

Humanitarian Accountability Partnership - International

"making humanitarian action accountable to beneficiaries"

The New Emergencies Policy

3 June 2004

Background

While accountability to beneficiaries has, in a variety of forms and approaches, been a long-standing feature of development practice, the first broad-based recognition of the rights of humanitarian beneficiaries was contained in the 1994 "Principles of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes" which, somewhat limply, states "Ways shall be found to involve programme beneficiaries in the management of relief aid".¹ The subsequent founding of HAP-I was based upon two powerful and mutually reinforcing arguments that together underpin the Code of Conduct and the Sphere Humanitarian Charter and Minimum Standards in Disaster Response. These could be described as the ethical and the empirical cases for accountability to beneficiaries

The Ethical Case

In common with the longer standing traditions of "good" development practice, emergency relief practitioners increasingly recognised that the provision of humanitarian assistance can not be exempted from the principle of "informed consent", which lies at the very heart of the professional service ethos. A more searching examination of the "rights of legitimate humanitarian claimants" conducted under the auspices of the Sphere Project revealed a clear international legal foundation, rooted variously in the Universal Declaration of Human Rights, International Refugee Law, International Humanitarian Law, the Convention on the Rights of the Child, and the Convention on the Elimination of all forms of Discrimination Against Women, for the right to humanitarian protection (including assistance where necessary), and a right to a say in the manner in which this is provided. The increasingly widespread adoption of a "rights-based approach" to development and emergency relief work is an indication of an emerging consensus (indeed, within HAP-I, an established consensus) that people in mortal danger within contexts of calamity and armed conflict have rights, not just to protection and assistance, but also, to be heard, in all stages of the appraisal, implementation and evaluation cycle. Within the international humanitarian community, this ethical case is in the ascendancy, within HAP-I, it is our fundamental *raison d'être* and as such, is an argument now won.

The Empirical Case

However, while we are now all largely agreed that humanitarian beneficiaries enjoy the right to be protected, and enjoy a right to a say in the manner in which protection (and thus assistance) is provided, in reality, our corresponding duty to listen is all too often just an unfulfilled pledge. This wide gap between the ethical consensus on accountability in principle, and the actual practice of emergency relief work in reality, could be described as the beneficiary 'accountability deficit'. It would seem therefore, that while we may have won the ethical case, we have yet to deliver at the empirical level. Given the enormous literature upon participation and consultation (including that produced under the ALNAP project of the same name), the beneficiary accountability deficit is surely not due to the absence of models of good practice. Rather, it appears that there is a degree of policy inertia that is holding back the implementation of good accountability practices in contexts of armed conflict and calamity. While weak change management and poor approaches to organisational development may explain the beneficiary accountability deficit, we also believe that the absence of a sound empirical case, or what might be referred to as a "humanitarian business

¹ Article 7

case”², makes it difficult for emergency relief project managers and their fund-raisers to justify the the necessary time and money required for good beneficiary accountability practice.³ To some extent, this may explain the need for the “staircase” approach adopted by HAP-I, but it is an approach that is not without risks.

The most basic purpose of the Accountability Workplans of the full members of HAP-I is to reduce this accountability deficit over a two-year period to a “reasonable” level.⁴ While it has been to date the policy of HAP-I that each member agency should climb the “accountability staircase” in a manner to be prescribed through its own planning mechanisms and organisational priorities, we believe that there is a very strong case for the members to make a special effort to apply the Principles of Accountability to Humanitarian Beneficiaries in new emergency situations. There are three reasons for this:

1. **“It easier to do it right from the start”**. The Accountability Principles are, quite logically, based upon the different stages of a standard project cycle. After all, this is how most of our members deliver most of their humanitarian assistance, and there is little to suggest that this is likely to change. “Good practice” obviously requires that the project starts out in a manner that enables the views of the intended beneficiaries to be taken into account during the project design stage. This is obviously preferable to an approach that introduces beneficiary consultation at the implementation or evaluation stage. By definition, new emergencies provide a context where the response can get off to a good start in terms of accountability to beneficiaries, in contrast to the more difficult challenge of taking corrective action to clean up the mess of bad practice in long-established emergency operations.
2. **“The more difficult the case, the stronger the rationale for accountability”**. Not only is it easier to get the whole project cycle right if you get off to a good start, the humanitarian benefits will be all the greater for tackling difficult new emergencies. For example, in the current case of Darfur, failure to consult intended beneficiaries at the outset may well lead to us pursuing the wrong type of intervention – for example assistance instead of protection – which can have dreadful downstream consequences of the sort that occurred in eastern Zaire in 1997. The chances of getting the balance right between assistance and protection, between advocacy and operations, and between real and perceived needs, are inevitably enhanced by seizing the earliest possible opportunity for meaningful consultation with intended beneficiaries.
3. **“Be seen to do it right”**. Media interest tends to focus upon the first few days or weeks a new humanitarian emergency. Impressions of bad (as well as good) practice are formed during these crucial periods. If we want to demonstrate to others that we are serious about introducing good practice in accountability to beneficiaries, then the greatest threat to our collective credibility will be posed by bad old style practice being pursued in the early days of an emergency that is unfolding under the noses of sceptical journalists and in front of the watchful lenses of television cameras. If HAP-I is to break the old mould and close the accountability deficit, then we must be able to demonstrate that it can be done. Thus the

² A positive humanitarian business case would have to show that the humanitarian benefits (i.e additional lives saved or suffering mitigated) were greater than the opportunity costs (i.e lives lost or unmitigated suffering) associated with the resources allocated to the practice of beneficiary accountability. A complex, but not impossible calculation to make

³ So critical is this question that we believe only limited progress in implementing accountability to beneficiaries is likely to be achieved until the business case is examined thoroughly. Commissioning such research is set out as a key priority in the revised HAP-I Workplan for 2004-2005

⁴ In this context, “reasonable” has a fairly precise meaning, referring to exceptional cases where compliance with the Principles of Accountability to Humanitarian Beneficiaries has not been possible due to reasons beyond the control of the agency concerned. The performance of an agency might also be adjudged to be “reasonable” even in cases where there has been professional malpractice, provided that the agency has identified the problem without undue delay, and then taken appropriate corrective and restorative action. Conversely, it would be “unreasonable” to expect that the ‘accountability deficit’ can be totally and permanently eliminated.

new emergency also offers the greatest potential for positive advocacy for our vision and mission.

We think that these considerations combine to create a powerful case for the members of HAP-I to make a special effort to devote the necessary effort and resources to operationalise the accountability principles in all the major new emergencies in which they are involved. Given the diversity of HAP-Is current membership, it would be inappropriate to suggest that all members make such a commitment for all new emergencies. Instead, we propose the following process:

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| 1. Identify interested agencies | 06/04 |
| 2. Establish "New Emergencies Working Group" | 07/04 |
| 3. Convene "New Emergencies Workshop" | 11/04 |
| 4. Finalise "New Emergencies Field Protocol" | 01/05 |
| 5. Implement "New Emergencies Field Protocol" | 02/05 |

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