECHO can often play a *de facto* role in conflict prevention by performing its normal functions. It can do so immediately prior to a violent conflict or, if fighting has already broken out, it can support efforts to contain an escalation of violence. ECHO's work can also support efforts to prevent a recurrence of violence once fighting has stopped.⁶⁶ The very presence of humanitarian assistance programs could be a stabilising factor in such situations. ECHO's work in Bosnia has been viewed as supporting a fragile peace through programs facilitating the return of refugees and reconstructing civil infrastructure (although to the extent that the infrastructure in question is

⁶¹ See Ortega, op. cit.

⁶² Christophe Girod and Angelo Gnaedinger, 'Politics, Military Operations and Humanitarian Action: An Uneasy Alliance', *International Committee of the Red Cross*, Geneva, 1998, p. 11.

⁶³ Poul Nielson, 'Humanitarian Crises: Challenges for the 21st Century', Speech delivered at an international conference, Partners in Humanitarian Crises, Tokyo, 25 January 2001. He remarked: 'It looked nice when NATO took care of the refugees, but for me, it was a low point because all the things that are needed to give the refugees their rights and some dignity, all this was more or less neglected. They were moved – yes, they were saved – yes, but this was not how to do it.'

⁶⁴ See footnote 56 above for how the EU uses the term "peacemaking."

⁶⁵ Many of the conflicts in which the UN has been called to intervene during the past decade have required responses that fall between 'classical' peace keeping (UN Charter Chapter VI operations) and peace enforcement (Chapter VII). Such operations are often referred to as 'Chapter 6 and a half' operations. Three main distinguishing features of peace keeping, as opposed to enforcement, are the consent of all the warring parties, impartiality of the peace keeping forces and no use of force (except for direct protection of the peace keepers).

⁶⁶ ECHO's work has only attenuated influence on the peace building stage of conflict prevention. For more discussion on the relationship between phases of conflict and appropriate conflict prevention activities, see *EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management*, ICG Issues Report No. 2, 26 June 2001.

"permanent" in character, some would argue that this is development rather than humanitarian assistance: the "grey area" constantly intrudes).

The regulation on EU humanitarian aid does not prevent ECHO from taking conflict prevention objectives into account. It certainly provides for so-called 'protection' activities,⁶⁷ which could potentially involve advocacy in favour of specific groups at risks, such as refugees, prisoners, women or minority populations. This advocacy could challenge the perception of humanitarian aid as politically neutral. A report by the European Parliament assessing the implications of EU Human Rights legislation on ECHO programs recognises the potential overlap between humanitarian aid as classically conceived and policy action in support of human rights: both are different manifestations of 'humanitarian political action'.⁶⁸ It is widely acknowledged that human rights violations can, in themselves, be a factor in both triggering and fuelling conflict, as shown by many ethnic conflicts over the last decade.

Parts of the EU, including, as previously noted, High Representative Solana, claim EU humanitarian assistance is one of the main tools available to the EU in conflict prevention. At the same time, other senior officials, including Commissioner Nielson, seem to prefer that ECHO not be associated directly with conflict prevention lest it be overburdened by complex political objectives. While it is impossible in terms of political outcomes on the ground to isolate ECHO completely from wider conflict prevention policies, the two can in practice be kept separated to a considerable degree.

It needs to be emphasised that ECHO operates primarily as a donor and carries out only a small percentage of operations on its own initiative. ECHO's main function is, therefore, to allocate money to groups that come to ECHO with a concrete plan to assist community groups in need. In any one locality, funding is usually shared by scores of implementing partners with diverse interests and goals and of diverse nationalities (though mostly from EU Member States). Beyond

sharing the goal of providing humanitarian aid, these groups are unlikely to want to work – even if they could – in support of an articulated strategy for conflict prevention, which almost by definition requires high levels of political engagement and difficult political tradeoffs.

Thus, the positions of the two senior EU officials may not be as incompatible as they first seem. ECHO's work may have a conflict prevention impact, as Solana rightly claims, but, as Nielson would prefer, ECHO does not have to become pre-occupied with conflict prevention as an explicit goal or operational priority.

Because of the EU's position as the largest donor of humanitarian assistance, ECHO's experience can help give the EU the capability to 'set the agenda' for the evolving global approaches to the complex, if indirect, relationship between humanitarian aid and conflict prevention. However, ECHO is probably not the appropriate organisation to analyse its own indirect impacts on conflict prevention. That said, ECHO does not need to remain totally divorced from active relationships with conflict prevention efforts. ECHO has a wide network of partnerships with major humanitarian actors that can be used for advancing collaboration with the EU on specific or general approaches to policy matters that relate both to humanitarian action and conflict prevention. This network can also be used to support the EU in gathering information on particular crisis situations. But at the working level, ECHO is not staffed or structured to give more than informal and ad hoc form to these potential links.

IV. THE NEED FOR A PRAGMATIC APPROACH: A MACEDONIAN CASE STUDY⁶⁹

In late winter and early spring 2001 serious fighting broke out between ethnic Albanian insurgents and government police and army units near Tetovo in northwestern Macedonia. When the violence receded, it was discovered that while casualties had been very low, ethnic Albanian villages had suffered considerable physical

⁶⁷ Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, Article 1, p. 2.

⁶⁸ Humanitarian aid is increasingly seen as just one element in a wider, multi-dimensional field of humanitarian action, of which conflict prevention is also a part.

⁶⁹ The following section is based on interviews conducted by ICG in Brussels during May and June with Commission (including ECHO) and Council officials and ICG observations on the ground in Macedonia.

damage, including to housing. High Representative Solana has been deeply engaged in diplomatic efforts, frequently together with NATO Secretary General Lord Robertson, to restore peace, construct a coalition government at the national level, and encourage political measures to reduce ethnic tensions and establish stability. The stakes are high. If the EU and NATO diplomacy fails, one of the few parts of the former Yugoslavia that has largely been spared a war could touch off a major new round of Balkan violence.

The EU is using a variety of tools, including promises of the bright future that a democratically based, ethnically at peace, and economically progressive Macedonia can reasonably expect to enjoy once integrated into Western European and Euro-Atlantic institutions. These are long range perspectives, however. A number of immediate steps are necessary to calm the situation and not least to persuade ethnic Albanian insurgents, or potential insurgents, that the international community cares for them, and they do not need to resort to violence. Solana considered that one measure – token, but eminently practical – could be rapid reconstruction of the damaged housing in the villages near Tetovo.

In the subsequent internal EU discussions, Commissioner Nielson reportedly declined to use ECHO for this project, which – to the extent it involved provision of permanent housing – was considered too much like those classically to be performed by providers of development rather than emergency humanitarian assistance, and, perhaps, too overtly political. Instead, ECHO opted to concentrate on caring for those refugees from the fighting who had fled across the nearby border into Kosovo – a worthy and obvious, but classically humanitarian mission – while RELEX Commissioner Chris Patten agreed in principle to undertake the project with the new RRM.

As spring turns into summer, the refugees from Macedonia have indeed been cared for in Kosovo, but no housing has been built in the villages around Tetovo, though funds have been identified, contracts are being negotiated and plans drawn up. Discussions also continue as to whether it is sensible to rebuild houses until there is more assurance that they will not be demolished in new fighting. And indeed, new fighting has now flared up in and around villages inhabited by ethnic Albanians at various points in western and northwestern Macedonia.

This is the grey area problem removed from the discussions of assistance theorists, academics and organisation chart drawers and brought into the realm of practical security policy. ECHO has done some good work in the past several months with refugees from Macedonia, and it has been kept free of whatever taint might accrue from acting too closely in coordination with the EU's political policy. But the houses that ECHO, with its faster and more tested emergency procedures, could have been able to start on in April have not been built. Whatever contribution such an on the ground demonstration of international caring might have made to draining the reservoir of ethnic Albanian distrust before the next round of fighting has been lost.

Javier Solana – an activist who admits he places more emphasis on having maximum flexibility for his diplomatic activity than on devising the perfect theory of conflict prevention – is unlikely to believe that this small incident speaks well for EU performance. Of course, it is a small incident. Had the participants made different choices, it might well have made no appreciable difference to the EU's ability to achieve its broader policy objectives. Should the same situation present itself a few months later, the RRM might be able to do what its political masters desire in real time.

This Macedonian snapshot suggests, however, that grey area questions – what should emergency humanitarian assistance properly attempt, and what is too political – cannot be resolved without close regard to the cut and thrust of the EU's priority effort to punch at a heavier weight class on the global political stage. Over the next several years, while the various parts of the EU's foreign, security and defence policy apparatus grow into their roles, pragmatic adjustments on all sides, including ECHO's, are more likely to be required than conceptually neat final solutions.