



CONCEPT NOTE

for the Co-chairmanship of EU-Switzerland
of the Good Humanitarian Donorship Initiative

July 2018 – June 2020

EU-Switzerland co-chairmanship of the Good Humanitarian Donorship (GHD)

2018-2020

Objectives

To position GHD as the most relevant platform for donor coordination and strategic engagement with the humanitarian ecosystem, in line with donors' commitment to the GHD principles, in order to promote principled and effective humanitarian action and preserve the humanitarian space in an increasingly challenging environment.

In order to achieve this objective, during the current EU-Switzerland co-chairmanship, the GHD will pay specific attention to:

- ensuring stronger connection between the GHD and the **field**, bringing in relevant voices and experiences from the field;
- encouraging **greater participation and engagement of GHD members**, including at **capital and principals'** level, with a view to enhancing donor coordination and a regular exchange of donor practices;
- engaging in a strategic dialogue with the **Inter-Agency Standing Committee (IASC)** and other relevant humanitarian actors.
- ensuring that donors' commitment to the 24 GHD **principles** constitutes the basis of all the work undertaken within the group.

Overarching theme

Promoting principled and effective humanitarian action and preserving the humanitarian space in an increasingly challenging context. What role for donors?

Humanitarian needs are constantly on the rise and every year marks a new record high: 136 million people in need according to the 2018 Global Humanitarian Overview. This is driven by a combination of protracted conflicts, natural disasters caused by weather-related events resulting from climate change, social and economic fragility, and mega trends, such as demographic pressures and urbanisation.

The context in which humanitarians operate is increasingly challenging and insecure, as illustrated by the too many IHL violations and deliberate attacks on civilians and humanitarian workers. In his most recent report to the ECOSOC on "Strengthening of the coordination of emergency humanitarian assistance"¹, the SG refers to "*persistent disregard for IHL and human rights law*", "*deliberate denial and politicization of humanitarian access*", "*humanitarian workers being attacked, harassed, intimidated or arbitrarily detained*", "*access to medical care in armed conflict being hampered by legal or other threats*", the civilian harm caused by urban warfare, as well the adverse consequences of counter-terrorism measures. In the same vein, the USG/ERC Lowcock recently deplored a complete disregard for the laws

¹ SG report A/73/78 – E/2018/54, §6 and 39-47

of war in many conflicts and argued that “unless the international community focuses energies on confronting this issue, we will see the scale of humanitarian need balloon out of control”².

Donors must - individually and collectively - address this challenging environment in order to ensure that humanitarian assistance is delivered in a way that is principled, relevant, effective and efficient. This is in line with the 24 principles and good practice of Humanitarian Donorship, which all GHD members have signed up to, and which provide a framework to guide official humanitarian assistance for coherent and effective donor action.

Against this background, GHD should become the forum for donors to discuss how enhanced donor coordination can help address key common challenges, with a view to supporting the effective and efficient implementation of humanitarian action, including the facilitation of safe humanitarian access, as outlined in the GHD principles.

General questions for GHD:

- How can donors work better together to address the challenging environment in which humanitarian action takes place?
- What should be the role of GHD in this context?
- How can enhanced donor coordination, as well as collective and strategic engagement - notably with the IASC - contribute to addressing key challenges for humanitarian action and to preserving the humanitarian space?

Overall expected outcomes within GHD (in-reach) and beyond GHD (outreach):

- 1) awareness-raising and sharing of field experiences on key challenges/concerns and donor practices within GHD, peer learning and reviewing, identifying scope for common action (**in-reach**)
- 2) raising key donor concerns (supported by field-based evidence and experience) vis-à-vis relevant third parties, including common donor messages when possible/relevant (**outreach**)

Sub-themes

The overarching theme will be explored through four sub-themes, with a strong focus on field experience, expertise and evidence (see more details in Annex):

- **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.

² “Wars have laws: How do we get more people to comply with them to reduce humanitarian suffering?”; speech delivered at the Hertie School of Government, Berlin on 3 September 2018 (<https://reliefweb.int/sites/reliefweb.int/files/resources/Wars%20have%20Laws%20-%20as%20prepared%20for%20delivery%20Berlin%203%20Sept%202018.pdf>)

In addition to those thematic discussions, GHD meetings will provide an opportunity to exchange views and information on specific issues, such as:

- a **standing point on Early-Warning**, with a view to sharing early warning signals on upcoming humanitarian crises and/or worsening existing ones as well as identifying the most appropriate (possibly joint/coordinated) early action(s)/response(s);
- **pressing issues**, such as sexual exploitation and abuse (PSEA) or particular pledging conferences, for instance, as and when needed.

Working modalities

The co-chairs propose a **new, streamlined approach** consisting of:

- two High-Level Meetings (HLM) per year, with expected senior-level attendance from capitals;
- up to 2 working level meetings after every HLM to focus discussions on one of the four specific sub-themes, based on the orientations / tasking provided by the HLM. The idea is to have plenary working level meetings focussed on a specific sub-theme to take forward the main orientations discussed at the HLM, with the active involvement of all GHD members.

When appropriate, external speakers may be invited to assist in framing the context and providing useful elements for the discussion.

ANNEX

Counter-terrorism measures and humanitarian engagement: Safeguarding humanitarian space and ensuring principled and effective humanitarian action

i) Background

Counter-terrorism measures and humanitarian action should both aim at protecting the civilian population. As such, both should go hand in hand. However, in practice, a growing body of evidence points to the adverse impact that counter-terrorism measures have or may have on humanitarian action, including by limiting the space in which humanitarian actors operate to respond to the needs in a principled manner. As mentioned by the SG in his ECOSOC report³, “*the impact of counter-terrorist measures on humanitarian action continues to take multiple forms, from lengthy administrative processes or funding drops, to legislation that criminalizes activities necessary for the conduct of impartial medical care or principled humanitarian relief operations*”.

States have a right and duty to take counter-terrorism measures that protect their citizens. Beyond this obvious fact, it is important that all understand the challenges related to the possible and sometimes actual unintended and negative impact of those measures on principled humanitarian action and find ways to overcome them. Counter-terrorism measures need to be crafted so as to comply with international law, including international humanitarian law (IHL), and allow for humanitarian action to remain principled.

ii) Proposed focus in the GHD context

- To encourage enhanced understanding of how counter-terrorism measures restrict or may restrict the work of humanitarian organisations (reference to specific country situations may be useful to focus on concrete examples of how counter-terrorist measures play out in the field).
- To identify collective and individual measures by donors aimed at ensuring that counter-terrorist measures do not have adverse effects on principled humanitarian action.

iii) Key questions for GHD members

- How to ensure good humanitarian donorship, while implementing counter-terrorist measures?
- How can donor coordination help preserve the humanitarian space in the context of counter-terrorist measures?

iv) Expected outcomes

1. Awareness-raising, sharing of experiences and good practices within GHD and identification of individual and collective concrete measures to mitigate the impact of counter-terrorism measures on principled humanitarian action (**in-reach**)
2. Reaching out to relevant actors dealing with counter-terrorist measures, recalling the importance of principled humanitarian aid and of preserving the humanitarian space in the context of the fight against terrorism (**outreach**)

³ A/73/78 – E/2018/54, §47

Promoting principled and effective humanitarian action and preserving the humanitarian space by ensuring respect of IHL

j) Background

Conflict continues to be a major driver of humanitarian need, with conflicts increasing significantly in number and intensity over the past 10 years⁴. Although all parties to a conflict are obliged to respect and ensure respect for IHL in all circumstances, in the vast majority of on-going armed conflicts, either government forces, or non-State armed groups, or both, commit serious violations of IHL. These include deliberate attacks on humanitarian and medical personnel and infrastructure. Such attacks have direct humanitarian consequences, they may cause long-term setbacks in public health and revivals of epidemics. In some cases, humanitarian assistance, protection and access have been purposefully diverted or hampered by belligerents and armed groups at large, with a view to pursue a strategic advantage and control resources. Civilian death and suffering would be greatly reduced if existing IHL rules were implemented effectively, and humanitarian workers, including medical personal, were protected.

GHD principle No 4 states that GHD members should "respect and promote the implementation of international humanitarian law, refugee law and human rights". Moreover, GHD principle No 17 states that GHD members should "maintain readiness to offer support to the implementation of humanitarian action, including the facilitation of safe humanitarian access". Respect for IHL in particular should be a central concern for humanitarian donors. IHL violations of the kind seen with increasing frequency in recent crises, with deliberate attacks on humanitarian workers and medical facilities, denials of access and other grave violations of the laws of war, are not only intrinsically reprehensible but also in many cases prevent emergency relief from reaching people in need or undo the beneficial effects of humanitarian assistance.

ii) Proposed focus in the GHD context

Ensuring respect for IHL is the subject of challenging discussions in a number of different fora (linked for example to preparations for the 33rd International Conference of the Red Cross and Red Crescent). Discussions in GHD should not duplicate these, also bearing in mind that the ICRC Movement is keen to maintain and demonstrate independence and neutrality. Rather, they should focus on what donors *as donors* can do to help promote IHL. They should promote the sharing of experience on how donors can react in the face of gross violations of IHL. This applies particularly to cases where the actions and reactions of donors can be pivotal, such as situations where large-scale diversion of aid impedes the passage of humanitarian relief to people in need. Indeed, donors have a direct influence on how principled humanitarian aid is managed and delivered by NGOs (international and national), UN agencies and other partners.

A particular illustration of blatant IHL violation deserving attention is the attacks against medical workers and facilities. The landmark UNSC Resolution 2296 (of 3 May 2016) strongly condemns such attacks. However, evidence shows that these are still too frequent⁵.

From a donors' perspective joint up advocacy and donor coordination with regard to supporting actions to ensure the respect of IHL (ICRC mandated work, OCHA civil-military coordination, WHO medical interventions) would be appropriate and useful towards more concerted and effective donor action on IHL at operational level. GHD members may in this regard collectively address issues of consistency

⁴ SG report A/73/78 – E/2018/54, §5

⁵ In 2017, the World Health Organization (WHO) recorded 322 attacks across conflict-affected countries, resulting in 242 deaths and 229 injuries among medical personnel and patients. See also the latest Report of the Secretary-General on the protection of civilians in armed conflict (S/2017/414) -14 May 2018.

with respect to diplomatic and humanitarian action as well as messaging. Specifically, the issue of suspending humanitarian aid has become more acute in recent years: under which circumstances – for affected people’s own sake, and with a view to adequately protecting staff – should humanitarian aid be suspended?

iii) Key questions for GHD members

- What concrete actions can donors take to promote IHL – and to react effectively to IHL violations, including with regard to the protection of medical staff and infrastructure?
- Can donor funding strategies in a given crisis have a positive impact on respect for IHL, particularly as regards preventing or mitigating the impact of aid diversion and denial of access for humanitarian workers?
- How can donors support efforts to raise awareness of IHL among parties to a conflict (particularly with regard to the protection of medical staff and infrastructure), including by funding activities specifically focussed on promoting IHL awareness among both state and non-state actors?
- Is there scope for more effective coordination among donors on the response to the most serious violations of IHL (including in the case of attacks to medical staff and infrastructure)?

iv) Expected outcomes

1. awareness-raising within GHD based on concrete field experience, raising the profile and prominence of IHL in donor discussions (**in-reach**)
2. exchanging examples of best practice as regards donors' response to IHL violations (**in-reach**)
3. stepping up donor advocacy (in cooperation with relevant partners) on the respect for IHL vis-à-vis relevant third parties (e.g. other countries, non-state actors) and ensuring adequate funding for activities aimed at promoting IHL among state and non-state actors (**outreach**)⁶.

Promoting principled and effective humanitarian assistance through innovative funding and delivery modalities

i) Background

Donors providing humanitarian assistance are confronted with increasing demands, while the available amount of public resources is insufficient to meet them, or even declining in some countries.

Also, crises the international community faces today tend to be longer and more complex in their nature. Climate change and natural disasters increasingly are found to be root causes of manmade humanitarian crises. Vulnerable people’s expressed needs are evolving, so that principled humanitarian aid that aims at preserving people’s dignity and autonomy must adapt and deliver according to their needs and aspirations.

Economic actors other than official donors – philanthropic organisations, foundations, insurance companies, diverse corporations - may provide additional resources and provide them in ways that complement and add value to present modes of response. These may be related e.g. to risk transfer,

⁶ For the specific case of security of medical workers, GHD could for instance consider outreach to the "Friends of the 2296 Resolution" and explore possible (joint) actions on the protection of medical care in situations of armed conflict.

leverage mechanisms, incentives, forecast-based support schemes. OCHA has estimated that 20-30% of the needs identified in the Global Humanitarian Overview for 2018 could in principle be met through insurance.

Cash-based programming may also have significant untapped potential to improve both the cost efficiency and effectiveness of response. However, the real potential for substantial cost-efficiency gains is likely to lie in a radical shift towards harmonised large-scale cash-based responses.

Forecast-based financing assists the mainstreaming of early warning and early action models. It recognizes that there are often forecasts available but no humanitarian organization resourced to act *before* disaster, especially when there is no certainty and a risk of acting in vain.

ii) Proposed focus in the GHD context

The GHD will explore over the next two years what works and what does not, based on experience gathered and evidence collected. Which are the criteria, terms and conditions that may ensure that principled humanitarian aid prevails while smart and better responses are identified and applied that leave no one behind and focus on the furthest behind?

Informed by work undertaken with respect to cash transfer within the like-minded donor community, it is proposed to explore how, through “new ways”, donors can serve best accountability to affected people and ensure the latter’s dignity and autonomy, while ensuring relevance and actual cost-effectiveness.

To this effect, the GHD will engage in aggregating, analysing and sharing the findings from pilots and experiments so as to learn what works best in different scenarios, as suggested by USG Mark Lowcock.

iii) Key questions for GHD members

- Which pilot or first-generation initiatives can and should be scaled up?
- Which are the lessons learnt that can be generalized in terms of “do’s and don’ts”?
- Which are the limits of what market-based initiatives can achieve (for instance as regards humanitarian impact bonds)?
- How could donors equip themselves (knowledge, expertise, capacity) so as to be in a position to productively and effectively interact and collaborate with providers of private finance?

iv) Expected outcomes

- **Principles.** Agree and subscribe to a *Chart of principles of engagement* where approaches are aligned. These would provide basic donor guidance with respect to investing in new modes of funding and delivering, while informing the “do no harm” principle (in-reach).
- **Capacity Building Resources.** Linking to established capacity building initiatives (for instance, expertise of CaLP in the field of Cash transfer programming, Impact Bond Working Group for impact bonds) as well as capitalizing on knowledgeable and strategic partner organizations in specific fields such as ICVA and HERE. The purpose would be to ensure as high a common standard of inclusiveness, relevance and effectiveness amongst donors as practically possible, based on evidence, analysis, peer learning and rigorous evaluation (outreach).
- **Demonstration Funds and “risk capital”.** Donors providing or leveraging funds for pilots to demonstrate maximised impact of selected modalities within a specific context. i.e. give concrete in-context high potential innovation a chance and a bonus (in- and outreach).

- **Investors' Engagement.** Engaging investors early on to understand their appraisal and needs in order to enhance qualitative outcomes. Balance if these interests are compatible with objectives of public service (in- and outreach).

The humanitarian space in the context of the UN development system reform roll-out: opportunities, challenges, gaps one year-on

i) Background

The cycle of reform initiatives launched by UNSG Antonio Guterres, namely the repositioning of the UN development system (UNDS), management reform and review of the peace and security architecture, has advanced considerably to enable the start of the implementation phase, once all funding modalities are put into place. Though the reform agenda does not explicitly aim at reforming the humanitarian architecture, the combined impact of these new dynamics, in particular the UNDS rollout in the field would have significant ramifications across the humanitarian domain. Donors share very similar questions at this stage about the concrete implications of the reform on principled humanitarian action.

Against this background, it is essential to develop a common level of understanding among GHD members about the opportunities and challenges offered by the new environment. To that end, to define common messages based on the shared understanding that principled humanitarian action should remain the lynchpin of the international response, in both man-made and natural disasters contingencies.

This shall be an area of focus for the second year of the EU-CH GHD co-chairmanship.

ii) Proposed focus in the GHD context

Stocktaking and assessment of the UNDS rollout in the field. Conduct of a risks/benefits analysis to discuss the challenges for the humanitarian space in the new environment, whilst also exploring opportunities for improving the humanitarian response. There is an identified risk of an impartiality and protection gap in contexts in which Government is party to a conflict, while endeavouring to capture and control development and humanitarian resources through the UNDAF and possibly the HRP. Essential to assess the impact of the reform on in-country co-ordination arrangements and humanitarian leadership, the humanitarian programming cycle and the operationalisation of the humanitarian-development nexus (and, whenever relevant, the interplay with the "peace-building" dimension). Focus on challenges, gaps, opportunities, good and bad practices.

iii) Key questions for GHD members

- How to ensure sufficient assurances on the independence of in-country humanitarian leadership and co-ordination in the changing environment?
- How best could donors address the challenges in preserving the humanitarian space in terms of structures (e.g. HCs and reinforced RCs, HCTs and the new generation of UNCTs) and programming cycles (e.g. HRPs and new generation of UNDAFs and the system-wide document)?
- Are there context-specific challenges, gaps and opportunities (e.g. emergency response/natural disasters, protracted crises, complex emergencies)?
- How best to use the UN reform dynamics to further galvanise the humanitarian aid efficiency and effectiveness agenda (e.g. working towards results, transparency, greater accountability)?

- How to ensure the respect of humanitarian principles and the preservation of the humanitarian space in the nexus logic/roll-out?

- What should be donors' role with respect to the questions above?

iv) Expected outcomes

- Reaffirm common understanding within the GHD on the need to preserve and strengthen the independence of humanitarian leadership and co-ordination in the field (**in-reach+outreach**)
- Evaluation, awareness-raising and information exchange within GHD based on concrete field "case studies" (**in-reach**)
- Identification of challenges, gaps and opportunities with a view to developing common donor messages to key interlocutors (e.g. IASC Principals, USG/ERC, RCs, HCs, etc.) (**outreach**)