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The EU's humanitarian aid policy after the Lisbon Treaty

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Introduction

The Treaty of Lisbon granted the EU a legal foundation, which is formed by the Treaty of the European Union (TEU and the Treaty on the Functioning of the European Union (TFEU). The Treaty of Lisbon did not replace the existing treaties. It should be better said that it amended them. Nevertheless, some of the most significant changes that this treaty brought about can be found in the provisions of Union's external relations (Broberg, 2011: 12).

With the Lisbon Treaty the EU aspires to strengthen its international presence and to clarify the objectives of its external relations. An element of these external relations is considered to be the Union's humanitarian aid policy. Actually the EU is trying to promote the image of "soft power" using humanitarian aid along with development policies. Therefore, the Treaty provides a legal basis for the provision of these two policies.

This presentation will try to provide an overview of the changes that the Treaty of Lisbon brought into humanitarian aid policies. It will try to avoid a complete presentation of all the developments and instruments of the EU's humanitarian aid policy and it will focus mostly on the political dimensions of this issue. Nevertheless, there must an evaluation of the development of this policy field, particularly since the 1990s and the introduction of the ECHO in 1992, the main EU humanitarian agency. There will also be the examination of the EU's response to the Haiti and Libya humanitarian crises. Both cases highlight not only the issues that the EU's humanitarian policies face after the Lisbon Treaty, but also the Union's role in the international field.

General overview

The humanitarian aid policies and ECHO, although they fall within the external activities of the EU, they do not constitute part of the EU's External Action Service, which was defined by the Lisbon Treaty. The Treaty of Rome never gave formally the authority to the European Commission in humanitarian field and the EU's humanitarian policies were connected with those of development. The establishment of ECHO in 1992 did not change this. Until 2004 ECHO's work was under the control of DG Dev (development cooperation and humanitarian aid) and DG Relex (external relations),

Prior, however, to 1992, The EC's humanitarian aid policies were characterised as being "ad hoc and disorganised", due to the large number of community actors involved in the whole process (Datar, 2011). In any case spending in the humanitarian area began to significantly increase since the late 1980s and humanitarian aid policies became an influential factor in the EU's international policy. In early 1990s, almost "800m ECU, drawn from the EC budget reserve, [were] devoted to the humanitarian crisis in Iraq after the Gulf War of 1990–91" (Brusset and Tiberghien, 2002: 55).

That period, the issue of humanitarian aid witnessed significant proliferation as a result of the concept of "new humanitarianism" (Versluys, 2007: 3). This new concept influenced issues such as the national security and sovereignty. In terms of security, the people replaced the state and the concept of security itself was expanded and covered not only political and military issues, but also, social, economic and environmental (UN Development Programme 1994). In that expanded concept of

security, the nation-state lost its monopoly of providing security in favour of new actors, such as international organisations, NGOs, other private are public actors and civil society groups (Versluys, 2007: 5).

DG ECHO

The abovementioned factors significantly influenced the creation and the development of the European Community Humanitarian Aid Office (ECHO). ECHO was established in 1992 but it started working in 1993 and became a legal entity in 1996 with its own budget. Its objectives and modus operandi were defined by the Council regulation 1257/96 of 20 June 1996. According to this regulation, humanitarian aid aims "to prevent or relieve human suffering" without being "guided by, or subject to, political considerations…without discrimination on the grounds of race, ethnic group, religion, age, sex, nationality or political affiliation"[1]. Nevertheless, this regulation expanded ECHO's role in areas of development policies as well, because both humanitarian aid and development policies were legally defined by the Article 179 of the TEC. This lack of separation of responsibilities during the 1990s blurred the lines between these two policy sectors and influenced their coherence and orientation (Versluys, 2007: 8).

In 2004 ECHO became a general-directorate. In 1995, there was a separate Commissioner for Humanitarian Aid, distinct from both foreign and development policy (Versluys, 2007: 20). This changed in 1999, when ECHO returned under the Development Commissioner, but outside the Relex Commissioner's jurisdiction (Versluys, 2007: 20). This changed again in 2010 when, and under the influence of the

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[1] Council Regulation (EC) 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 02/07/1996, pp.1-6.

Lisbon Treaty, it was created a new portfolio, that of International Cooperation, Humanitarian Aid and Crisis Response. In charge of this portfolio is nowadays the Commissioner Kristalina Georgieva.

- ■ ECHO's work

DG ECHO was established with the aim to centralise the Union's humanitarian efforts. Given the fact that a significant amount of funds have to be channelled as soon as possible to prevent catastrophes, the creation of a single actor, which can organise 31 members (27 Member States plus Norway, Croatia, Iceland and Liechtenstein), is obviously a more effective way. DG ECHO does not implement humanitarian assistance itself, but it provides aid in the form of goods and services to the victims of natural or man-made disasters as well as conflicts outside the Union. Goods "may include essential supplies, specific foodstuffs, medical equipment, medicines and fuel", while "services may include medical teams, water purification teams and logistical support" (EC, Humanitarian Aid & Civil Protection). Goods and services reach the recipients through a range of 200 partners such as NGOs, international organisations (Red Cross/Red Crescent Movement, UN agencies).

Since 1992, ECHO via its partners has funded humanitarian aid missions in more than 85 countries. Its grants cover emergency aid, food aid and aid to refugees and displaced persons and worth a total of more than €700 million per year. In 2009 the EU contributed over €930 million, reached about 115 million people and it was the world's largest provider of humanitarian aid (COM(2011) 343 final: 2-3). In 2010 the initial budget of €835 million was increased several times in order to respond to new crises and natural disasters occurring during the year (Haiti, Pakistan; COM(2011)

343 final: 2-3). Apart from funding humanitarian missions, the DG ECHO is involved in studies, technical assistance for its partners (NGOs, IOs, UN agencies) and promotes and coordinates its work (EC, Humanitarian Aid & Civil Protection).

- ▪ Geographical distribution

In terms of geographical distribution, in 2010, Africa received €468,5 million (i.e. 42% of the total final DG ECHO budget) followed by Asia, Latin America, Caribbean & Pacific (€440 million or 39% of the budget) the Mediterranean, Middle East, Europe and Caucasus (€98 million or 9 % of the budget). Multilateral capacity building, technical assistance, support and Civil Protection amounted to €108 million or 10% of the budget (DG ECHO Annual report 2010, 160). Considering the largest single funding allocations, in 2010 they were devoted to Sudan, Pakistan, the Palestinian territories and the Democratic Republic of Congo (DG ECHO Annual report 2010, 164-5).

Moreover, DG ECHO aid strategy remains continuously focusing on "forgotten crises": "situations where major humanitarian needs receive little attention on the part of the donors - reflected by the low level of aid received compared to the needs- and the media" (Caprile, A. and Hakala, 2010). The forgotten crises identified in 2010 were: Sahrawi refugees, the Rohingya refugees and the Chittagong Hill Tracts crisis in Bangladesh, the crisis in Sahel region, Jammu and Kashmir, North East India and conflicts related to Naxalite demands (India), Nepal, Burma/Myanmar, Yemen, the armed conflict in CAR and Colombia. The amount of funds allocated to 12 "forgotten crises" has been approximately 17 % of the budget (DG ECHO Annual report 2010: 36).

Developments in the EU's humanitarian aid policy

The establishment of the Common Foreign and Security Policy (CFSP) with the Treaty of Maastricht tried to establish a coherent external policy and provide the EU with an international profile. This effort, however, did not have significant success. Therefore, the EU considered the Humanitarian aid and Development policies as the proper tools to promote its "soft power" profile. So, these two policies were connected with the EU's political aims, but they had to be better organised to achieve their aims, as there were several issues considering their application.

- Humanitarian aid and development

One of the most prominent issues the EU humanitarian aid had to face was the connection of humanitarian with development aid. These policies are interconnected and their main difference lies on the timeframe of the aid Relief needs long-term policies in order not to be necessary in the future, and development cannot be achieved when the crisis is still on the process. The Commission emphasised that "Better 'development' can reduce the need for relief; better 'relief' can contribute to development' and better 'rehabilitation' can ease the transition between the two" (Commission, (1996) 153, p.iii)[2].

- The concept of LRRD

The concept of the linkage between relief, rehabilitation and development aimed to bridge the gap in the "grey zone" between humanitarian and development policies (LRRD;

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[2] European Commission, "Communication From The Commission To The Council And The European Parliament On Linking Relief. Rehabilitation And Development (LRRD)", Brussels, 30.04.1996, COM (96) 153 final

COM (1996) 153). That concept was formally adopted in 2001[3]. The LRRD, however, proved to be highly "contentious and contradictory" (Datar, 2011: 3). Although, it aims to connect the two policies, in practise it did not manage to bridge the "gap" and in several cases lacked the funds to do so (Datar, 2011: 3). Although recently the EU managed to organise better short-term and long-term aid, there was also the risk of a confusion of priorities (Versluys, 2007: 10). A characteristic example can be found with the participation of local agents to the success of the whole effort. Their participation is very important, but this means that the local agents need more time to incorporate knowledge and resources (Datar, 2011: 3). This, however, forces, ECHO to stay longer in a country.

- Human rights issue

One other issue, resulted from the aims of Maastricht Treaty, was the connection of humanitarian aid and development policies with human rights. That connection was a result of the EU's aspiration to promote its values and its profile in the world. That political condition, though, became a norm in determining the allocation of aid. The problem here is that humanitarian aid must be neutral and unconditional. Otherwise ECHO's core task of saving lives was under risk (Versluys, 2007: 14). The Commission, eventually, took clear position in favour of the detachment of these two issue with two Communications in 1999[4] and 2001[5], linking human rights with development policies only (Versluys, 2007: 14). This development, however, became one more problem for

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[3]Commission Communication on Linking Relief, Rehabilitation and Development – An Assessment, COM (2001) 153.

[4] European Commission (1999), Communication from the Commission to the Council and the European Parliament 'Assessment and future of Community humanitarian activities' (Article 20 of Council Regulation (EC) No 1257/96), COM (1999) 468 final.

[5] European Commission (2001c), Communication from the Commission to the Council and the European Parliament 'The European Union's Role in promoting Human Rights and Democratisation in Third Countries', COM (2001) 252 final.

the problematic concept of LRRD. The EU could provide humanitarian aid but it could not continue providing development one, as the conditions did not conform to its requirements.

- ▪ Issues of coordination

One other issue of the EU's humanitarian aid policy is the better coordination of the actions of all actors (EU, Member States, third parties-IOs, NGOs). In order to achieve this, ECHO employed several mechanisms and tools. Such examples are the FPAs/FAFAs and the "needs approach". The Framework Partnership Agreements (FPAs/1994) were employed to speed up the process of allocating funds (Datar, 2011: 1)[6]. The "needs approach", on the other hand, to assess funding allocation based on two national indicators, the Global Needs Assessment (GNA) and the Forgotten Crisis Assessment (FCA) (Datar, 2011: 2). It also tried to create a network of communication with the Member States (Holis 14-point system). Nevertheless, all these initiatives did not manage to respond as a whole to the issue of coordination and were partial (Daldrup et al. 2006: 15). They constituted non-binding instruments, which did not provide the Commission and ECHO with a real mandate to coordinate individual Member States' actions (Versluys, 2007: 22-3).

- ▪ Crisis management issue new crisis management instruments.

Finally, there was the question of the EU's crisis management. Military involvement in Humanitarian aid mission is definitely context related issue, but at the same time humanitarian aid is risking its impartiality, neutrality and eventually its effectiveness

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[6] ECHO in order to organise better its activities with its partners separated the FPAs into the FAFA (Commission/UN Financial and Administrative Framework Agreement) and the FPAs with NGOs and other International Organisations.

and safety. The Pettersberg Tasks, which were incorporated into the EU with the Amsterdam Treaty, were foreseeing the deployment of military forces for humanitarian tasks, peacekeeping and crisis management, under the control of the WEU (Brusset and Tiberghien, 2002: 53). The WEU, though, never played an important role in implementing Petersberg Tasks and ECHO never cooperated with it (Brusset and Tiberghien, 2002: 53). The several man-made crises, however, indicated the need of a European foreign and security policy that would focus on crisis management (Brusset and Tiberghien, 2002: 59). The creation of the Rapid Reaction Force[7] and Rapid Reaction Mechanism (RRM)[8] were two developments towards this direction. Nevertheless, the issue of a "European army" threatens the EU's profile as a "soft power" and demands clear political strategies, which do not always exist in the EU's crisis management strategies (Versluys, 2007: 13).

Lisbon Treaty

The EU aimed to tackle the limitations and shortcomings of its humanitarian aid policy and to improve its transparency, efficiency, and international position as a humanitarian actor (Datar, 2011: 1). To a degree, these efforts were successful. The Lisbon Treaty took under consideration all these issues and incorporated several of the previous reforms and concepts under its provisions. One of the most important provisions was the introduction of a new legal basis (Art.214 TFEU) for decisions on humanitarian aid distinct from development policies. Nevertheless, there are still several issues to be answered.

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[7] 'Headline Goals', Helsinki European Council 1999. Along with the military branch, there were be incorporated other corps, military and civilian, in charge of achieving a more forceful and coherent European Security and Defence Policies in crises.

[8] Council Regulation (EC) No 381/2001 of 26 February 2001. It focuses mostly on developmental approaches of post conflict situations, disconnecting this way ECHO's funding activities from developmental issues

- Legal implications

One of the major aims of the Treaty of Lisbon was to provide a clear legal framework in order to reinforce its international presence and to clarify the objectives of its external policies. This clear legal framework introduced a new legal basis for humanitarian aid policies, separating them this way from the development policies. Before Lisbon Treaty humanitarian aid was based legally on the Article 179 of the TEC, which referred mainly to development assistance (Broberg, 2011: 12). Actually, humanitarian aid was provided by the Regulation 1257/96, which had been adopted on the basis of Article 179.

Strictly from a legal viewpoint this regulation was severely criticised. As it was argued, Article 179 allows the EU to provide humanitarian aid only to developing countries (Broberg, 2011: 12). The Regulation 1257/96, however, has been used to provide humanitarian aid "to countries that cannot be classified as developing" (Broberg, 2011: 12). In addition, Article 179 does not provide a "required legal foundation for adopting measures in the field of humanitarian aid" (Broberg, 2011: 12). The Lisbon Treaty tackled this legal criticism. Article 47 of the TEU grants the EU a legal personality for the first time and the Article 4(4) of TFEU defines that the Union has "competence to carry out activities and conduct a common policy" in the areas of development cooperation and humanitarian aid. Furthermore, the same article mentions that not only developing but also other countries ("third countries") can be recipients of humanitarian aid (Article 214(4) TFEU).

- Distinction between development and humanitarian aid

The establishment of clear legal bases for humanitarian aid and development policies is an effort to separate clearly their functioning and competences in the context of the Union's external actions. With the Article 214(1), humanitarian aid focuses only on responding effectively to disasters and does not have "particular social or economic aims" (Client Earth Briefing, 2010: 5). In the Treaty of Lisbon there is no mention to the concept of LRRD. This omission is one more effort towards the separation of these two policies. It is also an indirect acknowledgement of its problematic application the previous years (Datar, 2011. 3). It does not, however, mean that development and humanitarian aid policies are not interconnected. The Article 4(4) of the TFEU partly replaces this omission by stating that: "the Union shall have competence to carry out activities and conduct a common policy" in both these fields. Moreover, Article 21(2) of the TEU, which defines the principles and objectives of the EU's external action, places under the same context both these policy sectors.

- Coordination of the EU's actions with the Member States and third parties

The Treaty of Lisbon clarifies the integration of humanitarian policies and the cooperation among the actors involved. As it is defined in the first paragraph of Article 214, the EU's operations in issues of humanitarian policies require Union and Member States' actions to be "…complement and reinforce each other". Paragraph 6, also, of the same article states that, in order to achieve better efficiency and complementarity, the Commission "may take any useful initiative to promote coordination between actions of the Union and those of the Member States". The Union's competence, though, does not prevent Member States exercising theirs (Article 4(4), Article 214(4) TFEU). Coordination, also, is envisaged in the Union's

actions with other international organisations and bodies and "particular those forming part of the United Nations System" (214, 6).

- Humanitarian aid and the EU's values

Due to the emergent nature of humanitarian issues, humanitarian aid is not mentioned in Article 3(5) of the TEU, which defines the general aims of Union actions in its relations with the wider world (Client Earth Briefing, 2010: 5). The same is in valid with the TFEU where in article 214 there is no mention to the objectives of humanitarian aid policies in respect to the EU's relations with third countries (Client Earth Briefing, 2010: 5). The EU, although its commitment to the promotion of human rights, it is obvious that avoids to apply them to ECHO's relief missions (Versluys, 2007: 15). In fact, the Lisbon Treaty's provisions are highlighting the whole debate of the previous decades considering the connection of humanitarian aid and human rights and are trying to draw clear lines between these two issues.

This trend is clearly stated in paragraph 2 of Article 214 of the TFEU as well. It should be mentioned, though, that there is instead an indirect connection between Humanitarian aid and human rights and this sometimes may be problematic. In the 1st paragraph of Article 214 it is stated that: "The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union". These principles are defined in Article 21 of the TEU as "democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law".

- Legislative procedure

Considering the legislative procedure, the TFEU states in Article 214 (3) that the European Parliament and the Council in decisions relating humanitarian aid are "acting in accordance with the ordinary legislative procedure". The "ordinary legislative procedure" is the co-decision where the Commission makes a proposal to the European Parliament and the Council, which may reach up to three readings in each of the European Parliament and the Council. If both institutions reach an agreement following the first or second reading, the legislation will be adopted. Otherwise, in the third reading, it goes through a conciliation committee. The parliament then has the right to reject the proposal, which then becomes void. The procedure set out in TFEU Article 294 is almost similar to the previous co-decision procedure based on TEC Article 251, but the position of the European Parliament has been partly reinforced as it is stated that "the Parliament, like the Council, adopts a "position" rather than an "opinion" at each stage of the legislative process" (Client Earth Briefing, 2010: 4).

- European Voluntary Humanitarian Aid Corps

Finally, in paragraph 5 of the Article 214 of the TFEU it is introduced an additional instrument in humanitarian aid policies. This is the European Voluntary Humanitarian Aid Corps. This instrument will be used as a "framework for joint contributions from young Europeans to the humanitarian aid operations of the Union" (215,5). The rules and the procedures of this instrument will be determined through regulations decided by the European Parliament and the Council "in accordance with the ordinary legislative procedure" (co-decision). The creation of this Corp is a significant change

in the EU's approach towards humanitarian aid issues, as it indicates a "full circle back to its 1990s attempt to create a European humanitarian task force" (Datar, 2011, 3). The EU, actually, seems to see these Corps as a mean to increase "the global visibility of the EU as an effective humanitarian actor" (Datar, 2011, 3).

In sum, it can be said that the Lisbon Treaty codified the objectives of the EU's external policies and tried to draw lines among them. Humanitarian aid and development policies have been both recognised as elements of this external policy, but at the same time they have been separated. The fact that there is no mention to the LRRD does not mean that that there is no linkage between these two policies. The Lisbon treaty from the one side provides a solid legal framework, through which the Union can promote its policies, and from the other one illustrates the development that humanitarian aid policies follow since the 1990s. In any case, Lisbon Treaty does not bring any new policy or instrument, with the exception of the European Voluntary Humanitarian Aid Corps, but at least in the future the "European Union's legislation on humanitarian aid will not be met with the same legal criticism" (Broberg, 2011: 12).

Humanitarian crises after the Lisbon Treaty

Since, the entry into force of the Lisbon Treaty, the EU faced several humanitarian crises, which tested its effectiveness. Two characteristic examples could be mentioned here. The one is the crisis in Haiti in 2010 and the other one is in Libya in 2011. Both these crises highlight issues, which concern humanitarian aid in relation with development, military and political objectives and coordination between the EU, the Member States and international organisations. The Lisbon Treaty may have provided

a legal framework, but in practise there are still several grey zones. In effect, it is not easy to disassociate ECHO's humanitarian work from the EU's overall political agenda and to draw clear lines among humanitarian aid, development assistance and other crisis response[9]. These two examples, which represent humanitarian aid in response to a natural disaster and to a man-made one respectively, can highlight these issues.

- Haiti

The crisis in Haiti took place while the institutional changes resulting from the Lisbon Treaty were being put in place and the new Commission was in the process of nomination (Grünewald et. al., 2011: 16). Moreover, the DG ECHO had just few days that had incorporated into its structures the European Civil Protection mechanism. In the meanwhile, the situation in Haiti was problematic as a result of previous political, social and economic factors. In addition, several other natural disasters after the earthquake (tornado, Hurricane Tomas, cholera epidemic) were further incomminging the humanitarian effort (Grünewald et. al., 2011: 16-17).

Despite all these factors, the EU responded with a total amount of €120 million in humanitarian aid. This is an enormous sum comparing to the €81 millions which were allocated to this country during the past 15 years of ECHO's presence there. Despite this amount DG ECHO was only the 4th largest international donor behind the USA and other private contributors (Grünewald et. al., 2011: 8). In general, ECHO responded rapidly and provided organised plans and strategies to respond to the

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[9] http://www.theeuros.eu/Helping-the-most-vulnerable-around,2636?lang=en

different crises in Haiti, but it also set the proper context for the development policies through DG ECHO's Strategy for 2011 (Grünewald et. al., 2011: 62).

Nevertheless, there were several dysfunctions in its whole effort. Maybe the most prominent was that there was not enough communication with local population and the fact that there was no significant interaction with the national institutions (Grünewald et. al., 2011: 62). Moreover, ECHO was not well prepared to face the urban dimension of the crisis. Haiti is characterised by a major, and anarchic structured, urban concentration around the capital of Port-au-Prince (Grünewald et. al., 2011: 39).

There were also observed problems of coordination. Although ECHO moved very fast and took advantage of previous humanitarian structures in the country, it was difficult initially to coordinate the great number of NGOs and the various organisations that appeared in Haiti. Moreover, all these NGOs and other partners were not always fulfilling the criteria that ECHO has set in order to provide them with funds. This had as a result, initially, several delays in the humanitarian effort (Grünewald et. al., 2011: 19). Furthermore, the funds sometimes were allocated with "political" criteria and that had negative consequences to the quality of the programmes (World Food Programme's Cash for Work; Grünewald et. al., 2011: 9). Another issue of coordination was the linking between relief and development. DG ECHO tried to establish the LRRD process, but its time frame was too short and there was lack of funding mechanisms on behalf of the EU's development tools, which could pursue activities initiated by ECHO's funds (Grünewald et. al., 2011: 63).

Another issue was the coordination between the military and humanitarian actors. Their relationship was not easy, particularly with the US army, and in several cases there were obstacles to the humanitarian work (Camp Corail, water filters; Grünewald et. al., 2011: 59). ECHO and its partners, although they collaborated to a degree with the military forces deployed in the country, usually stayed outside "the process of aid militarization (Grünewald et. al., 2011: 58). In any case, the EU Member States contributed with military means but also military specialised personnel following the context of the European Consensus on Humanitarian Aid (Grünewald et. al., 2011: 58)[10]. Even so, the EU humanitarian policy was accused that it did not promote, as it should, EU's international role. The High Representative of the EU Baroness Cathrin Ashton was criticised by MEPs that "Europe was not present" in Haiti. In fact that was not a fair criticism but it was based on the fact that the EU did not promote its overall significant aid in the eyes of the local population (Gowan, 2011).

- Libya

The case of Libya is the second example. In February 2011 (last year) it started a major political protest, which developed into a civil war and eventually resulted to the fall of Gaddaffi's regime and his death. The European Commission and the Member States provided funds and resources initially to evacuate EU citizens from Libya and later thousands of migrant workers who have been stacked in neighbouring countries with no means of returning home[11]. The European Commission, since the beginning of the Libyan crisis, provided with 80.5 million in humanitarian aid and 11 member states and Norway participated in the EU Civil Protection Mechanism "offering ships, planes and in-kind assistance" (ECHO, Aid in action). The European Commission

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10 Signed in December 2007 by the three European Institutions (Council, Parliament and Commission) http://ec.europa.eu/echo/policies/consensus_en.htm

[11] Aid in action http://ec.europa.eu/echo/aid/north_africa_mid_east/libya_en.htm

Humanitarian Aid & Civil Protection department also sent in Libya teams of experts in order to "assess changing needs, to monitor the delivery of aid and to ensure coordination with aid organisations and donors" (ECHO, Aid in action).

Libya's civil war brought the EU officials in front of a complex set of political dilemmas, as it was clear that a huge humanitarian crisis was looming (Gowan, 2011). Nevertheless, there was not a clear EU political strategy to head off the crisis (Gowan, 2011). The EU mobilised its major emergency instruments, the humanitarian assistance and the civil protection mechanism (Koenig, 2011: 4). By the end of May the EU and Member States had provided almost 145 million in humanitarian aid and civil protection constituting the EU as the biggest humanitarian donor in Libya[12]. Nevertheless, the Libyan crisis so far highlights fundamental challenge in the EU's humanitarian policies (Gowan, 2011)

First of all, humanitarian aid, as it was stated in the Lisbon Treaty, constitutes one of these external policies, which can boost the EU's international profile. In man-made crises though this is not so easy. Humanitarian aid should be apolitical and neutral in order to achieve its relief aims. In man-made crises instead there are clear political objectives and concerns. In Libya's case the EU could not follow such a neutral approach, as it is not an apolitical and neutral organisation like the U.N. Refugee Agency (Gowan, 2011). Besides, several of its Member States participated in operations against one of the two sides (Gowan, 2011). Furthermore, wrong political management at the initial stage of its humanitarian initiative (Miozzo's mission in Tripoli) further deteriorated the EU's neutral profile (Gowan, 2011).

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[12] European Commission - ECHO, *Libyan Crisis*, Factsheet, 21 June 2011, http://ec.europa.eu/echo/files/aid/countries/libya_factsheet.pdf.

In Libya's case the EU's humanitarian aid was quick and substantial (Koenig, 2011: 13). Nevertheless, it's presence, at least in the beginning of the crisis, was considered to be "thin on the ground"[13]. That case highlights the issue of the "European Voluntary Humanitarian Aid Corps" (EVHAC). The idea of these corps, though, was never faced positively from other veteran humanitarian workers, who fear that this corps would be just "a bunch of inexperienced do-gooders" and that they will mostly promote EU instead of delivering aid (Gowan, 2011). Therefore, these corps, until this time, did not receive any special role in the EU humanitarian aid policies. Although the idea is still left open, it seems more probable that they will become a tool for training and pooling volunteers for humanitarian missions (Gowan, 2011).

Another issue that emerged one more time from the Libyan crisis was the role of military means in humanitarian missions and particularly in man-made crisis. Such efforts in the past, in Bosnia in example, ended with great problems (Gowan, 2011). The EU recently used military means to promote humanitarian missions (Chad, Somalia, partly in Haiti). In Libya, except from the Member States that participated actively in the military operations, the EU deployed some military forces (ships, aircrafts) to get aid to the country (Gowan, 2011). Moreover, during the Libyan crisis, and particularly in March when the violence was escalating the EU started to discuss the possibility of a military mission to help aid effort. These discussions led to the decision of the 1st of April, which green-lighted the EUROFOR Libya (Gowan, 2011). That force would be deployed if requested by the UN OCHA (Office for the

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[13] Chaffin J. & Spiegel, P., "Humanitarian crisis tests EU's policy", *Financial Times*, Middle East & North Africa, Published: March 3 2011, 19:17, http://www.ft.com/cms/s/0/4a14f00c-45c8-11e0-acd8-00144feab49a.html#axzz1cpsYUpD3

Coordination of Humanitarian Affairs) and it would have an Italian commander, headquarters in Rome and a mandate for four months (Koenig, 2011: 5-6).

Eventually that force was never deployed. The EU's humanitarian agencies did not see in a good way that force, as it was risking its presence on the ground, and its assistance was never asked. The creation of this force, also, highlights, the "uneasy balance between the EU's political and humanitarian imperatives" (Gowan, 2011). The Member States saw the creation of EUROFOR Libya as an alternative to their political inaction and juxtaposition over whether to use military force against the Libyan regime (Gowan, 2011). Actually, the EUROFOR acted as a political symbolism against the real humanitarian logic (Gowan, 2011).

Conclusion - Questions for the Future

The Treaty of Lisbon set a new context over the EU's humanitarian aid policies. The most important of its influence was that it granted a legal framework. It also tried to establish clear lines among the Union's external actions. In addition, Lisbon Treaty constituted humanitarian aid an important tool in promoting the EU's international prestige. In theory all these achievements are very significant. In practise there are several grey lines, which pose questions in the EU's humanitarian aid policies.

The overall, though, contribution of EU in humanitarian aid missions can be considered more than positive. The EU provides almost half of the humanitarian workers in the world (110,000) and contributes the most in financial terms (Gowan, 2011). The Commission also gives significant importance to the so-called "forgotten

crises" mostly in Africa and has also gained the title of "donor of last resort" (Gowan, 2011). This happened during the flood crisis in Pakistan in 2010, when most of the EU Member States could not provide any funds due to the crisis in Haiti. The European Commission and the UK assumed to fill this gap (Gowan, 2011).

- ▪ Operational issues

In any case, the EU's humanitarian aid policies, as it was shown from the cases of Libya and Haiti, face several issues, which are closely connected with the EU's international role. In operational terms there are issues of coordination between the EU and its partners. There is still the "grey zone" between humanitarian aid and development cooperation. The latter, however, has to do with the nature of these two policies, which are interconnected. One of the critics on the EU humanitarian aid policies towards this issue argues that the need of the EU to set long-term spending in advance, delays quick responses to crises and it causes funding problems[14]. Nevertheless, the last decade these policy fields have managed to cooperate in a better way and it was avoided a "developmentalization" of humanitarian aid (Versluys, 2007: 10).

A possible problem, however, for humanitarian aid and development policies can be the current financial crisis. Several EU members have reduced their contributions, but for the time being their contributions have been replaced by Germany, the Nordic countries and the UK, which have increased theirs (Gowan, 2011). In the future, though, this condition is not quite sure.

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[14] Heather Gabbe, Head of the "Open Society Foundation", in Chaffin J. & Spiegel, P., "Humanitarian crisis tests EU's policy", *Financial Times*, Middle East & North Africa, Published: March 3 2011, 19:17, http://www.ft.com/cms/s/0/4a14f00c-45c8-11e0-acd8-00144feab49a.html#axzz1cpsYUpD3

With the Lisbon Treaty it was also defined that "the Union shall ensure that its humanitarian aid operations are coordinated and consistent with those of international organizations and bodies, in particular those forming part of the United Nations system" (Art. 214, 7). Indeed, the EU's cooperation with the UN agencies is so close that some critics argue that the EU humanitarian workers are more like UN humanitarian workers than Europeans (Gowan, 2011). Actually, the governments of EU Member States prefer the UN leadership in such missions and it's unlikely to switch this support (Gowan, 2011). This however poses some questions over the EU's political profile in the aid system.

- Political issues

The Treaty of Lisbon aims to turn the EU a visible player in international relations with a coherent external policy. Nevertheless, the often lack of a consistent strategy in external action constitutes the EU's humanitarian aid and development policies as the only means towards this. This, eventually, connects humanitarian aid policies with the EU's political aims and international identity. This connection certainly affects the role and competencies of the EU's humanitarian aid policies. Thus, there are identified three strategic objectives for the EU where each one of them has not only operational implications but also political as they foresee a different international profile for the EU (Gowan, 2011).

The first strategic objective sees the EU as a neutral humanitarian agency within the frames of the UN (Gowan, 2011). To a degree, the EU's response to the Haiti crisis is such an example. The objection towards this strategy is that the EU is something more

that a neutral international organisation. It has political aspirations and interests, which such a perspective cannot satisfy.

The second strategy sees the EU as "unique type of civilian power" with a stronger, more visible and more independent humanitarian aid policy (Gowan, 2011). This is, actually, the aim of the Lisbon Treaty and the lack of this visibility and independence was the reason of the criticism during the Haiti crisis. Nevertheless, the Member States do not in all cases, and particularly in man-made crises, appear willing to move independently from the UN. This argument leads to the third strategy, which applies mostly to man-made crises.

This strategy demands a coherent external policy and, in several cases, promotes a closer cooperation of the EU's humanitarian aid missions with EU's military means. This approach identifies the EU a "self-consciously well-intentioned military power" (Gowan, 2011). This option though faces the greatest opposition, not only from humanitarian workers, but also from the same the EU Member States, which are not willing to accept such an international role for the EU.

In the future, definitely there will be natural and man-made crises and in each occasion the EU should pursue the proper humanitarian response. The Lisbon Treaty has provided with a legal framework the EU's external actions and connected humanitarian aid with its political aspirations. Therefore, there must be found a balance among humanitarian aid, development policy and foreign policy. Otherwise, humanitarian aid becomes null and void and the EU's role as an international actor is diminished. This is more obvious in man-made crises, where even military

instruments need to be employed. It is not sure which road the EU will eventually follow, but it's sure that its political identity is reflected to its responses towards humanitarian crises.

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