



ANNEX I

Terms of Reference for a review concerning the establishment of a European Voluntary Humanitarian Aid Corps

Contract n°: ECHO/ADM/BUD/2005/0XXXX

Name of consultant(s): **Firm:**

1. INTRODUCTION

1. Under this ToR ECHO intends to obtain a review of the issues and objectives concerning the European Voluntary Humanitarian Aid Corps (EVHAC) which is intended to be set up under the the EU Constitution.

The Constitution clearly spells out and defines humanitarian aid for the first time in any EU Treaty - see Chapter IV Cooperation with third Countries and Humanitarian Aid, Section 3: Humanitarian Aid, whose text is copied below.

"ARTICLE III-321

1. 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 operations and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination.

3. European laws or framework laws shall establish the measures defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in paragraph 1 and in Article III-292.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian aid operations of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. European laws shall determine the rules and procedures for the operation of the Corps.

6. *The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.*

7. *The Union shall ensure that its humanitarian aid operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations system."*

2. Under paragraph 5 above it is explicitly stated that the objective is to have a framework for contributions from young Europeans to the Humanitarian Aid operations of the Union. Volunteerism is a long established feature of humanitarianism. Since its creation ECHO has funded expatriate personnel working as volunteers both with international NGOs, the Red Cross and with UN bodies. ECHO has also sought to promote the professionalism of humanitarian aid through funding of NOHA http://europa.eu.int/comm/echo/training/index_en.htm and providing grants for a number of other training initiatives. The Constitutional requirement clearly foresees a more formal and more identifiable European corps of volunteers.

3. The EC Directorate General for Humanitarian Aid (ECHO) has managed humanitarian operations since 1992. Its legal mandate, given by the EC Council Regulation 1257/96 http://europa.eu.int/comm/echo/presentation/mandate_en.htm states under article 1 : "The Community's humanitarian aid shall comprise assistance, relief and protection operations on a non-discriminatory basis to help people in third countries, particularly the most vulnerable among them, and as a priority those in developing countries, victims of natural disasters, man-made crises, such as wars and outbreaks of fighting or exceptional situations or circumstances comparable to natural or man-made disasters." The principle of non-discrimination, the principles of independence and impartiality are set out under article 7 of this Regulation.

4. The new Constitution under paragraph 2 requires that humanitarian operations are in compliance with the principles of international law and in particular with the principles of impartiality, neutrality and non discrimination.

5. Therefore Humanitarian Aid cannot be subsumed to the political logic of EU crisis management; it delivers aid solely on the basis of need. EU crisis management on the contrary will use the full range of political instruments at the disposal of the Union. The nature of the crisis, the historic pattern of political and economic ties with the country concerned and the specific crisis-management objectives adopted by the EU will determine how these other instruments are used. Neither can the EVHAC be a part of any other EU youth programmes such as: the Euro-Mediterranean Youth Action Programme and the Community Action Programme "European Voluntary Service".

6. For these reasons the EVHAC must not be confused with the European Civil Peace Corps (ECPC), under consideration. Nonetheless the consultants must familiarise themselves with the recent Commission proposals on the financial perspectives 2007-2013, on new instruments to be created in the external relations area, as well as the role of the Council in European Security and Defence Policy (ESDP) and crisis management. The future ECPC shall go beyond humanitarian aid for a broader range of activities in third countries that include: civilian crisis management, conflict prevention, post conflict peace building, rehabilitation, and development. The ECPC shall be the subject of a separate study managed by AIDCO. The consultants to be hired under this review shall be expected to facilitate exchanges with the team to be engaged for the ECPC study.

7. Under this study the consultants are required to consult with the EU Member States and the three groupings of ECHO partners, UN agencies, Red Cross family and NGOs. The EU Member States have a number of their own voluntary structures that have been tried and tested. Contacts with USAID officials should also be taken. In respect of the consultations with partners, the NGO platform VOICE shall be used, possibly before a wider consultation.

2. OBJECTIVES OF THE REVIEW AND TASKS TO BE ACCOMPLISHED

2.1. Objectives of the review

8. The overall objective of the review is to provide ECHO and other services of the European Commission with an analysis setting out the design, or range of designs, of a future EVHAC. The consultants must carry out their analysis starting with the parameters of the objectives set out under the Constitution. When the Constitution is established its requirements in respect of humanitarian aid will have to be established as a European Law. Whilst the final actual contents and requirements of this law cannot be known at this stage the existing humanitarian regulation EC1257/96 should be considered as a point of reference, http://europa.eu.int/comm/echo/presentation/mandate_en.htm.

9. The specific objectives of this study are to set out the design(s) of a future EVHAC. Initially it was considered within DG ECHO that the EVHAC could consist of a three steps process whereby after a screening mechanism volunteers could progress through a three steps process of: 1) training of a non-technical nature, e.g. in codes of conduct, personal security training, how to drive a 4x4, radio communications...; 2) a traineeship of six to twelve months at one or more of ECHO's partners; and 3) a certification following successful completion with entry into a database constituting a roster, structured by knowledge of languages, professional skills, availability for short or long missions etc, to be drawn upon in responding to crises. However, DG ECHO does not wish to limit the consultants in their ideas as to possible designs, rather it requires them to be realistic and practical. Therefore the points set out below are intended to help orientate thinking rather than prescribe designs.

The consultants should answer the following points in their designs, the list is not exhaustive and should be added to by the consultants:

- the possible structures of such a body including but not limited to: (a) the management of volunteers through DG ECHO, (b) the establishment of a technical assistance platform under DG ECHO's control to manage the functions of recruitment, financial management and logistical support to volunteers, (c) the creation of an agency to manage, among other things, the EVHAC;
- the numbers of volunteers that the corps could realistically be expected to manage, the nature and duration of assignments, the status under the Vienna Convention, etc;
- whether the corps should have several classifications of volunteers, the possible profiles of such volunteers, their level of education and training e.g. recent graduates in general disciplines, recent graduates in disciplines that correspond to ECHO's core sectors of intervention medical, water and sanitation, food aid and nutrition, legal protection and shelter; graduates with relevant experience; non-graduates with relevant skills and experience e.g. logistics, security etc;
- the management mechanisms for volunteers, should there be one for rapid response to breaking crises as distinct from ongoing crises; should there be a policy that volunteers are encouraged to contribute as much at the headquarters of humanitarian organisations as they could perhaps in more sought after posts in the field;
- the conditions of recruitment, level of remuneration, insurance, type and contents of training, establishment of standards, that should be provided for volunteers e.g. humanitarian policy, security issues and needs, logistics, visibility (both for individual volunteers and also for the EVHAC); age; gender; and
- the administrative, financial, legal and human resources requirements for each of the above mentioned options should be estimated, together with pros and cons for the various alternatives. Of specific interest for ECHO: is would the management of this corps cause ECHO to become more operational and the implications of this?

2.2. Tasks to be accomplished

10. To satisfy the objectives set out above by completing interviews with appropriately qualified persons, to carry out analyses of comparable organisations and to produce a report setting out comprehensively the design options for the EVHAC and the administrative, legal, financial and other implications. The emphasis is on clarity and conciseness in presentation.

11. The basis for the consultants' opinions shall be:

- Interviews with officials of EU Member State civil services;
- Interviews with officials of UN, Red Cross and International NGO organisations (via VOICE) based in Brussels, Geneva and elsewhere;
- Interviews with key ECHO staff, both personnel at ECHO headquarters and technical assistants (TAs) based in the field;
- Interviews with officials in other EC External Services, DG DEV, RELEX and AIDCO, and possibly DG Education and Culture – for the youth programme activities it manages;
- Desk study of material on volunteer organisations at Brussels and analyses of comparable volunteer organisations codes of practice, mandates, modus operandi, etc; and
- their own professional qualifications and experience.

Please note that as face to face interviews may not be possible in every case, the consulting teams shall have to use telephone interviews, telephone or video conferencing, circulation of questionnaires by electronic means, panel interviews, etc.

3. WORK PLAN

12. **Briefing** in Brussels (*maximum 10 days including all travel*): A briefing at ECHO with the responsible staff during which all the documents available for the mission and necessary clarifications will be provided by the requesting service and other services of the Commission. This should take up the first period of 5 days. During this period mission planning and field work can be organised. ECHO envisages that a second period of 5 days should be devoted to a desk study of material on volunteer organisations present in Brussels at the Red Cross EU liaison office and also to material that may have been reviewed by the ECPC evaluation team.

13. **Missions** to three Member State administrations managing volunteer organisations and major INGOs in those states, plus Switzerland for consultation with the UN and Red Cross and USAID due to the variety of volunteer organisations that it manages (*maximum 10 days including all travel, please note that the team can divide for this work, perhaps into two teams of two, and that not all team consultants need to visit the same locations*).

14. **Field work** (*maximum 5 days including all travel*): The senior experts shall undertake a field visit to one ECHO regional office in order to be familiar with ECHO's working practices and to have contact with certain of ECHO's technical assistants and officials of key international partners and NGOs. The regional office will probably be Nairobi. An outline draft should be submitted to ECHO at this stage by the team.

15. **Drafting** of report required by the review (*maximum 15 days for each of the three senior experts. The team leader is allowed an additional 5 days for editing*): These days are to cover both the initial and final drafting after the presentation to ECHO management (see below).

16. **Presentation** of the documents required by the review at ECHO (*maximum of 1 day for each of the four senior experts including all travel*): The four senior experts will make a presentation to ECHO management and key staff in 'PowerPoint' of the documents requested: the Concept Paper and Model Guidelines.

17. **Submission** of the final version of documents requested: the three experts are allowed a delay of 15 days to finalise and submit their work following the 'PowerPoint' presentation, based on the feedback received.

4. REVIEW PAPER

18. The review will result in the drawing up of a document written in a straightforward manner, in English, of a maximum length of 50 pages, plus annexes. The length of the report may be exceeded only with justification.

19. The document format appearing below must be adhered to for both products.

- *Cover page*

- Title: “a review concerning the establishment of a European Voluntary Humanitarian Aid Corps”;
- Date of the review;
- Name of the consultants;
- Cost of the report in euros;
- Indication that “the report has been financed by and produced at the request of the European Commission. The comments contained herein reflect the opinions of the consultants only”.

- Table of contents: The contents shall set out the text in accordance with the tasks described under 2.2.

- Executive Summary with findings of the review, all paragraphs to be numbered, references to main text or annexes to specify paragraph or annex numbers.

- Main text, all paragraphs to be numbered.

- Annexes, including detailed financial and administrative appraisals of the different design choices for the EVHAC (ECHO expects the team to present case studies and model proposals for the EVHAC in more detail in the annexes for reference from a briefer presentation in the main report), timetable of work, bibliography and list of organisations consulted, etc.

20. An electronic version of the final report shall be submitted to ECHO Evaluation in Microsoft word on a CD, together with any research material considered to be of interest to ECHO. The review report shall be drawn up in 20 paper copies and transmitted to ECHO with the CD.

5. REQUIRED SKILLS FOR THE CONSULTANTS

21. ECHO envisages that **four** senior experts shall carry out the work. ECHO considers that the global composition of the teams’ skills should include: work experience in implementing humanitarian aid emergency or relief operations at field level, humanitarian policy making, strategy and planning; experience of conducting organisation capacity analysis and risk assessments with regard to human resources, legal and contractual issues, finance, economy, logistics and security; the facility to use software tools to create questionnaires to carry out statistical analysis of responses, possibly combined with some experience in research methodology or an academic background of teaching a discipline relevant to humanitarian aid. (In respect of the legal and financial work, ECHO considers that the consultants should have both qualifications and relevant experience.)

22. The experts shall also have a good knowledge of the working methods and procedures of the Commission (budgetary instruments, projects cycle management, some awareness of the devolution process towards EC Delegations...).

23. All experts should be able to draft in English, but knowledge of French by at least one member of the team is essential.

24. The team must have at least one man, at least one woman in its composition.

25. ECHO will make available office space at its HQ and at one field office to facilitate the consultants' work. Telephone conferencing to other entities and organisations may also be used where necessary.

6. ASSIGNMENT OF TASKS

26. Each team member is jointly responsible for the final accomplishment of the tasks; however, the separate elements of work necessary for the accomplishment of the tasks may be allocated between the consultants. The members of the team must work in close co-ordination.

27. A team leader shall be named who shall have the added responsibility of the overall co-ordination of the tasks to be completed and of the final coherence of the report and other works both in terms of content and presentation.

7. TIMETABLE

28. The tasks under this evaluation will be undertaken in a maximum period of 46 days for the team leader and 41 working days for the three senior experts and will be completed between end May and December 2005.

Guidelines for the consultants

1. Regulatory basis

The Regulatory basis for the evaluation of the aid provided by ECHO is established in Article 18 of Regulation (EC) 1257/96 concerning humanitarian aid, which states "the Commission shall regularly assess humanitarian aid operations financed by the Community in order to establish whether they have achieved their objectives and to produce guidelines for improving the effectiveness of subsequent operations".

2. Terms of Reference. What are they?

The Terms of Reference set out the scope of the evaluator's mission, the issues to be considered and the evaluation timetable. They allow those commissioning the review to express their needs (guidance function) while providing the consultant with a clear idea of what is expected from him/her (control function).

3. Methodology

For the purpose of accomplishing its tasks, the consultants shall use information available at ECHO HQ, from its experts on the spot, from other Commission services, the relevant Commission Delegation, ECHO partners on the spot and, if necessary, at their headquarters, aid beneficiaries, local authorities and international organisations.

4. Scope of the evaluation and topics of study

In addition to the initial information contained in the ToR, the first briefing session in Brussels provides everyone involved in the review (requesting service, ECHO-Evaluation, consultants and other Commission services) with the opportunity to discuss the contents of the ToR and to establish priorities for the review. This meeting should, as well, allow the consultants to clarify any doubts they might have about the scope of their mission. Any important remark or comment on the content of the ToR at this stage will be considered an integral part of these and will be set out by the consultants' team leader in a note that must be submitted to ECHO-Evaluation at the end of the briefing session, and before the team's departure to other locations in Europe and elsewhere.

During the process of the review the consultants must try to follow all the items listed in the Terms of Reference. Their treatment, the relative importance given to them and their coverage in the final reports will depend, however, on the consultants' own opinion as a result of the information found, both during the desk study phase and in the field. Any decision not to cover one or more of the main task assignments described in the ToR will have to be justified in the text of the reports, if inappropriately justified ECHO may choose to not accept the final report.

5. The report

By commissioning an independent review ECHO expects to obtain an objective, critical, readable and transparent analysis of its policy. This analysis should contain policy recommendations on future courses of action. The report should be, above all, a document that can function as a learning tool. Therefore, while writing it, the consultants should always bear in mind why the report is done, for whom, and how the results will be used.

Furthermore, the report is a working tool of value to ECHO only as long as it clearly reflects the consultant's independent view. ECHO's greatest concern is to respect this independence.