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Indexing
Abstracting

HUMANITARIAN AID POLICIES WITHIN THE EUROPEAN UNION EXTERNAL ACTION

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Abstract

The aim of this paper is to analyse the independence, neutrality and impartiality of the EU humanitarian assistance and to which extent is influenced by the EU's political, economic and military goals. The paper focuses on the legislative framework and the interactions between the main actors of EU humanitarian aid and external action, questioning the politicization of EU humanitarian aid. The paper provides a detailed analysis of the structure and organization of the Directorate General for European Civil Protection and Humanitarian Aid Operations and its relations to the Member States, different EU bodies and humanitarian partners, primarily NGOs and UN bodies. The last part of the paper addresses the Comprehensive Approach and how it affects humanitarian aid.

Keywords: EU Humanitarian Aid; DG European Civil Protection and Humanitarian Aid Operations; Politicisation; Foreign Policy; Humanitarian Principles

THE EU HUMANITARIAN AID AS (IN)DEPENDENT INSTRUMENT OF EU'S EXTERNAL POLICIES

The European Union is one of the most important donors of humanitarian aid in the world, and through the promotion of the humanitarian aid principles and the international humanitarian law it is one of the main global actors. This position is particularly apparent through its close cooperation with the United Nations and their Office for the Coordination of Humanitarian Affairs (UNOCHA). The European Union is committed to assist victims of man-made and natural disasters all over the world. Every year more than 120 million people receive EU assistance (Humanitarian Aid 2018). Although the EU and the Member States (MS) altogether are the world's largest donor of humanitarian aid, the EU's global aid amounts to less than 1% of the EU's total annual budget - just over two Euros per EU citizen (Eurobarometer 2017).

Humanitarian aid should be allocated primarily to the most deprived, refraining from discrimination or taking sides in the conflict and should be actualized without political, economic or military interest. Consequently, it is a real challenge to assess the success of EU humanitarian aid as well as its impartiality, neutrality and independence. Success is not easy to measure in humanitarian activities because the success of humanitarian aid is dependent on a variety of variables. On the other hand, failure is easy to detect and often, due to a minor issue, the significance and success of the humanitarian activity is reduced. In order to successfully analyse impartiality, neutrality and independence of humanitarian aid, this paper analyses to what extent these humanitarian aid principles are respected, the competence of the legal framework and the extent to which the Directorate General for European Civil Protection and Humanitarian Aid Operations (ECHO) operates autonomously when making decisions and providing humanitarian assistance.

POLITICISATION OF HUMANITARIAN AID

In order to answer the question whether there is politicization of humanitarian aid in the EU and therefore, if it is influencing the humanitarian aid principles of independence, neutrality and impartiality, the paper attempts to define the notion of the politicization of humanitarian aid. Further on, this chapter analyses in more detail the relationships between other EU external actors and verifies to what extent ECHO is actually independent from other EU's policy instruments.

The politicisation „(...) of European integration can be defined as an increase in polarisation of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation within the European Union." (De Wilde 2007, 20).

Additionally, the politicisation of humanitarian assistance can be defined as „ (...) a notion used to name the use of this assistance for purposes which are in contradiction to humanitarian principles like humanity, neutrality and impartiality, undermining the credibility and increasing the working risks of these organisations." (Reinhardt 2013, 2) Moreover, the definition of "(...) politicisation of humanitarian assistance to the country is indeed the pursuit of domestic and foreign policies of key donor states by 'humanitarian means'." (Atmar 2011, 2). Also it should be noted that the term „ politicization of humanitarian aid has mostly been used to describe situations in which the principles of humanitarian action are compromised at the cost of more political rationales, due to ethical dilemmas faced by humanitarian aid." (Dany 2014, 6). Consequently, we can conclude that the politicization of humanitarian aid occurs when humanitarian aid is used as an instrument of foreign policy in order to achieve internal and external political goals and it results in the violation of international humanitarian law.

It is inevitable that humanitarian aid is affected by the politics, only to what extent? It is intertwined with political institutions and their decision-making process that influence humanitarian aid. In such environment, like the EU, the Member States still have a certain impact, especially those that are the biggest donors. The Commission is a political body, as well as the Parliament, and those bodies at least determine the direction of providing the humanitarian aid. Operationally ECHO is autonomous and independent, but it cannot ignore the political environment surrounding it.

THE LEGAL FRAMEWORK OF EU HUMANITARIAN AID

It was not until 1996 when the European Union, through secondary law, defined humanitarian aid and set out the main goals, principles and procedures for carrying out EU humanitarian aid activities. Council Regulation (EC) No 1257/96 concerning humanitarian aid was adopted on the legal basis of Article 130 of the Treaty establishing the European Community (now Art. 209 TFEU) (EU humanitarian aid instrument 2016). Pursuant to the Regulation, the Community's humanitarian aid shall comprise assistance, relief and protection operations on a non-discriminatory basis to help people in third countries, particularly the most vulnerable among them, and as a priority those in developing countries, victims of natural disasters, man-made crises, such as wars and outbreaks of fighting, or exceptional situations or circumstances comparable to natural or man-made disasters. It shall do so for the time needed to meet the humanitarian requirements resulting from these different situations. Such aid shall also comprise operations to prepare for risks or prevent disasters or comparable exceptional circumstances. (Council Regulation No 1257/96). Although the Regulation has a number of flaws, it has provided a solid legal basis for further improvement of the EU humanitarian aid provisions, that are adopted through the Treaty of Lisbon and, in

particular through the European Consensus on Humanitarian Aid. Due to their implementation, the EU has made significant progress in humanitarian aid legislation and respect for humanitarian principles and goals.

The Treaty of Lisbon

Humanitarian aid was defined for the first time in the EU's primary legislation in the Treaty on the Functioning of the European Union (TFEU), known as the Treaty of Lisbon, which has introduced considerable novelties with the aim to improve the institutional functioning in the area of humanitarian aid.[1] At the beginning of the Convention on the Future of Europe (2002-2003) there was no separate chapter dedicated to humanitarian aid. However, the participants of the Convention realized that it is necessary to define precisely the line between humanitarian aid and the EU's security and foreign policy. Hence, Commissioner Poul Nielson suggested to define humanitarian aid more precisely and to separate the decision-making mechanisms from crisis management and foreign policy procedures (Van Elsuwege, Orbie and Bossuyt 2016, 21). Consequently, the agreed provision on humanitarian aid states:

> 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. Such operations shall be intended to provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's measures and those of the Member States shall complement and reinforce each other (The Treaty on the Functioning of the European Union 2016, Art. 214).

Immediately, in the first paragraph it is defined that humanitarian aid must act in accordance with foreign policy goals, while paragraph 2 of the same article prescribes: „Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination." (TFEU 2016, Art. 214). These two paragraphs at first seem contradictory and the further interpretation is needed.

The key issue is, how can humanitarian aid operate in accordance with the international humanitarian law and at the same time comply with the foreign policy objectives? All the chapters that define foreign policy instruments contain the same provision, that they shall be conducted within the framework of the principles and

[1] TFEU was signed on 13 December 2007 and entered into force on 1 December 2009

objectives of the external action of the Union. However, the meaning and the purpose of this provision is in fact the harmonization of all foreign policy instruments and not to allow the interference of external or military action within humanitarian aid. That is additionally explained in the Article 3, paragraph 6 TFEU, which notes that: „The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Treaties." (TFEU 2016).

In any case, the fundamental principles of humanitarian law, the principle of independence, neutrality and impartiality must be respected because of the provision provided under Article 214, paragraph 2, which establishes the operational and financial independence of the Directorate General for European Civil Protection and Humanitarian Aid Operations. Harmonization of foreign policy instruments is becoming increasingly important for the European Union, but it does not mean that the principles of humanitarian aid should not be respected. That is also confirmed by the Commissioner Kristalina Georgieva in an interview from 2011:

> In fact, after the entry of the Lisbon Treaty into force, we have a stronger legal ground for the impartiality and neutrality of EU humanitarian action. We have an article in the Lisbon Treaty defining 'humanitarian aid' as a specific policy clearly distinct from foreign and security policy objectives and decision-making, and we have an institutional change that comes with the establishment of my position as Commissioner for Humanitarian Aid and Crisis Response, separate from the External Action Service. My staff is outside the European External Action Service and my decisions on providing humanitarian assistance are driven by only two factors – need and ability to access people in need – nothing else. We are blind to political, religious, or any other considerations (Cooperation, Humanitarian Aid, and Jakob Kellenberger 2011, 10).

It is important to emphasize that also Article 21 of the Treaty, under the Title 5, General Provisions on the Union's External Action and Specific Provisions on the Common Foreign and Security Policy, stresses in particular humanitarian aid as one of the common policies and actions: "(...) assist populations, countries and regions confronting natural or man-made disasters." (TFEU 2016, Art. 21). Hence, also under this Title humanitarian aid is included as one of the main proclaimed goals in the EU's external action. In fact, the bigger challenge for the impartiality of humanitarian aid can be found in the provision that the EU's and the Member States' humanitarian aid operations shall complement and reinforce each other. The Member States implement humanitarian aid principles considerably less in their actions, as it will be explained later in this paper.

The European Consensus on Humanitarian Aid

The European Consensus on Humanitarian Aid was adopted on 30 January 2008 by the Council and the Member States' representatives. It sets out a strategic framework that directs the EU's and the MS' actions in providing effective, quality and coordinated humanitarian assistance. The goal of humanitarian aid is defined as "(…) to provide needs-based emergency response, to preserve life and to prevent and alleviate human suffering in crisis situations resulting from man-made and natural disasters." (European Consensus on Humanitarian Aid 2008).

While there are only three principles written in the Treaty of Lisbon, the European Consensus on Humanitarian Aid prescribes four fundamental principles and detailed definitions of the terms related to humanitarian assistance. According to the Consensus, humanity means that human suffering must be addressed wherever it is found, with particular attention to the most vulnerable in the population. Neutrality is defined in a way that humanitarian aid must not favour any side in an armed conflict or a dispute and impartiality means that humanitarian aid must be provided solely on the basis of need, without discrimination between or within affected populations. Finally, independence is defined as the autonomy of humanitarian objectives from political, economic, military or other objectives, its sole purpose being to relieve and prevent suffering of victims of humanitarian crises (European Consensus on Humanitarian Aid 2008).

The European Consensus on Humanitarian Aid also determines how the EU donors should respect the humanitarian principles and good humanitarian practice. This is particularly relevant to the Good Humanitarian Donorship Initiative, an informal international donor forum and network that helps to develop and advance the principled humanitarian action and international humanitarian law. The European Consensus also stipulates that EU humanitarian aid must be coherent with other policies to ensure a smooth transition after the crisis and take into account gender considerations and diverse needs of local people (European Consensus on Humanitarian Aid 2008).

To conclude, the European Consensus on Humanitarian Aid can be assessed as a progressive and remarkable document, important for the humanitarian aid on a global scale. There are not many global actors that regulate humanitarian aid in such great detail and the European Consensus can serve as a model for the entire international community, but as well as for the Member States. In the ECHO's questionnaire, The Union's Humanitarian Aid: Fit for Purpose?, Voluntary Organisations in Cooperation in Emergencies (VOICE) stated that:

> The European Consensus on Humanitarian Aid represents a comparative advantage as it is a comprehensive framework for principled humanitarian action. More binding enforcement of the Consensus would enhance its value, so it should be considered to have a peer review mechanism for Consensus implementation. (VOICE consolidated reply to ECHO questionnaire The Union's Humanitarian Aid: fit for purpose? 2013).

THE INSTITUTIONAL FRAMEWORK OF EU HUMANITARIAN AID

The Directorate General for European Civil Protection and Humanitarian Aid Operations (ECHO)

The Directorate General for European Civil Protection and Humanitarian Aid Operations was established as The European Community Humanitarian Office in 1992 and the old acronym ECHO is still being used, although the office has changed the name and its institutional position many times since then.

ECHO has an annually agreed budget and can freely decide upon any activities up to three million euros. In case of a need to increase the amount of funds for a given activity, "comitology" process follows, in which the funding has to be confirmed by the Member States' representatives in the Humanitarian Aid Committee and the European Parliament (Van Elsuwege et al. 2016, 37). According to the current practice, additional funding was granted each time, which shows ECHO's autonomy and non-interference from the Member States and the European Parliament in the allocation of funds.

It is very important to emphasise that EU humanitarian aid provides support to victims of "forgotten crises", crises where the rest of the world does not provide enough help anymore, and where the EU allocates at least 15% of the initial budget for humanitarian aid. Specifically, in 2016, the EU continued to provide humanitarian aid to Sahrawi refugees in Algeria, internally displaced people in Myanmar and Sudan, conflict-affected populations in Pakistan, and Darfur refugees in Chad (Report from the Commission to the European Parliament and the Council: Annual report on the European Union's humanitarian aid policies and their implementation in 2016).

Humanitarian aid funding is primarily intended for non-EU countries, but in case of exceptional crises or disasters within the EU, it is possible to finance emergency support. For example, as a result of the current refugee crisis in Europe, Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union was adopted to meet the basic needs of people affected by disasters within the EU and to reduce severe economic damage in one or several member States (Funding for humanitarian aid 2017).

The European Commission has an annual budget for humanitarian aid operations around 1 billion Euros and the Commission's assistance reaches over 120 million people every year (Humanitarian Aid 2018). The last conducted evaluation, for the period from 2012 to 2016, shows that „the budget allocations were based on the needs during the evaluation period, however, choices had to be made as DG ECHO's funding was and will always be insufficient to cover the growing humanitarian needs globally." (ICF 2018, 8).

The EU humanitarian aid helps with financing food and nutrition, shelters, health care, water and sanitation and education in emergencies. Additionally, 13% of humanitarian budget is reserved for disaster risk reduction activities in disaster-prone areas to prepare them to face emergencies more efficiently (Humanitarian Aid 2018).

At the very beginning, during the '90s of the last century, ECHO had significant financial challenges. It did not have well-established legal basis and often its actions were the subject of strong criticisms. Today, it is visible that the EU has identified problems and flaws, and by its primary legal framework regulates the independence of the humanitarian aid institutions that are obliged to act on the principles of international humanitarian law and carry out successful humanitarian operations around the world.

The Relationship Between the Directorate General for European Civil Protection and Humanitarian Aid Operations and the European External Action Service

The European External Action Service (EEAS) is the EU's diplomatic service. Its role is to make EU foreign policy coherent and effective and thus strengthen the EU's influence in the world (European External Action Service 2018). The greatest challenge for this relationship is to increase coherence of the EU's humanitarian and external policies. In order for foreign policy to be more successful, cooperation between all external actors and instruments is needed, and at the same time humanitarian assistance must remain independent, neutral and impartial.

ECHO has an office in Directorate D that is in charge of relations within EU institutions and regional offices, and communication and cooperation between ECHO and EEAS. The relationship between ECHO and EEAS is primarily regulated by the 2012 document Working Arrangements between Commission Services and the EEAS in relation to External Relations Issues (Working Arrangements between Commission Services and the European External Action Service (EEAS) in Relation to External Relations Issues 2012). ECHO can decide autonomously about opening or closing its offices, but is obliged to inform the Head of the Delegation about its decision.

In order to achieve a more successful cooperation, EEAS is obliged to notify ECHO of any changes or events that may affect their activities in the area (Working Arrangements between Commission Services and the European External Action Service

in Relation to External Relations Issues 2012). In practice, ECHO humanitarian experts in the field will be careful in their contacts with the EU Delegations, in the sense that they do not want to be closely associated with the EU's political mandate. This also means that ECHO will be selective in its information sharing with the EU Delegations to avoid compromising the humanitarian principles of neutrality and independence (Interview with ECHO official, 6 November 2014 in Van Elsuwege et al. 2016, 40).

The Relationship Between the Directorate General for European Civil Protection and Humanitarian Aid Operations and the Common Security and Defence Policy

The Commission is working closely with EEAS and EU military forces in planning and implementation of the Common Security and Defence Policy (CSDP). The coordination between different stakeholders is regulated by the Council Conclusions on the Integrated Approach to External Conflicts and Crises, approved by the foreign ministers on 22 January 2018. As the number of conflicts and disasters increases, cooperation between military and humanitarian operations is needed. Primarily, there is the need for the protection of experts and volunteers during the implementation of humanitarian activities, due to the increase of attacks on humanitarian staff. On the other hand, it is important that this cooperation is regulated in order to promote and protect the principles of humanitarian aid, avoid rivalry and achieve common goals. A series of documents and instructions were issued to make cooperation more effective and to establish a precise line between ECHO and security forces. In the questionnaire about the EU humanitarian aid Voluntary Organisations in Cooperation in Emergencies (VOICE) stated that existing policy frameworks are clear but often not honoured (VOICE consolidated reply 2018, 10).

The Relationship Between the Directorate General for European Civil Protection and Humanitarian Aid Operations and the Member States

The EU Member States played a significant role in the establishment of ECHO. In order to reduce the role of the European Commission in the EU's external policy, they have advocated to establish a new office that will, independent from the Commission itself, implement humanitarian activities (Van Elsuwege et al. 2016, 18). The interaction between the MS and the EU in the area of humanitarian aid has legal basis in the Article 4, paragraph 4 TFEU:

> In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs (TFEU 2016).

The Member States and ECHO cooperate, exchange and coordinate opinions and strategies on humanitarian activities in a joint working group called the Council Working Party on Humanitarian Aid and Food Aid (COHAFA). The group meets once a month or when it is needed in case of a major sudden crisis. COHAFA is very useful to the Member States in planning and developing humanitarian action strategies, as they receive detailed analysis and opinions from ECHO's experts. However, most of the time the MS send their low-level staff to COHAFA meetings and they should rather send staff with more decision-making power in order to enhance the cooperation (VOICE consolidated reply 2013, 13).

The humanitarian aid of the Member States is more influenced by its foreign policy, but also by day-to-day policies due to the frequent political elections. Although the European Consensus on Humanitarian Aid is generally accepted, there is a significant difference between rhetoric and real practice. Non-governmental organisations have expressed concerns about the MS not respecting the humanitarian law and requested from the Commission to take the lead and stronger position (Voice: The European Consensus on Humanitarian Aid. An NGO Perspective (2012); p. 16 in Van Elsuwege 2016, 39). As the Chief of Cabinet of former Commissioner Georgieva admitted, there are diverse traditions within the Member States, and the Commission does not intend to push them too harshly in a certain direction, playing the role of a "facilitator" and "soft coordinator" instead (EU Governance of Global Emergencies, Conference, Bruxelles (2012) in Van Elsuwege 2016, 39).

In order to respect and promote the principles of humanitarian aid, which is also one of the ECHO's tasks, the Commission should certainly have a stronger impact on the Member States because EU's and MS's humanitarian assistance is, in part, connected and can show a negative picture of the whole EU. The fact is that governments and humanitarian actors in the Member States are more dependent on the political situation and gain of political points, but internal and external policies should not affect the humanitarian aid operations.

The Relationship Between the Directorate General for European Civil Protection and Humanitarian Aid Operations and Humanitarian Partners

ECHO cooperates with more than 200 partners including international organizations such as the Red Cross and Red Crescent, UN agencies, member state agencies and non-governmental organizations. ECHO grants its financial resources mostly to the UN bodies and more information on budget allocations to humanitarian partners are set out in the following table. It is interesting that the surplus of allocated resources to humanitarian organizations may question their independence, neutrality and impartiality. For example, if the humanitarian organization relies solely on the EU's

assistance and does not seek other partners, it will be perceived dependent on the EU's influence. Therefore, the organizations need different sources of funding to be completely independent (List 2018).

Non-governmental humanitarian organizations are one of the most important humanitarian actors. They are not just involved in humanitarian operations, but also influence the creation of humanitarian aid policies. As they are directly "on the ground" and independent from the states and state policies, they can analyse and explore the effectiveness and quality of humanitarian aid better, as well as point to its shortcomings and ways to improve. Most feedback comes from the VOICE, a network that consists of more than 80 humanitarian NGOs located in Brussels (Dany 2014, 4). The organisation's aim is to promote the humanitarian principles and the quality and effectiveness of humanitarian action (VOICE: About Us).

THE EU'S COMPREHENSIVE APPROACH TO EXTERNAL CONFLICT AND CRISES

When the Treaty of Lisbon entered into force new institutional changes were introduced and one of the EU's main goals has been the coherence of the instruments of the Union's external action, "(…) most commonly defined as denoting both the absence of contradictions between different areas of external policy and the establishment of synergies between them." (Orbie at al. 2014, 160). With the Joint Communication to the European Parliament and the Council: the EU's comprehensive approach to external conflict and crises in 2013 the Comprehensive Approach is set out as:

> [A] number of concrete steps that the EU, collectively, is taking towards an increasingly comprehensive approach in its external relations policies and action. More specifically the High Representative and the Commission are - with this Joint Communication – setting out their common understanding of the EU's comprehensive approach to external conflict and crises and fully committing to its joint application in the EU's external policy and action (Joint Communication to the European Parliament and the Council: The EU's comprehensive approach to external conflict and crises; JOIN/2013/030 final, 2).

In order to avoid the possibility of violation of the humanitarian principles, in the beginning of the Communication is stated:

> [H]umanitarian aid shall be provided in accordance with its specific modus operandi, respectful of the principles of humanity, neutrality, impartiality and independence, solely on the basis of the needs of affected populations, in line with the European Consensus on

> Humanitarian Aid (Joint Communication to the European Parliament and the Council: The EU's comprehensive approach to external conflict and crises; JOIN/2013/030 final, 4).

Expert and academic literature recognizes ECHO's position as 'In-But-Out', which can be interpreted as ECHO's participation in the Comprehensive Approach, cooperation with the EEAS and as an instrument of external policy, but it still acts independently, impartially and neutrally on the basis of the need, rather than economic, political or security interests (Van Elsuwege et al. 2016, 46).

The European Commissioner for Humanitarian Aid and Civil Protection during the period 2014-19, Christos Stylianides, commenting on the 'In-But-Out' approach explains:

> EU Humanitarian Actors are 'in' as constructive partners in the analysis of fragility, in the design of programmes to improve resilience and tackling the root causes of instability and poverty, in the dialogue of 'do-no-harm' military action, in use of assets under civilian leadership, etc. But Humanitarian Actors are 'out' when it comes to the pursuit of foreign policy or security objectives as precisely humanitarian actors are there to save lives amidst disasters and conflicts (Stylianides, 2014, 4).

Through the Joint Communication and the Comprehensive Approach the EU can define and promote their interests and values more effectively Joint Communication to the European Parliament and the Council: The EU's comprehensive approach to external conflict and crises 2013, 3). However, it opens up the possibility of violation of the humanitarian aid principles and the independence of ECHO. The future steps will determine how the "In-But-Out" approach actually works and in what extent can the coherent EU foreign policy influence independence, neutrality and impartiality of ECHO's actions. ECHO partially supports the Comprehensive Approach by accepting that better coordination and harmonization between certain external policy instruments is needed, but also stresses that humanitarian aid should not become just another tool in the EU's external action tool box (Van Elsuwege et al. 2016, 46).

CONCLUSION

Humanitarian aid has always been used for achieving foreign policy goals and improving the image of the state, organization or entity *sui generis* such as the European Union. Changes have been made in the past decades in order to make humanitarian aid more independent from the foreign policy interests. A number of non-governmental and international organisations are actively promoting the principles of

humanitarian aid with strong support from EU and UN bodies in charge of humanitarian assistance. ECHO stands out as one of the successful examples of independence, neutrality and impartiality, with its financial independence, free decision-making up to three million Euros and so far non-interference from the Member States and other EU bodies in its professional judgment and decision-making process. Non-governmental organisations which are ECHO's humanitarian partners are very pleased with their collaboration, but to enable them to be more independent, they should be encouraged to cooperate also with other donors.

Through the research, evaluations and the results of the questionnaires significant progress is noticeable in the area of the respect for the humanitarian principles. However, by introducing the Comprehensive Approach the situation will change, and coherence of the EU's external action may lead to infringement of humanitarian principles and politicisation of humanitarian aid. Additionally, it is a real challenge for a day-to-day cooperation with other political, military, security and development actors not to result in subordination of humanitarian aid to other foreign policy goals. It is essential that ECHO remains operationally autonomous as it is so far and that it can carry out humanitarian aid activities only on the basis of need in the affected areas. *De iure* humanitarian principles are included and extraordinarily regulated in *acquis communautaire* and the EU humanitarian legal framework can serve as an example to other countries. Nevertheless, it is necessary to look realistically at the attempt to respect humanitarian principles in practice. Namely, the principle of impartiality is sometimes difficult to apply even when intentions are the best, especially in conflict situations. For example, if ECHO decides to fund a particular organization for which it is objectively aware that it has the best knowledge of the area and how to provide humanitarian assistance, it is still possible for this organization to have hidden intentions and that it is not completely neutral (List 2018). Consequently, in realistic situations, humanitarian principles may seem very ideally set and difficult to achieve in practice. Also, some of the actors in conflict may have the goal to present the EU in a negative light and will argue that the EU is not respecting humanitarian international law, although it may not be the case in a given situation. It should be noted that financial resources are never enough, because the EU as a global actor has to allocate its humanitarian budget to a range of crises. It is encouraging that the last independent evaluation of the Union's humanitarian aid from January 2018 showed that ECHO has allocated the budget on the basis of need and it was not influenced by the foreign policy objectives (ICF 2018, 8). However, further independent monitoring, control and regular evaluation is needed to avoid violating the principles of humanitarian aid. In its work, ECHO should constantly strive to achieve humanity, neutrality, impartiality and independence in the planning and implementation of humanitarian activities. 

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