

Government Communication

2004/05:52

The Government's Humanitarian Aid Policy

Comm.
2004/05:52

The Government presents this Communication to Parliament.

Harpsund, 16 December 2004.

Göran Persson

Carin Jämtin
(Ministry for Foreign Affairs)

Brief summary of the Communication

In this Communication the Government reports on its humanitarian aid policy, including the goals, principles and instruments of this policy.

The goal of the government's policy is to help to save lives, alleviate suffering and maintain human dignity for the benefit of people in need who are, or are at risk of becoming, affected by armed conflicts, natural disasters or other disaster situations. The basic principle is that the Swedish Government and its agencies should, in accordance with international law and established practice in international humanitarian aid operations, be prepared to offer assistance in cases where the central government or society as a whole in a disaster-stricken country is unable or unwilling to meet the humanitarian needs that arise.

The government has three instruments for the implementation of this policy. First, the government is engaged in opinion formation and diplomacy, at the same time as it seeks to contribute to policy development in this area. Second, the government gives financial support to humanitarian organizations for the implementation of humanitarian aid activities. Third, the government maintains preparedness for the deployment of state employees and property for the purpose of implementing or supporting such operations.

Contents

1	Introduction	4
1.1	Background	4
1.2	Purpose of the Communication	5
2	Goals and principles of humanitarian aid	5
2.1	Goals	5
2.2	Definition of the term "humanitarian aid"	6
2.3	Historical and legal background	7
2.4	Principles	11
2.5	Historical retrospect of the Swedish government's and Parliament's support for humanitarian aid	14
3	The government's instruments	16
3.1	Opinion formation, diplomacy and policy development ..	16
3.2	Financial support for humanitarian organizations	21
3.3	Deployment of state employees and property	23

Annex 1: Principles and Good Practice of Humanitarian Donorship

Extract of the minutes of the Cabinet Meeting held on 16 December
2004

1 Introduction

1.1 Background

Providing humanitarian aid to people in need is one of the most practical and effective means of mitigating the human damage caused by armed conflicts, natural disasters and other disaster situations.

The idea of giving the victims of disasters speedy assistance has a long history. Such assistance has been and is still given by relatives, neighbours and public authorities in the places or countries where disasters occur, and for more than 100 years now assistance has also been provided in an institutionalized form across national boundaries. Today, international humanitarian aid is provided in one form or other in practically all areas where humanitarian crises occur. This also applies to nearly all of the two dozen or so crises that are ongoing at the time of the presentation of this Communication to Parliament.

International humanitarian aid operations have expanded greatly in the last 10-15 years. The value of humanitarian aid given by states and intergovernmental organizations has more than doubled in real terms since the early 1990s, and these operations are usually on a much larger scale nowadays. The number of international actors, especially non-governmental organizations (NGOs), has increased rapidly, as has the number of humanitarian donor countries. In the crisis areas where the international presence is greatest, several dozen humanitarian organizations may be on the scene simultaneously, where previously the International Red Cross and Red Crescent Movement, a few UN agencies and a small number of NGOs would have operated. In addition, other, sometimes new actors, i.e. enterprises and military entities, have appeared on the scene of some recent crises. At the same time, new approaches in the international community's overall response to international crises have to some extent created a new situation as regards the relationship between humanitarian operations and political and military operations during a crisis.

The government welcomes the expansion of international humanitarian aid. Many more people have been helped as a result. However, we are still nowhere near a situation in which all humanitarian needs around the world are met, either by the states which are primarily responsible for meeting these needs or by the international community.

The expansion of humanitarian operations has, moreover, created new challenges. The increase in the number of players and in aid volumes calls for better coordination in order to ensure effectiveness and efficiency. The number of new, and to some extent different, actors makes it more important than ever to uphold basic humanitarian tenets. It is important to clarify the role of humanitarian aid in relation to other aspects of the international community's response to international crises.

Against this background, the government considers it important to report on its humanitarian aid policy.

1.2 Purpose of the Communication

The purpose of this Communication is to inform Parliament about the goals, principles and instruments of the government's humanitarian aid policy. The Communication also covers the activities of the Swedish International Development Cooperation Agency (Sida), the Swedish Rescue Services Agency and other government agencies.

2 Goals and principles of humanitarian aid

2.1 Goals

The goal of the government's policy is to help to save lives, alleviate suffering and maintain human dignity for the benefit of people in need who are, or are at risk of becoming, affected by armed conflicts, natural disasters or other disaster situations.

The humanitarian aid policy is intended to contribute to achieving the goal of the government's international development cooperation, i.e. to help to create the necessary conditions for poor people to improve their living conditions, and thus to achieving the overall goal of the government's development policy, i.e. equitable and sustainable global development, as declared in the Bill, *Shared Responsibility: Sweden's Global Development Policy*, which has been passed by Parliament (Gov. Bill 2002/03:122, Report 2003/04:UU3, Parl. Comm. 2003/04:112).

2.2 Definition of the term "humanitarian aid"

The government defines "humanitarian aid" as efforts to save lives, alleviate suffering and maintain human dignity for the benefit of people in need who are, or are at risk of becoming, affected by armed conflicts, natural disasters or other disaster situations. In the case of an armed conflict the main beneficiary group is the civilian population, but it may also include members of armed forces who are no longer engaged in hostilities, such as wounded and sick soldiers. The beneficiary group in the case of natural disasters and other disaster situations is the affected population.

By "other disaster situations" the government means acute outbreaks of infectious diseases, industrial accidents and other major technological accidents, major environmental accidents and other events that seriously affect the coping and survival mechanisms of population groups or entire communities.

Humanitarian aid is provided in two closely related forms: material aid and protection. Material aid may be given above all in the form of food, nutritional supplements, shelter, water, sanitary facilities, health-care and other health services, and in some cases education, agricultural support and other not immediately lifesaving measures. Protection includes measures designed to ensure respect for the rights of people in need, in particular the right to physical safety and dignity. Related measures include calling attention to the obligations of armed groups, registration of the status of refugees or internally displaced persons and education about rights and obligations under international law. In many cases, individual humanitarian actions comprise both material aid and protection, since material aid protects the rights of vulnerable persons and protective measures improve the individual's chances of receiving material aid. The crucial criterion for humanitarian action is the individual's need of material aid or protection, or both.

In the past and present terminology in this area the terms "disaster", "emergency" and "humanitarian" are often combined with the words "assistance", "aid", "relief" and "activities/operations". The government regards all the terms based on these combinations of words as interchangeable.

2.3 Historical and legal background

There is a long history of international efforts to help the victims of disasters. Over the years, the principles underlying these efforts have largely been enshrined in international law, especially humanitarian law.

The view that civilian populations and non-combatant members of armed forces should be protected during armed conflict is not new, but has by no means always been generally accepted. Examples exist of prohibitions of humiliating treatment in ancient times, for example in Egypt and Persia. The first European rules on warfare were the Articles of War decreed in Sweden by king Gustavus II Adolphus in 1621. These articles contained provisions about the status of non-combatants under which looting and the burning of property were prohibited without express permission. The first comprehensive rules on such matters were adopted by the Union side in the American Civil War in 1863. The "Lieber Code" laid down the obligation to protect civilians, taking into account that *"in modern regular wars of the Europeans ... protection of the inoffensive citizen of the hostile country is the rule"*. The first universal rules of law in this area were laid down in the first Geneva Convention of 1864, which was based on the ideas of the Swiss citizen Henry Dunant, who had been shocked by the devastation and lack of medical services that he witnessed at the battle of Solferino in modern-day Italy in 1859. The Convention has subsequently been revised several times, and the relevant documents in force today are the four Geneva Conventions of 1949 and two Additional Protocols of 1977.

The assistance given to the victims of war focused initially on protection and aid to members of combatant groups who had been injured or captured or were otherwise hors de combat. The reason for this was that, even as late as the early 20th century, the great majority of those who were killed, injured and made destitute by war were members of combatant groups. It is estimated, for example, that only 5-15% of those who were killed in World War I were civilians.

The situation changed drastically later in the 20th century as a result of mass arms production and the development of increasingly destructive weapons. World War II was a watershed; about 50% of those who were killed were civilians. Their experiences of World War II led a number of states and the International Committee of the Red Cross (ICRC) to agree on the need to strengthen the protection of civilians and others.

To this end they adopted the fourth Geneva Convention in 1949. The Convention contained the first explicit mention in a universal document of international law of the possibility of access for impartial humanitarian organizations for the purpose of protecting and assisting civilians. The two Additional Protocols to the Geneva Conventions that were adopted in 1977 elaborated on the right for external humanitarian organizations to offer help to the victims of armed conflict.

The Geneva Conventions and their Additional Protocols contain rules about the parties' obligations in armed conflicts with regard to humanitarian aid. According to the generally accepted interpretation of these rules, a party to an international or intrastate conflict that cannot meet the needs of the civilian population itself cannot arbitrarily reject an offer of humanitarian assistance. Such an offer cannot be considered an unlawful intervention in the internal affairs of another state. This is made clear, *inter alia*, by the Geneva Conventions and resolutions adopted by the UN General Assembly and Security Council. In an action brought by Nicaragua against the USA the International Court of Justice ruled in 1986 that international humanitarian aid does not constitute violation of a country's sovereignty and is not illegal in any other way, as long as it is provided impartially for the humanitarian purpose of saving life and alleviating suffering.

The Geneva Conventions and their Additional Protocols also establish the obligation of states and other parties to armed conflicts to ensure that impartial humanitarian organizations that operate in areas under their control are given access to civilians or non-combatant members of armed groups in order to assist them. They also lay down the obligation to facilitate the delivery of aid by other means. These obligations have been confirmed by the United Nations in General Assembly and Security Council resolutions. The General Assembly has subsequently also called upon states and other parties to guarantee humanitarian organizations access in connection with humanitarian disasters in general, and not only in connection with armed conflicts.

The instruments of international law that apply to responses to natural disasters and other disaster situations are, to some extent, different from those that apply to armed conflicts. They are also less uniform and consist largely of bilateral intergovernmental agreements rather than universal treaties and other multilateral agreements. All in all, however, the principles expressed in the instruments relating to disasters are the same as in those that apply to armed conflicts.

The first time the UN explicitly laid down an obligation to assist persons compelled to flee their home countries was in Resolution 429 (V) of 1950, which mandated the drafting of the Convention relating to the Status of Refugees of 1951. The Convention and its Additional Protocol of 1967 constitute the basic instruments of international law for the protection of refugees. The UN human rights conventions provide additional protection. The Refugee Convention also gives the United Nations High Commissioner for Refugees (UNHCR) a universal, unique mandate to protect people defined as refugees within the meaning of the Convention.

Like the other UN agencies that are involved in emergency aid, the UNHCR concentrated initially on helping people in need in the aftermath of World War II. Other international humanitarian aid was provided mainly by the International Red Cross and Red Crescent Movement. As a result of a series of humanitarian crises, especially in Africa, in the mid-1960s – notably during the civil war in Nigeria in the latter half of that decade – several member states proposed that the UN should broaden and expand its emergency aid. The UN set up its first emergency relief coordination office in 1971. The UN Secretariat, and the UNHCR, the World Food Programme (WFP) and UNICEF in particular, have subsequently assumed a leading coordinating and implementing roll in international humanitarian aid.

The first coordinated expression of the international community's duty to assist disaster victims was formulated in General Assembly Resolutions 2717 (XXV) of 1970 and especially 2816 (XXVI) of 1971. The title of the latter Resolution is *Assistance in cases of natural disaster and other disaster situations*. It recognized "the necessity to ensure prompt, effective and efficient response to a Government's need for assistance, at the time of a disaster or disaster situation, that will bring to bear the resources of the United Nations system, prospective donor countries and voluntary agencies". The most recent document on this theme is the pivotal Resolution 46/182 of 1991 on humanitarian assistance. The Resolution – the text of which was negotiated partly under Swedish leadership – was adopted unanimously without a vote and created several of the main institutions within the framework of the UN's coordination of international humanitarian aid. The Resolution applies both to armed conflicts and to natural disasters and other disaster situations.

The principle of impartiality with regard to humanitarian aid is clearly laid down in international law. It is set out in the Geneva

Conventions' common Article 3 and expanded in the International Committee of the Red Cross (ICRC) commentary on the Conventions; the ICRC's opinion carries great weight in view of its unique status as interpreter of international humanitarian law, which is partly due to its mandate under international law. Furthermore, the UN General Assembly and Security Council have on many occasions referred to the principle in their resolutions, e.g. in Resolution 46/182. The legal basis of the principle of impartiality is also confirmed in the above-mentioned judgment of the International Court of Justice of 1986.

The validity of neutrality as a principle underlying humanitarian aid has been established, *inter alia*, by the UN Security Council and General Assembly. The General Assembly affirmed the principle, in particular, in its Resolution 46/182 on humanitarian assistance. The relevant Security Council and General Assembly resolutions do not restrict neutrality to UN operations, but apply the principle to all humanitarian activities. In 1965, all the states parties to the Geneva Conventions, including Sweden, adopted neutrality as a basic principle of the humanitarian operations of the International Red Cross and Red Crescent Movement, thus affirming the importance they attached to the principle in the context of international humanitarian aid.

The principle of independence has only become a frequent topic of legal discussions and documents relating to international humanitarian aid in the last few years. The UN General Assembly recognized the principle in 2003 in its Resolution 58/114 on emergency humanitarian assistance.

Each state is responsible for respecting and implementing human rights at the national level. When humanitarian aid is provided or supported by third states, this must take place in such a way as to promote respect for human rights, particularly as set forth in the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which were adopted in 1966. Assistance is given, in particular, to protect the right to life and security of person and to food, clothing, housing and medical care and social security in cases where these rights are jeopardized by a disaster situation.

In 1998 the UN brought together the provisions of international law and international norms relating to internally displaced persons in a set of Guiding Principles on Internal Displacement.

2.4 Principles

The point of departure for the government's humanitarian aid policy is that every state has primary responsibility for meeting humanitarian needs that arise within its borders. In the event that the central government or other institutions of a country are unwilling or unable to meet this responsibility, the government's view is that external organizations and states that have the necessary capacity have a duty, in accordance with international law and established practice in international humanitarian aid operations, to provide support for action to meet these needs, if possible with the consent of the state in which the needs exist. This duty is often called the "humanitarian imperative".

The government's humanitarian aid policy is based on the Geneva Conventions of 1949, their Additional Protocols of 1977 and other instruments of international humanitarian law, refugee law, human rights, legal instruments relating to natural disasters, and accepted international practice in this area. This policy is guided by the humanitarian principles of humanity, impartiality, neutrality and independence.

Humanity refers to alleviating suffering wherever it is found. Impartiality refers to the implementation of humanitarian action solely on the basis of need, without discrimination on the grounds of other factors such as sex, ethnic affiliation, religion or political views. Neutrality means that humanitarian action and those who implement and support it must not favour any side in an armed conflict or political dispute where such action is carried out. Independence means autonomy in relation to the non-humanitarian objectives that donors, recipients or other parties may have with regard to crises where humanitarian action is being implemented.

The UN has a central and unique role in directing and coordinating international humanitarian aid, which is assigned to it, in particular, by the abovementioned General Assembly Resolution 46/182. The International Red Cross and Red Crescent Movement has a special status. This applies especially to the International Committee of the Red Cross in view of the task assigned to the organization by the Geneva Conventions with regard to humanitarian aid and protection and to the monitoring of compliance with international humanitarian law. NGOs have a vital role in implementing humanitarian action.

Humanitarian aid differs from long-term development cooperation mainly in two ways. First, as mentioned above, its principles and approach are to a large extent enshrined in international law. Second, the object of humanitarian aid is to alleviate acute suffering. In principle, it should be discontinued when the immediate needs of an affected population have been met and conditions have been restored to a situation similar to that before the outbreak of the disaster.

Nevertheless, humanitarian aid can have a beneficial effect on development, as the government points out in the Bill on global development policy mentioned above. To an overwhelming extent, the suffering caused by armed conflicts and natural disasters affects the populations of developing countries. When a disaster occurs, it is usually the most vulnerable and poorest people who suffer most. The harm they suffer makes it even more difficult for them to build decent lives for themselves.

Speedy, well-executed humanitarian action can minimize the damage to development that may be caused by a disaster, for example by maintaining public health standards, or school education and other everyday activities for children. In order to minimize the damage, countries must also have the capacity for domestic and local relief operations which should be, and often are, much quicker and more effective than international aid following a disaster. It may therefore be necessary to take measures to support domestic preparedness, especially for natural disasters, such as strengthening national rescue services and setting up emergency supply stocks. Such measures can lessen the risk of human suffering not only in the immediate post-disaster phase, but may also eliminate future costs in the form of lost opportunities for personal development, protracted trauma injuries, damage to property etc. Likewise, preventive development-oriented measures can help to prevent or resolve protracted humanitarian crises that may appear to be caused by sudden natural disasters, but are in fact due, wholly or in part, to policy failures. For example, the effects of flooding may be greatly exacerbated by deforestation and other inappropriate land use. Recurring deficits of agricultural or other essential products may be due to flawed agricultural or trade policies. Long-drawn-out refugee situations can in some cases be resolved by long-term measures to enable refugees to integrate into the communities to which they have fled instead of continuing to live in refugee camps.

It is, in any case, important to support development measures as soon as possible in areas that seem likely to recovery from a disaster

situation, if necessary within the framework of development cooperation, in order to reduce the risk of permanent damage or further deterioration. In addition, sound economic and social development can reduce the likelihood of damage being caused, in particular, by natural disasters, since such development can generate more resources to strengthen domestic efforts to improve prevention and preparedness structures.

The government's support for humanitarian aid reinforces its human security policy. The security of the individual plays an important role in the government's approach to security. Speedy and effective humanitarian aid can in many cases be the best response in order to assure the safety and survival of vulnerable population groups. In cases where there is an international military or police presence in a humanitarian crisis area it may help to improve security by making life safer for civilians and making it easier for humanitarian organizations to deliver aid.

If humanitarian aid is to be effective, public authorities, the public, and, in armed conflicts, armed groups in areas at risk must be able to rely on the impartiality and neutrality of humanitarian organizations. Traditionally, therefore, humanitarian aid in armed conflicts is provided primarily by civilian organizations, and such organizations have been obliged, both for practical reasons and in order to comply with international humanitarian law, to maintain a clear distinction between themselves as civilians on the one hand and armed groups and other parties to the conflict on the other. This approach is especially important in areas where there are military forces – either members of peace-keeping missions or, in particular, parties to the conflict – and humanitarian personnel from the same country or continent. In such circumstances, a blurring or even confusion of roles may lower the threshold for the armed groups' inclination to attack humanitarian personnel on the pretext that the aid organizations have the same objectives and interests as the international military forces in the area.

In the case of natural disasters and other disaster situations where no armed conflict or other tensions exist that might make a military presence sensitive, it has not been as important that humanitarian aid be implemented by civilian entities.

The government's humanitarian aid policy is guided by the principles agreed upon informally at the international conference on humanitarian

donorship by 16 states and the European Commission in Stockholm in June 2003. These principles are attached to this Communication.

2.5 Historical retrospect of the Swedish government's and Parliament's support for humanitarian aid

The Swedish government's and Parliament's support for humanitarian aid abroad has a long history. For a long time this support was closely linked to the work of the Swedish Red Cross, which was established in 1865 under the chairmanship of Prince Oscar. The government negotiated with belligerent states during World War I in support of the action taken by the Swedish Red Cross on behalf of wounded soldiers. In 1920, Parliament provided the Swedish Red Cross with a grant of SEK 1 million (about SEK 15 million in today's prices) for support to refugees and emergency relief for former combatants and civilians made destitute by the war. In 1921 the government made one of its first large financial contributions to a major international operation that was not directly related to an armed conflict, i.e. the response of the International Red Cross Movement to the famine in Russia and other parts of what later became the Soviet Union. During World War II, the government tasked the Swedish Red Cross with providing emergency relief to civilians in a number of war-stricken countries, allocating specific funds for the purpose. After the war the government contributed to programmes for the return, settlement in third countries and other aid to refugees from the war. The government also contributed to the assistance given, in particular, to refugees from the conflicts in the Korean peninsula and Israel/Palestine.

In 1952, Parliament approved the first regular appropriations for voluntary government grants towards overseas assistance under the heading *International aid*, in addition to the part of Sweden's UN membership fee that was used for disaster relief. These funds were used mainly for disaster relief, the remainder being used for what is now called development cooperation. In 1956, Parliament approved the first appropriations that were earmarked for humanitarian aid under the headings *Refugee aid* and *Miscellaneous purposes, including disaster relief*, totalling about SEK 2 million (SEK 23 million in today's prices). Since then the appropriated amounts have constantly increased, sometimes substantially.

Table 1. The Swedish parliament's and government's appropriations for humanitarian aid (approximate amounts)

<i>Year</i>	<i>Amounts (MSEK)</i>	
	<i>In nominal terms</i>	<i>In real terms (October 2004)</i>
1952/3	1,2 ¹	15
1956/7	2	23
1960/1	1,5	15
1968/9	27	201
1972/3	212	1 260
1980/1	670 ²	1 880
1984/5	990 ²	1 940
1993/4	2 230	2 510
1997	1 720	1 870
1998	1 875 ³	2 050
1999	2 250 ³	2 450
2000	2 520 ³	2 715
2001	2 150 ³	2 250
2002	2 100 ³	2 150
2003	2 300 ³	2 320
2004	2 400 ⁴	-

Every year the government proposes an appropriation for humanitarian aid for the coming fiscal year in the Budget Bill. Most of the official inquiries etc. in this area have dealt with individual issues, e.g. *Disaster Aid for Development* (Ds UD 1986:2), which discussed the potential long-term effects of humanitarian aid, and *Swedish International Disaster and Refugee Aid Operations* (SOU 1995:72), a study of the use of personnel and material for the purposes of state humanitarian aid.

¹ Including funds from the supplement to the 1951/52 budget.

² Including organizational support to liberation movements in southern Africa.

³ Including support for conflict management.

⁴ Forecast; relates mainly to annual contributions to the UNHCR, ICRC, WFP, UNRWA and OCHA, part of the annual contribution to UNICEF and the budget heading

Humanitarian aid and conflict management. It also includes support for conflict management up to a ceiling of SEK 200 million.

3 The government's instruments

The government and its agencies use three instruments to implement the government's humanitarian aid policy.

3.1 Opinion formation, diplomacy and policy development

By disseminating information, seeking to form public opinion and participating in international and domestic advocacy activities in this area the government seeks to ensure that international humanitarian efforts increasingly meet the standards set forth in this Communication.

The government consistently advocates universal support for international humanitarian aid as a legitimate and valuable means of assisting people made destitute by armed conflicts, natural disasters and other disaster situations. The government's humanitarian diplomacy includes efforts to promote full compliance with humanitarian law, human rights law and other rules of law in this area and with the humanitarian principles of humanity, impartiality, neutrality and independence.

The government encourages compliance by donor governments with the principles of humanitarian donorship agreed upon informally by 16 states and the European Commission in Stockholm in June 2003, which were referred to in section 2.4 above.

On its own and together with the EU as a whole or other actors, the government takes diplomatic action to ensure that states comply with their legal and political obligations under humanitarian law. This may refer to the primary obligation of states to meet the humanitarian needs that arise within their borders. It may also refer to their responsibility for protecting civilians and other non-combatants during armed conflicts. In cases where this is necessary in order to be able to exert influence, a low profile should be maintained.

Furthermore, the government must be in a position to give diplomatic support for humanitarian action in a specific crisis. It may do so by influencing opinion and using its contacts to ensure that implementing organizations are given access to crisis areas, or by applying pressure in order to improve the working conditions for such organizations. In

cases where this is necessary in order to be able to exert influence, a low profile should be maintained.

As mentioned by the government in its Communication *Human Rights in Swedish Foreign Policy* (Comm. 2003/04:20), respect for humanitarian law and human rights often leaves a great deal to be desired during armed conflicts. In multilateral arenas, in contacts with individual states and other international legal entities and in the domestic and international dialogue on international law, the government constantly points out the need to improve the protection of civilians in conflict situations.

The government supports and defends the multilateral mechanisms, especially those under UN leadership, that exist for the purpose of coordinating and delivering humanitarian aid. It cooperates with the UN Secretariat in this connection and supports its work. It helps to strengthen the Consolidated Inter-Agency Appeals Process and other humanitarian appeals, as well as the Common Humanitarian Action Plan mechanism and other concerted actions. It supports the mechanisms that were set up under UN General Assembly Resolution 46/182, especially as regards coordination within the UN and between the UN and other international humanitarian players. It encourages all humanitarian organizations to participate in, or otherwise operate in conformity with, these mechanisms.

The government emphasizes the importance and unique position of the International Red Cross and Red Crescent Movement in international humanitarian aid operations. This applies in particular to the International Committee of the Red Cross. The government welcomes full participation by the movement in international coordination mechanisms to the extent this is consistent with the movement's independence.

In its relations with UN agencies, the International Red Cross and Red Crescent Movement and humanitarian NGOs the government acts in a manner that contributes to coherent relations between states and these organizations and avoids burdening the latter with additional administrative tasks. To this end, the government seeks to ensure that the boards, informal councils and other multilateral advisory forums associated with these organizations provide appropriate management and guidance. The government maintains relations with these organizations mainly through such forums. In cases where no such forums exist, where the parties agree otherwise or where the government

considers that there is a special need, the government may seek to engage in a closer bilateral dialogue with the organizations.

In its efforts to address ongoing or impending crises with an international dimension the government consistently advocates a humanitarian perspective based on respect for human rights and humanitarian law. This may involve calling attention to humanitarian needs in international discussions on armed conflicts that have broken out, or it may involve encouraging other players to make it possible for humanitarian organizations to operate in accordance with humanitarian principles. In cases where the UN, the EU, other inter-governmental organizations or individual states are considering imposing sanctions on states or non-state actors, the government primarily advocates the use of targeted rather than comprehensive sanctions. One reason for this is to avoid the shortage-driven, large-scale human suffering that may indirectly follow in the wake of comprehensive sanctions. This approach is consistent with the lessons learned from recent multilateral discussions on evaluations of sanctions, one contribution to which was the Stockholm Process.

In its own activities and contacts with other actors the government seeks to ensure that humanitarian aid continues to be organized and delivered by civilian entities. In areas where an armed conflict is in progress or is liable to break out or be resumed the principle should be that military actors must not themselves implement, or support other institutions' implementation of, humanitarian action. Exceptions to this principle may be justified in special cases where no equivalent civilian alternatives exist, in which case indirect support is preferable to direct implementation, always under overall civilian leadership.

During the last five years, international responses to international or large-scale intrastate crises have increasingly sought to integrate all the components of an operation into a single, concerted effort. As a result, political, military, development-oriented, humanitarian and other operations have been placed under unified leadership, in particular in connection with UN-led peace support missions. Where the tasks of such missions include humanitarian aid, the government advocates that humanitarian principles be observed in connection with the coordination of humanitarian actions in the mission and with their implementation in the areas where the mission is operating.

Humanitarian crises often affect the lives of women and children differently from those of men, especially in the case of armed conflicts.

Normally, most of those in need are women and children. It may be of vital importance to make the most of and nurture women's ability to run their households and their knowledge about the livelihoods and social patterns of their communities, as well as about other local conditions, when emergency relief and reconstruction measures are designed. At the same time, women and children tend to be particularly vulnerable. Women's health needs, including those related to sexual and reproductive health, are liable to be ignored unless special attention is paid to them. It is usually necessary in connection with armed conflicts to protect women against the increased risk of violence, especially sexual violence, and against economic and social vulnerability in view of the risk of their getting less than their fair share when scarce resources are distributed. It is generally extremely difficult to bring up and care for children in disaster situations, and aid and protection in the fields of health, food and education may therefore be necessary with the specific aim of making sure that children's development prospects are not undermined. The government advocates that these factors be taken into account in connection with the design and implementation of humanitarian actions.

The government seeks to ensure that food for the purposes of humanitarian aid is bought mainly in surplus markets at or near the places where humanitarian aid is needed. Likewise, the government urges donor countries and organizations not to make supplies of food from such countries a condition for humanitarian aid unless such aid is especially appropriate in view of time and availability factors. The government's position in this respect is that aid consisting of food brought in from outside can seriously undermine local markets and agricultural and food industries.

Given the resource input and focus on individuals and groups, humanitarian aid may make an impact on socio-economic conditions in the communities where it is delivered. In conflict areas, in particular, there is a risk of aid directly or indirectly exacerbating tensions between individuals or population groups, at the same time as armed groups may seek to take advantage of the situation to strengthen their own position. The government urges implementing organizations always to consider the possible impact of their activities on conflict patterns in the areas where they operate.

A humanitarian crisis area in which the material and social conditions have reverted, or are likely to revert, to the situation prior to the outbreak

of the crisis is often still very vulnerable, especially in conditions of general underdevelopment or in the aftermath of an armed conflict. In a poor area where flooding has recently occurred, for example, subsequent flooding may cause even greater damage before livelihood mechanisms have recovered. In an area devastated by a war, continuing underdevelopment – not to mention other immediate causes of conflicts – may create conditions that lead to a resumption of fighting. In such circumstances it may be of vital importance to avoid a damaging gap between humanitarian action and long-term development programmes. Where it is necessary in view of the prevailing conditions, the government therefore proposes that domestic and, where applicable, international development efforts are launched as soon as possible in humanitarian crisis areas where recovery is under way or appears likely to start soon.

As an element of its opinion-influencing activities the government will be prepared to provide financial support for policy and methodological development in the field of humanitarian aid. The government should in this connection seek to raise awareness of, and improve efforts to monitor respect for, international humanitarian law and human rights protection. Evaluation has an important part to play in this connection. The government urges implementing humanitarian organizations to adopt or comply with internationally established codes of conduct and similar informal codes or rules.

Since the early 1990s the European Union has become one of the largest official donors of international humanitarian aid. The Union has also started to develop its ambition of contributing personnel and material for the implementation of humanitarian actions, including rescue service missions, as well as to employ such deployments in support of its civilian crisis management activities. The government advocates that the Union's funding of humanitarian aid and its deployment of personnel and material are consistent with humanitarian principles and the existing multilateral coordination mechanisms, especially those under UN leadership. In the government's view, the Union should continue to speak with an articulate and principled voice in the international humanitarian debate. The Union should, for example, be prepared to take diplomatic action in the UN and other forums to ensure that states meet their responsibility for assisting people in need among their own populations and, where they do not do so, give safe and unimpeded access to humanitarian organizations.

3.2 Financial support for humanitarian organizations

The government gives financial contributions to non-state organizations for the implementation of humanitarian action. The financial resources for this support are determined by Parliament in the course of the government budget process, including the Budget Bill.

The government only makes financial grants to organizations whose operations are consistent with the principles set out in this Communication and with accepted standards with regard to humanitarian action.

In taking decisions about grants the government considers whether the proposed measures are likely to be effective in assisting people at risk. These measures must be coherent with other humanitarian aid operations in the areas where they are implemented. To the extent this is possible and consistent with humanitarian principles, the measures should support domestic and local efforts. They should support multi-lateral coordination, especially by the UN, of international humanitarian aid destined for the crisis in question. Government decisions are taken with the greatest possible degree of coordination with the other states that contribute funding for aid in the same area as the Swedish government.

The government makes grants to both Swedish, foreign and international organizations. Special importance should be attached in this connection to institutions in the UN system, the International Red Cross and Red Crescent Movement and NGOs with long experience of humanitarian aid. Funds should only be allocated to organizations that have adopted established international codes of conduct in this field or made similar commitments. Conditions to the effect that organizations must employ Swedish staff or material in connection with aid must not be attached to the grants. Funding should be flexible in order to make it possible for recipient organizations to adapt their operations to developments in the area where they are implemented. As far as possible, the grants should be predictable in order to facilitate the organizations' planning. Where it is appropriate in view of the duration of a humanitarian crisis, the government can commit itself to grants that extend beyond the current fiscal year, provided that Parliament approves the government's budget proposals.

In taking funding decisions the government pays particular attention to the special situation of the elderly, women, children and disabled

persons in disaster situations. The government must take into account the increased vulnerability of these groups, especially during armed conflicts. It also takes into account the need to make use of their knowledge, especially the knowledge of women, in designing aid operations and the need to maintain the ability of vulnerable groups to support themselves, as mentioned in section 3.1 above.

In order to reduce vulnerability, the government also allocates funds for measures to promote preparedness for and prevention of damage caused by disasters, especially natural disasters, and for initial reconstruction programmes following a humanitarian crisis, in addition to funds to meet immediate needs. In order to strengthen the prospects of successful reconstruction, funds should be allocated, wherever possible, for aid that reinforces coping and supply mechanisms in areas for which aid is provided. As long as this is consistent with humanitarian principles, grants for prevention, preparedness, emergency relief and reconstruction should support domestic and local organizations and local assets and capacities, for example in connection with the procurement of input materials and the hiring of labour. Where appropriate in view of the urgency of the needs, funding should be granted when the government or the competent authority is satisfied that the implementing organization has assessed the potential effects of the proposed measures on conflict patterns and market conditions in the area where they are to be implemented.

The government does not provide food in kind for humanitarian food aid. Instead, it allocates funds for this purpose to make it easier for the implementing organizations to adapt their actions to varying conditions and humanitarian needs and to support the capacities and markets that are available at or near the place where the humanitarian needs exist by purchasing food locally or regionally wherever possible.

Unless Parliament or the government decides otherwise, funds from the budget appropriation for development cooperation may only be used for humanitarian aid in countries that are included in the List of Aid Recipients that is kept by the Organization for Economic Cooperation and Development (OECD). Exemptions from this requirement are notified by the government in its appropriations to state authorities, following approval by Parliament of the government's Budget Bill.

3.3 Deployment of state employees and property

The government and its agencies will maintain their long-standing preparedness for the deployment of state employees and property for the purpose of implementing or supporting humanitarian actions. They may be deployed in search and rescue operations following earthquakes and other natural disasters, responses to serious epidemics and actions involving assessments of humanitarian needs during ongoing crises. They may also be assigned the task of building disaster preparedness and providing logistical and other support for organizations that coordinate or deliver humanitarian aid. This form of assistance is provided without any cost to the recipient population. The allocation of any costs incurred by the assisting agency or the ordering organization is determined, if the agency considers this necessary following consultation with the Government Offices, in an agreement between the organization and the agency or, where applicable, in an appropriation instrument or other instructions issued by the government or the Government Offices.

As regards areas where an armed conflict is in progress, or where there is a risk of an armed conflict breaking out or being resumed, military personnel and property must not be used for the purposes of implementation of or support for projects and measures that can be likened to humanitarian aid, unless special reasons exist in accordance with what it is stated in sections 2.4 and 3.1 above.

Further rules for the deployment of state employees and property for the purpose of humanitarian aid are set out in detailed instructions issued by the government or the Government Offices.

[Annex 1]

Principles and Good Practice of Humanitarian Donorship

Endorsed in Stockholm, 17 June 2003

Objectives and definition of humanitarian action

- 1 The objectives of humanitarian action are to save lives, alleviate suffering and maintain human dignity during and in the aftermath of man-made crises and natural disasters, as well as to prevent and strengthen preparedness for the occurrence of such situations.
- 2 Humanitarian action should be guided by the humanitarian principles of *humanity*, meaning the centrality of saving human lives and alleviating suffering wherever it is found; *impartiality*, meaning the implementation of actions solely on the basis of need, without discrimination between or within affected populations; *neutrality*, meaning that humanitarian action must not favour any side in an armed conflict or other dispute where such action is carried out; and *independence*, meaning the autonomy of humanitarian objectives from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.
- 3 Humanitarian action includes the protection of civilians and those no longer taking part in hostilities, and the provision of food, water and sanitation, shelter, health services and other items of assistance, undertaken for the benefit of affected people and to facilitate the return to normal lives and livelihoods.

General principles

- 4 Respect and promote the implementation of international humanitarian law, refugee law and human rights.
- 5 While reaffirming the primary responsibility of states for the victims of humanitarian emergencies within their own borders, strive to ensure flexible and timely funding, on the basis of the collective obligation of striving to meet humanitarian needs.
- 6 Allocate humanitarian funding in proportion to needs and on the basis of needs assessments.
- 7 Request implementing humanitarian organisations to ensure, to the greatest possible extent, adequate involvement of beneficiaries in the design, implementation, monitoring and evaluation of humanitarian response.
- 8 Strengthen the capacity of affected countries and local communities to prevent, prepare for, mitigate and respond to humanitarian crises, with the goal of ensuring that governments and local communities are better able to meet their responsibilities and co-ordinate effectively with humanitarian partners.
- 9 Provide humanitarian assistance in ways that are supportive of recovery and long-term development, striving to ensure support, where appropriate, to the maintenance and return of sustainable livelihoods and transitions from humanitarian relief to recovery and development activities.
- 10 Support and promote the central and unique role of the United Nations in providing leadership and co-ordination of international humanitarian action, the special role of the International Committee of the Red Cross, and the vital role of the United Nations, the International Red Cross and Red Crescent Movement and non-governmental organisations in implementing humanitarian action.

Good practices in donor financing,
management and accountability

(a) Funding

- 11 Strive to ensure that funding of humanitarian action in new crises does not adversely affect the meeting of needs in ongoing crises.
- 12 Recognising the necessity of dynamic and flexible response to changing needs in humanitarian crises, strive to ensure predictability and flexibility in funding to United Nations agencies, funds and programmes and to other key humanitarian organisations.
- 13 While stressing the importance of transparent and strategic priority-setting and financial planning by implementing organisations, explore the possibility of reducing, or enhancing the flexibility of, earmarking, and of introducing longer-term funding arrangements.
- 14 Contribute responsibly, and on the basis of burden-sharing, to United Nations Consolidated Inter-Agency Appeals and to International Red Cross and Red Crescent Movement appeals, and actively support the formulation of Common Humanitarian Action Plans (CHAP) as the primary instrument for strategic planning, prioritisation and co-ordination in complex emergencies.

(b) Promoting standards and enhancing implementation

- 15 Request that implementing humanitarian organisations fully adhere to good practice and are committed to promoting accountability, efficiency and effectiveness in implementing humanitarian action.
- 16 Promote the use of Inter-Agency Standing Committee guidelines and principles on humanitarian activities, the Guiding Principles on Internal Displacement and the 1994

Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief.

- 17 Maintain readiness to offer support to the implementation of humanitarian action, including the facilitation of safe humanitarian access.
- 18 Support mechanisms for contingency planning by humanitarian organisations, including, as appropriate, allocation of funding, to strengthen capacities for response.
- 19 Affirm the primary position of civilian organisations in implementing humanitarian action, particularly in areas affected by armed conflict. In situations where military capacity and assets are used to support the implementation of humanitarian action, ensure that such use is in conformity with international humanitarian law and humanitarian principles, and recognises the leading role of humanitarian organisations.
- 20 Support the implementation of the 1994 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.

(c) Learning and accountability

- 21 Support learning and accountability initiatives for the effective and efficient implementation of humanitarian action.
- 22 Encourage regular evaluations of international responses to humanitarian crises, including assessments of donor performance.
- 23 Ensure a high degree of accuracy, timeliness, and transparency in donor reporting on official humanitarian assistance spending, and encourage the development of standardised formats for such reporting.

Ministry for Foreign Affairs

Extract of minutes of Cabinet Meeting held on 16 December 2004.

Present: Prime Minister Persson and Ministers Ringholm, Freivalds, Sahlin, Pagrotsky, Östros, Messing, Y. Johansson, Bodström, Karlsson, Nykvist, Andnor, Nuder, M. Johansson, Hallengren, Holmberg, Jämtin, Österberg, Orback, Baylan

Rapporteur: Minister Jämtin

The Government adopts Communication 2004/05:52, *The Government's Humanitarian Aid Policy*.