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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.*

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HERE - HUMANITARIAN PRIORITIES – FINAL REPORT

# **Contents**

**List of acronyms .....1**

**Introduction .....2**

**Operationalising the Humanitarian Principles.....3**

*Humanity .....4*

*Impartiality.....5*

*Neutrality .....6*

*Independence.....6*

**Redressing the Protection Gap.....8**

**Strengthening Accountability.....10**

**Concluding Reflections and Key Messages .....13**

**List of acronyms**

<b>ALNAP</b>	Active Learning Network for Accountability and Performance
<b>CHS</b>	Core Humanitarian Standard
<b>HAP</b>	Humanitarian Accountability Partnership
<b>HERE</b>	Humanitarian Exchange and Research Centre
<b>IASC</b>	Inter-Agency Standing Committee
<b>IHL</b>	International Humanitarian Law
<b>IHRL</b>	International Human Rights Law
<b>IRC</b>	International Rescue Committee
<b>JEFAR</b>	Joint Evaluation of Emergency Assistance to Rwanda
<b>MSF</b>	Médecins Sans Frontières
<b>NGO</b>	Non-Governmental Organisation
<b>ICRC</b>	International Committee of the Red Cross
<b>INGO</b>	International Non-governmental Organisation
<b>ODI</b>	Overseas Development Institute
<b>OPR</b>	Operational Peer Review
<b>RTEs</b>	Real-Time Evaluations
<b>SDGs</b>	Sustainable Development Goals
<b>SMART</b>	Specific, Measurable, Assignable, Realistic, Time-related
<b>UNHC</b>	United Nations Humanitarian Coordinator
<b>UNHCT</b>	United Nations Humanitarian Country Teams
<b>UNSG</b>	United Nations Secretary-General
<b>WHS</b>	World Humanitarian Summit

## 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.

The project formulates key messages on:

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

Three sets of issues are 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 also looks at commitments against which actors can be held accountable.

## Humanitarian Priorities for People in Crises - The Foundations for a More Effective Response

Priorities and Commitments in Humanitarian Action Final Report<sup>1</sup>

19 May 2016, Geneva

### Introduction

Our modern world offers no refuge from human crisis. It is a world in which human beings progress, where infants increasingly live to see their fifth birthday, where more and more girls attend school and where communities rise up in stable, prospering environments. But it is also a world defeating our every human aspiration, where protracted, unfathomable conflicts destroy whole civilizations, where increasingly frequent natural hazards roll back decades of development, and where record levels of humans flee their homes and homelands in search of safe haven. The worldwide crisis affecting refugees, migrants and asylum seekers is instructive: the lack of assistance is an urgent concern. Important as it may be, the *paramount* humanitarian priority does not lie with the (inadequate) functioning or performance of operational humanitarian agencies. It sits with the disregard, from a wide array of political and military actors, for internationally accepted norms and behaviour. This brutal gap hence lies between noble ideals and the conduct of hostilities, and more concretely between the rhetoric and reality of upholding existing (legal) obligations.

The first ever World Humanitarian Summit offers an opportunity to improve humanitarian aid, build a stronger sector, strengthen national/local resilience efforts and global development; and more crucially to address the political failures that generate and sustain

<sup>1</sup> On behalf of HERE-Geneva, Marc DuBois is the main author of this report. HERE-Geneva would like to thank the participants at the working meetings on humanitarian principles, protection and accountability, as well as 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. This report would not have been possible without the generous support of the governments of Sweden and Switzerland.

so much of this human crisis. The Summit offers an equal opportunity for hollow commitments, for agreements and proposals that rally our hopes yet fail to confront the longstanding obstacles to their realisation. In view of providing purpose and direction to the increasingly broad agenda of humanitarian action in the context of the WHS, HERE has engaged in a year-long project looking at the “Priorities and Commitments in Humanitarian Action” (Humanitarian Priorities Project). The work has been based on desk research, interviews, and a set of expert working meetings, and it has looked particularly at three interlinked areas:

- [The humanitarian principles](#);
- [Humanitarian protection](#); and
- [Accountability](#) (a gap which contributes to the gap in principled action and protection).

During the course of the project, each priority area has been the subject of a separate report. This document concludes the Humanitarian Priorities project, by providing an overarching look at the reflections that emerged across the three priority areas. After having presented the key issues that crystallised in the analysis of the three priority areas, the report concludes with a summary of HERE’s reflections on how to ensure a more effective humanitarian response. These reflections have formed the basis for HERE’s contribution to the WHS, as presented in the paper “[On the Right Track?](#)”.

### **Operationalising the Humanitarian Principles**

In building a framework after World War II the world powers at the time crafted a guarantee for humanity. That space was created because states believed in assuring minimum levels of care regardless the circumstances. Where humanitarians fail to uphold the principles, they weaken their identity, legitimacy, and moral authority, and “can lose legal justification for their activities”.<sup>2</sup>

It would be a mistake to view the principles as theoretical constructs, irrelevant to the messy reality of humanitarian action. They lack the solidity of a water pump or box of medicines, but they are intensely pragmatic. A well-developed body of evidence supports the view that adherence to the principles strengthens the effectiveness of humanitarian action by improving access.<sup>3</sup> HERE’s expert working meetings reached the same conclusion. Further, studies show that a failure to adhere to a principled approach is a major cause of security incidents against humanitarians, and that their consistent application elicits a predictability that is central to trust.<sup>4</sup>

Importantly, it was thought that the WHS process would give rise to serious challenges to the universality of the principles, with critiques levelled at their Western origins and self-serving claims to universality. Instead the WHS preparatory consultations produced a remarkable consensus that the principles are valid and apply to all humanitarian actors.<sup>5</sup>

The principles exist as ideals. They require ongoing commitment, and hence guide our

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<sup>2</sup> ALNAP (2014). Good Humanitarian Action is Apolitical and Adheres to International Law and the Humanitarian Principles. *WHS Briefing Paper*, p. 5.

<sup>3</sup> Gordon, S., Donini, A. (2016). Romancing Principles and Human Rights - Are Humanitarian Principles Salvageable? *International Review of the Red Cross*, p. 109 ; Egeland, J. et al. (2011). *To Stay and Deliver – Good Practice for Humanitarians in Complex Security Environments*, Office for the Coordination of Humanitarian Affairs, p. 4.

<sup>4</sup> Labbé, J., Daudin, P. (2015). Applying the Humanitarian Principles: Reflecting on the Experience of the International Committee of the Red Cross. *International Review of the Red Cross*, p. 97.

<sup>5</sup> HERE-Geneva (2015). [The Universality and Application of Values and Principles Underpinning Humanitarian Action](#). *Report on the Working Meeting held on 13 October 2015*, Geneva, p. 4.

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. There problem is that it is not clear how to navigate by them.

The principles are well-defined, and largely unambiguous at the conceptual level.<sup>6</sup> But what does it mean in practice to be acting in accordance to humanity, impartiality, independence, and neutrality? What do they look like? What constitutes best practice? Criteria for good practice? Minimum standards? Perhaps more importantly, what don't they look like? Where are the red lines?

The lack of clarity on what the principles mean in practice gives rise to a more general lack of accountability for their implementation. In a sector rife with guidelines, it is telling that so little focus has been placed on operationalising principled performance. The main accountability frameworks (e.g., Sphere, CHS – the successor to HAP) reiterate the importance of the principles without an articulation of their application. The CHS illustrates this deficiency, proposing in circular fashion that programmes should be “based on an impartial assessment of needs”, and that organisations should “commit to providing impartial assistance based on needs”.<sup>7</sup> Telling an organisation to be impartial does not explain how to be impartial.

These issues take on considerable importance in today's enlarged humanitarian landscape,

where it seems as if all organisations utter the same toothless mantra that ‘We respect and adhere to the principles’. 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.<sup>8</sup> They do not admit to compromises in principled action.<sup>9</sup> 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”.<sup>10</sup>

### *Humanity*

There was an irony at the core of the WHS, at having to gather together the humanitarian community to talk about how to put people at the centre of the humanitarian action. After all, the purpose of humanitarian action is lodged in the principle of humanity: “to protect life and health and ensure respect for the human being”.<sup>11</sup> Human beings possess a fundamental human dignity and there is “no greater goal beyond the person in humanitarian action” (i.e., not peace, democracy, development, etc.).<sup>12</sup> Humanity, of course, is also the body of people who commit acts of inhumanity.<sup>13</sup> Therein lies the paradox.

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<sup>6</sup> Exceptionally, the strict definition of neutrality has been challenged by organisations such as Oxfam, who agree with the main thrust of not seeking for their aid to play a role in the conflict, but wish to emphasise the value of taking the side of the victims, and of campaigning on their behalf.

<sup>7</sup> Core Humanitarian Standard on Quality and Accountability (2014).

<sup>8</sup> Schenkenberg van Mierop, E. (2015). [Coming Clean on Neutrality and Independence: The Need to Assess the Application of Humanitarian Principles](#). *International Review of the Red Cross*, Vol. 97, pp. 1–24.

<sup>9</sup> One notable exception to this rule is MSF (2011), *Humanitarian Negotiations Revealed*.

<sup>10</sup> Egeland (2011). p. 4, *op. cit.*, note 3.

<sup>11</sup> Pictet, J. (1979). *The Fundamental Principles of the Red Cross: Commentary*, International Committee of the Red Cross.

<sup>12</sup> Slim, H. (2015). *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, Oxford University Press, p. 47.

<sup>13</sup> Fast, L. (2015). Unpacking the Principle of Humanity. *International Review of the Red Cross*, Vol 97.

For humanitarians, humanity is often viewed as the least controversial of the four principles.<sup>14</sup> Humanity is also perhaps the most overlooked of principles, unmonitored and more or less assumed by humanitarians as flowing from their good intentions. Aid agencies do not always see people as human beings, treating them instead as empty vessels to be filled with assistance, as helpless victims, as lacking autonomy/agency, and thus in need of saving by the international community.

Further concerns with the application of humanity reflect the selection of protection and accountability as humanitarian reform priorities. Accountability to the communities and individuals receiving (and not receiving) humanitarian aid inheres in the principle of humanity, it amounts to a manifestation of their being treated with dignity, and reflects the fundamental human right of self-determination. And as is so evidently clear from Pictet's definition, the protection of individuals is both necessary and central to humanitarian action. The sector also needs to stop assuming its humanity and instead define its boundaries.<sup>15</sup> Is assistance without protection inhumane? Do perverse situations such as Goma in 1994-95 or Sri Lanka in 2009 delineate red lines, where aid becomes heavily instrumental in the denial of the humanity of its intended beneficiaries?

### *Impartiality*

The implementation of impartiality proves trickier than first imagined. Practice seems quite solid in terms of avoiding discrimination in the provision of aid. Humanitarian actors appropriately regard this as a true red line in

their work. However, impartiality also dictates that aid should prioritise the most urgent cases, a clause often overlooked in practice. Aid agencies reduce needs assessments to a logic of finding those with (some) needs, not those *most* in need,<sup>16</sup> and often to a logic of finding those with needs which correspond to the supply, the stuff that the agency has to offer. The State of the Humanitarian System survey of crisis-affected people reflects this well-embedded shortfall, finding only 27 percent of those surveyed felt that the aid they received was "relevant and met their priority needs at the time."<sup>17</sup> Or, as MSF has reported, "people in desperate need of lifesaving assistance are not getting it – because of the internal failings of humanitarian aid system".<sup>18</sup> That criticism underlines the profound weakness in a WHS that lacks sufficient attention to what can be termed the 'emergency gap'<sup>19</sup> and contributed in MSF's withdrawal.

While it is relatively easy to agree that people's needs should determine the aid they receive, practice is more complex. For instance, how should an agency specialising in children respond to greater needs among the elderly? There is a trend in aid towards projects that serve those less difficult to access and an aversion to interventions at risk of encountering problems. Hence, the push for 'value for money', the lack of financial independence, the need to fulfil donor contracts without failure, or factors such as insecurity and geographic distance all contribute to an ecosystem that is designed to leave behind the most vulnerable, whose needs are often costlier and more difficult to address. Compounding the problems with impartiality in

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<sup>14</sup> *Id.*, p. 113.

<sup>15</sup> Perhaps one can borrow from the approach in IHL, where restrictions on warfare define inhumane practice as a way of articulating what is meant by the absence of humanity. *Id.*, p. 118.

<sup>16</sup> In this vein, it can be questioned whether rights-based approaches, which translate differentiated needs into absolute rights, contribute to overlooking the rankings among needs.

<sup>17</sup> Knox Clarke, P., Obrecht, A. (2015). *Good Humanitarian Action Meets the Priorities and Respects the Dignity of Crisis-Affected People*, ALNAP/ODI.

<sup>18</sup> Healy S., Tiller, S. (2014). *Where is Everyone?*, MSF, p. 4.

<sup>19</sup> <https://emergencygap.msf.es/publications/emergency-gap-humanitarian-action-critically-wounded>.

practice is the complexity of a principle that must be examined on three levels: at the project, context/country and global levels. Here, the higher two levels are the most problematic.

Given the status of impartiality as a substantive principle, an objective in itself rather than a means to an end,<sup>20</sup> and given fundamental relationship between impartiality and the humanitarian identity, an incomplete approach to impartiality undercuts the legitimacy of the sector. Impartiality takes on even greater importance as people affected by crisis progressively insist that aid must do a better job of meeting their needs. That mounting shift in power points to a more results-driven relationship between impartiality and legitimacy, and may prove to be one of the defining dynamics of the next decade of humanitarian aid.

### *Neutrality*

If humanitarian action is to reach the urgent needs of populations affected by conflict, then the people with the guns must be clear as to who is on their side, who is on the other side, and who observes the principle of neutrality. As HERE's expert working meeting on the matter concluded, across cultures "one can recognise the universality of the trusted intervenor in the midst of conflict."<sup>21</sup> Neutrality has its humanitarian challengers, yet widespread agreement exists that trust is necessary and that, at a minimum, humanitarian work should not take the side of one of the belligerent parties, or mingle aid with political solutions. Applying that agreement is a struggle given the lack of independence of many humanitarian

actors, particularly in 'War on Terror' contexts where a number of large donor governments participate directly in hostilities, be it militarily or through economic and political support.

Neutrality itself depends on being able to negotiate a principled humanitarian-political interface within a dynamic, volatile context. Easier said than done: for example, the vital right to negotiate with all actors in a given context has been blocked by political, legal, and security barriers.<sup>22</sup> Authors have looked at whether humanitarian activities, particularly advocacy and protection-related ones, give rise to an actual engagement in the conflict.<sup>23</sup> The resulting problematic highlights the importance of perceptions: the observance *and* the perception of neutrality (and independence) enable organisations to honour their commitments to humanity and impartiality. The effort to monitor perceptions of the organisation provides an example of good practice, one area where humanitarians should test different approaches and where there is a need for further study.<sup>24</sup>

### *Independence*

At the core of independence lies an organisation's humanitarian identity and its very pragmatic autonomy – the ability to decide where to work, whom to aid, what aid to deliver, how to deliver it, and when to leave. The legitimacy of any humanitarian actor stands or falls on its capacity to withstand "any interference, whether political, ideological or economic, capable of diverting it from the course of action laid down by the requirements of humanity, impartiality and neutrality".<sup>25</sup> A great deal of research indicates a progressive

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<sup>20</sup> See e.g., Labbé, J., Daudin, P. (2015). *Op. cit.*, note 4.

<sup>21</sup> HERE-Geneva (2015). *Op. cit.*, note 5.

<sup>22</sup> Pantuliano, S. et al. (2011). *Counter-Terrorism and Humanitarian Action*, (2011) Humanitarian Policy Group Policy Brief 43.

<sup>23</sup> See for example Schenkenberg, E. (2015), p. 301, *op. cit.*, note 8.

<sup>24</sup> For a thorough exploration of how one organisation took up this challenge, see Caroline Abu Sada's article in Abu Sada, C. (ed.) (2012). *In the Eyes of Others: How People in Crisis Perceive Humanitarian Aid*, MSF, Humanitarian Outcomes, and NYU Center on International Cooperation.

<sup>25</sup> Schenkenberg, E. (2015), *op. cit.*, note 8, citing IFRC.

erosion of humanitarian independence, in particular due to its political instrumentalisation, and hence the trust necessary to gain acceptance and access.<sup>26</sup>

One way to approach this principle is to recognise that pure independence can never be achieved, so good practice must focus on those elements that most interfere with principled humanitarian action. A pragmatic principle like independence must therefore be examined in terms of its potential rather than theoretical consequences. For example, as pointed out in HERE's expert working meeting, there is a difference between receiving funds and being influenced by funds or politics. In this regard, it would be helpful to pay attention to three different aspects of the independence of humanitarian actors:<sup>27</sup>

1. **Institutional / political independence.** This could include, for example, the impact on autonomy of actual or virtual auxiliary status to states or other bodies, such as in national Red Cross and Red Crescent societies, Hezbollah's humanitarian services, or Western INGOs with close political links to home governments. What does it mean to bear the name *Danish* Refugee Council? How do combatants interpret donor governments consistently calling NGOs 'our implementing partners'?
2. **Financial and contractual independence.** The persistent unavailability of rapid, unrestricted funding blocks most international agencies from reacting to emerging crises, undermining impartiality and preventing early interventions. Contract inflexibility prevents organisations from adjusting to shifts in context, and the strategic interest of donors make it difficult for dependent humanitarian actors to

mount operations in forgotten crises.<sup>28</sup> Moreover, states themselves insist on labelling all relief work as humanitarian, even where it is blatantly integrated into national political and military strategies.

3. **Operational independence, including technical and logistical functions.** Reaching those most in need often requires well-developed internal capacities for security management, or to manage complex supply chains over great distances, as well as in-house expertise, readiness of resources, etc.

More in detail, financial independence has two sides: (a) how to manage this dependence in the short term so as to diminish its most harmful effects and (b) comprehensive transformation of the international aid funding architecture. As the UN's High-Level Panel on Humanitarian Financing has highlighted, "[f]lexible funds are the lifeblood of any humanitarian operation".<sup>29</sup> That lifeblood, however, is no magic formula for independence, and the degree to which organisations function as auxiliaries of donors must be addressed by more than financial mechanisms.

Critically, can donors deliver on the 'Grand Bargain'? Progress should begin with a thorough analysis of the 2003 Good Humanitarian Donorship Agreement, which proposed similar improvements to the flexibility of humanitarian financing, but yielded only insubstantial changes. Hence, it is necessary to diversify funding beyond government donors, and in particular explore new models for obtaining appropriately rapid and flexible funds. To reinforce the integrity of the sector, major donors, where involved politically and/or military in a context, could offer funding for emergency relief that is

<sup>26</sup> See e.g., Donini, A. (ed.) (2012). *The Golden Fleece*, Kumarian Press; Collinson, S. et al. (2012), *Humanitarian Space: A Review of Trends and Issues*, Overseas Development Institute.

<sup>27</sup> See Schenkenberg, E. (2015), p. 308, *op. cit.*, note 8.

<sup>28</sup> Healy S., Tiller, S., (2014), *op. cit.*, note 18.

<sup>29</sup> UN High-Level Panel on Humanitarian Financing (2015). *Too Important to Fail — Addressing the Humanitarian Financing Gap*, p. 20.

explicitly not labelled as humanitarian, and for the agencies using these funds to be honest in terms of their own status.

Given what is at stake – the ability to operationalise impartiality and humanity – humanitarian actors cannot continue to leave financial independence dependent upon *external* developments. In other words, they cannot continue to ignore this principle in terms of their own internal organisational strategies.

Taking the principles together, so much effort in the sector seems to focus on the technical, on the projects, standards and activities that are the fruit of humanitarian efforts. Important as this discussion may be, it is fragmenting to talk about the details without placing far greater attention on the overarching framework of the principles. In the competitive, atomised ecosystem of aid (and without painstakingly elaborated grand plans), the principles could play a greater unifying role, shaping individual decisions in similar if not concerted directions.

Implementation of the principles is essential to the legitimacy and effectiveness of humanitarian aid. And while the context of crisis-response leads to perverse, often impossible choices, the poor commitment to the principles by those within the humanitarian sector is disturbing. More research is needed to better understand the factors and forces pushing against more consistent uptake of the principles and transparency. At stake is the humanitarian identity, and the essential distinction between development, relief aid and humanitarian action. Also at stake is access to populations in crisis, with the principled approach serving as strong support to negotiated access, including the long-term viability and, hopefully, enlargement of access. As HERE's working meeting has previously suggested, "inconsistency and the failure to uphold principles over time may jeopardise access and hence effectiveness in the future."<sup>30</sup> Though obviously no guarantee for effective

operations, access clearly functions as a precondition, and calls for the principles to be respected by those outside the sector *and* implemented by those within.

### **Redressing the Protection Gap**

The first WHS, the UN SG's global call for a reaffirmation of humanity, reflects the gravity and pervasiveness of violence and abuse directed at and indifferent to civilians. Humanitarian action responds to this inhumanity. Pictet's definition could not be clearer: humanitarian aid consists of assistance and protection. Those represent not arbitrary choices but the necessary means of action to preserve life. Is there a greater gap between rhetoric and reality in the sector? No silver-bullet solution – no new framework, commitment or envoy – exists that can produce the transformation which is ultimately necessary.

The primary gap is beyond operational actors: unless states take action to reduce impunity and non-compliance with humanitarian norms, humanitarian action, and in particular the protection agenda cannot be tweaked into effectiveness. Momentum tragically appears to be in the opposite direction. It is not long ago that the creation of a Responsibility to Protect framework or the establishment of the International Criminal Court were viewed as developments that would ensure greater respect for humanitarian norms. These measures have not delivered as intended. Though welcome, a WHS recommitment by states to honour their past commitments must be accompanied by the operationalisation of the mechanisms that states have already agreed to operationalise (e.g., using an IHL fact finding mechanism to investigate the bombing of a hospital).

Facing excesses of inhumanity, disregard for obligations and commitments, and impunity as new norms, how can humanitarian actors

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<sup>30</sup> HERE-Geneva (2015), p. 8, *op. cit.*, note 5.

remain so timid in their approach to the state system? As HERE's expert working meeting suggested, "instrumentalisation of protection discourse for political purposes, and the glaring double-standard in application ... have deeply undermined the credibility of the rule of law in regards to protection."<sup>31</sup> Asking states to reaffirm their existing obligations is not quite good enough in the face of hospitals being bombed, tens of millions of displaced, and the litany of everyday atrocities. At its core, humanitarian action must rediscover the courage to protest and shed its mounting acquiescence. Humanitarians need to consider if they should adopt a more outsider stance, a rethink of their close cooperation and partnership with states and with intra-state institutions.

The picture is no rosier within the aid system. The 2015 *Whole of System Review of Protection* studies and then documents in detail how protection issues are addressed in the context of humanitarian action.<sup>32</sup> One of the Review's most striking findings 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".<sup>33</sup> That verdict comes in spite of decades of training, conferences, and guidelines; and in spite of considerable reinforcement of the centrality of protection, be it in the form of the IASC's 2013 statement or the UN's Human Rights up Front initiative. Far from this academic research, the opinions –

moreover, the lives – of those actually impacted by crisis tell an identical story: across the WHS's 23,000 consultations, people "repeatedly underlined that they want safety, dignity and hope, as much as, if not more than, material assistance".<sup>34</sup>

This alarming disengagement of humanitarians themselves from protection, points to an insufficiently clear understanding of the purpose of humanitarian action. Though positive examples can be found, there is a pattern of negative leadership when it comes to protection. 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. In other words, 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.

There is perhaps no other area of humanitarian work as riddled with difficulties as protection. From disagreements and confusion at the conceptual level,<sup>35</sup> to programmatic complications in terms of mainstreaming activities, protection faces realpolitik constraints on pressing such powerfully sensitive issues with those responsible. Outputs such as advocacy do not readily equate to outcomes such as respect for the law because the sources of violence and abuse (overwhelmingly) lie beyond the control of the humanitarian system. It is also difficult if not

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<sup>31</sup> HERE-Geneva (2015). [Setting Priorities to Protect Civilians in Armed Conflict](#), Report on the Working Meeting held on 15 June 2015, Geneva, p. 7.

<sup>32</sup> Niland, N., et al. (2015). *Independent Whole of System Review of Protection in the Context of Humanitarian Action*, Norwegian Refugee Council, May 2015.

<sup>33</sup> *Id.* p. 11.

<sup>34</sup> WHS Secretariat (2015). *Restoring Humanity: Synthesis of the Consultation Process for the World Humanitarian Summit*, United Nations, p. 23. We read this popular emphasis on safety and security as yet another way in which the aid provided – cartons of stuff, collections of services – is not responsive to people's needs (i.e., an issue of impartiality).

<sup>35</sup> See e.g., DuBois, M. (2009)., *Protection: The New Humanitarian Fig Leaf*, at: [www.urd.org/IMG/pdf/Protection\\_Fig-Leaf\\_DuBois.pdf](http://www.urd.org/IMG/pdf/Protection_Fig-Leaf_DuBois.pdf). The internationalisation of humanitarianism will further exacerbate these problems – protection activities most certainly look different from a Cuban, Turkish or Chinese perspective.

impossible to attribute outcomes back to the protection work of humanitarians.

The implementation of protection covers a broad spectrum of activities, and lacks an agreed translation into operational language. In general, protection involves several different categories work: (1) assistance itself can be thought of as protection (e.g., food as protection against hunger); (2) safe humanitarian programming (e.g., latrines that can be locked or secure management of sensitive information); (3) assisting people in obtaining remedies or claiming their entitlements; and (4) taking action against violence, abuse and coercion (e.g., through monitoring, documentation and advocacy on the situation). As should be evident, the sector must establish greater clarity in the meaning of protection, with clear differentiation pertaining to the responsibilities and roles of the various actors.

Many proposals have been made to improve protection work, and the potential exists for the various protection actors to strengthen performance through enhanced training of UN and humanitarian staff, clarification of each actors' purpose and function, technical innovation in terms of closing the evidence gap, and the development of protection-capable leadership. These aims lie within the prime responsibility of the Global Protection Cluster. There are also successful protection approaches being developed at the local level, without the machinery of the international community, that deserve further attention and study.<sup>36</sup> Finally, improvement might take the form of *less is more*. Paradoxically, the system

also suffers from too much protection, meaning that a heavily bureaucratized and proceduralized protection machinery produces enormous struggles without many effects.

### **Strengthening Accountability**<sup>37</sup>

Accountability demands both the responsibility to give an account of actions and decisions, as well as the capacity to be held to account by others. The first institutional call for humanitarian actors to examine themselves and be assessed according to the effectiveness of their actions can be found in the landmark JEFAR report.<sup>38</sup> This report also calls for an independent ombudsman mechanism to be established. HAP, the Sphere Project, People in Aid, ALNAP, the CHS (and an entire industry in service to accountability<sup>39</sup>) – the past two decades have borne a wealth of activity<sup>40</sup> yet yielded scarce accountability plus no ombudsman.

The sector's approaches have led to some progress, but critique abounds and impact remains in question. Buchanan-Smith's study concluded "that a stifling culture of compliance and risk aversion has become the unfortunate by-product of the well-intentioned drive to improve humanitarian accountability."<sup>41</sup> In addition, accountability's bureaucratization and proceduralization remove humanitarians and decision-making from the field – undermining proximity, an essential function to principled action. And as HERE's expert working meeting revealed, many incentives within the system – a fear that funding will be cut off, individual job security – diminish transparency and contaminate accountability with false

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<sup>36</sup> See e.g., Corbett, J. (2011). *Learning from the Nuba: Civilian Resilience and Self-Protection During Conflict L2GP (Local 2 Global Protection)*, ACT Alliance.

<sup>37</sup> Humanitarian accountability is big fish in the pond of humanitarian action, but a minnow in the sea of state accountability to IHL.

<sup>38</sup> Joint Evaluation of Emergency Assistance to Rwanda (1996).

<sup>39</sup> Darcy, J. (2013). *Have We Lost the Plot? Revisiting the Accountability Debate*, Humanitarian Accountability Report, HAP, p. 8.

<sup>40</sup> For a graphic overview, see *Id.*, p. 26.

<sup>41</sup> Buchanan-Smith, M. (2011). *Humanitarian Leadership and Accountability: Contribution or Contradiction?* HE#52, ODI, p. 19.

reporting, thereby also undermining learning aspects and the capacity to make adjustments in the course of action.

Solutions from elsewhere do not easily fit the humanitarian model. In relevant parts, the sector rests upon imprecise justifications for accountability obligations because agency relationships to stakeholders differ considerably from those in politics or economic spheres.<sup>42</sup> To strengthen accountability, we must certainly elevate the ‘walk’. We must also upgrade the ‘talk’ – the prerequisite is for a more honest conversation on accountability; to be clear on its promise, attentive to its constraints, and creative in its deployment. Care should be taken to not use the term accountability in an overly optimistic fashion, one that hides the serious limitations of current approaches. In other words, accountability itself needs to be held to account.

The main thrust and impact of accountability work thus far has led to standards of quality for programmatic activities, and improved financial accountability to institutional donors. The enormity of the efforts to generate quality assurance create the illusion that the sector is dealing much more broadly with the lack of accountability than is the case. The current push is for long-avoided downward accountability to the people receiving aid. But attention should be equally paid to the many other different meanings of humanitarian accountability:

- collective decisions or for the overall (collective) impact within a given context;
- strategic and political orientation at the country level;
- individual responsibility, particularly for humanitarian leadership;

- application of the core principles and other non-technical areas of aid;
- populations not reached by aid;
- humanitarian action’s indirect impact (e.g., that it may prolong wars, undermine development, and foster dependency).<sup>43</sup>

There has been an inability to extend accountability downwards, to crisis-affected communities, hence undermining the sector’s legitimacy and commitment to the principle of humanity. As John Borton opined, the system “desperately protects its autonomy”.<sup>44</sup> In response, yet another accountability framework is being rolled out: the purpose of the recent CHS initiative is to unify the fragmented field of humanitarian accountability, and set standards for greater accountability to people and communities affected by crisis. Given the inequitable power balance, the risk is that these sector-designed accountability mechanisms create the appearance of greater equity without rectifying the fundamentally asymmetric relationship between givers and receivers.

Although downward accountability is essential to the ethics and effectiveness of aid, certain conflict situations raise red flags related to neutrality, independence, and security. Moreover, downward accountability 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 (blinkered) needs assessment. The resistance to external scrutiny is telling; it explains much the limitations of the sector’s *internal* processes to establish accountability.

To counter its limited perspective on accountability, the sector should replace the

<sup>42</sup> Obrecht, A. (2014). NGO Accountability: The Civil Society Actor Model for NGO-Stakeholder Relationships. In: Brooks, T. (2014), *New Waves in Global Justice*, Palgrave Macmillan.

<sup>43</sup> See e.g., Davis, A. (2007). *Concerning Accountability of Humanitarian Action*, Humanitarian Practice Network.

<sup>44</sup> Jefferys, A. (2012). *From Rwanda to Haiti – What Progress on Accountability?*, IRIN 4 July 2012. <http://www.irinnews.org/news/2012/07/04/rwanda-haiti-what-progress-accountability>.

idea that accountability rests in one grand mechanism/initiative by an understanding that accountability resides in multiple, diverse locations: donor reporting, agency/NGO trustees, internationally agreed standards, other agencies/NGOs, civil society organisations, community leaders, (local) media, whistle-blowing, national regulation and the ensembles of project and organisational staff. Finally, accountability will be improved by working within the humanitarian sector, but it should not, and cannot, be construed as a concession, bequeathed by the international humanitarian community to crisis-affected populations.

With regard to accountability for organisations, two specific gaps exist: individual accountability, particularly at leadership level, and collective accountability. As to the first, does the failed early response to the West Africa Ebola crisis not implicate the specific decisions of leaders? What about the role of leaders where systemic responses place little weight on protection, or where leadership concessions go too far, raising charges of complicity? Individual accountability is not the same thing as performance management (a human resources tool). In other sectors, established processes allow certain official decisions to be challenged/reviewed (e.g., within tribunal/judicial processes, those related to government benefits). An individual can appeal cuts to his or her benefits, why should communities of a certain region not be able to challenge being dropped from relief efforts? As an answer, that the latter is charity and the former an entitlement seems unsatisfactory.

How do we account for the decisions and actions taken collectively? Would it improve the

effectiveness of crisis response if there were accountability for the ensemble of actions within a given context (i.e., the aggregated outputs or outcome from across the intervention)?<sup>45</sup> Added together, should the sum of the response not be greater than the parts?

An additional area for creating accountability can be found in the growth of collective action at the context level, for instance through common decision-making platforms and inter-agency bodies. What about accountability for decisions taken by the IASC, clusters, or an incident management system?<sup>46</sup> Difficulties are rife. By what mechanism can 'sovereign' agencies be held accountable to a collective decision? Perhaps collective responsibilities could be further broken down, made attributable to the institutions forming the collective. Another issue would be to ensure that crisis-affected communities participate in some way given the distance of collective bodies. Another identified risk is that collective accountability injects even greater complexity into a humanitarian system desperate to be simpler. Collective accountability also carries the threat of deferred responsibility, with for example NGOs shielded by the decision of the collective ('The cluster made us do it!').

No sector polices itself, at least not effectively. 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 see the product), humanitarians have fought hard to insulate themselves from meaningful external scrutiny. As JEFAR's principle author, laments, "it was

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<sup>45</sup> See e.g., Borton, J. (2008). *How Feasible is it to Monitor and Report on the Overall Performance of the Humanitarian System?*, ALNAP; Hilhorst, D. (2015). *Taking Accountability to the Next Level. On the Road to Istanbul: How Can the World Humanitarian Summit Make Humanitarian Response More Effective?*, CHS Alliance., p. 104.

<sup>46</sup> See Serventy, M. (2015). *Collective Accountability: Are We Really in This Together?*. (2015) *On the Road to Istanbul: How Can the World Humanitarian Summit Make Humanitarian Response More Effective?*, CHS Alliance., p. 82.

absurd to have created something [the Sphere standards] ... but with no commitment to follow through or monitor adherence.”<sup>47</sup> Sectoral scrutiny is also weak. As one expert has commented, humanitarians find it ‘embarrassing’ to point the finger, even when everyone knows whose work is ineffective. Humanitarians should avoid thinking in terms of a single accountability framework, and instead explore a fuller spectrum of internal and external pressures that push in the direction of a humanitarian identity that is clearer, accountable and legitimate in the exercise of its power.

### **Concluding Reflections and Key Messages**

Across the humanitarian sector, addressing the gap between the talk and the walk constitutes a key component of improving the effectiveness of humanitarian action and ensuring that its values resonate in its work. Humanitarian actors must strengthen their own legitimacy by protecting their humanitarian identity, operationalising the guiding principles and being transparent about when this is not possible.

#### *Build reform efforts grounded in political reality, not unrealistic aspirations*

Humanitarian action has been plagued by efforts to reform that rested on little more than good intentions and an agreement to do better. In how many conferences, papers, declarations, and commitments, for example, has the sector declared that it must reform in terms of community engagement? Yet community

engagement has proven a consistent gap, its absence a major lesson learned from the 2014-15 Ebola response,<sup>48</sup> from the 2010 Haiti earthquake response,<sup>49</sup> from 2004 Tsunami response, and so forth. HPG research explains that “the incentives for such engagement do not exist: the sector’s power dynamics, culture, financing and incentive structures create compelling reasons to remain closed and centralised.”<sup>50</sup> Accountability, the implementation of the core principles and humanitarian protection have all proven similarly elusive in spite of immense investment and agreements to do better.<sup>51</sup> As the WHS itself recognises, in terms of putting people at the centre of humanitarian action, “these calls for change are not new.”<sup>52</sup>

From Plumpy’nut to cash transfers, valuable innovations and advances have been made. But shortcomings at the system level have long foiled simplistic theories of change. Such theories fit well with donor pressure to traffic in straightforward solutions. They suit the zeal of humanitarians hungry to solve a problem and make the world a better place. But they significantly underestimate the complexity of the humanitarian ecosystem and the factors underpinning dysfunction. There is a tendency for research evaluations and lessons learned to ignore stakeholder interrelationships, political dynamics and ethical dilemmas in favour of a narrow, sanitised, technical analysis.<sup>53</sup> And there is a tendency for proposals, recommendations and inspirational rallying cries to ignore past failures and political realities.

<sup>47</sup> Jefferys, A. (2012). *Op. cit.* note 44.

<sup>48</sup> DuBois, M. et. al. (2015). *The Ebola Response in West Africa: Exposing the Politics and Culture of International Aid*, Overseas Development Institute/Humanitarian Policy Group.

<sup>49</sup> IASC (2010). *Response to the Humanitarian Crisis in Haiti*. IASC.

<sup>50</sup> Bennett, C. et al. (2016). *Time to Let Go*. Humanitarian Policy Group. April 2016, p. 5.

<sup>51</sup> As ALNAP concludes, for example, “there are no consequences for operational agencies when they fail to meet the expectations of other actors (except for donors) and, hence, no ‘real’ accountability between aid agencies and many of their stakeholders.” Obrecht, A., et al. (2015). *WHS Effectiveness Theme Focal Issue: Accountability*, ALNAP, <http://www.alnap.org/resource/19940>.

<sup>52</sup> WHS Secretariat (2015), p. 12. *Op. cit.* note 34.

<sup>53</sup> IRC (2016). *The Ebola Lessons Reader: What’s Being Said, What’s Missing, and Why it Matters*, p. 2.

Accountability mechanisms should be extended to evaluations, lessons learned, and reform initiatives that more purposefully account for political constraints and the workings of the ecosystem. Without such a recalculation, the risk is that the WHS launches a decade of effort, consuming vast resources, without delivering fundamental improvement to the lives of people in crisis. There is no lack of talent or commitment. There is, however, a “mismatch between aspiration and achievable results.”<sup>54</sup> The question is how to engage with the actual complexity of humanitarian action, aiming for reform at a deeper level, to change what is achievable.

*Clarify the roles and responsibilities of those involved in responding to humanitarian crisis*

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 UNSG has suggested, be transformed into an instrument to achieve the SDGs, regardless their magnitude.<sup>55</sup> The compelling need for a better integrated intervention must take into account humanitarian action’s specificity, namely the delivery of assistance and protection in accordance to the principles of humanity, impartiality, independence, and neutrality. The aims and methodologies imposed by these 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. Put simply, 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.

Reform efforts therefore must preserve the distinctive nature of the humanitarian role and responsibilities. However, this clarity of purpose should function to define a specific subset of crisis response, not exclude others from it. The goal should be to enable the full range of aid work – relief, emergency, humanitarian, development, resilience, peace-building, etc. – according to needs rather than according to the label of ‘humanitarian crisis’; and according to the capacity and identity of the actors involved. Aid actors and donors alike must be willing to protect the integrity of the sector by an increased accountability to the meaning of the label ‘humanitarian’.

Protection of the humanitarian identity, a vital component of its capacity to negotiate access, also depends upon a more relaxed understanding of crisis response. The reality of aid delivery does not fit into a binary scheme of being either humanitarian or development in nature. In certain contexts, many aid donors and deliverers cannot adhere sufficiently to the principles, yet are capable of delivering valuable assistance. The sector must embrace relief (and other aid) on equal moral footing with humanitarian aid. The two are complementary if differentiated, toxic if merged. HERE joins calls for a clear distinction – one requiring honesty and transparency – between those delivering aid on the basis of principles, those striving to adhere to the principles but forced into compromise, and those delivering (valuable) relief without meaningful reference to the principles.

*Ground the humanitarian identity in the implementation of the guiding principles*

Accountability is one way to incentivise compliance. But accountability for the principles returns us to the problem of the lighthouses: assessment of performance must be based upon some standards. With that in

<sup>54</sup> Bennett, C. et al. (2016). *Time to Let Go*, Humanitarian Policy Group, p. 4.

<sup>55</sup> Ki-moon, B. (2016). *One Humanity, Shared Responsibility – Report of the Secretary-General for the World Humanitarian Summit*, A/70/709, § 125.

mind, the humanitarian sector's approach to the principles can and ought to become more robust in three key areas: (1) codification (2) compromise, and (3) strategic management along principled lines.

To better define the lighthouses, 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.<sup>56</sup> That said, the area of principled performance illustrates the need to establish accountability less on a sanctions basis (yes/no, right/wrong) and in a manner more integrated with learning processes.

Codification of the principles cannot resemble technical codification. Principles are not easily translated into SMART targets. As such, process and quality of deliberation become more important than the actual decision. The implication is that organisations are able to provide a reasonable explanation for their strategic and operational decisions and the way the principles were taken into account. Procedures can be put in place to ensure this decision-making process is verified.<sup>57</sup> Greater testing and analysis is needed, for example:

- Clarify the differences between application of the principles in natural disasters and armed conflict.
- Eliminate the obstructions to principled action caused by counter-terrorist legislation by specifically exempting the activities of humanitarian agencies in the course of their work.
- Prioritise the 'second' aspect of impartiality, giving "priority to the

most urgent cases of distress" in practice.<sup>58</sup>

- Replace the self-interested agency-by-agency assessments with independent whole-of-caseload needs assessments.
- Shift the strategic focus of organisations from raising greater amounts of money to creating greater levels of financial independence. The two are not the same.
- Develop a better understanding of, and ability to identify, situations where humanity has been so severely compromised that humanitarian aid is no longer possible (e.g., certain detention centres, the situation in Goma 1994-95).

Strengthening principled action involves not just greater application of the principles but (somewhat counter-intuitively) greater honesty about non-compliance. Good practice in terms of the principles must include good practice in terms of compromise. The reality of humanitarian crisis forces compromise. A fundamental problem with humanitarian organisations is that they refuse to admit to compromise; they lack transparency as to their choices among competing demands.

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. Humanitarian actors need to be transparent about their role in certain contexts, such as when they cannot observe the principles sufficiently enough to consider their work humanitarian in character. Finally, organisations must match compromise today with commitments/plans to improve performance in the future (e.g., if weak security management undermines an organisation's

<sup>56</sup> For examples in this direction, see the discussion on standards for financial independence, such as a requirement for minimum levels of emergency reserve funds and good practice in terms of diversity of sources. Schenkenberg, E. (2015). *Op. cit.* note 8.

<sup>57</sup> See Schenkenberg, E. (2015), p 300, *op. cit.* note 8.

<sup>58</sup> Pictet, J. (1979). *Op. cit.* note 11.

impartiality, what plan is in place to build that capacity in the future)?

*Strengthen the strategic and political orientation of humanitarian leadership at the context level*

Ongoing UN reform efforts aim to strengthen leadership and the strategic management of humanitarian interventions at the context level. There is room for significant improvement. Individual accountability for humanitarian leadership needs to be developed and feature more prominently in this reform, as does the application and safeguarding of the four humanitarian principles.<sup>59</sup> In addition, there is a potential for evaluations to be more strategic. As such, OPRs and RTEs can support valuable in-country steering on the strategic direction of the humanitarian intervention.

Perhaps most controversially, in-country (UNHCT and NGO) leadership must take responsibility for monitoring the integrity of the sector, to include overall humanitarian performance with regard to the principles. Leaders should ensure that the principles remain at the forefront of strategic discussions. They must identify and take measures to rectify action by agencies that jeopardises the reputation and trust of the whole. They must be supported from the top to raise difficult questions. Specifically, every UNHC should be given the responsibility to develop a priority list of hard to reach populations and areas of unmet needs (both geographic and sectoral), with follow up accountability for what has been done to reach those needs and hold other

actors responsible for their choices not to reach them.<sup>60</sup>

Another priority is the establishment of accountability processes towards protection duty-bearers within the system. A shift is necessary, to reverse the default tendency of preserving diplomatic calm by embedding an expectation (and headquarter 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 positioning against violence and abuse of civilians or blockage of aid?<sup>61</sup>

Accountability cannot be reduced to singular, agency-controlled mechanisms. A public exchange among stakeholders within a given context can be tested. Can there be 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? The point is to enable a multifaceted accountability that reduces the insulation of humanitarian leadership.

*Increase the humanitarian protection of civilians in conflict situations*

The problem is not the existing body of laws and norms. The problem is compliance. To strengthen the leverage/capacity to influence the behaviour of political and armed actors, there could be four strategic directions:

<sup>59</sup> For example, UN-led HCTs need to discuss access and the operationalisation of humanitarian principles more consistently as part of strategy, not just at technical levels (e.g. which roads to take).

<sup>60</sup> Syria provides a positive example, where such a list even includes some areas reachable only via cross-border operations, is noteworthy.

<sup>61</sup> Perhaps the humanitarian community should expect and support more leaders being declared *Persona Non Grata* and organisations expelled, not because leadership should be reckless or disrespectful but because the punishing level of violence against people requires a more aggressive positioning. The UNSG's report urges that serious violations be systematically condemned. Installing this sort of culture in the UN would be an excellent place to start.

1. Greater adherence within the sector to the humanitarian principles (especially independence from political power), to gain leverage.
2. Higher quality analysis, first to better understand violations and their context and second to better identify potential tactics, theories of change and leverage points. HERE's expert working meeting suggested the need to test approaches that emphasise early (preventative) protection interventions, before positions have hardened or conflict has been fully engaged. Issue-focused campaigns as model for achieving change (e.g., landmines, child soldiers) have proven relatively effective.
3. Deliberate engagement with a broader range of actors external to the humanitarian sector, and in particular by establishing relationships with combatants, civil society, new/emerging actors, and political powers. While this direction might sound commonsensical, the WHS process revealed that the "current system remains largely closed, with poor connections to the wider political, development and climate change communities, to emerging donors and increased South-South cooperation, and to a widening array of actors, such as the private sector and military".<sup>62</sup>
4. Holding humanitarian leadership accountable for failing to operationalise the centrality of protection.

Activist/advocacy aspects of protection work could impose serious risks on both organisations and people in crisis-affected contexts. This work should 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.

### *Establish an independent body to counteract disregard for IHL and impunity*

Accountability must be driven by independent bodies, rather than a further institutionalisation of ineffective 'fox guarding the henhouse' approaches. Regarding violations of IHL and other humanitarian norms, numerous examples from the domain of human rights offer guidance, such as the establishment of a UN high commissioner and a host of special rapporteurs. The role of the ICRC in relation to the safeguarding of IHL must be respected, even strengthened. ICRC's approach can be usefully complemented by other approaches, such as the more public, political methods of Amnesty International or Greenpeace. This discussion, well beyond the remit of this report, should avoid leaping into a battle of proposals (e.g., standing committees versus a special rapporteur for IHL).

Without question, the only essential criterion for such a mechanism is independence. After that, there are a number of parameters, and decisions should be based on a study of what existing mechanisms have achieved, in particular commissions of inquiry (under the UN Human Rights Council) and the Special Rapporteurs in relation to IHL

### *Use accountability to increase the centrality of protection in humanitarian action*

As with the principles, accountability for protection cannot be reduced to quantitative targets or tick box-friendly requirements. Rather than focus on outputs or attempt to define outcomes, the challenge would be to establish accountability for protection within a given context – in other words for the quality of the efforts. How does the senior leadership address protection concerns? What is the quality of analysis of the protection issues? What causal logic undergirds the strategy to reduce the threat of violence? This calls for greater focus on the role of humanitarian

<sup>62</sup> WHS Secretariat (2015), p. 6, *op. cit.* note 34.

leadership and on those actors holding protection obligations derived from their mandates, mission statements, and contractual responsibilities (e.g., UNHCR, UNHCTs, or an NGO funded to produce an advocacy report on a given protection issue). Based on recent protection work in CAR, country-level leadership should identify one or two protection priorities, towards which all organisations are expected to work.

*Ensure that a multi-pronged accountability delivers more effective, legitimate humanitarian action*

To tackle the accountability gap, it may be time for an old solution, the creation of an independent accountability mechanism(s) to monitor and assess humanitarian performance. Such a mechanism could take many forms: specific body or standing committee, special advisor, external watchdog agency, rankings/indices against a set of criteria, *etc.* (and those suggestions do not consider what might be developed at national levels). Once again, though, rather than debate specific proposals at this stage, the more important task is to describe the scope and *modus operandi* of the mechanism(s). Should there be a single authoritative voice? Or a series of checks and balances? How should external accountability relate to existing policies/frameworks? How can such a body work to strengthen the existing internal accountability of organisations (e.g., working directly with boards and trustees)?

Such an empowered independent body might include responsibility for the development of best practice guides and codification, rather than lengthy consensus-based processes run by self-interested agencies. An independent body could also hold responsibility for safeguarding whistle-blowers within humanitarian circles, ensuring standards for transparency or ensuring/commissioning measures to obtain input from local populations (e.g., opinion surveys that track key points of the humanitarian intervention, such as trust in the responders and access to assistance).

Accountability should not strictly be thought 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. There is a need to recognise the dilemmas inherent in humanitarian action, and formulate an accountability 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.