

[Source: ICRC Assistance Policy (Adopted by the Assembly of the International Committee of the Red Cross on 29 April 2004) Public version; *IRRC*, September 2004, Vol. 86, No. 855, p. 677; available on <http://www.icrc.org>]

ICRC Assistance Policy

(Adopted by the Assembly of the International Committee of the Red Cross on 29 April 2004)

Public version

1. Introduction

In recent decades, the ICRC's assistance activities have diversified and its assistance programmes have expanded. This development is due to a variety of factors that have caused the concept of humanitarian assistance to evolve well beyond mere emergency responses.

Emergency response itself has become increasingly complex, seeking to be more "intelligent" in order to achieve maximum effectiveness and to minimize the adverse consequences that humanitarian aid can have. In many situations, conflicts have become entrenched, forcing assistance work to cover the longer term, to meet needs that are at once urgent and recurrent, or even chronic. As a result, humanitarian work must be adapted and, very often, a link established between emergency and rehabilitation programmes in order to promote support or mobilization activities, stimulate adaptation mechanisms and persuade the authorities concerned to shoulder their responsibilities.

The ICRC is also faced with a proliferation of actors carrying out humanitarian work and the diversity of their areas of specialization, their abilities and their working methods, a situation that has fostered a spirit both of complementarity and of competition. Under the Seville Agreement [See [The Seville Agreement](#)], the ICRC acts as the International Movement of the Red Cross and the Red Crescent's "lead agency" in the event of armed conflict and guides the other components in carrying out activities that, more often than not, are linked to assistance programmes. At the same time, the growing insecurity in some situations, which can go as far as the rejection of humanitarian aid, has forced the ICRC to modify its approaches and strategies. [...]

The ICRC has the capacity to act rapidly and effectively in the event of an acute crisis. It strives to play a role in preventing events that are disastrous in humanitarian terms. At the same time, it must continue to meet certain essential needs in chronic crises and sometimes even in post-crisis situations.

The ICRC's programmes in the areas of health, water and habitat, and economic security are a key aspect of this approach. [...]

The aim of this policy paper – a practical, action oriented tool – is threefold:

- to guide decision making on matters having to do with assistance, so as to ensure a professional, coherent, integrated approach that meets the essential needs of individuals and communities affected by armed conflict and other violent situations;
- to clarify and affirm the position of assistance work and of the Assistance Division within the ICRC, thereby helping to provide the organization with a strong identity;
- to serve as a reference framework for the formulation of thematic guidelines applicable to different areas of assistance. [...]

2. ICRC action

In accordance with Article 5.2 of the Statutes of the International Red Cross and Red Crescent Movement, [See Statutes of the International Red Cross and Red Crescent Movement] the ICRC takes action in connection with international armed conflicts, non-international armed conflicts and internal disturbances. Under Article 5.3 of the Statutes, it may also furnish assistance in situations other than the above-mentioned. In these circumstances, the ICRC's task is to provide protection and assistance for civilian and military victims.

In terms of priority, the ICRC takes action in situations where its work has added value for the affected population, and more specifically where:

- its role as a neutral and independent organization and intermediary facilitates access to those in need and to the authorities concerned;
- its integrated approach to assistance and protection can promote respect for the rights of the individual in accordance with the letter and spirit of the law (be it international humanitarian law, human rights law or refugee law);
- its presence in and knowledge of a given situation lend it particular legitimacy;
- it can mobilize the capacity and skills needed to provide essential aid.

The ICRC's strategy is based on a combination of five modes of action: persuasion, mobilization, denunciation, support and substitution/direct provision of services. Persuasion and mobilization are the preferred modes of action when it seeks to stop or prevent violations of international humanitarian law and to make the authorities aware of their responsibilities while urging them to meet the essential needs of the affected group. This also applies to preserving their dignity. Denunciation is reserved for exceptional cases. Support and substitution/direct provision are the preferred modes of action when what is needed is to help supply essential services or to take responsibility for them when the authorities are unable to do so. [...]

Assistance must always be regarded as forming part of an overall ICRC strategy. This necessarily entails close cooperation among all programmes and all levels of decision making.

3. Guiding Principles

3.1. Taking the affected group and its needs into account

The ICRC seeks to work in close proximity to the affected group. The organization must take account of the local value systems and the group's specific vulnerabilities and perception of its needs.

3.2. Effective humanitarian assistance of high quality

ICRC programmes must be planned, implemented and monitored in accordance with the highest professional standards. [...]

3.3. Ethical norms

When providing assistance, the ICRC must respect certain ethical standards, namely the applicable principles of the Movement, the principle of do no harm, and the principles set out in the relevant codes of conduct. [...]

3.4. Responsibilities within the Movement

As a component of the Movement, the ICRC must discharge its responsibilities in compliance with the Seville Agreement and the Statutes of the Movement currently in force. During armed conflict or internal disturbances and in their direct aftermath, the ICRC has a dual responsibility: its responsibility as a humanitarian organization for carrying out the specific activities arising from its mandate and its responsibility for coordinating the international action taken by any components of the Movement involved in an operation or wishing to contribute to it. [...]

4. Strategies

4.1. Overall analysis of the situation and needs

The ICRC conducts an overall analysis of each situation in which it is involved (security and economic, political, social, environmental and cultural aspects) in order to identify the problems and needs of the affected groups in terms of resources and services and their relationship with the various actors involved. It especially endeavours to determine whether there have been violations of international humanitarian law and, if so, whether or not they are deliberate. [...]

4.2. Integrated approach

The ICRC's assistance work is flexible and wide-ranging. Its aim is to meet the essential needs of the affected group. The assistance integrated approach is based on a concept of overall health and includes the

supply of and/or access to safe drinking water, food, a habitat and basic health care and health services. [...]

4.3. Combining different modes of action

The ICRC uses persuasion, mobilization and, where necessary, denunciation to induce the authorities to meet their obligation to provide essential services for the affected groups. Where the ICRC considers that its efforts are not going to bring about a satisfactory, timely response from the authorities, and that the problem is a serious one, it may simultaneously engage in appropriate support and/or substitution/direct provision activities. [...]

4.3.1 Persuasion

It is the fundamental responsibility of ICRC staff, [...] to determine the extent to which the authorities fail to meet their obligation to provide essential services (because they are unwilling and/or unable to do so) and the scale of the emergency that this has created. [...]

4.3.2 Support for local structures/partners

The ICRC provides support for local structures and partners wherever it considers that they constitute a viable means of ensuring access by the group affected to basic goods and services. [...]

4.3.3 Substitution/direct provision of services

The decision to substitute for the authorities and to provide a direct service for those affected depends on the urgency and gravity of the needs to be met. [...]

4.3.4 Mobilization

The ICRC may mobilize third parties who will endeavour to persuade the authorities to shoulder their responsibilities or, failing that, will strive either directly (themselves) or indirectly (by supporting others) to assist those affected. [...]

4.3.5 Denunciation

In case of important and repeated violations of international humanitarian law the ICRC may, in accordance with its policy guidelines and thus in exceptional cases, take steps to denounce those responsible.

4.4. Coordination

Insofar as this does not jeopardize its independence, neutrality or security, the ICRC promotes coordination of its activities with those of other actors to ensure the greatest possible complementarity of diverse efforts to provide those in need with humanitarian aid. [...]

4.5. Sharing tasks and responsibilities

The ICRC considers sharing tasks and responsibilities with other humanitarian organizations, formally or informally, insofar as this does not undermine its independence, its neutrality, its security, its access to areas

affected by conflict or its ability to carry out protection activities. [...]

4.6. Partnerships

The ICRC develops and maintains a network of local and international partners. Its activities are carried out in cooperation with these partners only where their working methods and policies are compatible with the ICRC's objectives, strategies and principles [...]. Other components of the Movement are the ICRC's preferred, but not exclusive, partners.

4.7. Adaptation and innovation

If the strategies described above do not offer a suitable solution to a particular problem, the ICRC will consider drawing up other strategies, taking into account the many variables in the regional, national and international environment (in particular, security).

5. Action in the field of assistance

Unmet essential needs are what drive ICRC assistance work. The decision making process leading to any action is based on two levels of analysis.

5.1. First level: the ICRC identifies the groups for whom assistance is a priority

To this end, it relies on the following criteria:

5.1.1 Category of persons affected:

- persons specifically protected by international humanitarian law (for example, prisoners of war, persons deprived of their freedom, the wounded and sick, civilians and the shipwrecked);
- persons currently or potentially at risk owing to their nationality, religion, ethnic origin, sex, gender [...].

5.1.3 Gravity of problems [...]

5.1.4 Anticipated impact of action [...]

5.2. Second level: for each group identified, the ICRC defines the form that the operation will take

5.2.1 Integration within overall ICRC action [...]

5.2.2 Coherence of assistance activities

Assistance activities are oriented by the public health pyramid, which requires an integrated approach in the areas of water and habitat, economic security and health services. The result is a welldefined range of integrated activities. [...]

5.2.3 Capacity to carry out core activities

Among the wide range of activities carried out by humanitarian agencies in response to the needs of affected groups, the ICRC, drawing on its experience, has defined a set of activities it regards as core. These

activities, whose level of priority and implementation depend on the context, are as follows:

- supply, storage and distribution of drinking water;
- environmental sanitation and waste management;
- energy supply for key installations such as hospitals, water treatment plants and water distribution networks, and appropriate technologies for cooking and heating;
- transitional human settlements (spatial planning, design and setting up of camps, construction of appropriate shelter);
- distribution of food rations;
- distribution of essential household items;
- distribution of seed, farming tools, fertilizer and fishing tackle;
- rehabilitation of agriculture and irrigation;
- livestock management;
- revival of small trade and handicrafts;
- minimum package of activities derived from primary health care (PHC);
- support for victims of sexual violence;
- pre-hospital care and medical evacuation of the wounded;
- emergency hospital care (surgery, obstetrics, paediatrics, internal medicine) and hospital management;
- repair/upgrading of medical facilities and other buildings;
- therapeutic feeding;
- physical rehabilitation programmes;
- health in detention. [...]

5.2.4 Partnerships

Where this sets no constraints on its independence or neutrality, the ICRC may undertake activities in partnership with one or more other actors, in particular other components of the Movement. [...]

5.2.5 Diversification of activities

Diversification may be considered where the above-mentioned core activities do not meet the needs identified in the most appropriate manner or where there is no possibility of a partnership. [...]

5.2.6 Other parameters to be considered

Action may also be considered where:

- assistance activities can serve as a launching pad for protection;
- assistance activities facilitate the positioning and promote the acceptability of the ICRC. [...]

5.2.7 Feasibility of action [...]

5.3. Implementation

The ICRC adapts its response to the situation.

In acute crises, the ICRC seeks to maintain a rapid response operational capacity. This will help strengthen

its identity as an organization that works in close proximity to the affected groups and is effective in dealing with emergencies, while at the same time taking security constraints into account.

In pre-crisis situations, the ICRC takes action insofar as possible to prevent what could be a disaster in humanitarian terms, either by supporting existing systems or by mobilizing other entities to do so. In chronic crises, the ICRC focuses on finding sustainable solutions to the problems it encounters. In particular, it explores the possibility of handing over its programmes to the authorities concerned – by strengthening the capacity of their services – or to other organizations. In cases where it has a residual responsibility, the ICRC continues its activities.

In post-crisis situations, the ICRC shoulders its residual responsibilities.

5.3.1 Water and habitat

Water and habitat programmes are designed to ensure access to safe water (for both drinking and household use) and to a safe living environment. The ultimate aim is to help reduce the rates of mortality and morbidity and the suffering caused by the disruption of the water supply system or damage to the habitat. [...]

5.3.2 Economic security

The main purpose of economic security programmes is to preserve or restore the ability of households affected by armed conflict to meet their essential needs. [...]

5.3.3 Health

ICRC activities to promote health are designed to ensure that the affected groups have access to basic preventive and curative care meeting universally recognized standards. To this end, the organization assists local or regional health services, which it sometimes has to replace temporarily. [...]

6. Operational directives

6.1. Involving the affected group in programme planning and management

Insofar as possible, the affected group must be involved in identifying its own needs and in designing and implementing programmes to meet those needs. The ICRC acts to build the capacity of competent local bodies capable of taking responsibility for assistance activities or playing an active part in the ICRC's work.

6.2. Assessing the situation – integrated needs and background analysis

The assessment of assistance needs must be based on an information network that is as broad as possible and must include a wide range of issues and areas of endeavour. These must encompass not only assistance related areas of activity, but also those relating to protection of the group concerned and security. Various possible scenarios should be taken into account (for example, “what is likely to happen if no assistance is provided”). [...]

6.5. Entry and exit strategies

Entry and exit strategies must be provided for in the initial plans and, for exit strategies in particular, must be drawn up together with the other actors concerned. This will promote community participation and support for the programme, right from the start, and will make it possible to identify in good time potential partners for the exit process later on. Exit strategies must be transparent and flexible. [...]

6.6. Monitoring

From the beginning, a system is put in place for situation monitoring and performance monitoring. [...]

Discussion

1.
 - a. Who has the responsibility to assist the population in times of armed conflict? Does the ICRC have a right or a duty to provide assistance? (GC I-IV, Arts 9/9/9/10 respectively; GC IV, Arts 23 and 59-60; P I, Arts 17, 69 and 70; P II, Art. 18)
 - b. Under IHL, may the ICRC act as a substitute for authorities without their consent? May States reject humanitarian aid if they fail to meet their obligations to provide essential services? (GC I-IV, Arts 9/9/9/10 respectively; P I, Arts 17 and 70; P II, Art. 18)
 - c. What is the legal value of the Statutes of the International Red Cross and Red Crescent Movement? Could the ICRC extend its mandate to include situations other than armed conflicts and internal disturbances? Should it do so?
2.
 - a. What are the terms and conditions of ICRC assistance? To which provisions of IHL does the ICRC refer? When does it decide to start assistance activities?
 - b. Why is denunciation an exceptional mode of action for the ICRC?
 - c. Why is it necessary for humanitarian assistance to go beyond mere emergency responses? What kind of activities does this encompass? Has such an extension a legal basis in IHL?
3.
 - a. Does IHL provide for the intervention of many humanitarian actors? Why is it said that the proliferation of humanitarian actions fosters a spirit of both complementarity and competition? Under international law, who should be in charge of coordinating humanitarian actions?
 - b. Why does the ICRC insist on developing partnerships “insofar as it does not jeopardize its independence and neutrality”?
4. Why is it fundamental to involve affected communities in assistance programmes and to avoid as far as possible replacing authorities and local services? How does the ICRC do this?