HumVenezuela's Framework

Conceptual and Normative Framework of HumVenezuela

What is a Complex Humanitarian Emergency?

Humanitarian crises are exceptional situations that threaten the population's survival. These crises are beyond the internal capacities of the country where they take place, in some cases, as a result of their profound weakening or deterioration.

They are often classified by their causes, magnitude, duration and forecast, and tend to cause high human suffering, abuses of power and deprivation of human rights.

In the late 1980s, the United Nations (UN) coined the term Complex Humanitarian Emergencies (CHE) to refer to major crises in contexts of political instability.

In 1994, the organization defined them as crises that occur due to the breakdown or considerable weakening of authority structures as a result of internal or external conflicts[1]. This situation requires a multilevel, coordinated and intersectoral response with the international community's support to face the magnitude of its impacts on the essential living conditions and the complexity of its characteristics, such as lack of institutions and violence.

There is international consensus that CHEs are multidimensional crises of political origin and complex nature, in which there are aggravated circumstances of economic fragility and a high social vulnerability.

These crises generate a severe picture of insecurity for a large number of people, exposed to severe deprivation, extreme vulnerability and serious dangers of abuse, coercion, discrimination and violence that threaten life, health, safety, security, freedoms and well-being.

Complex Humanitarian Emergencies crises

The term CHE is accepted internationally to distinguish different crises in different parts of the world that share causes related to the instability and/or collapse of a country's institutional, economic and social structures.

Unlike disasters, CHEs are the result of persistent actions over time that provoke the dismantling of national capacities to favor political and/or economic interests or objectives.

In contrast to conventional warfare, CHEs arise in situations of conflict or internal violence through the arbitrary or abusive use of power, improper control of resources or territories, and/or hostilities between groups[2].

These crises manifest themselves in political violence, widespread poverty and hunger, severe health problems and massive displacement and their root causes are the breakdown or dissolution of state institutions. Economic, political and/or military power structures are created around these crises, making them highly politicized and persistent.

What rules protect the persons' rights in a CHE?

The international law, in its various branches, provides conditions of common interest to protect all humanity and the human rights of all people wherever are and is binding for all States without exception.

The branch of the International Humanitarian Law (IHL) protects the rights of people in warfare contexts and the branch of International Refugee Law (IRL) protects them when people must flee their places of residence because of serious threats to their lives, integrity, security or survival, so that they can take refuge in other countries and feel lastingly safe.

In times of peace as well as war times, regardless of countries' systems of government, levels of development or the existence of conflicts, the International Human Rights Law (IHRL) is the standard for the universal protection of all human rights - civil, political, economic, social, cultural and environmental - inherent to every person in all circumstances, including humanitarian crises such as CHE's.

IHRL norms in humanitarian crises

1st. The responsibility to respond to a humanitarian crisis lies primarily with the affected States, which have the obligation of using the maximum of available resources to guarantee the human rights of all persons.

2nd. The maximum use of available resources includes the obligation of States affected by humanitarian crises to request international support, and it is not permissible to allege domestic restrictions to justify breaches of this obligation or failure to ensure minimum essential levels of rights.

3rd. When affected States are unable or unwilling to comply with the above obligations, the international community has the responsibility to procure the protection of the population by all appropriate peaceful means, without this being interpreted as an unfriendly act or interference.

4th. Furthermore, it is the mandate of all UN agencies to protect human rights, whatever their competence and/or function is. The protection of these rights must be the center of the humanitarian action; to remain silent, to consent violations or to refrain from acting in the face of their occurrence is incompatible with the IHRL. In the work of humanitarian actors, the protection of human rights and dignity must always prevail over operational needs.

What is a humanitarian response?

A humanitarian response is the set of actions planned to meet the requirements of a CHE or a major disaster through the international humanitarian system. The response has a coordinated and intersectoral working architecture in which a large number of actors participate.

The activation of a humanitarian response is the responsibility of the Emergency Relief Coordinator (ERC) and the United Nations Secretary-General. The Humanitarian Coordinator (HC) is then designated to lead, with the Office for the Coordination of Humanitarian Affairs (OCHA), the humanitarian programming cycle, which comprises five phases: needs assessment, development of humanitarian plans, resource mobilization, plan implementation and monitoring, operational peer review and evaluation.

The timeliness and quality of needs-based crisis assessments play a crucial role in achieving an effective humanitarian response. These assessments must cover the impacts and severity of the crisis, including scale, factors, effects, needs, vulnerabilities, risks and human rights violations, as well as the situation of the operational environment and capacity gaps, population strategies, physical damage and security and operational constraints[7].

Humanitarian Response Architecture

The UN has a mandate to cooperate in humanitarian crises in accordance with the Articles 1.3, 55 and 56 of its founding Charter[3] and the Resolution 46/182 of 1991[4], which defined the guiding principles of its role in coordinating the efforts of the international community to support countries affected by humanitarian situations.

In 2005, the UN undertook a comprehensive internal reform that resulted in a new humanitarian response architecture to adapt its performance to major humanitarian crises[5]. The pillars of this architecture are:

1st. The creation of groups or clusters to coordinate the work of humanitarian actors by sectors, on a permanent basis at the global level and temporarily in territories affected by humanitarian crises.

2nd. The installation of a Humanitarian Country Team (HCT)[6] when a crisis occurs, led by a Humanitarian Coordinator (HC) responsible of integrating the work of the clusters on the ground, conducting the Humanitarian Response Plan (HRP), supporting local capacities.

3rd. The use of common funding mechanisms for the initiation of humanitarian response operations and the mobilization of resources to achieve HRP objectives through donor appeal processes at the global level.

4th. Assessment and accountability of obstacles and progress in relation to the processes adopted, the situation of actions and the results of the humanitarian response.

How should a humanitarian response be?

Humanitarian response operations must be proportionate and appropriate to existing protection and assistance needs and be deployed in a predictable, flexible, rapid and effective manner. The response demands favorable conditions of access, a safe environment for its implementation and respect for the rights of affected populations, wherever they are, as established by the rules of international law.

Humanitarian principles

All humanitarian response is governed by four principles[8] that define the purpose of the work of protecting and assisting the people affected by a crisis. The first two are the substantive principles of Humanity and Impartiality and the subsequent two are the operational principles of Independence and Neutrality, subject to compliance with the first. These principles are embodied in codes, commitments, declarations, guidelines and protocols of numerous organizations, including UN agencies with clusters competence.

Substantive humanitarian principles	**Humanity** The humanitarian purposes are to save lives, to prevent and alleviate human suffering, to protect the dignity and security of all people without distinction and to care for the most vulnerable.	**Impartiality** Assistance is provided on the basis of need, without discrimination among or within affected populations, on the basis of nationality, race, sex, religious belief, class or political opinion.
Humanitarian operational principles	**Independence** Humanitarian purposes must be independent of political, economic and military objectives.	**Neutrality** Not to take sides in hostilities or political, racial, religious, ideological or other nature disputes.

Principles of Partnership

In 2007, the principles of partnership[9] between international and national actors in humanitarian response were created with the aim of increasing transparency of humanitarian actions, trust and understanding. These principles recognize the role of national civil society organizations in achieving the scope expected and the effectiveness of humanitarian response.

1st. Equality and mutual respect for the mandates, obligations and independence of organizations.

2nd. Transparency and dialogue, consultation and information sharing between organizations.

3rd. Effective results-oriented action based on reality and concrete capacities.

4th. Ethical obligation to carry out humanitarian work with responsibility, integrity, relevance and appropriateness.

5th. Complementarity, regard the strengthening and not replacing of national capacities to achieve its restitution in the shortest possible time.

How should a humanitarian response be?

Centrality of Protection

The framework of humanitarian principles is the Centrality of Protection[10] as the imperative rule in all humanitarian action. Protection is the framework, strategy, method and basis of humanitarian activities, so that all efforts must be aimed at ensuring that the rights of people affected by crises are protected in accordance with international law.

Quality and accountability

In 2014, the Core Humanitarian Standard[11] (CHS) was adopted, setting standards for quality and accountability of humanitarian work within work teams and in the relationships with communities and affected people, in accordance with international law. The CHS sets out nine commitments to achieve a quality, effective, principled and accountable humanitarian action adopted by most humanitarian actors.

Development and Peace Nexus

In addition to this, humanitarian action must seek a nexus to development and peacebuilding. This nexus requests a coherent interrelationship between humanitarian and development actors, within simultaneous and coordinated actions to achieve collective results in reducing vulnerabilities and risks, protecting human rights and addressing the structural causes of emergencies.

The HDP nexus contributes to the search for a sustainable solution that will put an end to the causes of needs at all levels, improve the quality of life of the population, leverage the recovery of national capacities and ensure the fulfilment of the Sustainable Development Goals (SDGs).

Responsibilities with the Centrality of Protection

The centrality of protection must be at the heart of humanitarian response policies; it constitutes a shared responsibility of the entire humanitarian system. This means:

1st. Encouraging respect for human rights in humanitarian action and thereby improving conditions of safety and dignity for individuals.

2nd. Procuring that human rights are guaranteed by State institutions and demanding that the authorities comply with them.

3rd. Ensuring the right of persons to humanitarian assistance and protection, according to their needs and without discrimination.

4th. Protecting persons from violations of their rights, including abuse, violence, coercion, deliberate deprivation and discrimination.

5th. Acting diligently to prevent human rights violations and provide a complaints and early warning system.

6th. Supporting victims of violations in claiming and redressing their rights, and in recovering from abuses.

7th. Preventing acts of gender-based violence and third parties abuses against those being assisted, particularly the most vulnerable groups

8th. Prevent humanitarian actions from exposing people to additional harm by benefiting the most affected and vulnerable.

Human Rights in Humanitarian Crises

Rights	Content	Violation
Right to protection and security	Every person has the right to be protected from abuse, coercion, violence and discrimination on any grounds and to have the means of security in situations of risk.	Dismantling or deliberate weakening of the rule of law and / or institutions.
		Use of public powers for purposes outside the law or to impose exclusionary ideologies.
		Arbitrary suspension of rights or their guarantees for an indefinite period of time and without justification.
		Policies of repression to prevent demonstrations or to persecute dissident groups or sectors.
		Propaganda or incitement to hatred and violence against individuals, populations or groups.
Right to preserve life when it is threatened	Every person has the right to life, which entails the duty to protect them from acts of violence and deprivation intended or expected to cause premature death.	Inaction in the face of death from starvation, hunger or preventable or treatable diseases.
		Arbitrary prohibition or restrictions to assist persons in imminent danger of death.
		Arbitrary deprivation of means of health, food, shelter and/or life support.
		Denial of protection to victims threatened in their life or physical integrity.
Right to live with dignity	Every person has the right to basic conditions for living with dignity, including food, water, shelter, health, electricity, sanitation and emergency response services and operations.	Legislative, financial or political measures that undermine essential services.
		Deliberate deprivation of access to essential goods and services due to discrimination.
		Deliberate attacks or destruction of facilities and/or basic infrastructure.
		Retaliation against personnel providing services in health, water, food and education.
		Misappropriation of private assets affecting essential goods and services.
		Monopolization of funds, goods and services for purposes of political or economic control.
Right to receive humanitarian assistance impartially and without discrimination	Every person has the right to seek and receive humanitarian protection and assistance in accordance with and in proportion to their needs, in humanitarian emergencies, disasters and armed conflict.	Refusal to recognize humanitarian needs in order to avoid obligations.
		Creation of impediments to the entry of international assistance.
		Restrictions on access to areas and facilities affected by a humanitarian emergency.
		Deliberate deprivation, exclusion or conditioning of humanitarian assistance
		Arbitrary restrictions on the internal movement of international assistance.
		Politicization of humanitarian assistance to add support to one party.
		Appropriation or diversion of funds, supplies or means for economic or political gain.
		Attacks, persecution or criminalization for providing or receiving humanitarian assistance.
		Arbitrary withdrawal of humanitarian assistance from people in need.
Right to the initiative of providing humanitarian assistance.	Humanitarian organizations have the right to offer and provide assistance to all persons in disasters, emergencies and armed conflict, as well as to refugees and internally displaced persons.	Arbitrary prohibition of international humanitarian operations.
		Arbitrary denial of visas or other legal documents for humanitarian personnel.
		Expulsion of international personnel for offering or providing humanitarian assistance.
		Illegal seizure, destruction or theft of humanitarian property.
		Threats and attacks against international humanitarian personnel.

References

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