

**Title:** 'Child rights and humanitarian action in the Asia Pacific: the European Union as a global actor'

**Authors:** Dr Katharine Vadura and Genevieve Taylor

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Humanitarian crises, whether natural disasters or man made, require a quick and effective response from international governments and agencies. The most at risk in these times of crises are usually those who fall into the category of the most vulnerable, namely children. Whilst much research has been undertaken on humanitarian assistance around the world, there is very little specifically related to children. The European Union as a global actor plays an active role when it comes to humanitarian assistance. This paper seeks to undertake an overview of European Union policy in relation to humanitarian aid and the protection of child rights looking specifically at the Asia Pacific region.

Children are very vulnerable in times of crisis. The European Union, through the Directorate General for Humanitarian Aid (ECHO), has identified children as a priority in relation to humanitarian assistance. This need for special consideration has resulted in the development of policy and strategic initiatives to both protect and provide for children in emergency and crisis situations. The European Union, together with other international and non government organisations, has tried to establish and gain support for initiatives related to children and humanitarian action on a global scale. This paper presents an analysis of these initiatives, focusing on a review of the policy responses to humanitarian crises as they relate to children in recipient countries.

Need to think of Europe as “... the institutional and social ‘guardian angels’ of all children... fundamental rights are children’s rights – and children’s rights are fundamental rights.”

(Franco Frattini, European Commissioner esp. for Justice, Freedom and Security, Speech March 2008: *‘Europe as the guardian angel of all children’*.)

Humanitarian crises, whether natural disasters or man made, require a quick and effective response from international governments and agencies. The most at risk in these times of crises are usually those who fall into the category of the most vulnerable, namely children. Whilst much research has been undertaken on humanitarian assistance around the world, there is very little specifically related to children. Humanitarian action provides the opportunity for targeted assistance by organisations, individuals and governments alike to protect and provide for the vulnerable in times of disaster and crisis. The European Union (EU) as a global actor plays an active role when it comes to humanitarian assistance. This paper seeks to undertake an overview of EU policy in relation to humanitarian aid and the protection of child rights looking specifically at the Asia Pacific region. The EU is able to make many claims for action in relation to third countries and as a provider of significant humanitarian assistance over the years in some ways adds credence to its claim as a global actor in this area.

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### **The EU as global humanitarian**

In the case of children who are denied voice and visibility, there needs to be a direct response to assist the child particularly in times of the changing nature of conflict and disaster and increased need for humanitarian action. This paper presents an overview of EU humanitarian assistance policy, and narrows down the focus by looking at this specifically in the context of the Asia Pacific region and also more importantly children.<sup>1</sup> As the results of the project highlighted, the

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<sup>1</sup> This paper draws on the findings of the research project “Lesser Voices, Vital Need: European Union Humanitarian Action in the Asia Pacific and the Protection of Children” undertaken as part of a Summer Scholarship 2009-2010 jointly funded by the University of Canterbury and the Tertiary Education Commission of New Zealand (TEC). The project mapped both humanitarian emergencies and humanitarian aid policy over the last decade, 1999-2009. It mapped humanitarian disasters across the Asia Pacific region (36 countries in

response both from the EU and in the region to children in crisis situations is varied at best. Policy development in this area still has some way to travel to meet the international standards set for the protection of children's rights, and to achieve the rights based goals of the EU as a global actor.

The outside world still sees the EU as a 'soft power'. Internationally the EU has confirmed its place as an economic power but still appears as a somewhat fractured 'un'-unified entity in its political capacity to act and influence international crises. The very nature of the EU, namely the fact that it is made up of 27 member states, makes it a non traditional global actor. Princen and Knodt highlight three main aspects which make the EU unique as a global actor: the extent of EU member state cooperation externally; EU internal decision making process on external policies; and EU impact on other actors in the international system (2003:195) In theory the EU should be an active contributor to "... the new global civilian discourse and to contribute to responsible global governance in a fashion that is powerful yet based on soft power"(Mayer, 2008:64). That said, the EU still is a long way from being regarded as a leader on the world stage as long as it continues to demonstrate an inability to speak with one voice and act cohesively.

The apolitical nature of EU humanitarian aid is seen as a positive development in the new millenium. Originally in the late 1960s humanitarian aid was centered on development policy towards the ACP (Africa, Caribbean, and Pacific) countries. There was a distinct lack of cohesion with elements of humanitarianism spread across various arms of the European Commission. In 1992 ECHO was established giving a clear framework and structure on how humanitarian aid was managed in the EU, with an annual budget of over 500 million Euros. ECHO continues to be the coordinating body for EU assistance, and it functions primarily through close collaboration with both NGOs, UN agencies and the International Red Cross. The EU's humanitarian assistance strategy has three main points of focus: emergency aid, food aid and aid for refugees. In addition to ECHO the member states also make a contribution to humanitarian aid and it is this total amount which gives the EU the position of largest donor on a global scale. Looking ahead to the next decade the EU is seeking to continue its high level of humanitarian funding. In line with the three types of intervention allocations are: humanitarian aid 63.1%; food aid 27.1% and disaster risk reduction 9.8%. A percentage of the budget (17%) is allocated to the '12 forgotten crises' which in the Asia Pacific include Thailand, Bangladesh, Burma, India and the Philippines. In addition to this humanitarian assistance for Asia and the Pacific gets 16% of the budget, with Africa still recording the highest of 54%. 21% of the budget remains unallocated allowing for changing priorities and emerging needs (European Commission, 2009).<sup>2</sup>

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total, parts of the Pacific Rim extending to as far east as India and north as China and south as Australia and NZ and west as Samoa, Tonga and Nuie). Disasters were classified as either natural (240) or man made (91) and cross referenced if more than one country was affected. Policy mapping included the EU, all its member states as well as the 36 Asia Pacific countries. The policy mapping process had two layers, in the first instance general humanitarian action policy was looked at, then the second layer included the collection of child specific policies. Finally as the EU / ECHO operates in collaboration with international organisations and NGOs another phase of data collection involved collating and listing all organisations active both within the EU and the Asia Pacific, again both general humanitarian aid organisations and then those specifically working with children were looked at, and the specific disasters they were involved in were listed.

<sup>2</sup> In 2009 total operational expenditure was just over 930 million euro, of that approximately 248 million euro went to region 4 - Asia and Latin America, Caribbean and Pacific. General break down for the region- Pacific 2.2 million euro and PNG specifically 650 000 euro, in Asia 45.5 million euro to Myanmar, Thailand, the Philippines,

The humanitarian action policy of the EU conforms to international standards. The central guiding principle is to 'uphold, protect and fulfill rights of citizens to receive humanitarian assistance'. Other key aspects of the policy are related to alleviating suffering – right to assistance and protection regardless of race, ethnicity, nationality, religion; also the principle of good donorship. In addition to this member states and the EU also include climate change, the protection of conflict affected populations, refugees and displaced persons, disaster risk reduction and protection of human rights as part of their humanitarian policy frameworks. The mention of children and children's rights as a part of protecting human rights has emerged as a priority in the EU, and to a lesser extent the member states, in the last five years. Within this context, the EU framework for protecting and promoting children's rights as part of its external action agenda incorporates development and poverty eradication strategies, a child rights dimension to trade policy, as well as political dialogue with partner countries, greater empowerment of children, and of course humanitarian aid (where the special emphasis is on separated and unaccompanied children, child soldiers, and education in emergencies). The area of humanitarian action is one where the EU has been trying to assert some influence, and certainly when combining together the financial resources of the Commission and the contributions of individual member states the EU's reach is global.

### **Children and EU external action policy**

The last decade has been the most active in relation to the development and implementation of policies related to children and their welfare, and has seen for the first time the EU extending its policies to include children in external affairs. Early on in 1999 a Council decision established the EC mechanism to reinforce cooperation in civilian protection assistance. This was followed in 2005 with EU guidelines promoting compliance with international humanitarian law. In 2007, the European Consensus on Humanitarian Aid was established, with the following year resulting in a Disaster Risk Reduction policy. Child specific policies in the form of the protection and provision for children's rights both within the EU and also in relation to the EU's dealings with third countries (external action), were formalised in 2000 with the establishment of the EU Charter of Fundamental Rights where article 24 was specifically related to child rights. This was followed in 2002 with the EU Guidelines on the rights of the child. In the later half of the decade a series of policy documents emerged from the EU which saw a renewed focus on child protection.

More recently, the EU has been active in pursuing policy and strategies to improve the rights of the child. This commenced with an initial Communication "*Towards an EU Strategy on the Rights of the Child*" (2006), which in many respects established a framework for action in the area. Importantly it identified the need for further action on the part of the EU in the area of protecting the rights of children in its External Relations policies which includes development assistance and humanitarian action. The result in 2008 was the development of a strategy which sought to improve the situation for vulnerable children outside the boundaries of the EU and thus create a space for children in the EU's external identity. There are three policy documents which provide the framework for this strategy: the Communication "*A Special Place for Children in EU External Action*" (2008), supported by two Staff Working Papers on "*Children's Rights in External Action*" and

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Indonesia, Laos, Vietnam, Cambodia, and 157.5 million euro to Afghanistan, Pakistan, Bangladesh, India, Nepal, Sri Lanka, and South and South West Asia generally. (ECHO, *Budget Planning 2009, 2010*)

*“Children in Situations of Emergency and Crisis”*<sup>3</sup>. One of the central aims in the last five years has been the establishment of a comprehensive EU approach through development and humanitarian aid policy that protects and promotes child rights in third countries. For the EU children’s rights are seen as important enough to be included as part of the overall human rights policy.

In terms of policy, the area of humanitarian assistance is one of shared competency between the European Union and its member states. This means that initiatives and strategies evolving out of policy at the EU level need to take multiple factors into account, and should link in with or complement the national policies of member states, and together they should present a comprehensive package improving children’s rights in relation to development and humanitarian action. Literature on policy in this area sees this very point as an impediment to successful implementation, questioning in general the coherence of the broader policy area. (Bretherton, Vogler, 2006; Versluys, 2008; Holland, 2002) A great deal of emphasis in this policy area is on consultation and development of effective frameworks, with additional rhetoric emphasising the absence of children’s voices from these policy areas and highlighting the serious need for more effort to be placed on improving child rights in these areas.

The emergence of the EU *Strategy on the Rights of the Child* in 2006 marked a recognition of the importance of children and the need to give voice and recognition to a body of the community which had largely been given a status of lesser importance. The 2008 Communication policy package on children in external action supported by two guidelines has resulted in the development of a humanitarian dimension to policies related to children in external development matters. Important for the success of the policy is the emphasis on collaboration with other agencies namely UNICEF and various NGOs operating in the sector (Terre des Hommes, 2009). It is acknowledged that there are lessons to be learnt from these agencies for improved child participation.

The following discussion outlines five aspects of the policy and looks at how they aim to help to enhance child rights in humanitarian affairs. The successes of all these initiatives and strategies hinge very much on the financial allocation that the EU and member states are willing to put towards this in their respective budgets. Firstly and perhaps crucially, is the focus on policy coordination. The shared competency between EU and member states in development policy and humanitarian action means that it is possible for issues and action items to disappear off the agenda. There is room for policy slippage and lack of accountability. The emphasis on policy coordination, thus aims to ensure greater protection for children’s rights, highlighting the need for the EU to take a lead in this coordination when dealing with other countries. Secondly, the Communication has attached to it two new initiatives: *An EU action plan on children’s rights in external action* (135) and *A strategy on children in emergency and crisis* (136). Each of these initiatives outlines a specific focus and outlines mechanisms to assist in protecting the rights of children. Thirdly, the action plan on children’s rights identifies four main priority areas that require particular attention. These areas are: child labour, child trafficking, violence against children including sexual violence, and children affected by armed conflict, all issues preying on the specific vulnerabilities of children. Fourthly, the policy package seeks to establish a set of guiding principles for EU action: underpinning all policy

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<sup>3</sup> COM (2008) 55 final: Commission of the European Communities, Communication ‘A Special Place of Children in EU External Action’; SEC (2008) 135: Commission of the European Communities, Commission staff working document ‘The European Union’s Action Plan on Children’s Rights in External Action’; SEC (2008) 136: Commission of the European Communities, Commission staff working document ‘Children in Emergency and Crisis Situations’.

with a child right's based approach; respect for children's views; local ownership; and gender equality. Each of these points raises some quite significant issues for children and protecting their vulnerability. The objective of a child rights based approach in all actions embeds some of the UN *Convention on the Rights of the Child* (CRC) principles in EU humanitarian action policy. Facilitating child participation in a policy about children requires challenging adult perceptions about child competence and giving voice to the 'seen but not heard'. By enabling development partners to establish mechanisms to protect children's rights themselves, the role of the EU becomes one of support rather than dictating terms. The aspect of gender equality significantly provides a focus on eliminating discrimination against girls linking in to an attempt to address broader concerns about 'gendersclerosis' (Carbone, Lister, 2006: 5) in EU development policy, as well as gender mainstreaming. Finally, the policy articulates a strategy for the all important area of children in emergency and crisis situations focusing on: separated children; child soldiers, including the issue of girls and armed forces; and education. Particularly the special vulnerabilities in crisis of children are contextualised and recommendations are made with examples of good practice.

This policy package presents the ambitious yet timely aim of protecting children's rights and vulnerability in crisis and conflict situations. The aims are clear and reinforce the EU commitment to the Millennium Development Goals (MDGs) and achieving those targets whilst placing children at the centre of humanitarian action policies because of their general vulnerability. The package highlights linkages between the rights of mothers and children's rights, with education and child labour issues presented alongside basic health and social rights. Interestingly the scope of children encompassed by the policy is very inclusive, specifically mentioning those groups particularly at risk or having special needs.<sup>4</sup> The policy acknowledges that a number of children's rights are already covered in other EU development policies however this package seeks to introduce a broader context of human rights promotion. The enlargement process of the EU is mentioned as a positive mechanism to promote child rights, and while true in theory the practical reality often dictates economic and security priorities well ahead of children and protecting their specific vulnerability. Lastly the approach of specific geographic commitments with EU strategies designed to target particular issues facing children in certain regions has the potential for projects to have more significant regional impact and better improve child visibility and voice.

### **Conclusion - policy responses to humanitarian crises, the EU in the Asia Pacific**

On the humanitarian aid policy front, children are recognised as a target group. However, this does not mean that there is an expansion on the concept of the protection of children. Member states have continued with a needs based approach to recovery and assistance. Overall, mention of the Asia Pacific is limited, with specific countries in the region being singled out as priority countries<sup>5</sup>. Member states have had varying levels of commitment to the incorporation of a child

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<sup>4</sup> These groups included: ethnic or minority children; child migrants; refugee or displaced children; children affected by armed conflict; child soldiers; orphans; HIV/AIDS affected children; and children with disabilities. (Commission Communication, 2008: 4)

<sup>5</sup> For example, Czech Republic – Vietnam, Bangladesh, Cambodia; Denmark – Bangladesh, Vietnam; Finland – Vietnam; France – Cambodia, China, India, Indonesia, Laos, Pakistan, Sri Lanka, Thailand, Vietnam, French OCT; Hungary – Cambodia, Laos; Ireland – Vietnam, East Timor, the Philippines; Italy – North Korea, Philippines, India, Pakistan, Vietnam, East Timor; Lithuania – Pakistan and South East Asia, India, China, Myanmar; Netherlands – Sri Lanka, North Korea; Portugal – Sri Lanka, Indonesia.

rights dimension in their policies relating to humanitarian action. The range extends from having a humanitarian aid policy with no child specific content let alone a separate policy protecting children in humanitarian disasters, to those countries who incorporate a child protection dimension to their humanitarian aid policy. Of the 27 member states of the EU only Spain, the Netherlands, Denmark, Sweden, Finland and Malta included a child specific dimension to their humanitarian aid policy. Three main points summarise the approach within the EU to child rights in external action and humanitarian aid: firstly, children are included in development policy as specific targets, however child protection is a neglected area by many countries; secondly development aid is prioritised over humanitarian aid for the specific child protection dimension; and thirdly many countries include children in their development policies but not their humanitarian aid policies.

The EU policy package discussed here focused on embedding child rights ahead of political and security issues. It is noted that the present and future situation is impacted on by the current world financial crisis as governments cut budgets for health and education, these are all areas with direct impact on the well being of children. The EU has to work on ensuring that child rights actions are included in negotiations regionally and thematically. The Council of the European Union in its 2008 Conclusions on the policy package (Council Conclusions, 2008) highlighted the mainstreaming of children's rights in EU policy and action, with the protection of child rights to extend beyond the EU. This leads to the notion of an identity to protect and promote rights world wide. The Council provided guidance on specific commitments related to the humanitarian dimensions in the policy package. Therefore, protecting child rights through specific actions, particular focal areas, and mainstreaming in all programs and related dialogue are good goals but again there is the question of implementation and coordination across all 27 member states each with their own national policy agendas, as well as the minimising of duplication of effort by working closely with international organisations.

The consultation process is the most significant and debated aspect of EU policy. In this instance there are numerous issues raised around child participation: how to involve children; how to ensure children have access to information; and how to ensure equal access for children to express their views. The importance of child rights is highlighted in the policy documents however the policies themselves are destined to come to nothing without the required funding to get projects off the ground. In addition, there is a requirement for policy coherence across all these areas. Recognition by the Council of the European Union (Council Conclusions, 2008: 1 – 4) that children due to their vulnerability are disproportionately affected by humanitarian crises, means there is a need to link humanitarian action to longer term development priorities.

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