

EU-Switzerland co-chairs

High Level Meeting 24 October 2018 Geneva, Switzerland Co-chairs' summary

The European Union and Switzerland hosted the first High-Level Meeting under their co-chairmanship of the Good Humanitarian Donorship Initiative on 24 October 2018 in Geneva. Over 70 representatives of 31 GHD members participated in the event. The meeting was co-chaired by Monique Pariat, Director General, European Commission's Directorate General for European Civil Protection and Humanitarian Aid Operations (DG ECHO), and Jean-Luc Bernasconi, Deputy Head of the Swiss Humanitarian Aid.

The new co-chairs presented their vision and priorities for the next two years. The overall ambition is to give new impetus to GHD to let it emerge as the much needed platform for greater donor coordination and engagement with the humanitarian ecosystem on matters of key importance to donors. The co-chairs also proposed a more streamlined and focused approach based on four priority themes:

- **Counter-terrorism measures and humanitarian engagement:** Safeguarding humanitarian space and ensuring principled and effective humanitarian action;
- Promoting principled and effective humanitarian action and preserving the humanitarian space by **ensuring respect of IHL**;
- Promoting principled and effective humanitarian assistance through innovative **funding and delivery modalities**;
- Promoting principled and effective humanitarian action and preserving the humanitarian space in the context of the **UN development system reform** roll-out: opportunities, challenges, gaps, one year-on.

The morning session was dedicated to an interactive exchange on the proposed priorities. The group welcomed the co-chairs' proposals and expressed support for the suggested themes and revamped approach. All the break-out groups confirmed the need to ensure greater connection between GHD discussions and what happens in the field. See annex 1 for more details on the break-out group discussions.

The morning session also included a brief exchange on "early warning". This new agenda item is to enable information sharing among donors on new or worsening humanitarian crises. This could also possibly lead to better coordination of responses, including in terms of advocacy. The group supported the idea of including it as a standing item on the agendas of the GHD High-Level Meetings.

The co-chairs also confirmed their intention to build on the work of the previous co-chairs as regards the development of a strategic engagement with the IASC. The group stressed the need to seek engagement notably with IASC principals.

Counter-Terrorism measures and humanitarian engagement: Safeguarding humanitarian space and ensuring principles and effective humanitarian action

The session allowed an in-depth exchange on counter-terrorism measures and humanitarian engagement. Discussions were informed by the reflections of three experts on the subject. Prof. Naz K. Modirzadeh, Director of the Harvard Law School Program on International Law and Armed Conflict, provided an academic perspective on situations where counter-terrorism legislation intersects with the humanitarian imperative. In a [video message to the GHD](#), she highlighted empirical evidence of a "worsening situation for principled humanitarian action". Tristan Ferraro, Senior Legal Adviser at ICRC, while recognizing the legitimacy of counter-terrorism measures, shared concerns regarding their impact on the ICRC's capacity to operate in difficult environments. He provided concrete field examples, such as the criminalization of humanitarian workers or the difficulty to engage in humanitarian access negotiations with armed groups designated as "terrorists", and recalled that counter-terrorism measures needed to comply with International Humanitarian Law. At the same time, he also stressed the

responsibility of impartial humanitarian organizations to develop internal mechanisms for compliance. Emma O'Leary, Humanitarian Policy Adviser at the Norwegian Refugee Council (NRC) reflected on the findings of NRC's report "[Principles under Pressure](#)", which explores the structural, operational and internal impacts of counter-terrorism measures on humanitarian organizations and their activities. Examples included the self-censorship of some organizations, which prefer to limit their activities to government-controlled areas, thus leaving vulnerable populations in other areas without assistance and protection, or the difficulty for humanitarian organizations to access financial services in certain areas, which are subject to derisking measures taken by banks.

The subsequent frank and engaged discussion of GHD members highlighted the following main issues:

- **Broaden the dialogue and increase awareness:** It is vital to discuss the impacts of counter-terrorism measures on humanitarian action beyond the humanitarian community. Indeed, it is necessary to engage with relevant actors, such as Parliamentarians or actors in other relevant ministries (justice, finance, for instance), but also at multilateral / regional level;
- **Adopt a positive narrative and reaffirm IHL:** It is essential to highlight the importance and usefulness of humanitarian principles and of International Humanitarian Law, norms which are crucial in armed conflicts;
- **Explore the role of exemptions:** Exemptions shielding humanitarian action from various sanctions regimes were highlighted as one of the effective measures allowing principled humanitarian organizations to carry out their activities and thus avoiding criminalization of principled humanitarian activities;
- **Share the risk:** Question arose in relation to the tendency among donors to assume zero risk and "push down" risks to implementing partners, incl. local ones. Several interventions also expressed concerns about the possible impact on current efforts to "localize" aid;
- **Funding agreements:** these agreements often include counter-terrorism clauses by donors which are more and more restrictive and thereby often prevent humanitarian organizations from undertaking their core activities.

Conclusions and way forward

The co-chairs concluded by appreciating the participants' active engagement as well as their support for the proposed approach and priorities.

With regard to the way forward, the co-chairs proposed the following action points:

- There will be ongoing work between high-level meetings, including working-level meetings to be convened by the co-chairs, with a view to deepening discussions and identifying concrete deliverables under each priority theme;
- The active participation of all GHD members is highly encouraged, including when possible and appropriate, at capitals' level and at principals' level;
- In order to maximize the presence of principals from capitals, attention will be paid to scheduling high-level meetings back-to-back with other major events. In this perspective, the next high-level meeting will tentatively take place in the margins of the Humanitarian Affairs segment of the ECOSOC in May 2019. The third high-level meeting could potentially take place in the margins of the 33rd International Conference of the Red Cross and Red Crescent in late 2019 (TBC);
- Early warning updates will figure as a standing item on the agenda of the GHD High-Level Meetings with a view to sharing analysis and possibly contributing to better coordination of responses;
- In order to create synergies and avoid duplication of discussions, relevant links and updates (when appropriate) shall be ensured with other ongoing discussions (e.g. ICRC DSG, OCHA DSG, Grand Bargain);
- The GHD will remain abreast of pressing issues that arise. To this end, relevant updates on ongoing discussions outside the GHD, which are related to the priority themes and beyond, will be shared as and when appropriate;
- The establishment of a strategic dialogue with the Inter-Agency Standing Committee, ideally at Principals' level, will be further explored building on the work and the contacts initiated by the previous co-chairs.

Annex: Overview of break-out group discussions

1. Break out group on counter-terrorism and humanitarian engagement

GHD participants welcomed the proposed topic as one of the priority areas for the GHD. They identified several challenges related to the implementation of counter-terrorism measures for humanitarian organizations, which are of specific concern to donors:

- The inclusion of counter-terrorism measures into funding agreements, including flow down clauses to humanitarian implementing partners;
- The difficulty to engage with listed groups/individuals (incl. for access purposes) or in areas under their control, which may in turn lead to humanitarian organizations being perceived as not adhering to the humanitarian principles;
- A certain lack of risk-sharing by donors and cumbersome due diligence measures for humanitarian organizations;
- Financial derisking preventing humanitarian organizations to receive or transfer funding to their operations, as well as the negative impact on the cash and localization agendas;
- Lack of uniformity and limited number of humanitarian exemptions in sanctions regimes, in particular when it comes to their implementation at regional and national levels. This leads to various levels and layers of overlapping requirements for humanitarian organizations;
- The difficulty for donors to reach out to counter-terrorism national and international actors and their difficulty to communicate clearly to humanitarian organizations around the requirements built in their counter-terrorism measures.

In discussing the potential role for the GHD in addressing these challenges, several ideas were put forward, such as:

- Advocating beyond the humanitarian circles with robust evidence and involve counter-terrorism actors and colleagues from Ministries of Finance;
- Better mapping and understanding of humanitarian exemptions and exploiting their potential;
- Exchanges among donors on due diligence requirements in funding agreements and risk management;
- Developing a common narrative on risk sharing;
- Exploring the feasibility of a mechanism to facilitate interaction between financial institutions, humanitarian partners and donors.

2. Break Out Group on ensuring respect for IHL

GHD participants concurred on the importance to increase GHD donor engagement on respect for IHL. Some of the main challenges relate to the collection of data and evidence on IHL compliance and violations as well as the aggregation of different IHL initiatives. The protection of and ensuring the safety and security of medical workers was seen as a specific challenge in ensuring respect for IHL.

Stronger donor coordination via GHD was seen as a helpful vehicle in bringing together information and linking up different IHL initiatives, including donor support to ensuring respect for IHL. In terms of achievements, participants preferred to focus on specific themes within IHL and to formulate concrete outcomes.

Participants saw merit in using GHD as a platform to:

- better understand and obtain a more comprehensive view on different IHL initiatives and
- connect to existing groups such as the supporters of the "safe school" declaration or the friends of the 2286 resolution as well as to other areas of work in Geneva such as human rights and disarmament.

In terms of concrete steps forward participants supported the idea of exploring:

- the strengthening of GHD/donor advocacy on respect for IHL;
- exchanging information on donor funding and support of specific IHL training, sessions, capacity building and activities;
- mapping donor engagement and support on respect for IHL as well as a mapping of cooperation between organizations (ex; ICRC and WHO).

3. Breakout group innovative funding and delivery modalities

GHD participants fully supported the choice of “innovative funding and delivery modalities” as a timely and relevant area of work, which should figure as a priority for the GHD. There was a consensus that this topic presents a wealth of opportunities to make humanitarian aid better and cheaper, including risk transfer and humanitarian impact bonds; leverage mechanisms, cash-based programming, and forecast based financing. At the same time, a certain amount of challenges may emerge during their implementation.

In this context, donors who recently started to get involved into innovative funding and delivery modalities expressed an interest in gaining expertise and evidence on this new area of involvement.

Given the number of ongoing initiatives, including OCHA’s ambition to become a centre of related expertise, participants deemed important to precisely define the role and added value of the GHD.

Suggested possibilities for GHD engagement include:

- Enhance the evidence-base on donor practices and lessons learnt, especially through stocktaking and sharing of concrete cases from the field. This would allow a certain “myth” busting, demonstrating what has worked for certain donors and what hasn’t. Specific areas of interest could include existing practices of allocating a specific share of funding to innovation; or ways to deal with risk adversity/risk mitigation on the donor’s side;
- Contribute to a better understanding of donor’s required expertise and ways to communicate about new funding and delivery mechanisms;
- Identify blockages impeding donors from engaging in innovative funding and delivery modalities;
- Develop a common approach to dealing with the private sector, including with possible pitfalls.

Participants agreed that, while there is no need to maintain a classical work stream on the use of cash transfers, GHD might still have a role. Now that the GHD has adopted a 24th principle related to cash transfers, GHD could constitute a forum for donors to engage on the implementation of this 24th principle. GHD might also help to collect concrete cases and field experiences in order to inform donor’s decision-making.

4. Breakout group on the UN Development System (UNDS) reform

GHD participants fully supported the choice of looking at the impact of the UNDS reform roll-out on the humanitarian system. They confirmed the need to collect and share more information about the reform and its concrete implications. However, the group noted the need to avoid overlaps with other donor discussion fora, hence to focus on areas where GHD could bring added value while ensuring synergies with other processes, notably the Grand Bargain.

The starting point of discussions in the breakout group was to reaffirm overall support to the different strands of UN reform aiming at increasing effectiveness and accountability of the UN. Main questions /concerns at this stage include:

- Limited information available about the concrete implications of the UNDS reform on the humanitarian system in the field;
- Need to consider the UNDS reform in connection with the other reform strands, notably the management reform;
- Need to look at the role and dynamics emerging from the newly created structures (e.g. what interaction between the Joint Steering Committee of Principals and the IASC?);
- Cost of the UN reform and actual impact (will it bring the expected changes and improvements in practice?);
- Humanitarian-development nexus: how does it work in practice? What is changing?
- Need to continue advocating for: i) preserving a strong and independent HC function; ii) empowering HCs over the HCTs; iii) greater accountability.

Participants noted that some of the potential challenges identified so far in relation to the reform roll-out could also be considered as opportunities to strengthen the coherence of the UN system or to inject a humanitarian perspective into the new UN development assistance frameworks (UNDAF).

However, the concrete implications of the UNDS reform on principled humanitarian action are still largely unclear, in particular at the field level. In light of this, the group noted the need to focus GHD discussions on concrete field experiences.

Participants identified the following concrete outcomes and areas of work that could be pursued in the GHD context:

- Stocktaking and sharing of field-level experience (possible means/opportunities of interaction with the field: links within in-country donor groups; annual HC retreat; field survey based on a limited number of commonly agreed key questions focused on challenges, gaps and opportunities for humanitarian actors stemming from the UNDS reform roll-out);
- Developing a set of common messages from GHD (collective vision; key concerns and opportunities) to be raised with relevant interlocutors;
- Strategic Dialogue, possibly at principals' level, with the IASC to raise key concerns, pass on common messages;
- Injecting a "humanitarian perspective" in related discussions taking place in New York and coordinating better with New York-based colleagues;
- Assessing implications for GHD members' "own" policies/decisions (e.g. funding) – leverage of donors' decisions to impact change;
- Ensuring links and coherence with the Grand Bargain discussions;
- Ensuring links and coherence with the discussions on the UN management reform (possible means: reaching out to the "Geneva group").