



On the Right Track?

Reasserting the Priorities of Humanitarian Action

19 May 2016, Geneva

Acknowledgements

On behalf of HERE-Geneva, Marc DuBois is the main author of this report. HERE-Geneva is grateful for the thoughts shared by the participants at the three working meetings on humanitarian principles, protection and accountability. HERE-Geneva would also like to thank its Board of Trustees and the members of the advisory group of its Humanitarian Priorities project – Antonio Donini, Emanuela Gillard, Mukesh Kapila, Kate Mackintosh, Charles Petrie – for their precious contributions. Special thanks are due to Karin Wendt for her invaluable editing support and Christina Samson for the design.

On the Right Track?
Reasserting the Priorities of Humanitarian Action

Copyright © HERE-Geneva 2016

Contents

1. Starting from the foundations	1
2. Improving respect for the law	1
A surplus of crisis...	1
...beyond the scope of sole humanitarians.	2
3. Strengthening humanitarian identity	3
The need to be clear on who we are...	3
...on what we do...	4
...and take responsibility for it.	6
4. Conclusions and recommendations	9
5. Endnotes	11

1 Starting from the foundations

Humanitarian crises – from the nightly news to the eternally forgotten – effect a punishing toll on millions upon millions of people. In response, UN-coordinated appeals for funding exceeded \$22 billion in 2015, mounting more operations than ever before, and yet outstripped by the fear, suffering, and death of crisis. It is a sector bursting with talent and effort, and nevertheless desperately inadequate to face the task. It is past time for an honest conversation on humanitarian crisis and response. The first ever World Humanitarian Summit (WHS, or the Summit) offers an opportunity to improve humanitarian action, build a stronger sector, forge better links between humanitarian response and development aid; and more crucially to address the political failures that generate and sustain so much crisis. The Summit offers an equal risk for hollow commitments, for agreements and proposals that rally our hopes yet fail to confront the longstanding obstacles to their realisation. Turkey thus makes for a fitting location. It is a country where UN Secretary-General Ban Ki-moon hopes UN member states and other WHS participants will come together and deliver on “a unified vision” for change “grounded in the value that unites us: our common humanity.”¹ It is also a country to which the states of the European Union – the authors and flagbearers of the very ideals upon which humanitarianism rests – will forcibly deport unwelcome migrants and asylum seekers in order to prevent voter backlash. It is a move that runs contrary to the essence of the Summit itself.

Measures to improve humanitarian action are often framed as a technical issue, one of efficiency or process, yielding agreements to do better in the future and calls for further guidelines or more training. But imperfect as some may be, the problem does not lie with a lack of guidelines or frameworks. It goes deeper: for more effective humanitarian action to happen, the sector must revisit its foundations. Over the last year, HERE has aimed to provide purpose and direction to the increasingly broad agenda of humanitarian action. The reflections in this paper are grounded in desk research, interviews with former high level humanitarian officials,

THE SUMMIT OFFERS AN EQUAL RISK FOR HOLLOW COMMITMENTS, FOR AGREEMENTS AND PROPOSALS THAT RALLY OUR HOPES YET FAIL TO CONFRONT THE LONGSTANDING OBSTACLES TO THEIR REALISATION.

and a set of expert working meetings. In a detailed analysis of the three priority areas of principles, protection, and accountability, two conditions have stood out as paramount for more effective humanitarian action.² First, respect for the law and previous policy commitments. Second, principled, accountable delivery of humanitarian assistance and protection. The primary target – ending and preventing crisis in the first place – is largely beyond the control of sole humanitarians. The secondary target, one manageable within the sector, is mounting a better response to it. The question is not whether or not ‘the system’ is broken, but how it is broken, and how it can better improve the lives of people in today’s crises, particularly in situations of armed conflict where the most urgent needs are found.

2 Improving respect for the law

To understand how to improve humanitarian action we must first put it into the proper perspective. An obvious point: in large part, the generators of crisis lie beyond the control and remit of operational humanitarian actors. And yet we casually apply the label of ‘humanitarian crisis’ to armed conflict and deeply entrenched (structural) poverty, a conflation that masks the political dimensions of crisis, and directs the spotlight onto the aid system.

■ A surplus of crisis...

Without greater political respect for international law and existing policy commitments, strengthening humanitarian action will remain of relatively limited value.

In the first place, what we have is not a deficit in either the quality or capacity of humanitarian response, but rather, what we have is a surplus of crisis, with the current manifestations and methods of armed conflict concealing political inaction. Today's conduct of hostilities flouts the obligations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL), with devastating consequences for civilians and for the delivery of aid.

The picture is tragically easy to paint: brutal conflict and violent oppression propel record numbers of people into flight (along with numerous obstacles being erected to keep them out of neighbouring and other countries). Following from this point, any reform to humanitarian work must reflect the predominance of conflict as the cause of crisis, with disasters placing an important yet distant second. From Syria and Yemen to South Sudan and Central African Republic, armed conflicts present the most challenging situations for humanitarian action.

■ ...beyond the scope of sole humanitarians.

Not only should the issue of 'humanitarian crisis' be framed first and foremost as a surplus of violence, it should also be recognised as a disregard for the respect of IHL and other humanitarian norms.

Syria reigns as the current posterchild for impunity as policy, unchallenged by states with the power and obligation to do so. On the rhetorical level there is general agreement as to the nature of the problem: there have been 17 UN Security Council Resolutions on Syria since 2012. And yet in its barrel bombs, attacks on hospitals,

Our expert working meeting on protection highlighted how the primary gap is beyond operational actors: the protection agenda cannot be tweaked into effectiveness, absent states taking action against the reality of impunity or non-compliance with IHL and other humanitarian norms. Momentum tragically appears to be in the opposite direction. It is not long ago that the creation of the R2P framework or the establishment of the ICC were viewed as developments that would ensure greater protection of civilians. States reaffirming their past commitments to strengthening respect for IHL and other humanitarian norms at the WHS, must ensure that they operationalise new measures or mechanisms that work towards the implementation of these norms instead of leaving them as good intentions on paper.

and official obstruction of aid, the context remains emblematic of the disrespect for IHL, the primacy of states' geopolitical interests, and the humanitarian consequences for people.

When powerful states disregard their international obligations without consequence, when self-interest and the us/them realpolitik of counter-terrorism so conspicuously trump the ideals of a shared humanity, the spread of lawlessness both accelerates and cascades downward. Impunity begets violence and further impunity.

The lives of those caught up in humanitarian crisis can be dramatically improved by states adhering to their obligations and commitments. The current state of human suffering, and of humanitarian needs caused by armed conflict around the world would be far lower if IHL and other humanitarian norms were properly respected. New funding mechanisms, guidelines, and coordination bodies comprise goals of secondary value. The WHS must deliver on the UN Secretary-General's call for a reaffirmation of IHL and the ability and rights of civilians caught up in conflict to receive assistance. Before agreeing on the new, however, the WHS

**WHEN SELF-INTEREST AND THE US/
THEM REALPOLITIK OF COUNTER-
TERRORISM SO CONSPICUOUSLY
TRUMP THE IDEALS OF A SHARED
HUMANITY, THE SPREAD OF
LAWLESSNESS BOTH ACCELERATES
AND CASCADES DOWNWARD.**

should address and act upon existing obligations and commitments. Publicising or restating these is not enough. Progress must be grounded in an understanding of why older commitments, and obligations firmly established in international law, are so routinely disregarded, and why such flagrant violations remain unpunished.

As we move forward to improve humanitarian work, we must differentiate between the roles and responsibilities of the stakeholders at the interface between crisis drivers and crisis response. To lessen the extent of crisis, the spotlight should fall upon states on the one hand, and upon actors responsible for economic development and political empowerment on the other.

Facing excesses of inhumanity, disregard for obligations and commitments, and impunity as a new norm, should humanitarian actors remain so timid in their approach to the WHS? In fixing states' behaviour, asking them to reaffirm their existing obligations is a step in the right direction, but is not quite good enough in the face of hospitals being bombed, tens of millions of displaced people, and the litany of everyday atrocities. Respect for international law will only become a reality if states are willing to move beyond their discourse of national security and counter-terrorism. It is integral to the performance of humanitarians to hold states and non-state armed actors accountable for their adherence to humanitarian and human rights norms. At its core, humanitarian action must rediscover the courage to protest and shed its mounting acquiescence. The present situation is unacceptable: humanitarians need to consider if they should adopt a more outsider stance – to rethink their close

cooperation and partnership with states and with intra-state institutions.

3 Strengthening humanitarian identity

To increase the capacity of humanitarian actors in armed conflict, it is necessary for the humanitarian community to be clear on its own role, its actions, and the impact these have.

The need to be clear on who we are...

Today's humanitarian sector is being asked to deliver on a wide range of societal goods, from building resilience to promoting stability and economic development. Far too much humanitarian goodwill collides in a recurring thud with the underlying incentives, architecture, culture, and political dynamics of aid. We must recognise that humanitarian actors are not part of a single system, but operate in what looks like an ecosystem, made up of countless distinct species with a set of complex relations, in which power dynamics, background and culture play major roles.

One feature of the humanitarian ecosystem is the sheer breadth of meaning given to the term 'humanitarian', with the inclusion of activities seemingly identical to development (e.g., resilience – building capacity to respond to and recover from crisis), and even the oxymoronic 'humanitarian war.' Further expansion comes from within the sector. An increasing majority of organisations that are active in humanitarian response define their purposes broadly, to include both short-term emergency response and long-term development engagement. In contrast, a small minority of organisations have a more limited, purely humanitarian focus. This surplus and variety of roles and responsibilities calls for a careful consideration of the label 'humanitarian'.

We understand that immediate needs and lifelong hopes of people are not so easily disentangled – especially in chronic crisis areas where periods of stability may end

PROGRESS MUST BE GROUNDED IN AN UNDERSTANDING OF WHY OLDER COMMITMENTS, AND OBLIGATIONS CODIFIED IN INTERNATIONAL LAW, ARE SO ROUTINELY DISREGARDED, AND WHY SUCH FLAGRANT VIOLATIONS REMAIN UNPUNISHED.

abruptly due to slow or sudden onset natural disasters, renewed conflict, or epidemics. Where acute needs (e.g., water, food, medical care, protection) exist alongside long-term needs (e.g., livelihoods, health systems, economic progress), humanitarian actors may need to take long-term perspectives. Their objectives and motivation, however, are not developmental goals driven by societal transformation, but by the immediate needs of communities.

That the humanitarian and development sectors must work together in a more complementary fashion is not an argument for convergence. Humanitarian aid should not, as the UN Secretary-General has suggested in his report for the WHS, be transformed into an instrument to achieve the Sustainable Development Goals, regardless of their magnitude. The compelling need for better integrated aid including approaches based on collective outcomes must be limited by humanitarian action's specificity, namely the delivery of assistance and protection in accordance with the principles of humanity, impartiality, independence, and neutrality.

The trick will be to preserve the specificity of humanitarian action while eliminating some of its overly indulgent claims to exclusivity. The urgency of acute needs should not triumph over the importance of long-term vulnerabilities. At the same time, achieving the important should not compromise responding to the urgent.

■ ...on what we do...

The humanitarian community should not lose sight of its primary goal to alleviate suffering by delivering assistance and protection. It needs to preserve the specificity of humanitarian work. At the conceptual level,

Our expert working meetings highlighted the area of protection as a prime example in terms of conceptual confusion and programmatic complications. Despite decades of training, conferences, and guidelines, a clear operationalisation of protection is not a given. Indeed, one of the most striking findings of the 2015 Whole of System Review of Protection is "the widespread perspective among humanitarians that they do not have a role to play in countering abusive or violent behaviour even when political and military strategies and tactics pose the biggest threat to life."

the primary goal and the specificity is rather well defined. In building a framework after World War II the world powers at the time crafted a guarantee for humanity: humanitarian action consists of assistance and protection, and minimum levels of care should be assured regardless of the circumstances. The humanitarian principles define and clarify the humanitarian mission, but what does it mean in practice to be acting in accordance to humanity, impartiality, neutrality, and independence? What is best practice? Criteria for good practice? Minimum standards? Perhaps more importantly, what does principled action and protection not look like? Where are the red lines? And what does protection involve?

In terms of humanitarian action, we understand that the principles exist as ideals. They require ongoing commitment, and hence guide our actions into the future rather than become our accomplishments in the past. They cannot be ticked off the to-do list of humanitarian action. The principles function as lighthouses, by which humanitarians can steer through the fog of crisis. It is a nice metaphor. The problem is that we do not know how to navigate by them.

It would also be a mistake to view the principles as merely theoretical constructs, irrelevant to the messy reality of humanitarian action. They lack the solidity of a water pump or box of medicines, but echoing several studies, our expert working

THAT THE HUMANITARIAN AND DEVELOPMENT SECTORS MUST WORK TOGETHER IN A MORE COMPLEMENTARY FASHION IS NOT AN ARGUMENT FOR CONVERGENCE.

As our expert working meeting on principles concluded, across cultures “one can recognise the universality of the trusted intervenor in the midst of conflict”. Generally speaking, our three expert working meetings highlighted the need to connect humanitarian rhetoric to reality, in part by being more honest and transparent. The necessity for honesty and transparency applies not only in terms of which action is carried out any why, but also in terms of what is not done, and the rationale for this. The area of principled performance illustrates the need to ensure that compromises have been deliberated and documented. Reality forces compromise. A humanitarian organisation must thus be more open about interaction between the principles, trade-offs and the weighting of key factors in reaching decisions.

meetings concluded that they are intensely pragmatic and can be linked to improved access, security, and trust. In a sector rife with guidelines, it is telling that so little focus has been placed on operationalising principled performance. It is therefore unsurprising that in the development of the main accountability frameworks (e.g., the Sphere Humanitarian Charter and Minimum Humanitarian Standards, the recent Core Humanitarian Standard and its alliance – the successor to the Humanitarian Accountability Partnership) we find at best a reiteration of the importance of the principles without an articulation of their application.

Humanity for example is often viewed as the least controversial of the four guiding

IMPARTIALITY ALSO DICTATES THAT AID SHOULD PRIORITISE THE ‘MOST URGENT CASES,’ A CLAUSE OFTEN OVERLOOKED IN PRACTICE, REDUCING NEEDS ASSESSMENT TO A LOGIC OF FINDING THOSE WITH (SOME) NEEDS, NOT THOSE MOST IN NEED.

principles. It is also perhaps the most overlooked. The sector needs to stop assuming its humanity and instead define its boundaries. Is assistance without protection inhumane? Do perverse situations such as Goma in 1994-1995 and Sri Lanka in 2009 delineate red lines, where aid becomes instrumental in denying the humanity of its intended beneficiaries? The implementation of impartiality also proves trickier than first imagined. Practice seems quite solid in terms of avoiding discrimination in the provision of aid. However, impartiality also dictates that aid should prioritise the most urgent cases, a clause often overlooked in practice, reducing needs assessment to a logic of finding those with (some) needs, not those most in need. Every UN Humanitarian Coordinator should be given the responsibility to develop a prioritisation of hard to reach populations and areas and unmet needs (both geographic and sectoral), with follow up accountability for what has been done to reach those in need.

The lack of political, financial, and operational independence of the humanitarian sector is profoundly disconcerting. One way of thinking about the principle of independence is as a tool to manage dependences, an approach to recognise that full independence is very hard to achieve, but autonomy in decision-making and action is essential. Good practice must focus on those elements that most interfere with principled humanitarian action. For example, currently, the majority of the humanitarian sector, let alone many new and emerging actors, cannot achieve financial independence without profound changes. Flexible funds are an important necessity for humanitarian actors. They are, however, no magic formula for independence. The relationship between donors and humanitarian actors needs to be addressed by more than financial mechanisms. Many donors are also states who are bound by international law and who should be pressed to uphold their obligations.

The question then becomes one of how to manage this dependence so as to diminish its most harmful effects. Working to gauge one’s impact or role in a specific context can be difficult but worth the effort. Monitoring perceptions of the organisation is an example of good practice, where humanitarians need

to try different approaches and where there is a need for further study.

The responsibility placed upon the humanitarian organisation (be it a non-governmental organisation (NGO), Red Cross or Red Crescent organisation, or UN agency) is not an unachievable purity in regard to principles. A fundamental problem with humanitarian organisations is that they refuse to admit to compromise and lack transparency as to their choices among competing demands. In today's enlarged humanitarian landscape, we hear blanket statements that 'We respect and adhere to the principles'. Nevertheless, organisations rarely monitor their adherence or weave assessment of the principles into their project planning processes or evaluations. They routinely promote the principles but do not routinely demonstrate them.³ And importantly, they do not admit to compromises in principled action.⁴ Worse still, while "calling for respect for humanitarian principles [...] humanitarian organisations have also willingly compromised a principled approach in their own conduct through close alignment with political and military activities and actors."⁵

■ ...and take responsibility for it.

Effective, ethical, humanitarian action demands that organisations give account of their actions and decisions, be ready to be held to account by others and take ownership of their actions. No sector polices itself, at least not well. Elsewhere, accountability has often been imposed, for example by governments, watchdog groups, and/or the power of consumer choice. Protected by their lofty status and the top-down structure of aid (the people who give the money do not

One of our expert working meetings also discussed the notion of collective accountability, which rests upon two characteristics: the existing inter-dependence related to the different (sectoral or technical) areas of humanitarian action and the growth of collective action through coordination. The notion of collective accountability may sound promising, but carries significant loopholes. First, it works against established lines of authority within organisations. Collective bodies cannot force agencies to act. Second, there is a risk that individual actors will hide behind the decision of the collective.

see the product), humanitarian actors have largely avoided such external scrutiny.

The main thrust and impact of accountability work thus far has led to standards of quality for programmatic activities and improved financial accountability to its donors. The current push is for 'downward' accountability to the people receiving aid, referred to as accountability to crisis-affected populations. Accountability, however, resides in multiple, diverse locations and frameworks: local authorities, donors, organisations' governance mechanisms, such as UN agency executive boards, NGO trustees, international initiatives related to standards, other agencies/NGOs, civil society organisations, community leaders, (local) media, whistle-blowers, national regulation, and the ensemble of project and organisational staff. It should not and cannot be construed as a concession, granted by the international humanitarian community to crisis-affected populations. Moreover, accountability to affected populations should not function as a substitute for proximity, engagement and programmes based on people's needs rather than an organisation's supply or self-interested (blinker) needs assessment. While accountability to affected populations is essential to the ethics and effectiveness of aid, this concept may be easier to realise in other humanitarian contexts than armed conflicts where the safety and security of communities and individuals may be at stake.

**EFFECTIVE, ETHICAL,
HUMANITARIAN ACTION DEMANDS
THAT ORGANISATIONS GIVE
ACCOUNT OF THEIR ACTIONS AND
DECISIONS, BE READY TO BE HELD
TO ACCOUNT BY OTHERS AND TAKE
OWNERSHIP OF THEIR ACTIONS.**

It is important to think of accountability differently, not strictly in terms of measurable performance indicators (e.g., number of litres of drinking water per person per day). These may be quite useful at the level of project activities, but fit poorly with the complexity of strategic decisions, protection work, or the application of the principles. Beyond the historic emphasis on accountability for organisations, it is paramount to address the question: whose responsibility is it? What is the responsibility of leaders where systemic responses place little weight on protection, or where leadership concessions go too far, raising charges of complicity? Though positive examples can be found, we see a pattern of negative leadership. Too many concessions today dilute the normative framework of tomorrow. Incremental advances in the *status quo* should not be trumpeted in press releases, fig-leaves that mask violence, abuse, and impunity.

There is a need to recognise the dilemmas inherent in humanitarian action, for example the tension between assistance and protection, and formulate an accountability

One of our expert working meetings specifically concerned the area of accountability in humanitarian action, but the question of accountability being transversal rose to the fore in all three consultations processes. Our analysis showed that accountability essentially implies that organisations are able to provide a reasonable explanation for their strategic and operational decisions, hence legitimising their work.

THE QUESTION IS NOT WHETHER OR NOT 'THE SYSTEM' IS BROKEN, BUT HOW IT IS BROKEN, AND HOW IT CAN BETTER IMPROVE THE LIVES OF PEOPLE IN TODAY'S CRISES, PARTICULARLY IN SITUATIONS OF ARMED CONFLICT WHERE THE MOST URGENT NEEDS ARE FOUND.

that concentrates on the quality of deliberation, strategy, and the causal logic of any given course of action. This means that accountability looks less at output, focusing instead on relationships, responsibilities and decision-making processes.

Accountability and protection are interlinked. States, non-state armed actors, and humanitarian actors are all to be held accountable. First and foremost, states and, in armed conflicts, non-state armed actors, have responsibilities to respect international law. Not only should other states press them on their obligations, but this is also a big part of protection work of humanitarian actors, especially when states or internationally mandated protection actors fail to do so. Humanitarian actors should be held accountable for not fulfilling their protection mandate by their governance boards, donors, and civil society.

When it comes to principles, effective and inclusive accountability is inherent in generating legitimacy. Implementation of the principles is essential to the legitimacy and effectiveness of humanitarian aid. An organisation's legitimacy is generated by the effectiveness and impact of its efforts, by the support it receives, and by its reputation, credibility, and trust. And while the context may force perverse, often impossible, choices, the poor commitment to the principles by those within the humanitarian sector is worrying. Where humanitarians fail to uphold the principles, they weaken their moral authority. In humanitarian work, one should not underestimate the value and power of moral authority. Should there be clearer incentives or rewards for principled humanitarian behaviour, and if so, what should they look like? Should the integrity of the principles be protected by creating a category of aid that is labelled 'relief', plain and simple, to denote aid that is not being delivered in accordance to the principles but is nonetheless valuable assistance?

Strengthening the accountability of states for their non-compliance with international obligations, in particular IHL, is a matter for states to address, but one of significant concern to humanitarians. For example, one may question if the disciplinary actions taken by the United States against its military and service men involved in the October 2015

One of our expert working meetings found that protection is being watered down by expedient, and risk-averse decision making; and by states having learned that the international system will not stand on principle. A shift is necessary, to reverse the default tendency of preserving diplomatic calm, embedding an expectation (and HQ support) that humanitarian leaders will challenge those responsible for violence and impunity. In situations as perverse as Syria, Greece/Turkey or South Sudan today, why should humanitarian leadership not be in constant 'hot water' for the forcefulness of their stances?

attack on the hospital run by Médecins sans Frontières (MSF) in Kunduz, Afghanistan, following its own investigation, are proportionate measures. Most notably, an independent international investigation into this flagrant violation of IHL has not taken place and the frequency of attacks on hospitals suggests that a number of warring parties no longer respect their protected status under IHL.⁶ Ironically, states agree on the imperative to improve compliance with IHL, but they have not agreed to any proposals that could realise this objective.⁷ The current state of disrespect for IHL and other humanitarian norms leaves little doubt that states and other stakeholders should consider a new mechanism that would contribute towards more respect for IHL. Such a new international mechanism could take many forms: specific body or standing committee, special rapporteur, monitoring entity of humanitarian access and civilian casualties. The proposal made by the UN Secretary-General for a 'watchdog'⁸ in relation to improving the respect for

international law is an important suggestion in this context.

Putting in place additional measures to strengthen the accountability of the humanitarian actors for their performance is a priority at a very different level, but important as well. The sector has seen heated debates in terms of the question of compliance with humanitarian standards and different approaches exist, ranging from declarations of voluntary adherence to standards without further verification of compliance to the certification of humanitarian organisations based on agency assessments and audits. As none of the measures or actions provides for the silver-bullet solution by themselves, the optimal situation when it comes to strengthening accountability lies in a combination of measures. One particular element that needs to be strengthened is the incorporation of mechanisms such as peer-review, (real-time) evaluations, or a standing monitoring mechanism into country-level strategic management, enabling course-corrections in real-time. As part of UN-led humanitarian reform efforts, such as the Transformative Agenda, promising efforts have been made in terms of inter-agency operational peer reviews. It would seem relevant to turn this into a standing capacity based at the country level. In addition, the potential of an accountability that complements these efforts, should be explored, for example in terms of a public exchange among stakeholders. Can we develop a forum for donors, agencies, local authorities, media, communities, etc. to challenge the performance of the humanitarian community on a regular basis and within a structured format? A model akin to parliamentary question time?

Humanitarian aid would profit from more discussion on how accountability might contribute to reducing sharp inequalities of power between aid giver and recipient, the same sort of inequalities that fuel crisis in the first place. The goal is to move from an exclusive focus on doing things right to place systematic attention on whether or not we are doing the right things.

IRONICALLY, STATES AGREE ON THE IMPERATIVE TO IMPROVE COMPLIANCE WITH IHL, BUT THEY HAVE NOT AGREED TO ANY PROPOSALS THAT COULD REALISE THIS OBJECTIVE.

4 Conclusions and recommendations

Human suffering would be much lower, and humanitarian effectiveness would be much higher if humanitarian norms were upheld and previous policy commitments were honoured. Before agreeing on the new, states and humanitarian actors should revisit the old. Humanitarian action has been plagued by reform efforts that have rested on agreements among humanitarian actors to do better without an analysis of the deeper problems that stand in the way of effectiveness. Instead of fixing current problems by broadening the humanitarian agenda, the answer is to reassert a limited set of key priorities: principles, protection, and accountability. Humanitarian action should stay on track.

Any improvement aimed at making humanitarian action more effective must reflect the predominance of armed conflict as the cause of crisis, with disasters placing an important yet distant second. Applying a natural disasters logic to humanitarian action in armed conflict can have serious negative implications for those in need.

1. Counteract violation of IHL and impunity

With regard to addressing the respect for international law, this is primarily a matter of state behaviour and inter-governmental (multilateral) action. If states agree that non-

compliance is a serious issue, they should address it as a matter of urgency realising that reaffirming existing obligations and commitments is not enough. IHL in particular would benefit from an effective compliance mechanism.

2. Improving humanitarian response must be grounded in political reality, not impracticable aspirations

In terms of the responsibilities of humanitarian actors, operationalising humanitarian principles, highlighting the centrality of protection, and making accountability a reality, have all proven similarly elusive, in spite of immense investment and agreements to do better. Discussions aimed at improving humanitarian performance should avoid becoming sanitised technical analyses. It is time for a fundamental recalculation. Evaluations, ideas, and proposals should purposefully account for the obstacles that have blocked the implementation of many valuable proposals and plans in the first place, political constraints, and the workings of the ecosystem.

3. Move from the rhetoric of principled action to the reality of implementation

With regard to the implementing the humanitarian principles, strengthening principled action implies that organisations be open to scrutiny in terms of their actions in applying the principles. In terms of scrutiny, or ‘measuring’ the application of the principles, we must explore the potential for a certain degree of ‘codification’ (without launching yet another tedious process to create a new framework). The idea is to delineate at least some requirements for each of the principles, to set minimum standards, best practice, or red lines. That said, the area of principled performance illustrates the need to establish accountability less on a sanctions basis and in a manner more integrated with learning processes.

Principled action requires not only a better application of the principles but (somewhat

INSTEAD OF FIXING CURRENT PROBLEMS BY BROADENING THE HUMANITARIAN AGENDA, THE ANSWER IS TO REASSERT A LIMITED SET OF KEY PRIORITIES: PRINCIPLES, PROTECTION, AND ACCOUNTABILITY. HUMANITARIAN ACTION SHOULD STAY ON TRACK.

counter-intuitively) greater honesty about non-compliance coupled with a commitment to do better in the future. The solution is for humanitarian actors to be more open about the trade-offs between the principles and the weighting of key factors in reaching decisions. They should be more transparent about when they cannot observe the principles sufficiently enough to consider their work as principled. The aims and methodologies imposed by the principles – the humanitarian identity – cannot be sidestepped without serious damage to the legitimacy of humanitarian aid, particularly in situations of violent conflict and/or political strife which so dominate the landscape of crisis.

4. Protection is necessary but a tough job

On protection, those humanitarian actors that maintain strong adherence to the core principles of humanitarian action, especially independence (all the more from political power), may be in a better position to deliver on this responsibility. Certain aspects of protection work may impose serious risks on both organisations and people in crisis-affected contexts. This work should thus remain the domain of the protection experts (i.e., not mainstreamed to every level of humanitarian response), as distinct from protection activities of a less threatening nature. As a minimum, however, humanitarian leadership failing to operationalise the centrality of protection should be held accountable.

In discharging their protection responsibilities, humanitarian actors should also work to develop higher quality analysis, first to better understand violations and their context, and second to better identify potential tactics, theories of change, and leverage points. Deliberate engagement with a broader range of actors external to the humanitarian sector, and in particular by establishing relationships with combatants, civil society, and political powers are crucial steps in protection work. As a word of caution and encouragement, the centrality of protection may also imply the need to raise inconvenient issues. For example, as donor governments are not just donors, one innovative course of action for humanitarian organisations would be to raise issues such

HUMAN SUFFERING WOULD BE MUCH LOWER, AND HUMANITARIAN EFFECTIVENESS WOULD BE MUCH HIGHER IF HUMANITARIAN NORMS WERE UPHELD AND PREVIOUS POLICY COMMITMENTS WERE HONOURED.

as the need to reinstate respect for IHL and other humanitarian norms at donor meetings.

5. Realise multi-pronged accountability, including through an independent body that monitors performance at the country level

Finally, accountability cannot be reduced to singular, agency-controlled mechanisms. To tackle the accountability gap, the time has come for the creation of (an) independent accountability mechanism(s) to monitor and assess humanitarian performance at the country level. In addition, a public multi-stakeholder forum, a model akin to parliamentary question time, meant to challenge the performance of the humanitarian community on a regular basis also deserves consideration. The point is to enable a multifaceted accountability that reduces the insulation of humanitarian leadership.

5 Endnotes

- 1 United Nations, Report of the Secretary-General for the World Humanitarian Summit, *One Humanity, Shared Responsibility*, A/70/709, 2 February 2016.
- 2 For further information and on each of the three thematic discussions, please see our more detailed reports at <http://here-geneva.org/our-products/>.
- 3 Schenkenberg van Mierop, E., Coming clean on neutrality and independence: The need to assess the application of humanitarian principles. *International Review of the Red Cross*, Vol. 97 (897/898), pp. 295-318 (2015).
- 4 One notable exception to this rule is MSF's *Humanitarian Negotiations Revealed* (2011).
- 5 Egeland, J., *et al.*, To Stay and Deliver, OCHA Policy Development and Studies Branch, p. 4 (2011).
- 6 A positive development has been the adoption and wide endorsement of UN Security Council Resolution 2286 (2016) which strongly condemns attacks against medical facilities, and personnel in conflict situations.
- 7 The 32nd International Conference of the Red Cross and Red Crescent Movement adopted a Resolution (2), "Strengthening compliance with international humanitarian law." But instead of announcing a new mechanism for compliance (which would have been annual meeting of states on IHL matters), this resolution mandates the Swiss Government and the ICRC to continue their facilitation of a State-drive process for another 4 years. Aside from this delay, one may wonder if the annual meeting would have been an effective compliance mechanism that contributes to reinstating respect for the law.
- 8 See Footnote 1, p. 16, § 60.



HERE-Geneva
Tourelle Emilio Luisoni, 4e etage
Rue Rothschild 20
1202 Geneva
Tel +41 22 731 13 19
contact@here-geneva.org
www.here-geneva.org