‘The Relevance of Identity: Humanitarian Principles and their expressions in a changing World’

Wynn’s Hotel, Dublin
9 December, 2004

Session One

Welcome and Introduction—Hans Zomer, Dóchas

Hans Zomer introduced Dóchas and its work around humanitarian assistance. He went on to outline the objectives of the day:
1) to focus on the problems and trends arising in humanitarian aid.
2) to figure out how these problems and trends might be addressed.

Context—Anne Holmes, Trócaire

Anne Holmes focused on the different types of actors in humanitarian assistance, and highlighted the need for all to be aware of each actor’s identity, capacity and limitations. She presented current statistics, such as the current number of refugee seekers, and the average costs and financial support available for humanitarian response (which has reached a plateau), and presented the actors currently occupying humanitarian and development space:
- NGOs
- Religious groups
- Pop stars
- Politicians
- Beneficiaries of aid, who are both recipients and active role players

She mentioned the growth of commercial contractors, such as those found in Iraq and Afghanistan, and how their involvement is causing resentment in the NGO community. NGOs must ask themselves why they resist such involvement from other actors.

The key questions revolve around each actor’s effectiveness and legitimacy: their identity as humanitarian actors, and their respect for the basic principles governing humanitarian action.
What are humanitarian principles and why are they needed?

Pat Gibbons, PhD, University College Dublin

Pat Gibbons focused on an analysis of the “role of humanitarianism in contemporary complex political emergencies” using:

1. Humanitarian Principles
2. The Legal framework that legitimates these principles
3. The Evolution of these principles

Starting off with statistics showing that since WWI the civilian casualties of conflict have increased from 5% to 85-90%, Pat underlined the need for reflection and for a definition of how to get back to real humanitarianism. He mentioned the seven fundamental principles of the Red Cross and how we as humanitarian organisations have selectively chosen to adapt the various principles to our liking.

The Seven Principles of the Red Cross/Red Crescent are:

- **Humanity** (prevent and alleviate human suffering)
- **Impartiality** (no discrimination)
- **Neutrality** (not taking sides)
- **Independence** (autonomous from government)
- **Voluntary service** (not prompted by desire for gain)
- **Unity** (One Red Cross/Crescent Society in any one country)
- **Universality** (the movement is worldwide)

1. Humanitarian Principles

Humanitarian principles have been adapted and applied in a variety of ways. The principles are often quoted, but there is tension in the concepts, in particular around the concepts of neutrality and impartiality. Is it possible to stay neutral and impartial in all emergency situations?

A) **Neutrality**: In Pat’s view, there are three ingredients of Neutrality: In order to be neutral organisations must practise:
   1. Abstinence—avoiding political/ideological arguments.
   2. Protection—in the case of the agency, so as not to be seen as collaborating.
   3. Impartiality—non-discriminatory with either side.

B) **Impartiality**, on the other hand, is based on two main pillars:
   1. aid depends on need/proportional need
   2. aid should be non-discriminatory

These ideas are not without controversy. Who decides the need? How do you measure it, and compare it across countries?
2. Legal Framework
Pat stated that there is no law governing humanitarianism. Instead, he identified three strands of law which guide international humanitarian protection, without being fully enforceable:

A) International Humanitarian Law (IHL)
The Geneva Conventions (protecting civilian non-combatants and a non-fighting military) and the Hague Convention (focusing on the rules of war) are setting many of the standards for humanitarianism in times of war. Besides the signatory Governments, the ICRC is the only body charged with monitoring respect for the Geneva Conventions.

B) Human Rights Law
Applies both in times of peace and war. The focus is on Governments and their relationship with their own citizens. Adhering to law and treaties and acting within specific human rights interests depends on a global entity like the UN.

C) Refugee Law
Law as defined by 1951 UN convention. The UNHCR is the body with a watching brief on the respect for this convention.

3. The Evolution of Humanitarian Principles
Pat identified three different periods, with changing attitudes and conceptions about humanitarianism:

In this period, humanitarian principles evolved in a context of interstate and intrastate conflicts kept in check by the world powers. Humanitarian principles were understood and to a large degree respected by the warring parties. The role of humanitarian assistance was described through the analogy of a referee in a soccer match: upholding the rules, recognised by both parties as impartial.

The post Cold War period was dominated by internal wars, in a multi-lateral world. An increase in the number of crises saw an increase in the number of actors in humanitarian assistance, coupled with attempts to link emergency assistance with developmental and human rights concerns. This “coherence agenda” blurred the lines between development, humanitarianism and conflict management, by increasing conditionality of aid, both politically and from a policy perspective.

3. “Securitisation”
The increased emphasis on terrorism as a main cause for violence led to an increasing unilateralism and an increasing focus on security. The modalities in relief delivery focus on the need for political transformation, causing a further blurring of lines between political and humanitarian actors (eg. bombing of ICRC in Iraq), and indeed the appearance of for-profit humanitarian actors.

It is still early days for this latest phase, and as a consequence it is difficult to assess its impact on the future of humanitarianism. Key questions centre on the role of the UN
and the humanitarian principles Are organisations moving away from principles they are based on? Where is the referee now? Is universality an option?

In Pat Gibbons’ view, the answer lies in reinvigorating the ailing Humanitarianism. What is needed is:
- Greater reflection on the roles and limitations of ‘humanitarian’ actors, revisiting the coherence versus independence debate (and therefore the Dóchas seminar is very topical);
- Measures to safeguard humanitarianism from manipulation by political actors and agendas;
- Efforts to establish “real” humanitarianism with universal values, agreeing appropriate roles for all actors;
- Reform of humanitarian funding systems;
- The Western nature of humanitarianism needs to be challenged – non-western actors need to be brought in.

**Session Two**

Current practical expressions of the principles and dilemmas arising:
   a) Code of Conduct
   b) Humanitarian Charter
   c) Good Humanitarian Donorship

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**Code of Conduct (in disaster relief)—Yvonne Klynman, IFRC**

Yvonne Klynman discussed the ten principles contained in the Code of Conduct for the Red Cross movement and the NGOs. Developed in 1994, the code is ten years old, with currently 289 signatories. In 1999 the Code of Conduct was discussed and endorsed by the Red Cross International Conference, comprising of Red Cross Societies and Governments signatory to the Geneva Conventions.

The Code is an expression of principles, with Articles 1 – 5 often seen as fundamental principles, and the others as “new principles” which reflect circumstantial changes, and move slightly ahead of the previous 5. The Annexes are important, but under-utilised, which, according to speaker, is a shame as these are perhaps the strongest part of the code. *Protection* and *access* are two issues described in the annexes which are used on a daily basis.

The Code is not law, nor does it give answers. The code is not a tool box—it does not tell you what to do or how to do it. The Red Cross and other NGOs have begun a process to review the Code, to ensure it remains up to date. Yvonne highlighted the need for the Code to have a clear monitoring mechanism, as well as the need for all
signatories to engage in continuous interpretation of the stipulations of the Code. The Code needs to be a living document.

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<th>Principal Commitments of the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief:</th>
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<td>1. The humanitarian imperative comes first.</td>
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<td>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.</td>
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<td>3. Aid will not be used to further a particular political or religious standpoint.</td>
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<td>4. We shall endeavour not to act as instruments of government foreign policy.</td>
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<td>5. We shall respect culture and custom.</td>
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<td>6. We shall attempt to build disaster response on local capacities.</td>
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<td>7. Ways shall be found to involve programme beneficiaries in the management of relief aid.</td>
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<td>8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs.</td>
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<td>9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources.</td>
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<td>10. In our information, publicity and advertising activities, we shall recognise disaster victims as dignified human beings, not hopeless objects.</td>
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One particular element of discussion is the principle of Neutrality, which is not in the Code, enabling greater buy-in from a variety of humanitarian NGOs. Yvonne pointed out that neutrality is negotiated, not given, and needs to be worked on continuously.

**Humanitarian Charter—Tilleke Kiewied, Oxfam NL**

Tilleke Kiewied presented the SPHERE project and the Humanitarian Charter, of which it is part. The Charter and the project came about as results of a process aimed at improving humanitarian actors’ accountability and impact, promoting humanitarian principles.

The Charter contains humanitarian principles, and the SPHERE project is an attempt to translate those principles into technical standards, and specific duties of humanitarian agencies.

The Charter’s principles relate to three principles in particular:

1. The right to life with dignity: States have a legal obligation to uphold these and organisations have a moral obligation to speak out when the states fail that obligation. This principle is derived from international human rights law.
2. The distinction between combatants and non-combatants, military and civilians. This principle is derived from international humanitarian law.
3. The principle of “non-refoulement”; no refugee will be sent back to a country which threatens their life or freedom. This principle is based on refugee law.
Tilleke underlined the complementarity of roles and responsibilities of humanitarian organisations. She presented a diagram to illustrate four different approaches that organisations can take when operationalising the principles:

**Responsibilising**

- **Denunciation**
  - Pressuring authorities through public disclosure
  - Suitable when abuse is deliberate
  - Mobilises public opinion

- **Persuading**
  - Convincing through dialogue to fulfill obligations
  - Useful when there is willingness to stop abuse

- **Substitution services**
  - Providing goods or services to victims
  - Suitable during emergencies or when insufficient resources
  - Less dialogue with perpetrators
  - Short duration

- **Support to structures**
  - Empowering national or local structures
  - Suitable when institutions are sustainable
  - Favours dialogue

**Direct services**

- Working to provide assistance

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**Good Humanitarian Donorship (GHD)—Bronagh Carr, DCI**

Bronagh Carr provided an overview of Development Cooperation's Ireland involvement in the Good Humanitarian Donorship initiative, and the background to this international project.

Fundamentally, the GHD initiative is an effort on the part of Government to become better Donors. Since the early 1990s, international humanitarian aid has more than doubled in real terms and also as a percentage of official development assistance. During this same period, the crises to which the international community has responded have grown in number and complexity. In June 2003, a number of donor governments, in conjunction with humanitarian actors, launched the Good Humanitarian Donorship (GHD) initiative to improve the international response to humanitarian crises, complementing other initiatives to improve humanitarian practices, such as the Code of Conduct and the Humanitarian Charter mentioned previously.

The first international meeting on Good Humanitarian Donorship was held in Stockholm in June 2003. It brought together the representatives of 16 donor governments, the European Commission, the Development Assistance Committee of the Organisation for Economic Cooperation and Development (OECD-DAC), UN agencies, the International Red Cross and Red Crescent Movement, NGOs, and academics involved in humanitarian
action. The conference endorsed 23 principles and good practices of humanitarian donorship, and established an informal implementation group to coordinate follow-up. The Second International Meeting on Good Humanitarian Donorship took place in Ottawa in October 2004. The themes addressed at the Ottawa meeting included funding according to need, needs assessment, the transition from humanitarian aid to recovery and development, and next steps. Donor coordination and donor relations with implementing agencies are an integral part of these issues.

What this means for the donors is, first of all, that donors must introduce a more robust system for the process of allocation of funding. Furthermore, donors need to enhance the coherence of the humanitarian response with defence and other foreign policy objectives and longer term development. Donors are no longer simply cheque books; they are humanitarian actors in their own right.

**Principles** include such issues as flexible and timely funding, funding in proportion to need, involvement of the beneficiaries, the central role of UN and Red Cross, and the need for all actors to adhere to good practice. **Good Practice** includes being predictable and flexible, ensuring that new funding does not adversely affect an on-going crisis, and supporting the building of capacity in the humanitarian sector.

**Session Three**

**Discussion Groups**
1- Neutrality, Impartiality and Independence—Tilleke Kiewied, Oxfam NL and Yvonne Klynman, IFRC
2- The Military in Humanitarian Aid—Tom Aherne, Dept. of Defence

| Key conclusions and recommendations presented by the moderators |

The Military in Humanitarian Aid—Tom Aherne

Tom Aherne presented his views on “civil-military operations”, where the military’s ability to interact effectively with the local community is at the core. In such operations, it is the job of an officer to:
1) provide support to the military forces;
2) provide support to the civil environment;
3) be a liaison with everyone involved, such as internationals, NGOs, civilians and government.

In the discussions, the point was made that NGOs and military alike should be aware not just of the realities of their cooperation on the ground, but also of the global political context that determined their presence there in the first place. Another conclusion was
that there is a need for clear definitions of roles and defined boundaries. This clarity on the differences in identities and mandates will contribute to a better understanding and working relationship between the various humanitarian actors.

Participants also highlighted the tensions between NGOs’ role as humanitarian aid workers and their often vocal support for military interventions in humanitarian crises. Doesn’t this compromise NGO impartiality?

It was agreed that further joint reflection between NGOs and Irish military was needed on this point, and that opportunities to do so are arising. The upcoming Human Rights course for military personnel will be taught by international trainers, with a clear NGO input.

Neutrality, Impartiality & Independence—Tilleke Kiewied & Yvonne Klynman

The group discussed Neutrality versus Impartiality and produced general definitions to distinguish the two:

- Neutrality is not taking sides, and is measured in the eyes of others: being seen not to take sides.
- Impartiality is action based on needs and non-discrimination.

In situations of anarchy, but also in the current political climate of the War On Terror, neutrality becomes a complex issue. Humanitarian agencies themselves need better clarification of where they are in relation to these concepts; acknowledging that different answers may be found by different organisations, as well as by one organisation in different contexts. Since neutrality and impartiality are about perceptions, the link with communities is critical: how do you relate to local communities and local agencies?

It was suggested that perhaps individual staff members should sign codes. Although the agency may have signed up to humanitarian principles, the formulation of codes at staff member level might ensure that the codes are followed through on an individual level. Human Resource policies should include a continual training on humanitarian principles.

Session Four

Next Steps—Hans Zomer, Dóchas

The seminar has achieved its objectives, in that it allowed us:
1) to highlight the current issues surrounding humanitarian organisations
2) to reflect on the various challenges to the humanitarian principles.

Four dimensions of the discussions stand out:
Explain: There is a continued need for clarification of the humanitarian principles. First and foremost, the existence of the principles needs to be highlighted and communicated. The IFRC’s example of the on-going staff training on the principles is an example of good practice. All staff, not just those in the humanitarian response sections, need to be aware of the humanitarian principles, and the principles need to inform policy discussions in each organisation.

Greater awareness of the identities (philosophy, effectiveness and mandates) of the various actors in the humanitarian space is needed, both in the public mind and with our own staff.

Joint reflection is welcome. The Irish Defence Forces and the Irish NGOs are open to exploring the issues of today’s seminar in greater depth.

Enforce: The goals and standards we have in place must be brought to practical levels, so that we become not just signatories to these standards, but we – as organisations and as individuals – actually live up to them. This presents major challenges, particularly at organisational level, for instance in our publicity policies.

Influence: One of the roles of NGOs is to advocate, and so the “big picture” must be examined. NGOs do need to look at the political economy of their environment: who sets the mandates for military forces? What role for the Irish and European governments? How can the Irish legal framework impinge on our work?

Reflect: It is important that the issues raised at this session can be taken forward. Dóchas’ working group on humanitarian assistance is one forum where this can happen, and other suggestions (continued conversation with Dept. of Defence, Comhlámh think-in series, the DCI-NGO cluster meetings on humanitarian aid) were made.

Each organisation needs to engage in internal reflection and debate, to ensure institutional commitment as well as individual compliance. What possibility, for instance, is there for agencies developing codes of behaviour for their staff?

At its next meeting, the Dóchas group on humanitarian assistance will look at suggestions to keep this process moving forward.

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