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HERE (Humanitarian Exchange and REsearch Centre) is an independent, Geneva-based non-profit organization. We contribute to closing the gap between policy and humanitarian practice.

HERE Humanitarian Priorities – Principles Meeting Report

Priorities and Commitments in Humanitarian Action

Project description

In recent years, the humanitarian agenda has become extremely broad with the addition of many different priorities. As a result, there is confusion and misunderstanding on what humanitarian action encompasses and tries to achieve. In response to these issues, HERE-Geneva has engaged a project looking at humanitarian priorities. The focus is on humanitarian action in armed conflict and the gaps in response found there.

The objective of this project is to provide purpose and direction to the increasingly broad agenda of humanitarian action.

It will formulate key messages on:

- The goal of humanitarian action
- Existing commitments under international law
- Benchmarks for performance

Three sets of issues will be examined in detail:

- Shared values and principles that underpin humanitarian action
- Protection of people affected by armed conflict and the gaps in compliance with international humanitarian law
- The lack of leadership and accountability for performance (resulting in substandard humanitarian performance)

The project will also look at commitments against which actors can be held accountable.

The Universality and Application of Values and Principles Underpinning Humanitarian Action

Report¹ on the Working Meeting held on 13 October 2015, Geneva

Centre for Humanitarian Dialogue

Overview

The ‘story’ of the humanitarian principles is a familiar one. Coming to the aid of people in need marks a universal impulse, one that roots humanitarian action in the values of benevolence, the sanctity of life and the fundamental dignity of every human being. These values, in turn, have been translated into the core humanitarian principles of humanity, impartiality, neutrality and independence.

Crucially, humanitarians have deemed these principles universal, reasoning that values such as compassion, altruism and charity are integral to all major cultures, religions and civilisations. Critical voices, however, contest the universality of the humanitarian principles at the level of both practice and theory. In the field, there is widespread concern for the lack of knowledge and/or failure to uphold the principles on the part of key actors, such as states and warring parties. This undermining of principled humanitarianism is compounded by inconsistency in the implementation of and failure to uphold the principles within the humanitarian community itself. At the theoretical level, critics argue that the principles form a Western construct, a reflection of the specific politico-historic origins of the modern humanitarian movement and its ‘home’ within the Western liberal agenda.

¹ On behalf of HERE-Geneva, Marc DuBois is the main author of this report.

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Moreover, though the principles have been clearly defined, their implementation is mostly assumed or declared by humanitarians. It is rarely monitored or evaluated; the sector is rife with guidelines (e.g., SPHERE, Core Humanitarian Standard) yet it has not developed minimum standards or criteria by which the application of the principles can be assessed. These problematics lead to a third key issue – the oft-repeated and yet poorly established relationship between the principles and effectiveness. Are they more than ideals? Is compliance with the principles necessary to humanitarians doing their job effectively?

As in HERE's previous Working Meeting on humanitarian protection², we gathered a diverse group of experts in humanitarian action, notably including (NGO) representatives from Pakistan, China and Indonesia, to discuss the principles.

The overarching purpose of the day was to understand and address the gap between rhetoric and practice; to understand the relevance and meaning of the principles today. More specifically, the meeting aimed to identify concrete steps to improve the understanding and application of the principles, and to nourish HERE's position in taking this crucial issue forward. The meeting was timed to take advantage of the ongoing World Humanitarian Summit (WHS) consultation process.

The day was broken down into three separate discussions:

1. How do we view the universality of the principles? Are 'new' principles required?
2. Where are the key gaps between principle and practice? Can we imagine

more concrete standards or best practice guidelines?

3. Must humanitarian action be principled to be effective?

This report provides a summary of the day and then finishes with HERE's Reflections on the day.

The goal was to generate critical analysis and diverse perspectives, not to achieve consensus. There were a number of relatively spirited exchanges, and we take this as an indicator of the urgency of the topic. By challenging simplistic assumptions and tackling practical issues such as assessment and effectiveness, the day produced a mix of academic debate, critical reflection and pragmatic suggestions. A number of key themes emerged:

- The universality of the principles is less of a problem than the inconsistent — and at times instrumentalised — application of the principles.
- There is a need and a potential for better defining the principles in terms of their implementation. If they are to function as lighthouses guiding humanitarian action, then the sector must understand what they look like in practice.
- Principled humanitarian action underpins more effective humanitarian action, though is no guarantee of it.

Session 1: Universality

Background: Do we agree with the definitions of the four core principles? What about the values underpinning them? Is there agreement on their meaning? Are they universal? Are additional principles necessary? Or are these new concepts just a further articulation of the

² The report from that discussion can be found on our website:

<http://here-geneva.ch/wp-content/uploads/2015/10/1442844784publication.pdf>

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core principles? In spite of the universal character of the *values*, the universality of the *principles* has been questioned. How do we assess this critique?

*Discussion and Key Messages*³

The session began with a brief film, *The Fundamental Principles of the ICRC in Historical Critical Perspective*⁴. The group then engaged in a timeline exercise, proposing and examining events over the course of history that have shaped the principles and their application, from the writings of Confucius to the ‘Global War on Terror’. The purpose was to visualise just how far **the humanitarian principles can trace their roots to values originating across thousands of years and a multitude of historical events** (though noting that independence as a late addition).

From there, the discussion broadened to address more fundamental issues than universality *per se*, adding clarity to the relationship between the principles and values on the one hand, and the roles and responsibilities of the key stakeholders (states, communities/people and humanitarians) on the other. A first lesson to be drawn might be that **to discuss the principles at this level, one must first set the framework for the discussion**, to assert where possible a shared understanding of the function and scope of the principles and to avoid matters of semantics. The discussion ranged over a broad set of themes and there were important areas of agreement.

- The principles of **humanity and impartiality are grounded in universal values.**

- Human compassion for those who suffer is universal. In everyday language, “humanitarian action” would include all benevolent activities. **Communities universally extend help and succour to those in crisis**, though often reaffirming an affiliation, such as family, clan or ethnicity (i.e. not necessarily on the basis of humanity). That said, we should also recognise **the ‘universality’ of violence and abuse against others.**
- **Neutrality and independence grew out of the operational necessity** to fulfil humanity and impartiality, and are not of the same order. Neutrality is defined differently across the sector, given its tension with common organizational values such as justice or solidarity. Even so, one can recognise the **universality of the trusted intervenor** in the midst of conflict.
- **Perfect independence can never be achieved**, and the group noted the degree to which independence acts as ‘a tool to manage dependences’ (a notion borrowed from ICRC President Maurer). It was also noted that implementing agencies sign such a number of grant contracts and MOUs that it becomes difficult to speak of independence and/or neutrality in some contexts.
- The principles serve to codify the meaning of humanitarian action to a particular group of actors, those providing assistance and protection during situations of armed conflict.⁵ A

³ Unlike the earlier working meeting on protection, these sessions did not include prepared presentations.

⁴ The film was developed by Professor Andrew Thompson (Exeter University) as part of a conference on “Connecting with the Past – the Fundamental Principles of the International Red Cross Red Crescent Movement in

Critical Historical Perspective” jointly organised by the ICRC and Exeter University on September 16-17.

⁵ It was noted that non-conflict situations such as ‘natural’ catastrophes may require similar principles given local dynamics (e.g., territorial control by criminal gangs in

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- parallel was drawn to the framework of medical ethics for doctors.
- The humanitarian principles apply to humanitarian actors, and are **linked in particular to the Western apparatus** (but see WHS conclusions, below). It was noted, for instance, that NGO independence is seen quite differently in China, where there is an emphasis on cooperation with the state and where actors/stakeholders alike would be understood to be influenced by self-interest, be it financial, spiritual or other.
 - The humanitarian principles are **not formulated as an obligation upon states** (or other parties to the conflict). However, in addition to their important obligations under IHL and human rights law (e.g., duty of non-discrimination), **States must not prevent humanitarian actors from operating in a principled manner; they must not interfere** in their compliance.
 - Similarly, the principles are not addressed to people/communities, and yet humanitarian agencies should be wary of declaring ownership of the term ‘humanitarian’ and its principles.

As one participant commented at the end of the session, we did not resolve the issue of whether or not the principles – codified by a ‘club’ of Western actors at a specific political and historic juncture – were universal in their character (as are the values underpinning them). That may be true, but as another participant countered, even if they have Western origins, it neither makes them bad, nor contradicts their universality. On the contrary as reported by one participant, the

WHS preparatory consultations, which include a large variety of individuals and organisations from all corners of the globe, and **produced a remarkable consensus that the principles are valid and apply to all humanitarian actors.**

Though answered inconclusively, the question of universality may be moot to some extent. The problem lies not in the principles, but in the perception that the West does not obey/uphold the principles consistently, while quick to preach them to others. Moreover, humanitarian already find it difficult enough to apply the principles in many complex operational contexts, so additional principles carry the risk of watering down the strength of the existing ones.

Session 2: Application of the principles

Background: Promotion of the values and principles underpinning humanitarian action needs to be coupled with application of the principles. Yet the very states and organisations/agencies responsible for upholding and complying with the principles often compromise them in practice. Moreover, while the principles serve as the foundation of humanitarian action, there is no agreed mechanism for verification of and accountability for gaps/violations, and little sense of the extent to which organisations monitor their performance in this regard.

This session focused on each of the four principles individually, beginning with a plenary discussion of humanity which was then followed by two smaller group discussions of (Group 1) neutrality plus independence and (Group 2) impartiality plus independence. The small groups were tasked to discuss and report back to the plenary on the gap between principle and practice. What are the chief

Port-au-Prince, Haiti), but in general the discussion addressed conflict situations.

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challenges to implementing the principle more fully? What should good practice or minimum compliance entail? Can we establish standards by which implementation can be assessed, or processes to ensure that the principle is central to decision-making and monitoring/evaluation?

Discussion and Key Messages

In general, defining the problem -- diagnosis of the gap and its causes – dominated discussions. This reflects (a) the sheer complexity of application of the principles and (b) the weak development of concrete thinking on standards of good practice, assessment and minimum compliance.

❖ *Humanity discussion*

Reflecting on the principle of humanity, the participants confirmed that a longstanding lack of **accountability in the sector contributes to the gap in principled practice**. Arguably, accountability to people/communities inheres in this principle insofar as **humanity embodies values such as autonomy and dignity**. Hence people have the right to a say in matters that impact their lives so deeply. Accountability – real accountability to the people who receive assistance and protection – has been plagued by a combination of:

- A plethora of discourses, initiatives, and processes, but little implementation or change;
- Directional inversion – top-down accountability to donors for the performance of contracts;
- Power differentials that heavily favour humanitarian actors over people and communities;
- Bureaucratisation and heavy accountability processes that remove humanitarians and decision-making from the field – undermining proximity, an essential function to principled action.

The group discussion of humanity entered into the difficult yet familiar ground of what might be termed the ‘dilemmas of humanitarian action’, those **classic situations where access to people in crisis is hindered by politics, lack of independence, insecurity, etc.** Beyond these recognised tensions, the participants challenged the degree to which the sector simply assumes humanity to be the prime motivator of actions from within the traditional sector (i.e., UN agencies, INGOs). Concerns were expressed that **aid agencies do not always see people as human beings, treating them instead as vessels to be filled with assistance, as helpless victims, as lacking autonomy/agency**, and thus in need of saving by the international community.

Apart from the responsibility of individual organisations to ensure their own adherence, another major impediment to the implementation of the principles stems from the nature of the **humanitarian system, which has no central authority, so for instance cannot define or maintain common positions**. Sri Lanka was raised as an example where attempts were made to present a united NGO front towards the issue of the detention camps, but where NGOs quickly broke rank. It is simply not possible – and can potentially compromise the principle of independence – to dictate to individual NGOs/agencies what they must do, or to whom they must deliver assistance and protection. The problem is central to the sector: in crisis contexts, and **on a global scale, how do we generate coherence across independent actors, including UN, NGOs, states, private sector, philanthropists and the Red Cross / Red Crescent Movement?** How do we situate the humanitarian project within the larger socio-political, economic and conflict environment?

In the end, sanitised, ‘textbook’ humanitarian action does not exist. **Principles like humanity are vital precisely because the work is so**

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complex. We require that principles act as lighthouses to guide us. That realisation highlights one of the day's core themes – how would we know if we were steering by the lighthouses when we have so much difficulty describing what they look like?

❖ *Impartiality discussion*

The application of impartiality suffers from confusion in the sector and from the principle's complexity. There appears to be solid practice in terms of avoiding discrimination in the provision of aid, appropriately treated as a true 'red line' in humanitarian action. However, **impartiality also dictates that aid should prioritise the most urgent needs, a statement that is often overlooked.** Delivery of aid seems to be guided by a logic of finding those with needs, not those most in need, with various structures/incentives pushing humanitarian actors towards populations that are less difficult to access and interventions less risky encounter problems.

That situation is compounded by the complexity of a principle that must be evaluated on three levels: at the project, context/country and global levels. The participants identified the upper two levels as the most problematic. Put simply, **organisations too often lack the (financial) independence necessary to address those in greatest crisis at the global scale** – producing gaps for 'forgotten', 'invisible' or ignored crises in the places of low strategic interest to the major donors (e.g., Ebola in its early stages). Apart from the principles, the system has no mechanism by which actors can be (re)directed to under-served contexts. Underlying these deficits is a major systemic weakness: **humanitarian action is driven first and foremost not by needs on the ground but by**

supply. It is thereby ill-fitted to the goal of impartiality.

At the country level, **the sector is missing a proper mechanism for needs assessment**, one that is not influenced by the specific response capacities and interests of those conducting the assessment. There were differing views on whether or not it would be possible to create **an independent body to conduct needs assessments**, or the feasibility of attempting a 'whole-of-caseload' assessment.

❖ *Neutrality discussion*

The group work on neutrality highlighted the degree to which **humanitarian actors work within a larger, politicised operating environment, while at the same time must foster a neutrality towards it.** That problematic is exacerbated by the difficulty of gauging one's impact or role in the conflict/context. The issue is not simply neutrality itself, which exists as an ideal, but **how to configure the interface between the humanitarian and the political spheres**⁶.

The **perception of an organisation's neutrality often proves more critical than actual neutrality, and is more under threat, particularly in 'War on Terror' contexts.** Rather than simply declare their neutrality, organisations need to project it (and independence) through their actions. Some participants speculated it would be advantageous to abandon the label 'neutral' altogether, with humanitarians communicating to others on their practices, on what they are doing and not doing in a given context. In terms of good practice, **agencies/NGOs should actively seek to understand or even measure how they are perceived**, and be more accurate in explaining to other actors the limits to their

⁶ The interface is particularly acute for UN agencies, as they are constituted within a political structure.

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adherence to neutrality (and the other principles).

❖ *Independence discussion*

Participants noted the enabling function of independence vis-a-vis the other principles. That function reinforces the import of the **humanitarian sector's pronounced dependence on funding from donors⁷** and its **continued entanglement with governmental bodies or politicians**. It is relatively easy to imagine guidelines that prohibit, for example, ex-politicians from taking up leadership roles within humanitarian agencies, or requiring that NGOs hold a certain percentage of their total operating budget in an emergency pool. But would these be accepted? Could they be enforced?

At the context level, **there is a difference between receiving funds and being influenced by funds or politics**. In the field, for example, many national Red Cross / Red Crescent societies maintain their relative autonomy in spite of their auxiliary status (while others clearly do not). The more important factor is not financial freedom, but whether or not the humanitarian worker on the ground can make independent choices. Can such a gauge of independence be qualified? Quantified?

As mentioned above, the idea of independence itself deserves some challenge. To what extent **can individual humanitarians ever divorce self-interest from their work?** In other words, to what extent can they be said to be free of interference from non-humanitarian agendas?

⁷ Exceptions exist, such as the prominent examples of MSF and World Vision, whose funding is largely private. Also, and less well-recognised, are NGOs in other parts of

Session 3: Effectiveness of principled action

Background: Can we articulate the relationship between humanitarian principles and effective humanitarian action? Do the core humanitarian principles contribute to more effective humanitarian action (i.e., lives saved, suffering alleviated)? If so, what makes principled humanitarian action more effective? What evidence exists to demonstrate the connection? In terms of practice, when the effectiveness of programming is evaluated, do we look at humanitarian principles? Do we want to go further and define the implementation of humanitarian principles as part of effective aid?

Discussion and Key Messages

The simple conclusion is that the **principles are necessary but not sufficient to the effectiveness of aid**. An ICRC study of the matter determined that application of the **principles led to consistency and/or predictability, which in turn fostered trust, acceptance and access**. Other key ingredients to being effective were transparency and the ability to communicate across stakeholders, both supported by a principled approach. There are, however, points of complexity:

- **Effectiveness is ultimately defined on an organisational level, based on its interpretation** of humanitarian action, yielding different definitions across the sector. Definitions of effectiveness particularly depend on how an organisation interprets impartiality (see above).
- There is very **little evidence demonstrating a causal link between principled action and effective action**. The risk is that we become

the world, such as in Indonesia, where *zakat* donations produce a high degree of unrestricted, available funding for some organisations.

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stuck in a paradigm where principled humanitarian action is defined as effective humanitarian action.

- Even where action does not comply with the principles, it may be effective at reaching people and saving lives in the present. However, the inconsistency and the **failure to uphold principles over time may jeopardise access and hence effectiveness in the future.**

In the end, implementation of the principles improves the likelihood of access to certain contexts or specific areas within them. Yemen and north-eastern Nigeria (zones of Boko Haram activity) provide examples where only the more strictly principled organisations have obtained access. **The use of principles thus helps humanitarians avoid ineffectiveness due to absence.** That causation seems unassailable: even if not a guarantee of effective operations, the principled approach enhances access and access is a precondition to saving lives.

HERE Reflections on the Day

The primary objective of HERE is to address the gap between rhetoric and reality, policy and practice. Nowhere is that more evident *and* more within the direct control of humanitarian organisations than with regard to the implementation of the core humanitarian principles. HERE convened this day of critical reflection to assess the standing of the principles, of why and by how far the application of the principles falls short, along with the potential for improvement.

The day's reflections reinforced our conviction that the core humanitarian principles are at once definitional and necessary to effective aid, meaning that the opposite of principled action is not pragmatic action, as is so often

argued. Humanity and impartiality dictate the *raison d'être*, motivation, and objectives of humanitarian work. The ultimate opposite of principled action is unprincipled action, and hence action that does not meet the criteria for it to qualify as humanitarian - (though it may still constitute much needed relief and assistance). Without a strengthening of the principled approach, humanitarians will continue to neglect many of those most in need or, even where present in a given context, continue to be denied access to critical areas. The question for us: how can HERE contribute to a more principled humanitarian action?

Strengthening principled action involves a combination of (a) greater commitment to and application of the principles, and (somewhat counter-intuitively) (b) greater honesty about non-compliance. Let us start with the basics. A declaration or agreement that the humanitarian community must improve its application of the principles, and that states or other parties to conflict must demonstrate greater respect for them, ignores the past two decades of similar declarations and agreements. It thereby fails to address the political forces, power dynamics and systemic structures/drivers which undermine principled humanitarian action in the first place. Building on this working meeting HERE will carry out a more thorough analysis of the reasons for these shortcomings. As the day's discussions have shown, this analysis must include the interplay between the principles and humanitarianism's poor accountability to the people on the ground (accountability will be the topic of a third day of expert discussion).

Second, while we support the generic assertion raised in the context of the World Humanitarian Summit preparations that the humanitarian community must do more to apply the principles, there is an opportunity to be more concrete in two regards.

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- Prioritise key weaknesses in the uptake of the principles, such as the insufficient regard for financial independence or for the second clause of impartiality, namely to prioritise the delivery of aid to those *most* in need.
- Explore the potential for a certain degree of ‘codification’. Can we not spell out at least some requirements for principled performance? What does it look like? What can be agreed in terms of minimum standards or best practice guidelines? What about red lines? Can we develop (independent) monitoring of the application of principles?

Third, it is understood that the principles exist as ideals, and cannot be fully implemented in many of today’s dilemma-ridden contexts. There is a danger in organisations consistently labelling themselves principled when so many actors clearly perceive a reality to the contrary (e.g. claims of neutrality or independence in Afghanistan). HERE will promote the idea that good practice in terms of a principled approach should include good practice in terms of compromise: being more transparent/honest to all actors about limitations; documenting decisions to compromise on principles; and, importantly, matching compromise with commitments/plans to improve performance in the future.

As the day affirmed, the importance of the principles is most apparent and their implementation most imperative in the very places where the principles are most challenged. Access denied is decidedly ineffective. People in crisis must have access to assistance and protection and the principles are essential to developing the trust necessary to deliver aid in fiercely contested environments. HERE is further convinced that the humanitarian sector must set an example

by demonstrating that principles trump self-interest. More than an example, there is a power in doing so, one necessary to holding political and armed actors accountable and to the moral capital of humanitarian action. Ultimately, principled humanitarian action – both assistance and protection – saves lives, alleviates suffering, and safeguards the very standing of the sector upon which this work depends. ■