



NORWEGIAN  
REFUGEE COUNCIL

# Principles in Practice: Safeguarding Humanitarian Action

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#### **Chairperson's summary of the day**

### **Advisory group**

A group of international experts were consulted while developing the conference program, in order to ensure selection of the most relevant agenda items.

#### **The advisory group consisted of the following**

Fabrizio Carboni (ICRC), Andrew Marshall (Independent), Ross Mountain (DARA), Paul O'Brien (Concern) and Kathrin Schick (VOICE).

### **Strengthening Principles Humanitarian Response Capacities Project**

The Principles in Practice Conference is part of a larger project dedicated to strengthening principled action.

**Evidence gathering:** Evidence on how principles guide humanitarian action, how humanitarian actors adhere to them and how donors can challenge or support principled action has been gathered. The evidence is analyzed and summarized in the joint NRC and HPG report Tools for the Job: Supporting Principled Action.

**Round-tables:** perspectives on principled action and funding were gathered through a series of round-tables, held in London (The Good Humanitarian Donorship Initiative: Ten Years On), Geneva (Principled Humanitarian Action: What does it mean today?), Dubai (Gulf perspectives on Humanitarian Action), Oslo (The humanitarian principles and bridging the transition gap: The case of South Sudan) and Kinshasa (Current challenges to principled humanitarian action).

**Guidance:** a decision-making tool aiming to assist humanitarian staff to make principled decisions has been developed and piloted by NRC field staff in three countries.

**Statement:** a draft statement on principled funding has been drawn up by a drafting committee composed of members from several NGOs and NGO consortia. The draft is intended to result in a joint NGO statement in relation to the 20<sup>th</sup> anniversary on 2014 of the Red Cross and Red Crescent and NGO Code of Conduct in Disaster Relief.

# Foreword:

## It is about trust

**Elisabeth Rasmussen. Secretary General, Norwegian Refugee Council**

The humanitarian principles of humanity, neutrality, impartiality and independence are not new; they have underpinned humanitarian action for many years. Similarly, the debates as to their relevance have continued for decades.

The core principle of humanity recognises that every human being has the right to be treated with dignity and to assistance and protection during crisis. Impartiality reflects a commitment to prioritize those who are in most need, or most vulnerable. Neutrality and independence represent tools which enable humanitarians to negotiate and build acceptance with armed and political actors in volatile and unpredictable contexts. These principles are codified in international law and have been repeatedly endorsed by States and humanitarian actors. Similarly, they are practical tools which guide and underpin our operations.

Yet, the relevance of the principles is routinely challenged by political and security agendas such as counter-terrorism measures, international military operations and stabilisation initiatives. These agendas can impede the ability of humanitarian actors to deliver assistance in a principled way. The functionality of the principles are also questioned. Yet, I can say that for my own organisation, NRC, these principles have helped us to stay and deliver in some of the most volatile and unpredictable contexts, such as Somalia and Pakistan.

I believe that the time is right for the humanitarian community to move forward together reclaiming the humanitarian principles as a common platform. Not

only as Western NGOs, but also very much with so-called non-traditional actors across the world.

The fact that the Principles in Practice: Safeguarding Humanitarian Action conference gathered 180 high level donors, experts and practitioners from around the world, indicates the fundamental importance of the humanitarian principles. The conference also provided some clear directions for how this debate can move forward:

1. The humanitarian principles are as important today, as they have been in the past. They are not a religious concept, but are endorsed by States and an effective way to guide humanitarian action. We must improve our adherence to them, build trust with all actors that we are principled and invest in transparent communication.
2. Principled humanitarian action is not intended to, and cannot, solve all problems. Finding political solutions and promoting peace and stability are necessary for achieving longer term solutions. It is therefore unhelpful to place humanitarian action against peace building and stability. What is important is that during crisis, where they are being implemented in parallel, the distinct character of principled humanitarian action should be maintained.
3. We need to stand together as a humanitarian community and foster a sincere dialogue based on mutual respect between actors that come from different traditions.
4. We need to engage in a more effective and transparent way with actors who do not understand or share our dedication to principled action. The basis for this is strengthening our own performance, building trust and ensuring clear communication – where we unpack the humanitarian principles – and ensure that what we do, say and promote is understandable and transparent for all.

# The humanitarian principles

(Extract from Tools for the Job – NRC/HPG 2012)

The four principles commonly accepted as key foundations for humanitarian action, as set out by the ICRC, are (Pictet, 1979):

- **Humanity:** to ‘prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being.’
- **Impartiality:** to ensure ‘no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours only to relieve suffering, giving priority to the most urgent cases of distress.’
- **Independence:** to ‘always maintain their autonomy so that they may be able at all times to act in accordance with Red Cross principles’.
- **Neutrality:** not to ‘take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature’.

The humanitarian principles are based on commitments made by states; they have been repeatedly reaffirmed via national policies, the UN Security Council and the UN General Assembly. The Red Cross codified these principles in 1965 to legitimise and support the movement’s engagement in conflict situations. This framework reflects obligations under international humanitarian law (IHL) — including the Fourth Geneva Convention (1949) and sections of Additional Protocol I (1979) — to protect civilians affected by armed conflict and to provide them with assistance and medical care. Common Article Three of the Geneva Conventions, applicable in international and non-international armed conflict, states that ‘an impartial humanitarian body, such as the ICRC, may offer its services to the Parties to the conflict’.

There is no provision that specifies that humanitarian relief should be independent or neutral, but it is inferred from the fact that ‘authorities may refuse humanitarian action if it interferes with a military strategy or aids the other side of the conflict’ (Collinson and Elhawary, 2012). In this context, neutrality aims to avoid offering military advantage to any side in a conflict (Leader, 2000).

The principles were substantively reaffirmed in a 1991 UN General Assembly resolution that establishes guiding principles for humanitarian action. It states that ‘humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality’ (UNGA, 1991). Over the past two decades, subsequent General

Assembly and Security Council resolutions have consistently called on member states and all other parties to respect and uphold the humanitarian principles to ensure the effective delivery of assistance.

Today, the four principles continue to provide the ‘fundamental foundations for humanitarian action’ (OCHA, 2011a). They are not specifically referred to in the European Union Guidelines on promoting compliance with international humanitarian law, although these do reaffirm the importance for EU member states of ensuring compliance with international humanitarian law (EC, 2005).

The humanitarian principles directly informed the main inter-agency charter for humanitarian action, which was developed in 1994 and to which nearly 500 organisations are signatories (see Box 1).

The humanitarian principles are also incorporated in a number of other global policies and frameworks, such as the “Do No Harm” framework (which helps humanitarian actors to identify indicators that assistance may make, or is making, conflict worse), the Sphere Project and Inter-Agency Network for Education in Emergencies Minimum Standards project (both initiatives aimed at improving the quality of humanitarian assistance and accountability underpinned by the principles). In addition, many humanitarian organisations have incorporated the humanitarian principles into their policies and procedures.

**Box 1. Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief**

1. The humanitarian imperative comes first.
2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone.
3. Aid will not be used to further a particular political or religious standpoint.
4. We shall endeavour not to act as instruments of government foreign policy.
5. We shall respect culture and custom.
6. We shall attempt to build disaster response on local capacities.
7. Ways shall be found to involve programme beneficiaries in the management of relief aid.
8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.
9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.
10. In our information, publicity and advertising activities, we shall recognise disaster victims as dignified human beings, not hopeless objects.

# Introduction

There is a need for a sincere debate, strengthened operational adherence, increased focus on building trust and investment in improving communications and transparency in respect of the humanitarian principles. Such actions will assist humanitarian actors to navigate the dilemmas faced in operating contexts. At the same time, ensuring that funding is channelled to efficiently and effectively to those who need it the most, is essential for the future of principled humanitarian action.

Humanitarian principles are not only subject to external challenges; as practical operational tools, their application is also actively debated. While the core principles of humanity, impartiality, independence and neutrality are common to many actors, the way they are understood and implemented can, and often does, vary widely. With more humanitarian actors than ever before and the greater engagement of many non-Western nations, organizations with diverse mandates, areas of specialization, and a variety of secular or faith-based affiliations bring different perceptions and ways of working.

As a foundational element guiding the funding and delivery of humanitarian action, humanitarian principles require continuous safe-guarding. To promote discussion of the challenges to the principles and promote means to address these challenges, NRC, with support from the European Commission's department of Humanitarian Aid and Civil Protection and the Norwegian Ministry of Foreign Affairs, hosted a one-day conference for representatives of the humanitarian community and officials from the EU, Member States, and third countries on 4 December 2012 at The Square in

Brussels. The conference gathered more than 180 participants from all over the world.

Some of the key questions discussed were:

- What are the opportunities and challenges related to principled action?
- How can humanitarian aid policy be reconciled with foreign policy agendas whilst maintaining its autonomy?
- What are the challenges and best ways of working to co-exist with other operations?
- How might donors and their implementing partners work to improve principled allocation of humanitarian funding?

In addition, specific topics were discussed in six break-out sessions: 1) Humanitarian principles: interpretations and dilemmas; 2) Funding principled action: the role of donors; 3) Accountability in relief operations; 4) Counter-terrorism measures and principled humanitarian action; 5) Filling the gap: transition from crisis response to sustainable development; and 6) Stabilisation mechanisms and humanitarian space.

This report provides a summary of the presentations made during the high-level panel and closing remarks, as well as each of the 6 break-out sessions. Moderators, panellists and speakers are listed. The opening and closing sessions can be streamed in full through the conference website <http://principlesinpractice.org/> where additional materials and full speeches are available. More information on NRC's work on principled action can also be found on [www.nrc.no](http://www.nrc.no)

*"Because delivering humanitarian assistance in adherence to humanitarian principles is the most effective way to deliver aid"*

*Lise Grande, conference chair*

# Opening plenary remarks

**The opening panel consisted of:**

**Elisabeth Rasmusson**, Secretary General, Norwegian Refugee Council

**Espen Barth Eide**, Minister of Foreign Affairs, Norway

**Kristalina Georgieva**, European Commissioner for Humanitarian Aid and Civil Protection

**Peter Maurer, President**, International Committee of the Red Cross

**Atta Almanan Bakhit**, Assistant Secretary General for International Cooperation and Humanitarian Affairs,  
Organisation for Islamic Cooperation

# Principles matter

**Espen Barth Eide, Minister of Foreign Affairs, Norway**

Conflicts and disasters today are increasingly complex and the humanitarian principles are being challenged in many ways. For example: 1) the integrated approach or the three “D”s: defence, diplomacy and development, may be an effective approach in some cases, but it also poses challenges for humanitarian actors; 2) people who do not care about the principles and are driven by what they consider to be more important agendas are challenging them; and 3) we are still experiencing the consequences of the so called global war on terror. Anti-terrorist rules and legislation limit the freedom of action of humanitarian actors.

Humanitarian principles matter more in certain contexts and at certain times than in others. In highly complex conflict situations a principled approach is essential for ensuring acceptance for humanitarian action and to enable humanitarian actors to operate on the ground. Once peace is restored in a country or region, the main task becomes reconstruction. The focus becomes development rather than humanitarian action and the need for humanitarian actors to demonstrate their autonomy decreases.

For the Norwegian Government, its Humanitarian Policy is separate from but linked to other policy areas. We believe that there should be coordination, but with a clear division of roles and responsibilities and distinction between humanitarian, development and military efforts. Multi-mandate organizations should also be very clear on when they are part of humanitarian efforts – which should be in close adherence to the humanitarian principles – and when they engage in development efforts – which are not necessarily principled.

The fundamental purpose of humanitarian assistance is to save lives, alleviate suffering and safeguard human dignity regardless of ethnic background, gender, age, religion or political affiliation. At the same time, humanitarian crises require political solutions. Norway, as a political actor, can be impartial but is not neutral. Norway takes the side of the victims and will not remain silent about maltreatment or abuse of power. We actively

promote the normative frameworks of international humanitarian and human rights law.

Funding for humanitarian assistance should be based on humanitarian needs and not on political considerations. Norway has increasingly focused on the need to provide more flexible and predictable humanitarian funding to ensure a principled response.

The financial crisis is leading to budget cuts in many countries. In this situation it is also important to take note of new actors entering the arena, some with new ideas and ways to do humanitarian assistance. It is important to broaden ownership of humanitarian principles, fundamental humanitarian values and human rights. Humanitarianism and human rights are shared values.

*Emergency humanitarian assistance should not be part of the crisis-management toolbox. We will use our new role in the Council of the European Union's Working Party on Humanitarian Aid and Food Aid (COHAFA) to advocate humanitarian principles and International Humanitarian Law – also towards other EU bodies.*

**Keith McBean, Ambassador of Ireland to the Political and Security Committee of the European Council**

# More important than ever before

**Kristalina Georgieva, European Commissioner for Humanitarian Aid and Civil Protection**

The issue around the humanitarian principles is often phrased as: "Are the humanitarian principles still valid today"? And then people refer to the emerging role of 'new actors' engaged in humanitarian response – national governments, regional organizations, the military, faith-based organizations, and the like. Many refer to developments such as "comprehensive approaches" or whole-of-government doctrines – as evidence that we need to move on from the principles.

I think that this should be framed differently. The issue is not whether the principles are still valid. The issue is that the principles are actually more important than ever before. It is about values and it is about solidarity. We are all in this together and need to stand united when crisis happens. As we saw in Japan with the Tsunami – crisis can happen anywhere and when it does, we all unite to help: the EU provided assistance to Japan, but so did many African countries.

The principles do not discriminate or attach strings to the help provided. They do not impose a wider political agenda. When we – the people in this room - need an ambulance, our house is on fire or a disaster happens – we want the ambulance or the fire brigade or the Red Cross to come and help us. We do not want them to come and ask questions about what ethnic group we belong to or what political party we support. We simply want them to help us – with no strings attached.

This very basic notion of 'no strings attached' is even more important in the difficult contexts we work in now.

- 1) With Syria as an example, with a multiplicity of actors, a constant shift in battle-lines, a situation where humanitarians need more than ever to be beyond any suspicion of siding with one party or another.

- 2) As the States have the primary responsibility to respond and assist their own population. But this means that when international organizations come in to offer assistance, there cannot be any hidden agendas.

- 3) Within the EU specific context there have been important developments. In 2010, the humanitarian principles were firmly anchored in the Lisbon Treaty (in Article 214) and humanitarian aid was established as a self-standing objective of EU external policy – not subordinated to any other political or development objective.

This has come alongside a strengthening of the political profile of the EU, which is welcomed as I would like to see the EU strongly engaged in conflict prevention, resolution and mediation. In many cases, this engagement will involve the EU at the political level taking sides. But of course a more visible EU presence on the political front means that as the humanitarian wing of the EU, we have to be absolutely consistent and credible in abiding by the principles, if we want to continue to be able to work where it matters: with the most vulnerable people affected by conflict.

Because the principles are so important for humanitarian work, the humanitarian community can never be complacent about them. We need to communicate their importance to partners in other parts in the world, within our internal structures, in the EU or at national level.

*Clever people will understand that humanitarianism will need to maintain its specificity to be efficient. I don't mind [humanitarianism] being in the Lisbon treaty – but I do not want to be instrumentalised. It [humanitarianism] does not work if we are.*

**Claus Sørensen, Director General, DG Humanitarian Aid and Civil Protection**

# At a cross-road

**Peter Maurer, President, International Committee of the Red Cross**

We have seen a considerable change in the international humanitarian community. Operations have grown considerably and there are about 200 000 active humanitarian workers. Pluralism has taken its toll on the humanitarian sector: there is no unity – no consensus of what it means to apply the principles. This creates new opportunities as well as potential challenges.

We need to reflect on the humanitarian principles; as ICRC and as a community. We are standing at the crossroads, between integration of the international response on one hand and the integrity of a principled humanitarian response on the other.

The primary responsibility lies with governments – to provide assistance and protect the population. Assistance should be distributed based on needs and without discrimination. A principled response is about how and under what terms aid is being delivered. These activities cannot be conditioned by other objectives. The principles help prioritise those most in need, without discrimination. It is a pragmatic approach; neutral to the political and the security dimension; independent from institutional decision-making and without purpose of transforming society.

ICRC's modus operandi is not the right way for everyone. Neutral, impartial and independent is not the solution to every problem or situation – it is useful in specific contexts, but will not solve all problems. It shows the need to implement distinct, complimentary and separate activities and roles. ICRC will strive to maintain its principled stand. This does not preclude others engaging in peace-building and human rights. Yet, distinction is needed and we should not confuse these two.

There is a cost for humanitarians when we mingle in transition and when we try to remain at the crossroads. Organisations need to decide what they want to be and not remain with their head on one side and their feet on the other.

Communication is then of crucial importance – not only what you do – but how we clearly communicate what we do and who we are.

*We need to deliver evidence of the positive impact of the application of humanitarian principles so policy makers inside the system can use that information to help defend the principles within their own governments*

**Nicolas Borsinger, President, Voluntary Organisations in Cooperation in Emergencies (VOICE)**

# New actors – new principles

**Atta Almanan Bakhit, Assistant Secretary General for International Cooperation and Humanitarian Affairs, Organisation for Islamic Cooperation**

The debate on the humanitarian principles is important and we want to engage with actors from the West. In order to have a fruitful dialogue, we all need to listen carefully. If we want a sincere debate we really need to understand how the other sees things.

Organisations from OIC member states have become crucial responders in places like Syria and Somalia – where they often operate in areas where there are no Western organisations.

The humanitarian principles are the corner stone of the humanitarian community. However, is humanity, neutrality, independence and impartiality a final and conclusive list or can we add others? As the Organisation for Islamic Cooperation, we have added others.

We believe the Western organizations monopolise the humanitarian game. They know the rules and the concepts, which they have made. There is a need for a broad dialogue amongst donors, Western and OIC organisations to bring more harmony into the community. Is there a way to blend foreign policy, military and humanitarian activities without compromising perspectives? OIC is currently debating rules and regulations, and discussing ideas

that we can add to the principles. A paper containing the outcome of these debates will be published next year.

Principles are important, and the debates about the interpretation and application are pertinent in complex crisis. Diplomats and humanitarians serve the same end: to improve the lives of the people on the ground, but they use different tools. The real test for the humanitarian principles – are if they really improve the life of the people on the ground

September 11th had a big impact on Islamic organizations as accusations of supporting terrorism flourished. It has taken a long time to recover, but we have emerged more efficient, more organized and more determined. Still, we are worried. Worried that the Syria situation will create a new problem for Muslim charities that are currently working in Syria where access is difficult and dangerous.

The situation on the ground is chaotic and the normal process of due diligence cannot be followed. In order to ensure a proper response, maximize safe aid and ensure that the work will not result in investigations, these rules should be “relaxed” – as was done in Somalia. We need to work together to alleviate the suffering.

*When new actors arrive, new principles and values arrive. We accept yours, but we would like to add some. We need to be accountable to Allah, the laws, intra-organizational mechanisms and donors.*

**Hüseyin Oruç** Deputy President, IHH Humanitarian Relief Foundation

# Break-out sessions

During two sets of parallel sessions, six different themes relevant to the current debate on humanitarian principles were discussed:

1. Humanitarian principles: interpretations and dilemmas
2. Funding principled action: the role of donors
3. Accountability in relief operations
4. Counter-terrorism measures and principled humanitarian action
5. Filling the gap: transition from crisis response to sustainable development
6. Stabilisation mechanisms and humanitarian space

# Humanitarian principles: interpretations and dilemmas

This session took stock of varying interpretations and applications regarding humanitarian principles and diverging perspectives on the ethics of humanitarian action. With more humanitarian actors in the field than ever before, is it time for a new dialogue on how to put the principles of humanitarian action into practice?

## Key messages from the presentations:

Humanity, impartiality and independence are the principles at the heart of humanitarian action. The principle of humanity is a goal in itself, and impartiality a guide to ensure equity and human dignity. The principle of “neutrality” is not a goal, but rather a tool designed to secure access to politicized spaces. The application of these principles in complex environments gives rise to a range of dilemmas.

For all the lofty theoretical discussion, the humanitarian principles may still be seen as more instrumental than intrinsic. Prior to 2001 only five organizations had signed on to the ICRC “Code of Conduct”, whereas after 2003 many more organizations “shrouded” themselves in the principles – as an apparent buffer against the instrumentalisation of aid by powerful governments in the wake the September 11 attack in the US.

Principles were created in order to foster trust in humanitarian action. To build that trust, adherence to the principles must be steadfastly demonstrated over time. It may be easier to compromise the principles in some contexts (e.g. in natural disasters

or in peace time, where access is less dependent on perceived neutrality). However, people in one context can see what you are doing in other places and remember how you behaved at other times.

Humanitarian purists argue that you are either principled all the time (and therefore “humanitarian”) or you are not. However, the complete or perfect application of the principles is not possible, and there will sometimes (even often) be a need to compromise *between* the principles in order to save lives. The aim must be to take decisions that apply the principles to the maximum possible extent.

For organizations with “mixed mandates” (a condition that the humanitarian purists – such as ICRC – would not identify as “humanitarian”) it can be a choice between a number of “good” or worthy aims. For example, is it better to “stay” (to maintain access and deliver) or to “speak” (to speak out against violations)? Humanitarians must sometimes pick their battles in order to effect concrete change.

## Key messages from the discussion:

In response to the “purist” perspective of the ICRC, some others held the viewpoint that the “humanitarian” system is not, and should not be monolithic. Humanitarian “purists” must be careful not to cast the discourse in terms of being “with us or against us” and real dialogue that respects a plurality of perspectives should be cultivated.

Impartiality and the equal value of all human lives (humanity) are often not observed in that the people most vulnerable to harm and therefore most in need of assistance – such as the elderly, and people with disabilities - often have the greatest difficulty accessing assistance.

With new actors taking increasing part in the international humanitarian response, there is a need to look at adding other principles to the ones that the international humanitarian community have agreed on to date.

**PANNELISTS****Hugo Slim**

Senior Research Fellow, Oxford Institute for Ethics

**Ghanim Alnajjar**

Al Salam Centre for Strategic Studies and Development

**Fabrizio Carboni**

Deputy Head of Division for Multilateral Organizations,

Policy and Humanitarian Action, International

Committee of the Red Cross

**MODERATOR****Mukesh Kapila**

Professor of Global Health &amp; Humanitarian Affairs,

University of Manchester

# Funding Principled Action: The Role of Donors

This session reviewed the challenges faced by institutional donors in their adherence to good humanitarian donorship policies, and how donor behaviour influences the ability of humanitarians to deliver principled assistance. How can donors and their implementing partners better ensure that the institutional funding system supports principled humanitarian action?

## Key messages from the presentations:

In addition to the provision of funds, donors also play a role in policy and standard setting (accountability agenda as an example). Their impact on the principled delivery of assistance is, therefore, significant.

It is important to remember that donors are states with political, military, development assistance and humanitarian arms. Field based evidence and clear examples are essential for the humanitarian sections to demonstrate the importance of separating humanitarian from military, development, stabilisation and other agendas or approaches.

Abuse of the word 'humanitarian' is a major challenge. It is easy at times for different agencies to get funding for activities by labelling them humanitarian. Where that is the case, it is important for the humanitarian sections to speak up. In dealing with foreign policy and military counter parts, clear and specific positions and red lines are critical in order for humanitarian funding to remain principled and linked to needs alone.

Donor presence (with humanitarian representation) in the field makes a difference to principled funding decisions.

Defining humanitarian funding as strictly linked to needs is easy. The challenge arises in defining what needs are and how they are determined/assessed. Defining humanitarian in terms of shock or

emergency also has impact on the link with the greatest need. In addition, status based assistance can foster a misconception of what status is intended to achieve and distract from a vulnerability focus recognising specific vulnerabilities of different groups.

Lobbying for funds should be based on the needs on the ground, which is based on common, clearly defined criteria; rather than on the specialist/interest areas of humanitarian actors.

Funding decisions that are based on principles and tied to needs rather than foreign policy objectives or media/PR, will allow staff in the field to focus less on fundraising and more on principled delivery through quality programmes. This is especially relevant in neglected and/or protracted crises.

It is important that our understanding of accountability reflects accountability to donors, to tax payers in donor countries and to the people the funds are meant to assist. Reporting requirements must be based on this understanding of accountability.

The Do No Harm framework is of extreme relevance to principled funding in terms of the political economy of aid – untying aid from purchasing restrictions, innovative response rather than in kind and food aid as examples.

Multi-year commitments – not multi-year fund transfers but rather commitment in the form of contracts subject to impact – may be useful in demonstrating donor commitment to principled funding, and in encouraging implementation partners to take honest, informed risks.

## Key messages from the discussion:

Humanitarian and donor language is continually evolving and risks adding to the complexity of the sector. Humanitarian policy makers and finance experts often speak different "languages". It is important that the finance people within donor agencies are part of discussions. A common understanding would lead to common requirements which would be a win-win for all.

A certain degree of ear-marked funds is important to ensure assistance is directed to forgotten/neglected crises. However, donors need to improve

coordination/mapping of who is assisting where in a principled or non-principled manner. Based on that information, principled decisions can be made on who to partner with. A firewall between donors and receiving partners may be important.

The GHD is both about improving performance and bringing more actors on board – it has been a useful advocacy tool for the humanitarian sections of

donors as well whereby GHD principled have been included in donor law/policy in one case. However, more is required to promote harmonisation of donor funding, reporting and accountability frameworks and guidelines with a primary focus on promoting needs based response. Otherwise, there is a risk that increased accountability may jeopardise principles such as humanity.

**PANNELISTS**

**Florika Fink-Hooijer**

Director for Strategy, Policy and International Cooperation, DG ECHO

**Rachel Scott**

Humanitarian Aid Advisor, OECD

**Ingrid Macdonald**

Resident Representative Geneva, Norwegian Refugee Council

**MODERATOR**

**Nicolas Borsinger**

President, VOICE

# Accountability in relief operations

This session examined how success of humanitarian aid can be determined. Improved accountability of all actors is essential for ensuring aid efforts are principled and that aid is as effective as possible and reach those in need. How do humanitarians ensure accountability and what is the role and responsibility of donor governments?

## **Key messages from the presentations:**

Increased accountability for humanitarian response can be characterized as a three-lane highway. One lane focuses on the rights of the recipients (HAP); a second focuses on principles, ethics and behaviour (Red Cross/Crescent and NGO Code of Conduct and IHL); and a third takes its guidance from the public management sector (value for money and result based management).

Progress has been made when it comes to accountability and yet we have many on-going international initiatives to improve accountability. Have these initiatives actually made us any better at what we do? Have they helped those affected? What dilemmas do we continue to face?

Accountability is not only a target; it is also a tool that helps with acceptance and negotiating access. Accountability is not only about indicators, it is about being there when crisis hits and about being transparent with the communities we work with. More flexible funding is crucial to ensure accountability – both towards the affected population and towards donors and tax payers.

Changing the way a program is implemented when we see that it is not achieving the intended results is important to ensure accountability. Donors should support this and allow for this type of flexibility throughout the project cycle.

Donors could improve accountability by holding the IASC more accountable for the performance of the humanitarian community, and by harmonizing the required reporting to make it more understandable for humanitarian field staff.

We need to better understand the impact of assistance on the affected communities and make more strategic decisions. Without proper needs assessments, there will be little accountability, as we do not have a baseline to measure impact – nor a foundation for making principled decisions.

## **Key messages from the discussion:**

Learning, failing and adapting is only part of human nature – why should it not apply to something as complex as humanitarian response?

When talking about accountability, we do not necessarily all mean the same thing. Do we mean accountability to affected people, donors or tax payers? What do we mean by “affected populations”? Who are they? Who represents them?

Understanding who we are as organisations and what principles we actually adhere to, is an important part of becoming more accountable. Improved understanding would help us define what we should measure ourselves against and where in the project management cycle we should measure our accountability.

Promoting accountability is not cheap. Initiatives to ensure that accountability mechanisms are undertaken should be included as regular costs.

**PANNELISTS****Ed Schenkenberg**

Executive Director, International Council of Voluntary Agencies (ICVA)

**Greg Puley**

Chief, Policy Advice and Planning Section, Policy Development and Studies Branch, UN Office for the Coordination of Humanitarian Affairs

**Hüseyin Oruç**

Deputy President, IHH Humanitarian Relief Foundation

**MODERATOR****John Mitchell**

Director, Active Learning Network for Accountability and Performance (ALNAP)

# Counter-terrorism measures and principled humanitarian action

This session examined the status of counter-terrorism measures and their impact on humanitarian action: How to ensure that the pursuit of countering terrorism does not impact negatively on principled action?

## Key messages from the presentations:

There have been two broad trajectories in recent years, relating to humanitarian engagement with non-state armed actors and the implications for humanitarian funding policies. The first is the recognition that effective humanitarian action requires engagement with non-state armed actors. The second, is the expansion of counter-terrorism (COTER) measures. These measures seek to restrict the flow of goods, benefits, services and knowledge to groups and individuals that have been listed as terrorists.

These two trajectories intersect where a non-state armed group or individual is also classified as a terrorist entity. In these circumstances, donor restrictions placed on humanitarian action and actors is having an adverse effect on humanitarian service provision on the ground, including changes the way that beneficiaries and partner organizations are chosen, and the way that programs are designed. In some cases COTER restrictions have resulted in a blanket reduction of humanitarian funding to regions where terrorism is considered a risk (eg. Somalia).

Coordination has also suffered as humanitarian organizations, fearful that they may have contravened COTER regulations, are reluctant to share information about their programmes with other organizations and are self-censoring activities. Coordination with authorities – particularly in places

like Gaza, where Hamas, the de-facto authority, is also deemed to be a terrorist organization – has also been affected. Misunderstanding of “non-contact” regulations has sometimes caused organizations to avoid contact with Hamas officials (for example) even when it may not have been prohibited.

There are three broad types of restrictions; 1) international sanctions regimes; 2) country or region-specific sanctions regimes; and 3) national criminal law. Counter terrorism policies differ from donor to donor, however. The U.S. policies – among the most restrictive - have criminalized the provision of all support – including International Humanitarian Law training – to terrorist groups, regardless if the intent of the provider is to try and reduce civilian casualties. Whereas the EU was clear that it distinguishes between direct and indirect provision of assistance (e.g. to the dependents of a designated terrorist) and the intent behind the contribution.

The leadership on the COTER agenda, as well as the capacity to monitor and address terrorist threats, lies primarily with states. As a global body, however, the UN plays an important coordinating role, addressing the cross border nature of terrorist threats. The UN also has a particular role in the defence of humanitarian principles within the counter terrorism dialogue.

## Key messages from the discussion:

There has been little coordinated NGO resistance to harmful, counter terrorism policies, with NGOs preferring to direct their energy at managing the practical barriers on the ground, rather than engaging in a «theoretical» debate at the policy level. Nevertheless, there is space for humanitarian input into the COTER dialogue. The UN Counter Terrorism Implementation Task Force includes representatives from UN Human Rights, Humanitarian and Development bodies, and big donors such as the EU remain open to humanitarian input on these issues.

Additionally, there is a need to re-frame COTER restrictions and demands in terms that are acceptable to humanitarian actors. A focus on controlling and cutting off support to criminal behaviour, as opposed to the more ideologically charged notion of “terrorism” might be a useful first step.

**PANELISTS****Kate Macintosh**

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# Filling the Gap: Transition from Crisis Response to Sustainable Development

This session reviewed the challenges presented by the transition period, where lifesaving, recovery and reconstruction as well as security-related and peace building activities struggle to co-exist. Is there a coherent approach that does not compromise humanitarian principles?

## **Key messages from the presentations and the discussion:**

'Families' of principles – humanitarian principles, development/Paris principles and fragile state principles – all have inherent clashes which are difficult to reconcile.

A key challenge in the transition discourse is the assumption that there is a continuum from humanitarian to development. Whereas in reality we often find things move from development to humanitarian or run in parallel.

Humanitarian work can contribute to development goals by building resilience. It is important to find ways in which the two can function without compromising each other.

Transition often highlights the difficulties with interaction with host governments. While humanitarian action is centred on impartiality and independence, development requires the involvement of government. Humanitarians should and do engage with authorities, the key difference is they should engage with other parties as well.

The Do No Harm framework is relevant to both humanitarians and development actors. It has been underutilised so far, but may be an important tool

for transition by providing a common analytical basis to our strategies.

Community participation could provide a second set of tools that would provide a common ground to humanitarian and development strategies, ways of working and impact.

Resilience and DRR should also be built into humanitarian response in conflict situations and not just be limited to natural disaster situations. In addition, development work must do better on integrating resilience.

Timelines are important. It is important not to rush from humanitarian to development programming; not to prolong humanitarian beyond what is required; and not delay the shift from development to humanitarian response if the situation deteriorates.

The move from a humanitarian to a development response is often political. Both host governments and donors often have an interest in moving out of the humanitarian response face. In these contexts, humanitarian needs have to remain on the agenda, in parallel with addressing the political causes.

Definitions – real or artificial – are an important factor to consider. How is emergency defined, what is a shock, what is a development concern?

The humanitarian and development coordination mechanisms - clusters and the sector working groups – often do not talk to each other. But maybe the focus should be on implementation of each of the camps rather than communication between the two. If done well, both humanitarian and development would contribute to each other automatically.

Development also faces challenges from stabilisation and state building agendas whereby state building for example in Afghanistan absorbs all funds without consideration or alignment with national context or priorities. It is important for development actors to also advocate for space for development principles to be implemented.

State absorption capacity and local context are critical factors in determining which set of principles apply. At the same time, we have situations of major humanitarian needs but no humanitarian assistance because there is no conflict or shock; there are also

situations of massive humanitarian aid focused on a shock while there is no development investment for sustainability or 'take over'.

Communication matters. What are the principles we are using and why. Why should we stay, why should

you go? Communication, explanation, transparency are critical. Explaining to donors and government is complicated but it is necessary.

**PANNELISTS**

**Alvaro Rodriguez**

Country Director of UNDP, Afghanistan

**Andrea Koulaimah**

Head of Unit, Central Africa, Sudan, Chad, DG

Humanitarian Aid and Civil Protection

**MODERATOR**

**François Grünewald**

Executive Director, Groupe URD

# Stabilisation mechanisms and humanitarian space

This session explored the impact of stabilisation programming on principled humanitarian action and attempted to answer the question: how can stabilisation mechanisms and humanitarian action, which often involve the same actors and operational space, practically coexist?

## **Key messages from the presentations:**

The objective of humanitarian work is not to protect humanitarian principles, but to maximize the impact of our actions for the people affected. Principles are not a religious objective, but we adhere to them because they are effective. This key issue is how we apply them in a determined context.

In contexts in which humanitarian action is undertaken alongside activities aimed at stabilising a conflict/post-conflict situation, applying principles becomes particularly complicated.

Stabilisation activities and humanitarian action are not necessarily in contradiction with each other. Humanitarians are interested in seeing the end of their work – and end of war and creating stability in a country are crucial factors for putting an end to a humanitarian crisis. Yet, humanitarian and stabilisation agendas are not necessarily coinciding.

Humanitarianism is about alleviating suffering, protecting the population and safeguarding dignity without taking sides in a conflict. Stabilisation, on the other hand, is a word that is often not clearly defined (which is a challenge in itself) but often embraces extending state authority, strengthening rule of law and promoting development. The latter is also often done by supporting one party to the conflict.

How can humanitarian actors co-exist and be perceived as distinct and independent to other actors often involved in stabilisation initiatives?

This question is further complicated by the fact that the situation in conflict/post-conflict areas often fluctuate. While closer collaboration between humanitarian and stabilisation actors might be possible in a context of relative peace and stability, the situation can rapidly shift back into full-fledged armed conflict. During conflict, humanitarian actors will need a distinct and independent identity to ensure that it is possible to operate and deliver across frontlines.

In places like Afghanistan and Iraq it might be necessary to identify activities and actors that are purely humanitarian. The core humanitarian niche needs to be protected in order for humanitarian action to be possible and effective.

At the same time, it is important that humanitarians do not hide behind the humanitarian principles as an excuse for non-engagement in any kind of coordinated effort aimed at solving complicated issues affecting the population. Longer-term solutions will require a wide range of activities – including stabilisation initiatives. How humanitarian actors should relate to these initiatives and the actors involved should depend on the context.

It is difficult to develop generic guidance on how the interaction between stabilisation and humanitarian initiatives should be due to the different needs, challenges and opportunities in different contexts.

Yet, some recommendations could be made:

- Distinction and respect for other actors' roles is critical.
- Need for strong leadership and engagement of senior staff in constant dialogue with other actors to build understanding and ensure respect of each other's differences and limits.
- No activities are "bad", but not all activities should be undertaken by the same actor. It can be a plus that some actors do what others do not.
- Humanitarian actors need to invest more in communicating who they are. Joint or individual communication strategies that clearly explain the distinct nature of humanitarian action are necessary to ensure

separation from other actors involved in the stabilisation initiatives.

- Investments should be made in policy development regarding stabilization strategies that focus on rule of law and conflict resolution rather than economic strategies and hearts of minds. The latter often being particularly complicated when trying to distinguish between what is humanitarian and what is not.
- As the time factor is fundamental and situations tend to fluctuate between conflict-post-conflict quite rapidly, there is a need to prepare for different scenarios as individual actors and as a community. Who will do what in case the situation improves/deteriorates and can we all implement the same activities or should we maintain more distinct roles in order for some to be able to respond no matter how the situation evolves?

And what about the local ownership in the middle of all this? We all know it is fundamental to ensure durable solutions, but we still often forget or fail to engage with local actors in a constructive way.

#### **Key messages from the discussion:**

Can humanitarian action remain fenced off and perceived to be principled in situation in which it is implemented alongside stabilisation initiatives? Or will the perceived or actual link between stabilisation and humanitarian actors/activities be too strong for humanitarian action to have its distinct and independent identity?

Is it possible to develop generic guidance for how stabilisation and humanitarian initiatives should be dealt with?

If humanitarians find it complicated to apply principles in situations in which stabilisation initiatives are on-going – and use the principles to guide how to interact with stabilisation efforts – does this question the relevance of the principles in these contexts? Or is it about the lack of understanding of the principles within the humanitarian community?

If the international community is so fragmented within (between humanitarian, development, political and military actors), how can it ever have an impact on resolving local tensions?

#### **PANNELISTS**

##### **Antonio Donini**

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##### **Mark Bowden**

United Nations Deputy Special Representative and Resident Coordinator/Humanitarian Coordinator for Afghanistan

##### **Jean-Philippe Ganascia**

Advisor for Civil-Military Relations, Geneva Centre for the Democratic Control of Armed Forces

#### **MODERATOR**

##### **Ross Mountain**

Director General, DARA

# Chairperson's summary of the day

**Lise Grande, United Nations Resident Coordinator  
and Development Programme Resident  
Representative, India**

*The summary reflects the main discussions points and messages from the day, and was developed with the assistance of the panel moderators.*

The Principles in Practice conference has shown that the humanitarian principles are still relevant and something that the humanitarian community consider important to protect. First and foremost, this is because delivering humanitarian assistance in accordance with the humanitarian principles is the most effective way to deliver aid.

They are not a religious construct that should be considered an end-goal in themselves, but as principles that help humanitarians navigate the many dilemmas they face when trying to support States in assisting and protecting populations affected by crisis.

Yet, the principles are being challenged. External forces contest the validity of the principles and the importance of principled action to ensure that aid is delivered effectively. Other competing political agendas, such as counter-terrorism, stabilisation and peace-building efforts, have to some extent instrumentalised humanitarianism. While the world is complex and requires a multitude of solutions and actors working on different things, humanitarianism needs to be kept distinct. For the simple reason that if humanitarianism is mixed in with other agendas and strategies, it will no longer be effective.

With regard to stabilisation initiatives, we have discussed that they are not necessarily in contradiction with humanitarian action. Stabilisation could in fact be seen as the exit strategy for humanitarian actors. But where humanitarian and stabilisation initiatives are undertaken in parallel – they need to be separate and distinct.

In order to protect humanitarianism, we need to make critical decision-makers understand that humanitarian action without a distinct identity will not be effective. Some of the political environments that influence the framework within which humanitarian action is funded and undertaken – such as the parts of governments that work on counter-terrorism - do not have enough opportunity to engage with humanitarians.

Counter-terrorism agendas have also been seen as undermining the ability of humanitarian actors to provide principled aid – limiting the ability of humanitarians to engage with non-state armed actors in control of areas affected by crisis and provide aid to the populations living in the areas under their control. However, there has been little coordinated NGO resistance to harmful, counter terrorism policies, with NGOs preferring to direct their energy at managing the practical barriers on the ground, rather than engaging in a «theoretical» debate at the policy level. But there is space for humanitarian input into the counter-terrorism dialogue, which we will need to claim in order to prevent harmful practices and policies from spreading.

Accountability of humanitarian actors towards affected populations, donors and tax-payers is important. But have we gone too far in trying to measure how accountable we are, and ended up with more bureaucracy and reporting rather than better programs and delivery? Has the bureaucratic burden that accountability frameworks become so great that humanitarian staff in the field end up spending more time in the office reporting on impact than being in the field with the beneficiaries supervising implementation and ensuring impact.

Yet despite the agreement on the importance of principles – do we understand them and implement them in the same way? With the explosion of the humanitarian sector over the past decade – with a multitude of new actors from different parts of the world – do we still have a common ground? Through the discussions we have heard that while new actors agree with the core humanitarian principles, they might want to add some more to the list. Thus the discussion becomes: is the list complete or are we able to find room for more principles and accept pluralisms within the humanitarian field?

## The way forward

Delivering humanitarian assistance in adherence to humanitarian principles is the most effective way to deliver aid, thus it is in everybody's interest that principled action is defended.

Donors and policy makers have a role to play in supporting principled action; ensuring that competing agendas – such as counter-terrorism or stabilisation – do not hijack humanitarian action. They should allow space for humanitarian action and actors to be separate from other agendas, and not be used as tools. Humanitarianism is an end in itself and has the sole objective of alleviating suffering and defending people's dignity.

In order to protect principled action, we as humanitarians will need to unpack them – explain why they are important and how we adhere to them in concrete terms - and make sure we communicate clearly to those who challenge their importance.

Together, the humanitarian community need to communicate clearly the importance of principles and what they mean in concrete terms towards three main target groups: 1) those who do not know the principles; 2) those who understand but challenge their validity and importance; and 3) those who believe them to be important but do not know how to apply them in their concrete context.

The humanitarian principles should unite us as a humanitarian community – not divide us. In the face

of counter-terrorism measures, international peace-building efforts and promotion of human rights, humanitarian actors might be standing at a cross-road where we need to decide who we want to be. Yet, we need to be careful not to further divide the world. In a fractured world, where there are many external forces that challenge humanitarianism and the right of crisis affected people to receive assistance and protection without discrimination, we must see a humanitarianism that unifies.

Humanitarianism should not be regulated and certified and we cannot limit the access to the term. We should rather see the principles as something that unities us so that we can move towards a bigger and more inclusive humanitarianism. We cannot all be ICRC, and we probably should not. We are working in complex situations with complex challenges. There is a need for multiple identities.

Communication and trust will be crucial for the way forward. We need to listen and we need to engage with those who do not necessarily have the same values and principles as us. We need to launch a dialogue within the humanitarian community and communicate clearly who we are and what we believe in. Through a sincere dialogue we can find and build on common ground that will be the foundation for renewed trust amongst humanitarian actors.