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## The European Union and humanitarian crises

### Abstract

The aim and objective of this study is to outline the evolution and mechanisms of humanitarian aid provided by the European Union. Unquestionably, this is a significant issue, which, however, only found a direct legal basis in the Treaty of Lisbon, referring to humanitarian aid, and became the subject of a separate policy. Its principles, structure, and mechanisms of financing were clarified through the unification and harmonization of acts of secondary law. This also includes *sui generis* acts, which had a specific impact on the area of external actions in the discussed aspect. The fundamental goal of this study is to present the legal and political framework of humanitarian aid along with examples regarding practical aspects of providing assistance. The study employs the method of investigation of the law in force and legal comparison, consisting in, e.g., an attempt to find adequate legal solutions for broadly understood humanitarian aid provided by the European Union.

**Keywords:** European Union, humanitarian policy, Treaty of Lisbon, Humanitarian Aid Regulation, International Humanitarian Law, European Consensus, *sui generis* acts

### Introduction

When analysing information on humanitarian aid provided by international organisations and other entities, one cannot help but get the impression that the 21st

century is characterised by an unprecedented increase in humanitarian needs worldwide.<sup>1</sup> We are witnessing major climate change that is causing extreme weather phenomena. Their effects are leading to problems that include global food insecurity, water scarcity, hard-to-stop epidemics dangerous to both health and life.<sup>2</sup> Humanitarian crises caused by destructive human activities are often the consequences of armed conflicts.<sup>3</sup>

International organisations and countries, including the European Union and its Member States, get involved in humanitarian aid. This type of aid is now one of the main areas of EU external policy. The European Union, as the world's leader in humanitarian aid, committed a record €2.62 billion in 2022 for this purpose. Currently in 2023, the initial budget for humanitarian aid is €1.7 billion and may be increased in order to respond to possible emergencies.<sup>4</sup> These funds are earmarked for disaster mitigation, both natural and man-made, and are interim measures rather than long-term solutions focused on poverty eradication.<sup>5</sup> Ad hoc efforts provide an immediate humanitarian response for life and health saving operations.<sup>6</sup>

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- 1 The United Nations (UN) estimates that 339 million people will need assistance and protection in 2023. See more on this subject: *Global Humanitarian Overview 2023*, <https://reliefweb.int/report/world/global-humanitarian-overview-2023-enaesfr> (access: 1.09.2023).
  - 2 See in more detail: International Federation of Red Cross and Red Crescent Societies, *The cost of doing nothing. The humanitarian price of climate change and how it can be avoided*, Geneva 2019, pp. 1-46. In 2023, due to global food insecurity, countries such as Afghanistan, Nigeria, Somalia, South Sudan, Yemen, Haiti, Burkina Faso, Mali, Sudan are at risk of famine in: Publications Office of the European Union, European Commission, *DG ECHO, Reports on food security, Release*, Luxembourg, September 2023, No. 6, p. 7 ff.
  - 3 The European Commission notes that the provision of humanitarian aid in the aftermath of armed conflicts is becoming increasingly difficult due to violations of International Humanitarian Law. Humanitarian assistance provided in such situations is characterised by unpredictability and insecurity. See in more detail: Report from the European Commission to the European Parliament and the Council, Annual Report on the European Union's humanitarian aid operations financed in 2022, 31.08.2023, Brussels COM (2023) 500 final, pp. 4-6.
  - 4 As shown in the EU Multiannual Financing Plan (MFF), the budget for 2021-2027 totals €11.57 billion and can be increased through the EU Solidarity Reserve or Emergency Reserve to respond to unforeseen events as well as major crises. See more on this topic: <https://civil-protection-humanitarian-aid.ec.europa.eu/> (access: 1.09.2023). For more on the topic of EU financial resources see K. Muzyczka, *Polityka humanitarna w Unii Europejskiej*, "Przegląd Prawniczy Uniwersytetu Warszawskiego" 2015, No. 1, pp. 96-98.
  - 5 Ibidem.
  - 6 The EU, as one of the few donors, engages in addressing "forgotten crises" that receive little media attention. For example, in 2019, as part of humanitarian aid, it assisted countries such as the Philippines, Burkina Faso, and Chad. The EU often fills gaps in response to hard-to-reach areas, such as in Syria, Sudan, and Burundi. See more on this topic in: M. Pariat, *Guest Editorial. The EU Humanitarian Aid Policy: Progress and Challenges*, "European Foreign Affairs Review" 2019, No. 24 (1), pp. 1-2.

EU support has for nearly three decades been reaching out to those most in need regardless of race, ethnic group, religion, gender, age, nationality or political affiliations.<sup>7</sup> The support includes, for example, food, shelter, health care or education in crisis situations. The European Union is not only a donor of humanitarian aid, but is also an international organisation that often coordinates aid by proposing and implementing both material and logistical solutions to reduce suffering, to preserve human dignity and to ensure the victims' return to a normal existence.<sup>8</sup>

The aim and objective of this study is to outline the evolution and mechanisms of humanitarian aid provided by the European Union. Unquestionably, this is a significant issue, which, however, only found a direct legal basis in the Treaty of Lisbon which referred to humanitarian aid, and became the subject of a separate policy. Its principles, structure, and mechanisms of financing were clarified through the unification and harmonization of acts of secondary law. This also includes *sui generis* acts, which had a specific impact on the area of external actions in the discussed aspect. The fundamental goal of this study is to present the legal and political framework of humanitarian aid along with examples regarding practical aspects of providing assistance. The study employs the method of investigation of the law in force and legal comparison, consisting in e.g. an attempt to find adequate legal solutions for broadly understood humanitarian aid provided by the European Union.

### Humanitarian aid under the Lisbon Treaty

2007 saw the signing of the Treaty of Lisbon.<sup>9</sup> The issue of humanitarian aid was regulated in Title V of the Treaty on European Union under “the General Provisions on the Union's External Action<sup>10</sup> and Specific Provisions on the Common Foreign and Security Policy<sup>11</sup>,” as stipulated by the Treaty of Lisbon.

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7 See on this topic: European Commission, European civil protection and humanitarian aid operations, Humanitarian funding for 2023: [https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid\\_en?prefLang=pl](https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid_en?prefLang=pl) (access: 1.09.2023).

8 As part of a global network in 40 countries around the world, EU humanitarian experts provide security or logistical support by analysing current humanitarian needs in a disaster or conflict zone.

9 The Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community was signed on 13.12.2007, entered into force on 1.12.2009, OJ C 306, 17.12.2007, p. 1–271. Polish text in: J. Barcz (introduction, selection, elaboration) *Podstawy prawne Unii Europejskiej*, 3<sup>rd</sup> edition, Warsaw 2010, pp. 51–247.

10 See Article 3(5) TFEU.

11 For more detail on EU external actions see Ch. Ecker, *EU Powers Under External Pressure, How the EU's External Actions Alter Its Internal Structures*, Oxford 2019, pp. 6–218.

Article 21(1) TEU lays down the principles and objectives of external action, which include upholding the values of the Union, strengthening human rights, the principles of international law or international security. The general list of objectives of the European Union's external action in this regard, refers to respecting the principles of the Charter of the United Nations, developing relations and building partnerships with third countries and international organisations, e.g. by fostering the resolution of common problems within the framework of the United Nations.<sup>12</sup> Within the framework of the objectives of the principle of solidarity referred to in Article 21(1) of the TEU, it is stipulated that "The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to assist populations, countries and regions confronting natural or man-made disasters."<sup>13</sup> It may be noticed that the TEU has not defined the term 'humanitarian policy'. On the basis of the aforementioned provisions, it may be deemed that this term can mean a process of defining and implementing tasks that takes into account the objectives and activities of other international actors such as the United Nations, the International Red Cross and Red Crescent Movement or the International Organisation for Migration.<sup>14</sup>

Title III of the Treaty on the Functioning of the European Union, as stipulated by the Treaty of Lisbon, specifically addresses humanitarian aid under the heading "Cooperation with third countries and humanitarian aid". In Chapter III entitled: Humanitarian aid, Article 214 TFEU states 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. 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. Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination."<sup>15</sup> It should further be noted that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures defining the framework within which the Union's humanitarian aid operations shall

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12 Article 21(1) TFEU.

13 Cf. Article 21(2) TEU.

14 See M.M. Kenig-Witkowska, *Unia Europejska jako podmiot świadczący pomocy humanitarną*, in: P. Grzebyk, E. Mikos-Skuza (eds.), *Pomoc humanitarna w świetle prawa i praktyki*, Warsaw 2016, p. 137.

15 Cf. the text of Article 214(1)-(2) TFEU, in: J. Barcz, *Podstawy prawne...*, p. 196.

be implemented. The aforementioned article firstly provides the legal basis for the provision of humanitarian aid.<sup>16</sup> Secondly, it defines the objectives and principles of the assistance and is therefore of a competence nature. Thirdly, its provisions relate to the European Union and the Member States, which means that humanitarian aid is a shared competence. Fourthly, its provisions grant the EU the right to conclude agreements with third countries and international organisations, which undoubtedly contributes to achieving humanitarian policy objectives.<sup>17</sup>

Within the framework of Article 214 TFEU, it was also decided to establish the European Humanitarian Aid Corps. It was established by Regulation No 375/2014 of the EP and the Council of 3 April 2014,<sup>18</sup> while the rules for the implementation of the Regulation are laid down in Regulation No 1244/2014 of 21 November 2014.<sup>19</sup>

## European Union humanitarian policy in secondary and *sui generis* acts

Initially, the Community Treaties did not provide direct provisions relating strictly to humanitarian aid; it was provided in the framework of development cooperation.<sup>20</sup> Humanitarian aid was managed within the European Commission by the Directorate General for Development Aid and Crisis Services and for External

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16 See F. Kaczmarek, *Stanowisko Parlamentu Europejskiego wobec pomocy humanitarnej*, “Przegląd Politologiczny” 2019, No. 2, pp. 21-25.

17 A. Gajda, *Pomoc humanitarna a Unia Europejska*, in: L. Brodowski, D. Kuźniar-Kwiątek (eds.), *Unia Europejska a prawo międzynarodowe*, Rzeszów 2015, p. 75 ff. See also Article 4(2) TFEU.

18 Regulation No 375/2014 of the European Parliament and of the Council of the EU of 3 April 2014 establishing a European Voluntary Humanitarian Aid Corps (‘EU Aid Volunteers Initiative’), OJ L 122, 24.04.2014, p. 1.

19 See Commission Implementing Regulation (EU) No 1244/2014 of 20 November 2014 laying down rules for the implementation of Regulation (EU) No 375/2014 of the European Parliament and of the Council establishing the European Voluntary Humanitarian Aid Corps (‘EU Aid Volunteers Initiative’), OJ L 334, 21.11.2014, p. 52. The Regulation sets out recruitment and selection procedures, a training programme as well as procedures for the preparation of volunteer candidates prior to deployment. Provisions on insurance and living conditions as well as procedures for the duty of care, protection and safety or procedures for monitoring their work. It is also complemented by: Commission Delegated Regulation (EU) No 1398/2014 of 24 October 2014 setting out standards for volunteer candidates and EU aid volunteers, OJ L 373, 31.12.2014, p. 8, which places new regulations on the international partnership of sending and receiving organisations and also defines the legal status of EU aid volunteers. See also Report from the Commission to the European Parliament and the Council, Annual report on the implementation of the EU Aid Volunteers 2020 initiative of 19.07.2021, COM(2021)404 final.

20 See E. Ambukita, *Współpraca Unii Europejskiej z krajami Afryki, Karaibów i Pacyfiku z uwzględnieniem Afryki Subsaharyjskiej*, “Prace Naukowe Uniwersytetu Ekonomicznego we Wrocławiu” 2017, No. 498, pp. 12-15; K. Cichos, *Unijna polityka na rzecz rozwoju. Zagadnienia prawne*, Katowice 2016, pp. 67-81.

Relations. As a result, disagreements of competence arose over the legal basis and budget lines for humanitarian funding.<sup>21</sup>

This issue became of particular interest to Member States and EC institutions in the 1990s. The lack of adequate legal solutions contained in legal sources led to the creation of the Humanitarian Aid Office in 1992, a body whose primary objective became the provision and coordination of humanitarian aid of the then European Communities.

It is now the Directorate General for Civil Protection and Humanitarian Aid (hereinafter referred to as ECHO), reporting to the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response. The Directorate does not itself implement aid programmes; it is a funder that fulfils its mission by providing financial resources for humanitarian activities through some 200 partner institutions. ECHO cooperates with humanitarian organisations such as UN humanitarian agencies, the Red Cross and Red Crescent Movement and NGOs. Humanitarian aid actions can be implemented on the EU's own initiative or upon request.<sup>22</sup>

As part of the unification of European Union law, Regulation No 1257/96<sup>23</sup> has become crucial for humanitarian aid. This act plays an important role in defining the humanitarian policy of the European Union and the Member States. It is also not difficult to see that its implementation largely reflects the objectives and principles of humanitarian aid. In this regard, it suffices to analyse the provisions of the Regulation, which explicitly state that the objectives of EU humanitarian aid include "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."<sup>24</sup>

Furthermore, it should be pointed out that the implementation of this type of secondary legislation has, to a certain extent, solved problems of uniform procedures for the implementation of humanitarian actions. In fact, its main objective

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21 See M.M. Kenig-Witkowska, *Unia Europejska...*, p. 138 ff. J. Dobrowolska-Polak, *Pomoc humanitarna*, in: A. Florczak (ed.), *Organizacje międzynarodowe w działaniu*, Wrocław 2014, p. 264.

22 Court of Auditors Special Report no 15/2009, EU assistance implemented through United Nations bodies: decision-making and monitoring, Luxembourg 2009, No 15, pp. 1-49. Report from the Commission to the Council and the European Parliament, Annual Report on Humanitarian Aid Policy and its Implementation in 2009. Brussels, 9.04.2010, COM (2010)138 final.

23 Consolidated text: Council Regulation (EC) No 1257/96 of 20 June 1996 concerning humanitarian aid, OJ L 163, 27.07.1996, p. 1.

24 Article 1 of the Regulation.

is to establish effective and efficient procedures for the provision and management of humanitarian aid financed by the EU and its Member States. In principle, the procedures for the delivery of humanitarian aid are controlled by the EC. International entities or non-governmental agencies, bodies from Member States or a third country, submit appropriate requests for humanitarian aid.<sup>25</sup> The implementation of such aid may also take place on the initiative of the European Commission itself, which, as part of uniform eligibility procedures, prior to making a funding decision, carries out checks to ensure the professionalism of the implemented humanitarian action. For example, NGOs are verified for their administrative and financial management capacities. Their technical and logistical capacity to carry out a specific action is checked as well as their experience in the humanitarian field. The inspection may cover actions already carried out by the organisation in question, as long as they have been funded by the EU, as well as their willingness to recognise participation, where necessary, in the coordination system set up for humanitarian action. There is also mention of capacity and readiness to work with humanitarian agencies and local communities in the third countries concerned.<sup>26</sup>

Certainly, the adoption of such a solution in the sources of EU law is crucial in defining the role, principles, rights and obligations of partners as defined in partnership agreements. It should be noted that the EC is obliged to monitor actions taken after the assistance has been granted. Pursuant to the provisions of the Regulation, it regularly evaluates the actions financed by the EU, checking whether the objectives set have been achieved. If they have not been attained, it is obliged to draw up guidelines aimed at improving the effectiveness of aid solutions in the future.<sup>27</sup>

At the same time, it should be mentioned that the European Union has for years been committed to promoting efforts for the effective application of International Humanitarian Law (IHL). In an effort to identify operational tools for the EU, its institutions and bodies are adopting guidelines in this regard,<sup>28</sup> which lay down

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25 These may include, for example, humanitarian organisations such as: UN (OCHA, WFP, UNHCR, UNICEF), the International Red Cross Movement, the International Red Crescent Movement, international and national NGOs with which, after meeting the eligibility requirements, DG ECHO concludes Framework Partnership Agreements (FPAs).

26 See Articles 6 and 7 of the Regulation.

27 Article 18 of the Regulation; see also European Commission, Directorate -General for European Civil Protection and Humanitarian Aid Operations-DG ECHO, *Evaluation of humanitarian logistics in the European Commission's civil protection and humanitarian aid operations, 2018-2022, and of the mobility package within emergency support instrument re-activation, 2020-2022*, Brussels 2022, pp. 11-117.

28 European Union Guidelines on promoting compliance with international humanitarian law (IHL), OJ C 327, 23.12.2005, p. 4.



a set of principles aimed at mitigating the effects of armed conflict through the protection of non-combatants. It resembles the evolution and origins of IHL, but also draws attention to the EU's commitment to promoting, disseminating knowledge about as well as complying with IHL.<sup>29</sup> As part of the operational guidance, it is important to analyse the applicability of IHL. Reporting, evaluation and recommendations for action serve this purpose. Also important are the measures, actions at the disposal of the EU in its relations with third States such as, for example, political dialogue, general public statements on a specific conflict, démarches, restrictive measures, and sanctions.<sup>30</sup> Within the framework of individual responsibility to punish violations of IHL, the EU encourages third States to cooperate with the ICC to punish those who are responsible.<sup>31</sup>

Central to the issue at hand is the adoption of the European Consensus on Humanitarian Aid.<sup>32</sup> This document is based on the premise that humanitarian aid is a fundamental expression of the universal value of solidarity between people and a moral imperative. The humanitarian imperative manifests itself in respecting and promoting humanitarian principles such as humanity, neutrality, impartiality and independence. Representatives of the governments of the Member States meeting in the Council, the EP and the Commission have unequivocally stressed that the principle of humanity means that human suffering must be met with a response in all circumstances with particular attention to the most vulnerable in the community. The dignity of all victims must be respected and protected.<sup>33</sup>

The Consensus commits to 'Good Humanitarian Donorship' involving the allocation of humanitarian resources in proportion to needs and on the basis of needs

29 Currently, reports on the European Union's guidelines on promoting and complying with international humanitarian law are produced on an annual basis. See Council of the European Union, General Secretariat, *Working Party on public International Law (Cojur) Report on the guidelines on promoting compliance with international humanitarian law, January, December* Brussels 2021, pp. 3-110. See also with regard to humanitarian aid in international law: A. Barczak-Oplustil, W. Wróbel, *Udzielanie pomocy humanitarnej jako działanie (pierwotne) i legalne*, "Iustitia" 2022, No. 1, pp. 14-15; E. Mikos-Skuza, *Pomoc humanitarna w świetle międzynarodowego prawa humanitarnego konfliktów zbrojnych*, in: P. Grzebyk, E. Mikos-Skuza (eds.), *Pomoc humanitarna w świetle prawa i praktyki*, Warsaw 2016, pp. 35-51.

30 See Operational Guidelines in: Updated European Union Guidelines on promoting compliance with international humanitarian law; OJ C 303, 15.12.2009, p. 12.

31 Council Decision 2011/168/CFSP of 21 March 2011 on the International Criminal Court repealing Common Position 2003/444/CFSP; OJ L 76, 22.03.2011, p. 56.

32 See Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, *European Consensus on Humanitarian Aid*, OJ C 25, 30.01.2008, p. 1 (hereinafter cited as *Consensus*).

33 See *Consensus* Preamble.



assessments. A common strategy for responding to humanitarian crises as well as for working within partnership cooperation in the field has also been adopted, which includes: up-to-date information exchange on sound assessment of the situation, preparation of possible relief operations, and creation of a forum for regular political debate in the Council.<sup>34</sup>

The aim of the strategy was to draw attention to improving the quality of humanitarian aid and thus, as advocated, to create more effective mechanisms for the allocation of humanitarian needs, as well as to close existing legal loopholes in this area. In view of emerging doubts about the effectiveness of humanitarian action in third countries, it was pointed out that the effectiveness of aid delivery is linked to the regular monitoring of the situation in the field, as well as to the introduction of mechanisms for the efficient implementation of humanitarian action, including supply chains.

When discussing the issue in question, it is also important to mention the first World Humanitarian Summit held on 23-24 May 2016 in Istanbul. Not only was the European Commission an active participant in the Summit from the beginning, but also in September 2015 it adopted a document on the Global Partnership for Effective Humanitarian Action based on the adopted principles.<sup>35</sup> The document presented the main recommendations for the creation of a global partnership to strengthen the international community's solidarity with victims of conflict and natural disasters based on universal values such as dignity and fairness.

The EC also highlighted the nature of contemporary conflicts: the lack of dialogue with parties, especially with non-state entities, e.g. unsafe working conditions for humanitarian workers, lack of protection, recurrent theft of property, inaccessibility of humanitarian disaster regions resulting in a lack or limitation of humanitarian assistance, and the introduction of impediments restricting the movement of both humanitarian workers and aid convoys resulting in uneven delivery of aid. The EC

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<sup>34</sup> See more on this subject: para 3 *Common framework for EU humanitarian aid, Consensus*. Currently, as part of the implementation of the Consensus, the Council's Working Party on Humanitarian Aid and Food Aid (COHAFA) is tasked with defining strategies as well as responses to humanitarian crises. It should be noted that the Council does not decide on the resources allocated to humanitarian action, but undoubtedly presents the EU's position vis-à-vis countries or regions in need of assistance through its conclusions, see: Press release, Council of the EU, *EU's humanitarian action: Council adopts conclusions*, 20 May 2021; Press release, Council of the EU, *Humanitarian assistance and international humanitarian law: Council adopts conclusions*, 25 November 2019. <https://www.consilium.europa.eu/en/press/press-releases/2021/05/20/eu-s-humanitarian-action-council-adopts-conclusions/> (access: 1.09.2023).

<sup>35</sup> Communication from the Commission to the European Parliament and the Council, *Towards a World Humanitarian Summit: a global partnership for principled and effective humanitarian action*, COM/2015/0419 final.

advocated for the introduction of legal arrangements to operate with “the protection of children, women, the elderly and persons with disabilities” at the centre of humanitarian action to an appropriate degree. The organisations hold the view that meeting humanitarian needs should go hand in hand with respecting the rights of all citizens in accordance with international humanitarian law, human rights and refugee law.<sup>36</sup> Criticism has also been levelled at the humanitarian system, which uses divergent analyses on humanitarian needs.

Undoubtedly, the Commission’s communication was the result of the identification of numerous shortcomings in the broader humanitarian policy, at the forefront of which there are two basic priorities. Humanitarian action should be based on pre-accepted principles that affirm humanitarian values. Effective humanitarian action should be anchored in partnership, subsidiarity and solidarity, adequate funding and cooperation.<sup>37</sup>

As part of the arrangements made at the World Humanitarian Summit, the Union committed to a humanitarian policy by proposing and implementing constructive solutions at the global level that are adapted to the changing geopolitical realities.<sup>38</sup>

Despite several years passing since the agreements of the World Humanitarian Summit, the international community has not yet introduced globally applicable legal solutions to “secure the humanitarian space”, especially in armed conflicts. While it is not the responsibility of humanitarian services to resolve conflicts, humanitarian aid is neither a political nor military tool. However, it is worth considering the active involvement of humanitarian workers in engaging in special training in international humanitarian law. This could involve sharing intelligence gathered in the field or supporting entities engaging in dialogue with conflict parties to ensure access to effective humanitarian aid. Furthermore, the lack of guarantees regarding protection and security exposes humanitarian workers to the danger of losing their lives.<sup>39</sup>

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36 It is worth noting that an EC working document on this topic was issued while the World Humanitarian Summit was still in progress: European Commission, Commission staff working document, Humanitarian Protection: Improving protection outcomes to reduce risks for people in humanitarian crises, Brussels, 23.05.2016 SWD (2016) 183 final.

37 See also on this subject: Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States meeting within the Council on the World Humanitarian Summit, Brussels, 12 May 2016 (OR. en) 8850/16.

38 European Commission - Press release, European Union commits to action at the World Humanitarian Summit Brussels, 23 May 2016. IP/16/1847. For more see: F. Karczmarek, *Unia Europejska wobec Światowego Szczytu Humanitarnego*, “Rocznik Integracji Europejskiej” 2016, No. 10, pp. 213-425.

39 M. Pariat, *Guest Editorial...*, pp. 3-6.

Increasingly, voices within EU institutions are advocating for linking humanitarian aid with development policy. Recognizing that recurring and prolonged crises, as well as forced displacements, make providing humanitarian aid increasingly challenging. The method in this regard should be based on a strong partnership. This means, on one hand, close cooperation within joint analysis, planning, programming, and clear strategies for exiting humanitarian crises. On the other hand, it should take into account various risks associated, for example, with natural disasters.<sup>40</sup>

Importantly, there is still an urgent need to establish the so-called “grand bargain.” This would guarantee the effectiveness of decision-making based on a credible assessment of humanitarian needs. Therefore, it may be worthwhile analysing the provisions of the current regulation No 1257/96 regarding humanitarian aid in order to eliminate emerging irregularities.<sup>41</sup>

Operational effectiveness requires efficient mechanisms for carrying out humanitarian activities. EU solutions prove to be an excellent example in this regard. In this sense the European Union and Member States are implementing new methods to increase the efficiency of the delivery of humanitarian aid. It is worth mentioning the initiative of cash transfers, which can be a more effective way of reaching those in need in many crisis situations than providing in-kind humanitarian aid.<sup>42</sup> Digital technology has also been at the forefront of humanitarian policy in recent years. ECHO coordinates and supports sector-wide initiatives on the preparation of norms and standards for digitisation.<sup>43</sup> The ‘Humanitarian Air Bridge’, implemented during the Coronavirus pandemic, has proved to be a successful mechanism implemented between the Union and aid partners. It provides essential medical and humanitarian supplies.<sup>44</sup> The Union is also increasing funding for education in

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40 Ibidem.

41 See, with regard to the allocation of financial resources for humanitarian aid through ECHO, along with the procedures for their disbursement: A. Piron, *The EU’s humanitarian aid policy in the post-Lisbon context: an analysis of the decision-making process towards the Palestinian and Ukrainian crises 2010-2021*, Department of European political and governance studies, “Bruges Political Research” 2022, No. 90, pp. 25-26 ff.

42 See: Council of the European Union, *Conclusions on Common Principles for Multi-Purpose Cash-Based Assistance to Respond to Humanitarian Needs*, Brussels 2015, No. 10184/15. On Promoting Flexible and Effective Humanitarian Action and Funding Mechanisms, in: Communication from the Commission to the European Parliament and the Council on Humanitarian Action, New Challenges Same Principles, Brussels 10.03.2021, COM (2021), 110 final, pp. 2-10.

43 European Commission, *DG. ECHO policy framework for humanitarian digitalisation*, Luxembourg 2023, pp. 2-8.

44 In 2023, in connection with the earthquake in Syria, 420 tonnes of aid were delivered via this route, as well as 260 tonnes of essential medicines and foodstuffs to the eastern part of the Democratic Republic of Congo and 400 tonnes of humanitarian aid to Sudan and Chad. European

emergency situations of protracted conflicts around the world and is updating its humanitarian policy framework in this regard.<sup>45</sup> It is issuing operational guidelines for the inclusion of people with disabilities in EU-funded humanitarian aid operations.<sup>46</sup> It has also adopted a strategy of equality for people with disabilities.<sup>47</sup> It is improving the European humanitarian response capacity (EHRC).

In summary, the European Union is the leading humanitarian aid actor in the world, and it has been carrying out its mission since the inception of the European Communities. The mechanisms it proposes for providing aid are becoming increasingly effective. However, coordinated and coherent assistance requires global cooperation from international and non-governmental organizations. The sharp rise in global humanitarian needs necessitates the adoption of systemic solutions not only at the level of the European Union. This is a crucial task for addressing climate change and the destructive impact of human actions following armed conflicts. It can be argued that the international community has not fully seized the opportunity for constructively addressing humanitarian aid issues that the World Humanitarian Summit provided.

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## Unia Europejska a kryzysy humanitarne

### Streszczenie

Celem i założeniem niniejszego opracowania jest wskazanie ewolucji i mechanizmów udzielania pomocy humanitarnej przez Unię Europejską. Nie ulega wątpliwości, że jest to problematyka istotna, jednak dopiero w Traktacie z Lizbony doczekała się bezpośredniej podstawy prawnej odnoszącej się do pomocy humanitarnej i stała się przedmiotem odrębnej polityki. Jej założenia, struktura i mechanizmy finansowania zostały uściśnione na mocy unifikacji, jak i harmonizacji aktów prawa pochodnego, w tym również aktów *sui generis*, które wywarły określony wpływ na obszar działań zewnętrznych w omawianym aspekcie. Zasadniczym celem niniejszej pracy jest przybliżenie ram prawnych i politycznych pomocy humanitarnej wraz z przykładami dotyczącymi praktycznych aspektów niesienia pomocy. W pracy posłużono się metodą formalno-dogmatyczną i prawnoporównawczą polegającą m.in. na próbie

poszukiwania adekwatnych rozwiązań prawnych dla szeroko pojętej pomocy humanitarnej udzielanej przez Unię Europejską.

**Słowa kluczowe:** Unia Europejska, polityka humanitarna, Traktat z Lizbony, rozporządzenie na temat pomocy humanitarnej, międzynarodowe prawo humanitarne, konsensus europejski, akty *sui generis*

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