

TOOLS FOR THE JOB:

Supporting Principled Humanitarian Action



NORWEGIAN
REFUGEE COUNCIL

HPG

Humanitarian
Policy Group

Funded by



NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

**Tools for the Job:
Supporting Principled
Humanitarian Action**

Ingrid Macdonald and
Angela Valenza, 2012

Cover photo:

Christian Jepsen
Yusuf Batil camp, Upper Nile state, South Sudan

Disclaimer:

The views presented in this paper are those of the author and do not necessarily represent the views of ODI/HPG or NRC. This document has been produced with the financial assistance of the European Commission. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Commission or the Norwegian Ministry of Foreign Affairs.



The European Commission's Humanitarian Aid department funds relief operations for victims of natural disasters and conflicts outside the European Union. Aid is channelled impartially, straight to people in need, regardless of their race, ethnic group, religion, gender, age, nationality or political affiliation.

TOOLS FOR THE JOB: Supporting Principled Humanitarian Action

By Ingrid Macdonald and Angela Valenza

**Norwegian Refugee Council and Humanitarian Policy Group of the Overseas Development Institute
October 2012**

TABLE OF CONTENTS

Foreword	v
Preface	vi
Acknowledgments	vii
Executive summary	viii
1. Introduction	1
1.1 Note on methodology	2
1.2 List of abbreviations	3
2. Beyond the theory	4
2.1 The legal framework underpinning the principles	4
2.2 NGO humanitarian frameworks that promote the principles	5
2.2.1 <i>Global frameworks</i>	5
2.2.2 <i>Organisation-specific policies and procedures</i>	6
3. Principles into practice	7
3.1 Applying the principles in the field	7
3.1.1 <i>Acceptance: securing and maintaining access</i>	8
3.1.2 <i>Militating against the misappropriation of aid</i>	10
3.2 Strengthening the application of principles	11
3.2.1 <i>Interpreting the principles</i>	11
3.2.2 <i>Principled decision-making</i>	12
4. Principled humanitarian funding	14
4.1 Funding arrangements	14
4.2 Key funding obstacles	17
4.2.1 <i>Challenges to needs-based funding</i>	17
4.2.2 <i>On-time and predictable funding</i>	19
4.2.3 <i>The transition gap</i>	21
4.2.4 <i>The impact of securitisation and politicisation</i>	23
5. Overcoming obstacles to principled humanitarian funding	26
5.1 Defining principled humanitarian funding	26
5.2 Screening for suitable funds	26
5.3 Navigating funding conditionality	27
5.4 Dialogue between NGOs and donors	28
6. Conclusion and recommendations	29
Recommendations	29
7. Bibliography	31

FOREWORD

“How can we help?” is the question many Europeans ask when confronted with the suffering of others. In a recent survey in the 27 Member States, 88% of European citizens stated that humanitarian aid is an important part of the answer. My responsibility is to translate our citizens’ wish for solidarity into action: making sure that the European Union’s assistance reaches those who need it the most.

The principles of humanity, impartiality, neutrality and independence are fundamental values that guide humanitarian work. Equally important, they are also operational tools for getting that work done. Thanks to their principled approach, humanitarian organisations are able to negotiate access to civilian populations in need. In the course of interviews carried out for this report, a humanitarian organisation in the Democratic Republic of the Congo had to negotiate with an armed group in the far northeast of the country in order to get access to internally displaced people in desperate need of food and medical attention. The humanitarians demanded to be allowed in, explaining that they were not there to take sides and that the group had an obligation to allow a neutral organisation to provide assistance. Without their neutrality, those humanitarians would have never reached people in the direst of needs.

That is why in the European Union we support aid that is impartial, neutral and independent. This support is essential for our credibility as one of the world’s largest donors, while it also guarantees that we bring the fastest, most adequate and most efficient relief to victims of conflicts and crises.

Principled humanitarian action faces many challenges today. The humanitarian principles need to be respected and promoted more than ever. I am pleased to support this Norwegian Refugee Council and Overseas Development Institute report, which will contribute to a discussion on how governments, donors and humanitarian organisations can further strengthen the principled delivery of aid.

Kristalina Georgieva
European Commissioner for International Cooperation,
Humanitarian Aid and Crisis Response

PREFACE

Along with many other humanitarian organisations, the Norwegian Refugee Council (NRC) endeavours to access people in need of humanitarian assistance and protection during crises. We strive to employ the principles of *humanity, impartiality, independence* and *neutrality* as a framework guiding our operations and tools for navigating the various operational challenges to access. Notwithstanding our best efforts, enduring internal challenges require increased attention from the humanitarian community.

We also face many external obstacles in the often hostile, unpredictable and highly politicised environments in which we operate. A key challenge can be inadequate funding, or funding that does not support principled humanitarian action. Despite repeated commitments by states in support of the humanitarian principles, translating these obligations into operational realities, including principled funding, requires renewed effort.

Thanks to the support of the European Commission's department for Humanitarian Aid and Civil Protection (ECHO) and the Norwegian Ministry of Foreign Affairs (NMFA), NRC is addressing these issues through a project entitled *Strengthening Principled Humanitarian Response Capacities*. This report presents the findings and analysis of case studies conducted in Afghanistan, the Democratic Republic of the Congo (DRC), Pakistan and South Sudan with support from the Overseas Development Institute's Humanitarian Policy Group. Other elements of the project include developing decision-making guidance for practitioners, seeking concurrence on what constitutes principled humanitarian funding and holding a high-level conference in Brussels on 4 December 2012.

I believe that this report will help to move the debate on the importance of the humanitarian principles forward, and I hope it will galvanise action to implement concrete safeguards for principled humanitarian funding.

Elisabeth Rasmusson
Secretary General
Norwegian Refugee Council

ACKNOWLEDGMENTS

This paper was drafted by Ingrid Macdonald and Angela Valenza.

Samir Elhawary, Marit Glad, Ashley Jackson, Hannah Vaughan Lee, Sean Loughna, Arnhild Spence, Sara Tesorieri, and Eva Svoboda made valuable contributions. Sarah Bayne, Christophe Beau, Andy Featherstone, Adele Harmer, Irina Mosel, Tasneem Mowjee, Abida Nagra, and Dan Tyler contributed to special reports and the four case studies.

Special thanks are extended to Sara Pantuliano, Nicolay Paus, Elisabeth Rasmusson and Eli Waerum Rognerud for their comments. The members of NRC's access advisory group also provided guidance and comments throughout the process.

NRC is grateful to ECHO and the NMFA for their valuable support to this project and report, as well as the hundreds of people who were interviewed and took part in consultations in Afghanistan, the DRC, Pakistan and South Sudan, Brussels, Geneva, London, Oslo, and Washington, DC.

EXECUTIVE SUMMARY

Background

A recent poll confirmed widespread popular support for continued European Union funding of humanitarian aid, with 88% of respondents in favour.¹ At the same time, the harsh economic climate, increasingly complex emergencies and a politically polarised world are exerting pressure on humanitarian organisations and donors alike. Within this context, this report, *Tools for the Job*, based on case studies conducted in Afghanistan, the Democratic Republic of the Congo, Pakistan and South Sudan, considers principled humanitarian action from the perspectives of both non-governmental organisations (NGOs) and donors. It examines hurdles that can prevent humanitarian organisations from adhering to the principles of humanity, impartiality, independence and neutrality, which serve as the basis for humanitarian action and assist humanitarian actors in overcoming challenges.

The humanitarian principles are grounded in international humanitarian law and have been reaffirmed in various United Nations resolutions. Furthermore, they are integrated into frameworks developed by humanitarian organisations to guide them in their daily work; examples include the Code of Conduct for the Red Cross and Red Crescent Movement and the SPHERE Project. Many NGOs have since incorporated the principles into their policies and procedures.

The principles are thus not merely a theoretical or ideological concept, but reflect commitments made by states and are applied by organisations to safely access populations in need, to draw attention to vulnerabilities, and to negotiate with communities as well as local and international stakeholders (civilian or military).

Strengthening implementation of the principles within organisations

Although legal and policy frameworks underpin the humanitarian principles and their daily use by organisations, critical challenges continue to hamper implementation. For example, even though there is strong general awareness of the principles, practitioners may still struggle to balance or prioritise them in a consistent and transparent manner. This report shows that training of international as well as local staff could be improved in order to ensure a common understanding of humanitarian principles and the need for their uniform application.

The risks associated with decisions to prioritise the principles are not only borne by an organisation, but also by the humanitarian community as a whole. When one humanitarian organisation prioritises (or compromises) a principle, that decision may have an impact on the perception and treatment of the wider humanitarian community. Adherence to principles could be enhanced through the development of clear guidance and systems for implementing and monitoring compliance, clear decision-making frameworks and investment in common NGO approaches, such as codes of conduct or 'red lines'.

¹ The Eurobarometer of June 2012 reports that 'the vast majority of EU citizens agree that funding humanitarian aid is important (88%)' and 'there is overwhelming support for the EU to continue funding humanitarian aid, in spite of the economic crisis (84%)' (EC, 2012).

Strengthening principled humanitarian funding

Given the extent to which humanitarian organisations rely on states for funding, the availability of donor support can determine whether principled humanitarian action is feasible. States have made high-level commitments to the humanitarian principles in the Principles and Good Practice of Good Humanitarian Donorship (GHD), the European Consensus on Humanitarian Aid and their own national policies (Bayne, 2012; GHD, n.d.; EC, 2008).

Yet despite some improvements, global funding allocations still favour responses in geographically or politically strategic countries over neglected or protracted crises, rather than being directed primarily by needs and vulnerabilities. In addition, funding timelines and administrative procedures can hinder a principled response. Transitional strategies and funding may give preference to political or security strategies at the expense of humanitarian action, even when needs and risks are still evident. Securitisation strategies that seek to imitate or include humanitarian action within a single approach may also increase risks to the safety of both staff and aid recipients.

Recommendations

Humanitarian organisations should:

- Seek to establish common positions on what constitutes principled humanitarian funding and unacceptable donor conditions, in order to foster collective and more effective action.
- Encourage donors to remove unprincipled funding conditions, both direct and indirect, and to recognize other key issues (such as the need for flexible funding). To this end, they should strive to formulate practical arguments with reference to donor commitments under GHD and the European Consensus on Humanitarian Aid.
- Establish mechanisms to strengthen the systematic implementation and monitoring of policies focused on the humanitarian principles, both within organisations and collectively.
- Strengthen the ability of staff to interpret and prioritise the principles as tools for navigating obstacles, including methods to strengthen guidance for principled decision-making and consistent training and capacity building.
- Continue to invest, both individually and jointly, in assessments to strengthen needs-based programming. In addition, they should engage in advocacy with donors to secure sufficient funds and time to conduct assessments as a basis for project proposals and development.
- Agree a compact with donors on measures to strengthen and safeguard adherence to the humanitarian principles in the area of funding.

States, including donor agencies, should:

- Adhere to the commitments they have made to the principles of humanity, impartiality, independence and neutrality as part of international law, national policies, GHD and, where relevant, the European Consensus on Humanitarian Aid.
- Within the GHD group, develop clear indicators, guidance and compliance mechanisms to strengthen implementation of commitments to the humanitarian principles by individual member states and the group as a whole.
- Actively support better needs assessments and analysis through the Inter-Agency Standing Committee Needs Assessment Task Force, the Assessment Capacities Project and other mechanisms, and develop shared global indicators and mechanisms to promote allocations based on need, including through improved consolidated appeals plans and common humanitarian action plans.
- Adopt safeguards to avoid narrow definitions of humanitarian action, and to separate humanitarian action from crisis management, stabilisation, counterinsurgency and comprehensive approach-style strategies. They should avoid counter-terrorism measures that encroach on humanitarian action, including through the implementation of exemptions for principled humanitarian action and practitioners.
- Review donor policies and procedures to ensure there is enough flexibility to allow projects to be driven by need. This should include the re-evaluation of time restrictions, administrative procedures and prioritised sectors and geographic areas on an ongoing basis and in consultation with implementing partners.
- Invest funding in activities that enable humanitarian organisations to strengthen acceptance strategies, including the additional security and logistics costs required for operations in insecure or remote locations.

1. INTRODUCTION

A recent poll confirmed widespread popular support for continued European Union (EU) funding of humanitarian aid, with 88% of respondents in favour. Nevertheless, humanitarian organisations are increasingly asked to demonstrate the relevance of principled humanitarian action, as separate from political and security strategies. It follows that demonstrating operational relevance is a necessity for humanitarian organisations, as are tangible efforts to strengthen implementation of the principles of *humanity, impartiality, independence* and *neutrality*. Given their high degree of dependence on donor funds, these organisations must ensure continued state support for principled humanitarian aid.

This report confirms that humanitarian organisations strive to use the principles on a daily basis to navigate operational challenges, facilitate access and improve their operations — a subject covered at length in the report *To Stay and Deliver* (Egeland, Harmer and Stoddard, 2011). The principles are instruments enshrined in international law and essential to gaining safe access to populations in need during crises. They provide humanitarian actors with tools that are either applied explicitly or embedded in broader strategies and activities.

This report outlines the legal framework underpinning humanitarian principles, and the various policy commitments and procedures humanitarian organisations have adopted and employed at the global, country and organisational levels. It covers two areas:

- 1) how practitioners use the principles in operations, why they are relevant and what challenges are associated with their implementation;
- 2) challenges and opportunities in terms of institutional funding, which impede or facilitate adherence to the principles.

Although commitments to humanitarian principles are based in law and policy frameworks, they remain difficult to reconcile with operational realities, both within and beyond the humanitarian community. By adopting measures to ensure greater consistency of interpretation of the principles and subsequent decision-making, humanitarian actors could make significant progress in strengthening principled action. While states have made repeated commitments to the principles, they should also renew efforts to translate them into operational realities. This report examines the impact of non-needs-based funding, the transition gap and the lack of safeguards for principled action in political and security strategies.

There is little doubt that humanitarian organisations could, and should, do more to agree the parameters of principled humanitarian funding and apply a common approach with donors. Given the financial and political pressure to incorporate humanitarian funds into integrated strategies such as the EU ‘comprehensive approach’, relevant measures are rapidly becoming a necessity rather than an option.

1.1 Note on methodology

Research for this report was primarily undertaken by the Norwegian Refugee Council (NRC), in collaboration with the Humanitarian Policy Group (HPG) at the Overseas Development Institute. Specialist consultants contributed as needed. The analysis draws on the following sources:

- **Field research** conducted in Afghanistan, the Democratic Republic of the Congo (DRC), Pakistan and South Sudan. The research involved mainly interviews with both national and international NGO field workers. It also entailed interviews with representatives from the UN; the International Red Cross and Red Crescent Movement (RC), including the International Committee of the Red Cross (ICRC); local and national authorities; diplomats; and donors. More than 300 interviews were conducted overall, in one-to-one, focus group and workshop settings. Unless otherwise cited, quotes and examples in the report are drawn from these sources; individual respondents are not identified in order to preserve their anonymity.
- **A report** commissioned to map the key trends influencing the humanitarian funding of eight European donors,² and their relationship with principled humanitarian action (Bayne, 2012). Prepared by theIDLgroup, the report draws on interviews conducted in April 2012, and a review of third-party assessments and relevant literature.
- **An ongoing internal NRC project** that includes case studies and that examines obstacles to operational access and methods of overcoming them.
- **Secondary sources**, drawing on the wealth of material already published (see the Bibliography).
- **Feedback** from a series of presentations on the preliminary findings from the case studies and interviews with NGO, UN and donor representatives in inter-agency NGO consortia and other forums in Brussels, Geneva and Oslo.
- **A review** by an advisory group of humanitarian professionals and experts with backgrounds in NGOs, the RC, the UN, academia and government.
- **A peer review** by HPG researchers involved in the case studies.

Some further considerations:

- **The report focuses primarily on conflict and complex emergency situations rather than natural disasters.**
- **References to humanitarian organisations relate mainly to NGOs.** The report draws on information and interviews from across the humanitarian community, but the case studies focus on the perspectives and approaches adopted by NGOs, UN agencies and donors. **The report focuses on donors that form part of the Development Assistance Committee of the Organisation for Economic Co-operation and Development (OECD-DAC), which comprises principally European and North American states.** It thus reviews commitments made to the Good Humanitarian Donorship (GHD) initiative, to the European Consensus on Humanitarian Aid and in donors' national policies. **The report considers funding by institutional donors** rather than private sponsorship, support from foundations or donations, which are also important to humanitarian organisations (Stoianova, 2012).
- **References to 'humanitarian action' and 'humanitarian aid' cover assistance and protection activities.**

² The eight donor states are Denmark, France, Germany, Italy, the Netherlands, Poland, Sweden, and the United Kingdom.

1.2 List of abbreviations

ACAPS	Assessment Capacities Project
CAP	Consolidated Appeals Process
CERF	United Nations Central Emergency Response Fund
CHAP	Common humanitarian action plan
CHF	Common humanitarian fund
DFID	Department for International Development
DRC	Democratic Republic of the Congo
ECHO	Directorate-General for Humanitarian Aid and Civil Protection (European Commission)
ERF	Emergency response fund
EU	European Union
GHD	Good Humanitarian Donorship
HPG	Humanitarian Policy Group
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	Internally displaced person
IHL	International humanitarian law
ISAF	International Security Assistance Force
LRA	Lord's Resistance Army
MONUSCO	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
NGOs	Non-governmental organisations
NMFA	Norwegian Ministry of Foreign Affairs
NRC	Norwegian Refugee Council
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OECD–DAC	Organisation for Economic Co-operation and Development–Development Assistance Committee
PRT	Provincial Reconstruction Team
QIP	Quick impact project
RC	International Red Cross and Red Crescent Movement
SIDA	Swedish International Development Cooperation Agency
SGBV	Sexual and gender-based violence
STAREC	Stabilization and Reconstruction Plan for Eastern Democratic Republic of the Congo
UN	United Nations

2. BEYOND THE THEORY

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.

2.1 The legal framework underpinning the principles

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

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’ (Pictet, 1979).

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).

2.2 NGO humanitarian frameworks that promote the principles

2.2.1 Global frameworks

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).

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.

To mark the tenth anniversary of the Code and reinforce its role, a conference was held in 2004. Participants reiterated the importance of the principles and identified areas for improvement, including the need for greater institutionalisation of and compliance with the Code, and the development of monitoring procedures.

The Code is indicative of self-reflection within the humanitarian community in response to the rapid growth of engagement (of NGOs in particular) in conflict-affected countries during the 1990s. This period was marked by two defining trends:

- a ‘growing willingness and ability of outsiders to help those at risk, as expressed in the expansion of the humanitarian system and funding’; and

- the ‘mounting dangers that complex emergencies pose for humanitarianism’ (Barnett and Weiss, 2008).

The second trend concerns the unintended consequences of humanitarian action, in which organisations ‘might be simultaneously improving the welfare of victims and inadvertently diminishing it as a result of other actions’ (Barnett and Weiss, 2008). In many of the cases where unintended harm was done, the principles were not upheld, raising critical questions about how such an ethical framework can be better applied and adhered to (Leader and Mackintosh, 2000). These debates shaped much of the discussion and subsequent frameworks for humanitarian action.

At the same time, there was growing recognition of the need to improve the management and monitoring of humanitarian action and to strengthen accountability. This trend has continued as emergency aid has increased in real terms and as the humanitarian system — and especially the NGO sector — has expanded (Stoddard, 2003).

The following global policies and frameworks also incorporate the humanitarian principles:

- The **Do No Harm framework** 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** are initiatives aimed at improving the quality of humanitarian assistance and accountability underpinned by the principles. A handbook associated with the latter project provides a set of common principles and universal minimum standards in life-saving areas of humanitarian response.
- The **People in Aid Code of Good Practice** is a management tool that helps humanitarian and development agencies enhance the quality of their human resources management.
- The **Active Learning Network on Accountability and Performance** is a sector-wide undertaking dedicated to improving performance through increased learning and accountability (ALNAP, 2009a; 2009b).
- The **Humanitarian Accountability Partnership** is a multi-agency initiative working to improve the accountability of humanitarian action for people affected by disasters and other crises (HAP, n.d.).

Context-specific codes and frameworks have also been developed in attempts to translate the humanitarian principles into practice. Examples include the 1995 Agreement on Ground Rules in South Sudan between the UN's Operation Lifeline Sudan and the Sudan People's

Liberation Movement/Army, the main opposition group; the 1995 Principles and Protocols of Humanitarian Operations and the 1996 Joint Policy of Operation in Liberia; and, more recently, the 2009 Inter-Agency Standing Committee Negotiation Ground Rules for Somalia.

2.2.2 Organisation-specific policies and procedures

Many humanitarian organisations have incorporated the humanitarian principles into their policies and procedures. The means of doing so vary, but the following list details some of the typical approaches:

- **Public messaging and advocacy:** Many organisations engage in advocacy in support of the principles, including with political and military entities. The principles often form the basis of public messaging, especially in media campaigns on conflict, security and aid.
- **Policies and codes:** Many organisations include the principles in their own policies and codes of conduct. Some require staff to sign these policies, acknowledging that they have read them and agree to adhere to them.
- **Training:** Organisation-specific policies are often included in training sessions, workshops and inductions. Some organisations also illustrate the application of the principles through case studies.
- **Security management:** Increased awareness of the risks humanitarian actors face and the chronic insecurity of the environments in which they operate, combined with the recognition by many agencies of the need to strengthen staff understanding of security policies and protocols, have led the principles to be increasingly integrated into security management, including guidance on acceptance strategies. This has been reflected in several inter-agency guides, such as the abovementioned *To Stay and Deliver*, as well as agency-specific initiatives. One NGO, for example, established 'a guide for security

that includes communications with all actors to ensure access'; the organization produces an annual strategy guide to promote respect for 'all authorities and different communities who are in conflict'.

- **Recruitment and procurement policies:** To promote the impartial distribution of aid (per-

ceived and actual), some organisations have recruitment policies to ensure that their staff members reflect the ethnic diversity of the operational environment. Some also apply this concept to contractors and suppliers. Non-discrimination is also normally a cornerstone of recruitment and procurement.

3. PRINCIPLES INTO PRACTICE

In their efforts to deliver aid effectively in crisis situations, organisations and practitioners make daily use of the humanitarian principles — either explicitly or as part of their underlying approaches. The principles tend to form part of acceptance strategies and measures to mitigate the misappropriation of aid. Adherence to the principles, however, has sometimes presented difficulties for humanitarian actors. As outlined by Collinson and Elhawary, much attention has focused on the policies and activities of external actors:

stabilisation operations blur the distinction between military and humanitarian actors and co-opt the humanitarian enterprise for political and military ends; UN integrated missions undermine the neutrality of UN humanitarian agencies and their partners; counter-terrorism legislation impedes the impartial delivery of aid by criminalising assistance in areas controlled by proscribed groups; national governments, keen to assert their sovereignty, overstate their capacity to respond and deny humanitarian access. Whilst these external factors are significant, greater scrutiny is required of the international humanitarian system itself, and the impact the system has on the ability of aid agencies to provide relief and/or protection (Collinson and Elhawary, 2012).

Humanitarian organisations and the wider system could improve adherence to the principles by ensuring that practitioners understand them

and apply them consistently in their decision-making. Tangible progress could be made by:

- developing clear guidance and systems for implementing and monitoring compliance with the principles;
- developing clear decision-making frameworks;
- adopting common approaches; and
- strengthening training of staff and internal dissemination.

3.1 Applying the principles in the field

The humanitarian principles tend to be embedded either within organisations' strategies and procedures (as described in Section 2.2) or used to navigate obstacles that impede operations. While the principles are often described as tools for managing risk, caution is nonetheless required to uphold their foundational basis. For example, the principles of humanity and impartiality represent commitments first and foremost by states to respect and protect the fundamental rights and human dignity of populations affected by crises.

3.1.1 Acceptance: securing and maintaining access

The things that are most useful for our operations [when seeking acceptance] are non-discrimination and attention towards vulnerabilities. Neutrality and impartiality are very important for perceptions, to earn trust.

Safe access to populations in need during a crisis is key to a humanitarian organisation's ability to work.³ States have the primary responsibility to assist people in need,⁴ but if they are unwilling or unable to do so, they should not impede delivery of impartial humanitarian assistance as long as it does not favour any of the parties to the conflict (Grombach-Wagner, 2005).

Typical obstacles to access, as emerged repeatedly during the research for this report, include: the unpredictability of belligerents; the politicisation and securitisation of aid; insufficient funds to match needs; unreasonable administrative demands imposed by some host states; criminality; counter-terrorism measures; and the proliferation of private sector entities and other groups seeking to duplicate humanitarian activities. Physical obstacles include bad weather, poor infrastructure and recurrent natural hazards, the impact of which may be compounded by poor governance and protracted conflict.

To Stay and Deliver describes how, within the legal framework, humanitarian organisations 'have explored innovative strategies and operational practices aimed at creating greater acceptance for their activities and increasing access to affected populations' (Egeland, Harmer and Stoddard, 2011); these measures have included the adoption of the humanitarian principles. The rationale is that humanitarian actors — and the civilians who receive their aid — will be perceived and accepted as less of a threat if they do not align themselves

with parties to the conflict, favour or promote a religion or ideology, or act as an instrument of government policy.⁵ Throughout the case studies conducted for this report, practitioners stressed that they have sought to distance themselves from the parties to a conflict or military entities such as the International Security Assistance Force (ISAF) in Afghanistan or the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), largely to be perceived as neutral so as to be able to maintain effective access and operations. Acceptance strategies are usually based on the premise that well-managed perceptions lead to acceptance, which in turn facilitates access, although this approach has not always proven to be true.

Organisations also seek to manage perceptions by communicating who they are and what they do, often with either direct or inferred reference to the principles. In the case studies, these references could roughly be classified as follows:

- **Explicit:** principles are communicated at all stages of contact, negotiation and discussion as concepts to which an organisation strictly adheres.
- **Negotiated:** principles are integrated into messages about the organisation and explained while discussing programme implementation with stakeholders.
- **Implicit:** principles are embedded into an organisation's best practice, but the fact is not overtly communicated.

³ Humanitarian access entails: 1) the ability of humanitarian actors to reach populations in need of protection and assistance, and 2) the ability of affected populations to access assistance and basic services. See Metcalfe, Giffen and Elhawary (2011).

⁴ UN General Assembly resolution 46/182 of 1991 confirms that '[e]ach State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory' (UNGA, 1991, para. 4).

⁵ In contexts that are highly politicised and insecure, such as Afghanistan and the DRC, protective measures such as curfews and walled compounds are also routinely used to ensure staff safety, especially where there are high levels of criminality.

The principles may be used in negotiations and acceptance strategies in the following ways:

- **The perception of being a principled humanitarian actor can reinforce acceptance.**

Ensuring that staff composition reflects the diversity of the operating environment can reinforce the local perception of the organisation as principled, transparent and accountable.⁶ This has helped some organisations enhance acceptance and therefore their ability to operate safely, but the approach is proving increasingly challenging given the number of attacks and security incidents involving humanitarian actors (Collinson and Elhawary, 2012).

- **The principles can help in negotiating community and local stakeholder politics.** Tensions within communities can be exacerbated if an organisation or project is seen as taking sides with a specific group or individual. The principles provide a platform for communication and negotiation, which humanitarian actors can use to explain why they are unable to engage in favouritism and patronage, or why they cannot align themselves with political factions within communities. Interviewed practitioners emphasised the importance of continuous communication with communities and other stakeholders before, during and after project implementation, in order to counter the rumours and allegations that routinely circulate. As highlighted by an aid worker in South Sudan:

There were two communities in conflict, and one community was blocking access to a health facility in their area, which was supposed to be open to both. It was a political issue, and we had to go and explain that this wasn't acceptable. So we closed for a few days and told everyone that with it closed, we

couldn't serve anyone, and that it was better to be able to operate and serve people. We went to the community and discussed the issue and people agreed that what happened was wrong.

- The principles are used by humanitarian actors in agreements, negotiations and messaging to build trust with governments and local authorities. Humanitarian organisations require government authorisation in order to operate, and the principles provide a basis for them to adopt a consistent position in their discussions with the relevant authorities. This is especially true when the government concerned is a party to a conflict or may try to restrict access to territory controlled by an armed group. In the case of Sudan, however, the government used the principles to target NGOs, accusing 13 organisations of failing to adhere to them and expelling them from the country in retaliation for the International Criminal Court's issuing of an arrest warrant for President Omar al-Bashir in March 2009.
- The principles provide a basis for negotiation with armed groups that control territory or exert influence over it. This proved to be the case for one humanitarian organisation in the DRC, which, having won government permission to operate, engaged in lengthy negotiations with the armed group that controlled the area in question. The group's local leaders initially demanded that the organisation publicly acknowledge its legitimacy, but in response the NGO explained that its role was to respond to the needs of the population without taking sides. It also explained that it was the armed group's responsibility to grant access and guarantee security, which it eventually provided without further demands for endorsement.

⁶ Unpublished NRC internal access studies, January to April 2012

- **Embedding the principles within a broader strategy is important during access negotiations.** In Afghanistan, organisations adopted a contextualised approach to the principles, putting forward strategies based on the establishment of trust through needs-based and quality aid delivery, building confidence among community members, using interlocutors strategically with armed groups and ensuring acceptance by elected officials (see Box 2).

Box 2. Afghanistan: increasing humanitarian access

Increased conflict and insecurity in Afghanistan in recent years have made it challenging for humanitarian organisations to gain access to people in need. Some organisations have managed to maintain their access, but many have been forced to withdraw. The following approach, however, enabled one international NGO to expand into new areas:

- **Outreach:** The organisation used interlocutors strategically to talk to the relevant armed groups. They were briefed by the organisation and then met the stakeholders concerned, relaying basic information about the organisation, its proposed activities, its desire to discuss access and staff security and the principled nature of its work.
- **Communication strategy:** The organisation incorporated messages on neutrality, impartiality and independence – and particularly the distinction between political and military entities – into a clear communication strategy. In this way, the organisation disseminated information about itself, the reasons for its presence and what it proposed to do.
- **Ability to deliver:** To guarantee that aid would arrive as and when promised, the organisation ensured that funds were secured before the delivery process was initiated.
- **Staffing:** The organisation used staff profiles to ensure its teams were ethnically balanced, thereby aiding its perception as neutral and impartial.

3.1.2 Militating against the misappropriation of aid

A distribution was underway in a particular area, and a call came from a local authority accusing the NGO of racially motivated distribution. It turned out that one community had been displaced and was in the area of another community. We were asked by community A to conduct a separate distribution for them, not including community B. We refused, saying that the distribution was based on need and there could be only one recipient list.

Humanitarian organisations employ the principles to help militate against the diversion and misappropriation of aid. Combating corruption can also improve local acceptance and perceptions of an organisation as principled and trusted.

- Given that there is not usually enough aid to meet all needs, the humanitarian principles can provide transparent criteria for prioritisation. Organisations can face significant pressure from authorities, armed groups and communities to support patronage systems, favour the most powerful rather than most efficient contractors or divert aid to particu-

lar ethnic or politically aligned groups. Practitioners observed that by consistently and transparently applying the principles in the selection of beneficiaries and the monitoring of the project, they had been able to avoid such risks. In South Sudan, impartiality was used to circumvent community attempts to manipulate targeting and coercion by officials to favour particular areas or populations. Impartiality also helped to reduce community tensions: ‘We could argue [for action] purely from a position of authority and this would be accepted, but you can’t operate that way. It will undermine community cohesion.’

- The principles can help strengthen employment, procurement and contractor policies and procedures. For example:
 - **They can help to reduce pressure on local staff working on remotely managed projects.** International organisations are increasingly using local staff and local or national NGOs to manage projects remotely as a means of reducing security threats and costs. Aside from the ethical question of outsourcing risk, remote management can increase pressure on local staff from communities and local stakeholders to engage in favouritism, patronage and misappropriation. Some try to counter such pressure by citing impartiality and the need to be perceived as neutral, and by reiterating these principles in monitoring, reporting and compliance procedures.
 - **By emphasising the need for impartiality and the perception of neutrality in tendering and procurement processes, organisations can reduce pressure from local power holders and gatekeepers.** Such practices can also reinforce acceptance of the organisation as being uncorrupted, transparent and accountable.

- **Representatives of national and local NGOs said that the principles were equally relevant to their operations, but they had less capacity, funding and support to ensure consistent implementation.** Despite the risks often faced by local and national NGOs, the international humanitarian community rarely seeks their opinions and insight into the principles. Moreover, these NGOs receive only limited support from donors, UN agencies and international NGOs to improve their capacity to incorporate the humanitarian principles into their work (Stoddard, Harmer and Haver, 2011).

3.2 Strengthening the application of principles

While the principles are used to negotiate access and militate against the misappropriation of aid, there is plenty of room to improve implementation. Consistency in interpretation and application, including in decision-making, are key areas for strengthening.

3.2.1 Interpreting the principles

The humanitarian principles provide for a common approach and ways of working, despite different interpretations of their meaning among practitioners. When asked what they do and how they do it, practitioners did not necessarily articulate the principles word for word, but it was often clear that they informed a common approach to operations and strategies. Practitioners could generally name the principles but described them in different ways. In particular, they:

- generally understood the principle of *humanity* and considered it the basis and justification for operations;
- often cited *impartiality* when discussing good practice in areas such as acceptance, beneficiary selection and monitoring;
- revealed that there was less common ground concerning the principle of independence,

which they often presented as a matter for host rather than donor government policies, and which they considered less relevant in transition situations;

- emphasised the perception of neutrality as important in highly politicised and insecure contexts such as Afghanistan; and
- mentioned concepts such as accountability, participation, transparency, predictability and the Do No Harm framework as equally important in ensuring programme quality and acceptance.

Furthermore, the extent to which interviewees promoted humanitarian principles among staff members, partners and affected populations varied considerably, as not all NGOs have mechanisms in place to promote them systematically. Humanitarian organisations could significantly improve the consistent implementation of the principles by elaborating clear and simple internal guidance, ensuring relevant training and integrating them into monitoring and compliance frameworks. Despite the various global, country and organisation-specific codes and policies, few organisations employ dedicated systems and training related to the principles. Current tools and training frequently appear to be tailored to local conditions, with only limited adaptability when dynamics change or practitioners move on to another location. Humanitarian actors should emphasise the legal framework underpinning the principles to ensure that they are not treated as optional commitments; they should also demand that other stakeholders respect them as mandatory obligations.

3.2.2 Principled decision-making

Even though there is strong general awareness of the principles, it is often difficult to adhere to all of them to the same standard at the same time, and many practitioners struggle to balance or prioritise them in a consistent and transparent manner. As one interviewee stated:

While all the organisations I have worked for have some sort of policy reiterating the importance of humanitarian principles, in practice I feel I play the role of the organisation's 'bad conscience' when it comes down to the real decision-making. It is quite lonely to argue against accepting funds, for instance, when we can't select our areas of intervention or beneficiaries based on needs, or we have to work with partners that are not perceived by the population to be neutral.

In particular, the principle of humanity — the imperative to save lives — may sometimes be incompatible with impartiality and the other principles. Some form of balance or prioritisation will normally be required, and this is often influenced by the context and the stakeholders involved. As an example, in the DRC, due to the problems with the payment of civil servants, humanitarian organisations can be forced to provide payments to security actors such as the police or the army. This not only puts their neutrality and impartiality in question, but also puts them — in the case of British NGOs — in the uncomfortable position of potentially breaching UK anti-bribery law. Certain organisations felt justified in paying the military to access victims and potentially save lives while others argued that such an approach would jeopardise all other organisations that refused to pay. Organisations also tend to rely on and delegate to field staff in the expectation that they will 'get it right'. This can lead to inconsistency in the interpretation and application of the principles, which constitutes a key risk for organisations and practitioners alike.

It is not only the organisation concerned that faces the risks associated with prioritising principles. When one organisation decides to prioritise or compromise a principle, it has an impact on the perception and treatment of the wider humanitarian community, and this clearly has implications for the local popula-

tion. Such a decision may bring short-term gains, but negative consequences in the long term. When an organisation uses a military escort to enable it to distribute food in a highly insecure context, such as Afghanistan, the DRC or Pakistan, it may compromise not only the perception of its own neutrality but that of others, with repercussions for the future distribution of aid.

These dilemmas are not new, and humanitarian organisations employ a number of means to address decision-making:

- **Organisations often have ‘red lines’ indicating standards below which operations are considered unacceptable or too restrictive.** Examples include a zero-tolerance policy against sexual exploitation, insistence on anti-corruption guidelines, a refusal to pay ‘taxes’ to armed groups and the imposition of security thresholds, all of which reflect the humanitarian principles to some extent. By using the principles to guide decision-making during the development of red lines, organisations inform the development of context-specific minimum standards, which can help them navigate complex operating environments.
- **The humanitarian community has on occasion agreed common red lines,** such as with the 1995 Agreement on Ground Rules in South Sudan and the 1996 Joint Policy of Operation in Liberia. These initiatives were relatively successful, but other attempts to establish country-specific joint positions have failed to translate into practice or were not consistently applied, as in the case of the Inter-Agency Standing Committee (IASC) Negotiation Ground Rule and the NGO Red Line Paper developed in Somalia in 2009. One practitioner reflected on complications inherent in reaching such agreements:

Joint positions are considered to be difficult as it is a challenge to decide who is in and who is out (what organisations are considered to be like-minded enough for our organisation to associate with?) and the challenge of monitoring the adherence of organisations once the joint position has been developed.

Many practitioners, however, emphasised the importance of such efforts despite the challenges, arguing that discussions about joint positions in themselves served to highlight key dilemmas across the community as a whole and facilitated the exchange of perspectives and lessons learned.

- **In tandem with context analysis, the Do No Harm framework can help in decision-making and prioritisation of the principles.** Many practitioners called attention to the fundamental importance of the relationship between the principles and the Do No Harm framework for operations and decision-making. When distributing aid in the DRC, for example, strict adherence to impartiality can inflame ethnic or host community tensions and place those in need at risk. In this situation, the Do No Harm framework allows host communities to be targeted as a conflict mitigation strategy. In Sri Lanka, the principles were used by an international NGO in a decision-making process that led to its withdrawal from the Menik Farm camp for internally displaced persons (IDPs) in 2009. While thousands of IDPs were in need of assistance, the practice of internment by the military was deemed to be causing unreasonable harm to the population and badly compromising the principles of impartiality, neutrality and independence (Nash, 2011).

4. PRINCIPLED HUMANITARIAN FUNDING

Given the extent to which humanitarian organisations rely on states for their funding, the availability of donor support can facilitate or impede principled humanitarian action. This section reviews the challenges of inadequate needs-based allocations, the transition gap as well as the politicisation and securitisation of funding, and humanitarian organisations' response to them. Some innovative coping strategies have been employed, but there is an urgent need to further define what constitutes principled funding and to develop coherent approaches towards donors.

4.1 Funding arrangements

States have made a number of high-level commitments to the humanitarian principles in the Principles and Good Practice of Good Humanitarian Donorship,⁷ the European Consensus on Humanitarian Aid⁸ and their own national policies (Bayne, 2012). Several challenges continue to hamper implementation, however (see Box 3). European and North American donors seem to channel country-based allocations largely via UN agencies, the ICRC, international NGOs, common humanitarian funds (CHF) and emergency response funds (ERFs), using the following funding models (Bayne, 2012):

- **Global framework agreements with international NGOs:** Some donors, such as Denmark, the Netherlands, Norway and Sweden, are moving from project funding towards supporting selected international NGOs via multi-year global partnership agreements, in which a certain proportion of funding is left un-earmarked and thus remains available for sudden-onset disasters or the scaling up of programmes.
- **Common funds for specific countries:** Denmark, the Netherlands, Sweden and the UK support common funds, often un-earmarked, for specific countries. Half of the UK's allocations for specific countries are channelled through CHF and ERFs.
- **Project funding through international NGOs and UN agencies.** France, Germany and Italy provide project funding based on decisions made in their respective capitals; the latter two must do so due to restrictions imposed by their legal frameworks for aid allocation. In contrast, the UK's Department for International Development (DfID) provides funding based on the recommendations of humanitarian advisors in country offices.

⁷ Donors have made high-level commitments to principled humanitarian action enshrined in policy frameworks, as guided by GHD. Launched in 2003 by 18 major donors to improve the coherence and effectiveness of international response to humanitarian crisis, the GHD group now comprises 37 members. GHD established the distinct nature of humanitarian action within the broader aid policy of donor governments and specifically committed signatories to strive to ensure predictable and flexible funding in accordance with the core principles of humanity, impartiality, independence and neutrality.

⁸ Building on the GHD initiative, and on the European Consensus on Development Aid, the EU adopted the European Consensus on Humanitarian Aid in December 2007. The consensus highlights common values and guiding principles underlying the EU's support for humanitarian action. It recognises the fundamental importance of the humanitarian principles and IHL and seeks to emphasise the distinct nature of humanitarian action within broader aid and foreign policy.

Box 3. Summary of key trends in donor funding

- Donors have high-level commitments to principled humanitarian action enshrined in policy frameworks.
- Increasing levels of core and often un-earmarked funding are being channelled through multi-lateral and international agencies and the UN's Central Emergency Response Fund (CERF), thereby shifting some responsibility for adherence to the principles to the humanitarian system. More needs to be done to strengthen accountability and monitoring systems.
- The lack of systematic mechanisms for establishing global needs and determining donors' geographic allocations undermines transparency in global processes and leaves room for political influence and interpretation.
- Some donors, such as Denmark and the Netherlands, are providing funds for fewer protracted crises based on an understanding of their comparative advantage and policy orientations.
- At the country level, sector and regional priorities and funding decisions are based on needs, with most donors heavily reliant on assessments conducted by humanitarian partners.
- Donors have limited humanitarian staffing, both at headquarters and in the field, partly as a result of budget cuts. This limitation has an impact on their ability to monitor partner project activities and pooled funds; advocate adherence to humanitarian principles; and play active roles in donor coordination forums.
- Most donors do not have a systematic or documented process for selecting humanitarian partners. There is a tendency to rely on trusted and experienced partners with a good reputation for operating in a principled manner.
- Humanitarian monitoring and evaluation systems are often dependent on the self-reporting of partners, limiting opportunities for donor oversight of adherence to the principles.
- Donors are increasingly co-locating humanitarian and transition or stabilisation policy and activities within the same department. There are also efforts to integrate humanitarian and transition and development planning at the country level.
- Donors recognise the need to safeguard humanitarian principles within integrated planning processes and operations. Some donors think through the balancing of different principles in a systematic way, including within the OECD–DAC framework.
- Decision-making associated with military involvement in humanitarian assistance is not transparent, and there are no clear criteria for what constitutes last resort, who should be responsible for decisions or how this should apply in practice.
- Many humanitarian units advocate humanitarian principles across government departments, but it is unclear how far this advocacy filters down to country, office or field level.

Source: Bayne (2012)

Official humanitarian funding reached approximately \$11 billion in 2011, yet this sum was still insufficient to meet global needs (OCHA, n.d.). Although many donors adopt policies that call for needs-based funding, few make decisions

based on needs alone (OECD, 2012a). Some donors analyse a range of indicators annually and develop vulnerability and crisis indices to determine the allocation of their resources.⁹ Allocations, however, are often also influenced

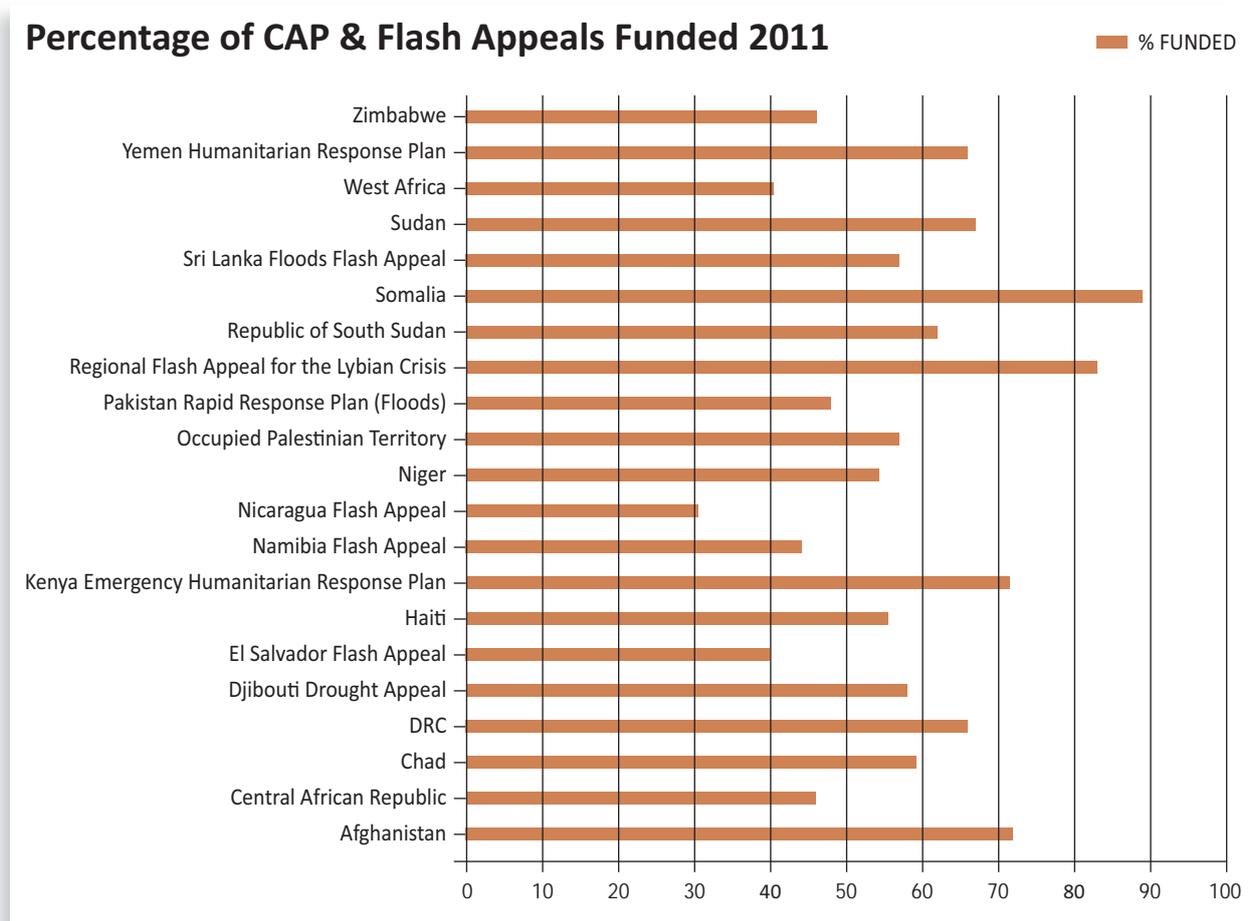
⁹ ECHO analyses a range of key indicators annually to develop vulnerability and crises indices, which inform its early warning system and help determine the final resource allocation for ongoing crises. Spain, Sweden and other European Union member states are using ECHO's indices to support their decision-making (OECD, 2012a).

by what was provided the previous year (partly to ensure stable funding flows), strategic geopolitical priorities, perceived comparative and strategic advantages,¹⁰ historic or post-colonial connections and the prioritisation of high-profile emergencies.¹¹

The Consolidated Appeals Process (CAP), which is based on common humanitarian action plans (CHAPs), has become an increasingly important influence on global donor allocations. The CAP, however, has a number of weaknesses despite substantial efforts by the UN Office for the Co-

ordination of Humanitarian Affairs (OCHA) to improve the system. These include not always being underpinned by sound needs assessments, presenting inflated requests for some projects and favouring high-profile, strategically important or historically well-funded crises over protracted or forgotten ones (OCHA, n.d.). That said, the CAP/CHAPs system is the closest thing to a global mechanism that donors have to guide their allocations according to need. Donors also use OCHA's emergency flash appeals in their global funding decisions (see Figure 1).

Figure 1. Percentage of CAP and flash appeals funded, 2011



¹⁰ Donors such as Denmark and the Netherlands are also moving towards a so-called 'strategic approach', whereby they fund fewer protracted crises based on comparative advantage and policy orientations.

¹¹ Donor interviews for Bayne (2012).

4.2 Key funding obstacles

4.2.1 Challenges to needs-based funding

Needs assessments are essential to identifying populations at risk, enabling prioritisation according to vulnerability and facilitating informed funding and response. ECHO has long sought to strengthen inter-agency cooperation on joint needs assessments. Its efforts have been complemented by the work of the Assessment Capacities Project (ACAPS) and the development of the multi-cluster initial rapid assessment tool as part of a transformative agenda. Despite these undertakings, which were taken forward in the IASC Needs Assessment Task Force, consistent methodologies and adequate capacity to collect and analyse data are lacking. Without them, the following concerns arise:

- **Practitioners are acutely aware that a geo-politically strategic crisis will normally receive more funds than a protracted or neglected one, irrespective of need.** As there is ‘currently no comprehensive, objective meas-

ure of global humanitarian need’ (OECD, 2012a, p. 21), donors can easily argue that it is difficult to compare needs across crises objectively, leaving room for prioritisation based on other criteria. This leads to funding distortions at the global level, which compromises the ability of organisations to adhere to the principle of humanity. Some practitioners contrasted the difficulty of raising funds for a neglected, protracted crisis such as the DRC with the ease of fundraising in a high-profile, geo-politically important crisis such as Somalia, irrespective of the overwhelming needs in both situations.

- **The categorisation and prioritisation of needs in different situations may not always reflect the reality on the ground and so distort funding allocations and response.** Funding decisions and the resulting operational response may be based on and reinforce non-needs- or quasi-needs-based definitions, which can undermine the principles of humanity and impartiality, as in the DRC (see Box 4).

Box 4. Shock-based humanitarian funding in the DRC

In the DRC, donors define emergency or humanitarian needs as those resulting from a shock or ‘rupture’. The definition covers needs resulting from displacement, violent conflict, epidemics and natural disasters. Needs beyond emergency thresholds, which result from structural causes, are not covered. This pragmatic approach reflects donors’ prioritisation efforts in a country with immense overall needs, but the definition has proved problematic. The cause of the need is not always clear, the conflict exacerbates structural needs and individuals with needs caused by shocks live alongside those who with equally pressing structural needs.

In some cases, organisations may manipulate the criteria for needs in order to gain access to shock-based funding. One organisation found that they were unable to access funds for a particular area unless they argued that food insecurity was caused by Lord’s Resistance Army (LRA) attacks; when in fact, the agency believed the causes were structural. As a result, the NGO implemented a pseudo-shock-based response for structural needs, thus undermining effectiveness. Another NGO cited donor pressure to assist only victims of LRA attacks even though this approach contributed to the stigmatisation of the victims and a failure to recognise the equal vulnerability of others in need.

- The provision of aid exclusively based on status can lead to distortions in response and undermine the principles of humanity and impartiality. ‘Status’ recognises that particular groups may suffer systematic and specific threats, marginalisation and vulnerabilities that require a targeted response. Based on IHL, human rights law and refugee law, status recognises the need for special protection of groups such as women, refugees, children, older people and ethnic minorities. Distortions can arise at the operational level, however, when status arguments are used to

justify *prima facie* allocations of resources without consideration of actual needs and vulnerabilities. As stated in the case of DRC:

Status can be seen as a precondition or a filter. For example, if you work in an area of displacement, then you go by status first and then by vulnerability. In the planning there is also some space for host families, but in practice they are hard to identify.

The role of status has also raised concerns in South Sudan (see Box 5).

Box 5. Status in South Sudan

The needs of returnees are undisputed, but a focus on supporting the process of return at the expense of longer-term support and assistance for both returnees and host communities has been problematic in South Sudan, where humanitarian actors have focused on return to the detriment of support for returnees’ reintegration in their home communities. In some areas, this led to conflict between communities, especially when the returning population was perceived to benefit more than the local population, which had stayed put throughout the two-decade conflict.¹³ As a result, NGOs argue that community-wide interventions based on need are more appropriate, especially given that community members inevitably face an immediate reduction in resources and services following the arrival of returnees.

The focus on returnees also shifted funding to the border regions, where most of them were located, with some organisations saying that they were forced to close programmes in other locations as a result. Donors said they planned to refine the concept of status in South Sudan and adjust their funding accordingly.

- **Sector or activity funding bias can compromise independent and impartial operations.** Donor preference for high-profile, ‘fashionable’ sectors or activities can result in the shifting of resources at the expense of other sectors, as was the case with sexual and gender-based violence (SGBV) in the DRC in 2010 (see Box 6). The food sector is generally the best funded, reflecting not only the

life-saving nature of the aid, but also some donors’ preference for supplying excess cereal supplies as in-kind contributions. These dynamics can take shape at the expense of financial contributions for other sectors and can undermine needs-based programming as well as the principles of impartiality, independence and humanity.

¹³ There are also examples, however, of returnees being welcomed back to their area of origin, even when there is pressure on resources.

Box 6. Sector focus challenges in the DRC

In the DRC, donors have provided substantial funds to address SGBV. While the scale of the problem is vast, several agencies interviewed implied that the level of funding appeared to have been driven by high-profile attention to the issue, including during a visit by US Secretary of State Hillary Clinton, which had made the issue ‘fashionable’. As a result, funding is not necessarily proportional to needs or the capacity to address the problem. It was even suggested that the relatively easy availability of funding encouraged certain humanitarian actors to seek such support although they were not qualified to undertake SGBV-related activities. The focus on SGBV may also be preventing the development of a more holistic response or targeting of other health needs, such as maternal health and HIV/AIDS. Some organisations were reportedly funded to treat rape-related fistulas but not those caused by childbirth.

4.2.2 On-time and predictable funding

Some areas are not secure and some are not accessible physically. These limitations inform where projects are located, and so the provision of assistance tends to be near the highway.

Principled humanitarian responses can be undermined if some funding models, such as one-year cycles, lack adequate support for logistical and administrative operational needs:

- **Humanitarian organisations may not have enough capacity or funds to operate in insecure or inaccessible areas, compromising the humanitarian imperative and undermining perceptions of neutrality and independence.** Gaining access to vulnerable populations wherever they are, which is directly related to

the principle of humanity, is a daily operational battle. Physical access can be a major challenge when roads and infrastructure are poor or non-existent, and this can be compounded by climatic and seasonal constraints, chronic poverty, under-development and corruption — as has been evident in South Sudan and the DRC. Remoteness is also often coupled with insecurity and chronic need, leading one aid worker in the DRC to reflect: ‘Our organisation cannot really be seen as neutral. We only work in areas controlled by the government’ (see Box 7). The issue is complicated further when political and military entities seek to blur lines, confuse identities and co-opt relief — as is evident in Afghanistan. Overcoming these obstacles to ensure principled and effective action can be expensive and requires sustained donor support.

Box 7. Safe access costs in the DRC

It costs \$50 to provide assistance to a child in Goma and \$500 in a village far from the main towns. There is an obligation to assist everyone and this is really a challenge. It is difficult for donors to understand the different costs. There are financial constraints. In a way, we should not have these restrictions, but donors do not want to pay the higher cost.

Accessing vulnerable populations in remote and insecure locations generally entails additional financial cost. Doing so may require the purchase of additional and better vehicles and other equipment, the establishment of new bases and warehouses, increased security measures and the hiring of staff. Air transport may also be required if locations cannot be safely accessed by road.

Box 7. Safe access costs in the DRC (continued)

NGOs in the DRC cited the CHF as receptive to these challenges and able to finance the higher costs. ECHO has also been willing to cover high transport costs. Grants from both, however, are short-term and so do not encourage longer-term measures such as the establishment of offices in inaccessible areas, which require a guarantee of continued funding. Moreover, grants from the pooled fund are relatively small and do not cover all of the administrative costs. As a result, organisations risk establishing operations, recruiting staff, purchasing equipment and building acceptance with a community, only to face closure after a year, regardless of whether needs have been met.

- **Project funding can suffer from short time-frames, limited flexibility to accommodate changing needs, delays in disbursement and burdensome reporting systems, all of which undermine the principle of humanity** (Collinson, Buchanan-Smith and Elhawary, 2009). A specific concern with the DRC's six- to 12-month funding cycle is that it is not predictable enough to build an effective response to a chronic crisis stretching over 15 years. Nor is it flexible enough to adapt to sudden shifts in this volatile situation and rapidly emerging new needs. With the exception of CERF and flexible multi-year funding agreements, delays in the disbursement of short-term project funds and the lack of flexibility to accommodate changing contexts can impede a timely and principled response. This is especially detrimental for national NGOs, which rarely have the financial resources to start projects on their own. The funding calendar for South Sudan, which runs broadly from January to December, means allocations are often not processed before March or April, and the timetable does not accommodate the rainy season, which reduces access to 60% of the country between July and September. As a result, the period for project
- implementation is cut to six months, with serious implications for quality, needs-based programming.
- **One-year funding cycles may also compromise organisations' ability to undertake needs assessments.** In South Sudan, NGOs are expected to provide needs assessments as the basis for their project proposals. Without funding up front, however, 'it's often a chicken and egg situation. How can you do needs assessments without the staff who can do it? A pre-implementation period for assessments would really help in the project cycle.'¹⁴
- **Practitioners find the various donor funding models to be confusing, with complicated, time-consuming and unwieldy procedures that divert attention and resources from operations.** The case studies suggest that although they are intended to promote flexibility, differing criteria for eligibility, application and reporting requirements, procurement obligations and conditions and inconsistent timeframes strain organisational capacity and compromise organisations' ability to respond quickly and appropriately based on need.

¹⁴ While the South Sudan ERF does provide for such independent assessments, no respondents reported knowing about it or accessing it.

4.2.3 The transition gap

The lack of clear safeguards for principled funding during the transition gap has a substantial impact on principled humanitarian operations. Transition refers to the process by which a country or location moves from armed conflict to peace, stability and development. In theory, principled humanitarian action is phased out, and development and political entities take over, working through local and national authorities and building their capacity in the process.

As recognised by the OECD–DAC and donors, however, there is no linear or predictable transition from emergency to development (OECD, 2010). Instead, as seen in the DRC and South Sudan, the different phases can exist simultaneously in the same locations, affecting the same communities. Change can also occur suddenly, as a result of insecurity and the generally unpredictable nature of the situation. Debates over mandates, competencies and the status of ‘phases’ invariably reveal that the humanitarian, development and political communities struggle to develop mutually beneficial approaches and instruments, resulting in a gap.

The OECD–DAC recently developed new financing guidelines that acknowledge ‘the need to protect the neutrality and impartiality of humanitarian aid, which initially might represent a large proportion of total international assistance (OECD, 2012b). It provides no indication, however, of how such safeguards might be achieved beyond referencing GHD principles. As a result, humanitarian, development and political entities try to reconcile the inherent tensions and complications of the transition

gap at the operational level, with variable results. Some key challenges include:

- Humanitarian organisations are concerned that efforts by donors, the UN and the EU to improve coherence during the transition period will encourage the integration of humanitarian activities and funding into political and security strategies. This concern is by no means new and was raised as long ago as 2008 (Donini et al., 2008). Scepticism will remain while donors’ stated commitments to protect principled humanitarian space and action are not backed up by formal approaches that translate policy recognition into practical safeguards.
- Transition brings new challenges in terms of humanitarian organisations’ relationships with national governments, political entities and national and international military forces. During conflict or complex emergencies such as those in Afghanistan and the DRC, practitioners are generally reluctant to work with regional and UN missions that may be engaged in transition activities and consequently perceived as aligned with one of the parties to a conflict (Metcalf, Giffen and Elhawary, 2011). They are also concerned that where transition is focused on political and security support for contested national authorities, as in Afghanistan and Somalia, it can compromise perceptions of neutrality. This can present dilemmas for multi-mandate organisations in their relationships with government (see Box 8).

- **The political desire to promote government ownership and leadership as part of transition may not always be realistic, but it can generate pressure to rein in humanitarian coordination and funding prematurely.** This was evident in South Sudan after the signing of the Comprehensive Peace Agreement in 2005 and with the international reconstruction effort in Afghanistan after 2001. In South Sudan, humanitarian organisations recently moved towards a gradual handover of basic service delivery to local authorities, but a combination of renewed conflict, a large influx of returnees and reduced oil revenues has seen needs rise and government capacity decline. Nevertheless, some donors are still pressing humanitarian actors to move towards development to dem-

onstrate peace dividends, even if local conditions are inappropriate (see Box 9).

- **Practitioners and donors alike raised concerns that humanitarian funds are often stretched to encompass both humanitarian and early recovery activities during the transition phase.** Many NGOs resist funding from stabilisation or transition funds¹⁵ if conflict and tensions are still high, as such financing can undermine perceptions of neutrality and compromise the impartiality of their response. This issue was raised as a problem in the DRC, where humanitarian organisations have either had to use humanitarian funds to cover all activities or take up stabilisation funding in areas that are not necessarily stable.

Box 8. Multi-mandate agencies

There is an ongoing debate within the humanitarian community as to whether organisations are able to simultaneously fulfil both a humanitarian and a development role.

Opponents argue that it is not possible to be a principled humanitarian actor while engaging in development activities, a key point being that development activities work with government policies and are more closely linked to them. They say it would be impossible to maintain neutrality and independence if the government was or had been a party to a conflict. There is also tension within the humanitarian community, particularly between organisations that consider themselves strictly humanitarian and ones that have multiple mandates, with the former feeling that the latter ‘blur the lines’ and undermine the overall perception of neutrality for humanitarian actors.

Supporters of the multi-mandate approach argue that engagement with line ministries does not necessarily compromise neutrality, for example if an agency works with an education ministry on curricula, exams and teachers’ pay. Education, they say, should be considered a public service rather than part of the ‘battlefield’, and working with government to ensure that the civilian population has access to public services is distinct from doing so on military matters or policies.

Confusion arises, however, when the provision of public goods and services is politicised and presented as the result of a successful counterinsurgency campaign, or as part of comprehensive or whole-of-government approaches or agendas focused on legitimising a political figurehead — rather than ensuring effective service delivery.

¹⁵ Stabilisation funds include the UK Conflict Pool, the Dutch Stability Fund, Germany’s Development-Oriented Emergency and Transitional Aid and the Danish Stabilisation Fund.

- **The transition process may leave little room for advocacy on needs when the messages contradict donor and host government rhetoric about peace and stability.** This was particularly evident in Afghanistan in 2007 and 2008, when the security situation was rapidly deteriorating. Practitioners said that the caseload of conflict-related IDPs continued to be overlooked despite their increasing number amid escalating conflict. Confirming the findings of other studies (DARA, 2010), respondents raised concerns about compromised data as a result of poor accessibility or a reluctance by national governments, donors or other international actors to publish findings that show rising needs or worsening conflict. In the DRC, MONUSCO's role as a supporter of the Stabilization and

Reconstruction Plan for Eastern Democratic Republic of the Congo (STAREC) reportedly caused UN agencies to delay publicly acknowledging humanitarian needs on at least one occasion.¹⁶

4.2.4 The impact of securitisation and politicisation

There is widespread alarm across the humanitarian community at efforts by states to develop comprehensive political, development, emergency response and security strategies. Examples include the EU 'comprehensive approach', the UN's integrated missions, and counterinsurgency strategies. Practitioners are concerned that these strategies encourage the politicisation and securitisation of humanitarian action and contribute to greater insecurity

Box 9. South Sudan: in transition to development?

South Sudan's declaration of independence in July 2011 generated significant political support for transition, buttressed by the expectation that the conflict would stabilise and the situation improve. Meanwhile, the humanitarian community raised concerns that the shift in approach did not take into account continuing needs and realities on the ground. The development was reminiscent of the premature optimism following the 2005 signing of the Comprehensive Peace Agreement, when humanitarian coordination, response and funding mechanisms were dismantled, only to be reinstated a few years later.

An example often cited in case study interviews was the transition plan for the health sector, by which key donors have divided responsibilities by states, and some activities (such as those of health clinics) are not covered by new prioritisation criteria. There were also concerns about the prioritisation of emergency needs once the transition has begun to take place. Some donors are planning to introduce performance-based financing, but given that this approach will be piloted in the most difficult and conflict-prone states, aid organisations fear the potential impact on health needs. The risk of focusing primarily on assisting the capital Juba at the expense of other areas with significant needs was also highlighted.

¹⁶ Case study interview, DRC, 2011.

for aid workers, a reduction in operational access and increased suffering of populations in need. Some examples include:

- **Although humanitarian actors have repeatedly expressed concerns, military forces continue to implement humanitarian-style quick impact projects (QIPs) with counterinsurgency, force protection and intelligence gathering objectives.** Such activities blur the lines between military and humanitarian entities, making it difficult for the civilian population to differentiate between them. They also award aid based on political preference rather than need, and increase the risk of reprisals by armed opposition groups against humanitarian workers and the populations they assist. In Afghanistan, the Provincial Reconstruction Team practice of providing medical assistance or distributing medical supplies to ‘win hearts and minds’ exposes medical staff and patients to the threat of attack by insurgents (DARA, 2010).
- **Arguments for securitisation strategies can unreasonably limit the definition of principled humanitarian action.** In Afghanistan, ISAF eventually recognised that the use of emergency relief to support military objectives contravened the notion of last resort, as set out in the 1994 Oslo Guidelines and the 2003 Military and Civil Defence Assets Guidelines (UNDHA, 1994; OCHA, 2007). ISAF’s position, however, only applies to humanitarian aid. One respondent remarked that:

as governments and the military knew that the ‘last resort’ element only applied with regard to humanitarian assistance [not development] they sought to narrow down what is considered to be humanitarian to basically mere distributions of blankets and food. Any other activity was classified as ‘development’ — thus free for anybody to undertake.

- **Counterinsurgency and comprehensive security strategies redefine how civilians engage and are portrayed in the context of armed conflict.** Such strategies may effectively compel humanitarian actors — and those who receive humanitarian aid — to take sides or portray themselves as doing so, as aid is distributed according to political and military aims rather than to alleviate suffering on the basis of need. In Afghanistan, these strategies have shifted the burden of risk onto the civilian population, who, by receiving such aid, may be labelled collaborators. ISAF and the Afghan government have used the improvement in performance of schools and health clinics as evidence of the success of their counterinsurgency strategy, but such co-option of the provision of basic public goods and services can leave civilians who use them open to reprisal from the armed opposition, which sees them as contributing to pro-government or ISAF campaigns.

- **Counter-terrorism measures raise serious obstacles to principled humanitarian action and to accessing populations in need** (see Box 10). Such measures generally seek to criminalise the provision of ‘material support’ to designated terrorist or other proscribed (blacklisted) groups. Material support is defined very broadly and can include humanitarian aid that may end up directly or indirectly benefiting a blacklisted group, regardless of whether this was the intent. As the Afghanistan case study reveals, many organisations thus either avoid funding that is tied to counter-terrorism conditions, or do not work in areas where there is a risk of engagement with groups that may be blacklisted, a decision that would undermine the principle of humanity. In Somalia, it has been argued that ‘US counter-terrorism laws played [a] central role in obstructing assistance from reaching famine victims in desperate need of aid’ and that ‘humanitarian organisations avoided delivering food aid to drought-struck areas controlled by al-Shabaab, over concerns about the likelihood of violating the USA Patriot Act’ (PressTV, 2012).

Box 10. Counter-terrorism measures and Afghanistan

A number of NGO representatives spoke of the challenge donor counter-terrorism provisions present to the humanitarian principles in Afghanistan. Some NGOs funded by the US Agency for International Development said that they had reduced humanitarian dialogue with what they perceived to be blacklisted groups, including the Afghan Taliban. Others avoided working in areas where they could come into contact with blacklisted groups. NGOs also expressed concern that liability could extend to an entire organisation, and not just to an individual country operation or members of their staff.

Until September 2012, the United States had not classified any groups closely affiliated with the Afghan Taliban as Foreign Terrorist Organisations. Even so, related prohibitions arguably affect only material support rather than engagement. Afghanistan highlights the lack of clarity surrounding the scope and implications of counter-terrorism measures, as well as who is included on the lists.

5. OVERCOMING OBSTACLES TO PRINCIPLED HUMANITARIAN FUNDING

Humanitarian organisations and practitioners deal with donor policies and practices that impede principled humanitarian action in a variety of ways. These range from acceptance of all funding regardless of the conditions to refusal based on the risks to principled action. Screening of donors and funding is especially common in more insecure and politicised contexts, such as Afghanistan. As with the use of the principles in acceptance strategies, however, there is little organisational or system-wide guidance on how and according to which criteria decisions are made.

5.1 Defining principled humanitarian funding

This study highlights that practitioners have a diverse understanding of donor commitments to the humanitarian principles. Some interviewed donors expressed surprise that partners rarely use the language of their national policies, GHD or the European Consensus on Humanitarian Aid in their project proposals, lobbying and engagement.

Practitioners also have widely differing opinions of what should constitute principled humanitarian funding. Without some consistency regarding the meaning of principled funding and a better understanding of donor commitments, it will be very difficult for humanitarian organisations to advocate and secure strengthened adherence by donors.

5.2 Screening for suitable funds

Many humanitarian organisations appear to pre-screen funds for their suitability. Some avoid funds they consider too politicised or militarised, and those that may compromise perceptions of neutrality and commitments to humanity, impartiality and independence. The criteria and process for determining suitability, however, vary across the humanitarian community (see Box 11). Where the line is

drawn can also vary within organisations with changes in personnel. There is a lack of agreement as to what constitutes ‘tainted’ funds, but some of the common factors identified were:

- **Contested donors:** (1) donor agencies of countries considered a belligerent in the country in question (such as NATO members in Afghanistan) or those whose contributions would be hotly contested by key stakeholders (such as US funds in Somalia or Pakistan); and (2) funds from defence ministries channelled through military forces, such as QIPs or Commander’s Emergency Response Programme funds.
- **Funds linked closely to political or military objectives:** (1) stabilisation and peace-building initiatives (such as STAREC funds in the DRC or bilateral funds in Afghanistan tied to areas where donor country troops operate); and (2) humanitarian operations linked to Clear, Hold, Build-style strategies, which aim to stabilise areas after military operations.
- **Funds dependent on obligatory coordination or partnership with contested entities:** initiatives that require coordination or regular meetings with the military or certain ministries, and those that involve accepting mandatory visits from such entities at programme sites.

It may not be consistent across the humanitarian community or systematically applied within organisations, but the pre-screening of funds implies that those accepted for use in humanitarian action (which organisations will have discussed with donors) are already relatively free of unacceptable conditions. A key risk for the humanitarian community is that ‘purely’ humanitarian funds are ever more stretched to cover needs as states increasingly prioritise transition, politicisation and securitisation strategies.

Box 11. Funding criteria for screening: NGO perspectives from Afghanistan

Practitioners interviewed in Afghanistan raised the following issues and examples related to selecting humanitarian funding sources:

‘We have a global policy of not taking US funding and at the moment we don’t take DfID money in Afghanistan as it’s tied to their military intervention in Helmand — they are improving but we feel that the military agenda is still preeminent in their decision-making. We prefer Nordic funds and use SIDA [Swedish International Development Cooperation Agency] and [Canadian International Development Agency] funding in the country. We also use our own unrestricted income.’

‘We primarily use Norwegian funds and won’t take US funding as there’s a stigma attached. We haven’t had conditions imposed on our funds, although one donor stipulated which villages we were to prioritise — I think it was because of the need to cooperate with local politicians. After doing an assessment we challenged this [requirement].’

‘We have a policy of not working through Provincial Reconstruction Teams [PRTs] as we are concerned about the need to visit the compound for liaison purposes. However, as there’s no physical PRT in Kabul, we have used PRT funds as we can deal directly with the donor.’

‘We have a policy of not accepting humanitarian funding from donors with troops in the country, although we have broken this policy on a couple of occasions. We don’t, however, take humanitarian funds from the US, Germany or DFID and will under no circumstances accept PRT funding.’

5.3 Navigating funding conditionality

Humanitarian organisations employ a variety of strategies, ranging from accepting all funds regardless of the conditions to refusal based on the potential risks to principled action. The spectrum includes:

- **Pushback to donors:** Some large organisations will engage in direct dialogue with donors on the proposed conditions if they believe doing so will improve their capacity to provide principled, needs-based assistance. On occasion, this approach can lead donors to lift conditions.
- **Combining funding sources:** Many organisations strive to secure different sources of funds and create a diverse base of public and private funding sources that is not reliant on any one major donor while ensuring that their overall programme is in line with organisational principles and policies.
- **Private funds:** Private funds are seen as crucial for many organisations to safeguard principled action and intervene in areas and sectors not prioritised by donors, or where donors are perceived as overly politicised.
- **Consent:** Some organisations acquiesce to conditions without further discussion with the donor, accepting that their programmes will to some extent be compromised. This is especially the case for organisations lacking secure or diverse funding.
- **Avoidance:** Some organisations do not take funds if doing so conflicts with their principles. Yet if the definition of humanitarian action and the recognition of needs are compromised by political or security agendas, and funds shift too quickly to transition, avoidance becomes increasingly difficult.

Representatives of a number of organisations remarked that they had successfully pushed back on often well-intentioned but misguided donor requirements. This shows that they can play an important role in influencing donor behaviour. Ensuring that practitioners are educated about donor commitments (for example, to GHD, relevant national policies or the European Consensus on Humanitarian Aid) could potentially aid NGOs to successfully negotiate principled funding arrangements.

5.4 Dialogue between NGOs and donors

While most practitioners — be they humanitarian workers or donors — strive to adhere to the humanitarian principles, numerous obstacles can inhibit implementation. As the case studies show, this may be due to different understanding of the humanitarian principles. The reasons can relate to the internal functioning and management of organisations or donors, which could be more easily addressed than external ones (such as the attitude of armed groups, insecurity or physical barriers).

The case studies offer examples of constructive dialogue between NGOs and donors that helped both sides to overcome some of the challenges cited above. For example, the participation of donors in the Humanitarian Country Team as well as the Humanitarian Coordination Forum in South Sudan facilitates dialogue on the humanitarian situation and response efforts. It also provides an opportunity for advocacy with the government, with respondents reported that donors, especially those with good relations with the UN Department of Safety and Security, the UN Mission in the Republic of South Sudan and the South Sudanese government, could be more outspoken on issues regarding the safety of staff.

One example from the DRC shows that donors such as DFID and SIDA have demonstrated flexibility in what they are ready to fund rather than following a strict interpretation of what constitutes humanitarian work. Respondents also mentioned that SIDA's willingness to provide multi-year funding and DFID's interest in project visits and constructive feedback helped to bridge some of the gaps in understanding.

Some donors do not have dedicated staff experienced in humanitarian action based in country due to financial constraints or a lack of access, which can affect understanding of the context and operational realities. In such cases, close and regular discussion with the NGOs concerned, and also with donors with a field presence, can help practitioners to overcome limitations. For example, in Afghanistan visits by donors who use armed escorts can jeopardise the perception of an NGO by the host community or armed groups. NGOs raised this concern with donor representatives, who subsequently refrained from visiting a project.

While the examples above illustrate the importance of dialogue between NGOs and donors that endeavour to adhere to a principled approach, it should be recognised that some of the challenges to principled humanitarian action lie beyond such a dialogue, in which case solutions need to be found through other means.

6. CONCLUSION AND RECOMMENDATIONS

The principles of humanity, impartiality, independence and neutrality are codified in international law. They are also tools that humanitarian organisations use on a daily basis to facilitate the safe delivery of aid to populations in need during crises. Humanitarian actors have made various commitments to the principles in global, country and organisation-specific policies and frameworks, with the most important being the Code of Conduct for the Red Cross and Red Crescent Movement. NGOs use the humanitarian principles to:

- support the navigation of challenges in insecure, politicised and unpredictable contexts;
- assist in the perception–acceptance–access process, including negotiations with communities, armed groups and governments; and
- enhance quality programming, including mitigating the risks of aid being misappropriated.

Nevertheless, humanitarian organisations continue to face critical challenges in reconciling their commitments with operational realities. Improvements could be made by: (1) developing clear guidance and systems for the implementation of the principles and monitoring compliance with them; (2) developing clear decision-making frameworks; and (3) investing in common approaches.

Humanitarian actors also encounter significant obstacles in their daily operations, not least in the area of principled funding, despite strong commitments by European and North American states to the humanitarian principles. Ensuring needs-driven allocations, addressing the transition gap and safeguarding humanitarian aid from securitisation and politicisation are key challenges. Humanitarian organisations generally appear to be navigating them either

by seeking to apply filters to ‘tainted’ funding or by employing strategies such as pushback, combining funding sources, acquiescence or avoidance.

Humanitarian practitioners do not share a unified understanding of donor commitments to the humanitarian principles, and they have widely differing opinions about what should and should not constitute principled funding. Without a more consistent sense of what principled funding means and an enhanced understanding of donor commitments, it will be increasingly difficult for organisations to advocate and secure strengthened adherence to the principles by donors.

Recommendations

Humanitarian organisations should:

- Seek to establish common positions on what constitutes principled humanitarian funding and unacceptable donor conditions, in order to foster collective and more effective action.
- Encourage donors to remove unprincipled funding conditions, both direct and indirect, and to recognize other key issues (such as the need for flexible funding). To this end, they should strive to formulate practical arguments with reference to donor commitments under GHD and the European Consensus on Humanitarian Aid.
- Establish mechanisms to strengthen the systematic implementation and monitoring of policies focused on the humanitarian principles, both within organisations and collectively.
- Strengthen the ability of staff to interpret and prioritise the principles as tools for navigating obstacles, including methods to strengthen guidance for principled decision-making and consistent training and capacity building.

- Continue to invest, both individually and jointly, in assessments to strengthen needs-based programming. In addition, they should engage in advocacy with donors to secure sufficient funds and time to conduct assessments as a basis for project proposals and development.
- Agree a compact with donors on measures to strengthen and safeguard adherence to the humanitarian principles in the area of funding.
- Actively support better needs assessments and analysis through the IASC Needs Assessment Task Force, ACAPS and other mechanisms, and develop shared global indicators and mechanisms to promote allocations based on need, including through improved CAPs and CHAPs.
- Adopt safeguards to avoid narrow definitions of humanitarian action, and to separate humanitarian action from crisis management, stabilisation, counterinsurgency and comprehensive approach-style strategies. They should avoid counter-terrorism measures that encroach on humanitarian action, including through the implementation of exemptions for principled humanitarian action and practitioners.

States, including donor agencies, should:

- Adhere to the commitments they have made to the principles of humanity, impartiality, independence and neutrality as part of international law, national policies, GHD and where relevant the European Consensus on Humanitarian Aid.
- Within the GHD group, develop clear indicators, guidance and compliance mechanisms to strengthen implementation of commitments to the humanitarian principles by individual member states and the group as a whole.
- Review donor policies and procedures to ensure there is enough flexibility to allow projects to be driven by need. This should include the re-evaluation of time restrictions, administrative procedures and prioritised sectors and geographic areas on an ongoing basis and in consultation with implementing partners.
- Invest funding in activities that enable humanitarian organisations to strengthen acceptance strategies, including the additional security and logistics costs required for operations in insecure or remote locations.

7. BIBLIOGRAPHY

- ACAPS (Assessment Capacities Project) (n.d.) ACAPS website, <http://www.acaps.org/>.
- ALNAP (Active Learning Network for Accountability and Performance in Humanitarian Action) (2009a) *Eighth Review of Humanitarian Action—Counting what Counts: Performance and Effectiveness in the Humanitarian Sector*. <http://www.alnap.org/pool/files/8rhach1.pdf>.
- ALNAP (2009b) *Key Messages from ALNAP's Eighth Review of Humanitarian Action*. <http://www.alnap.org/pool/files/8rhakm-eng.pdf>.
- Anderson, M. (1999) *Do No Harm: How Aid Can Support Peace or War*. Boulder: Lynne Rienner.
- Barnett, M. and T.G. Weiss (2008) 'Humanitarianism: A Brief History of the Present', in M. Barnett and T.G. Weiss (eds.), *Humanitarianism in Question: Politics, Power, Ethics*. Ithaca: Cornell University Press, p. 2.
- Bayne, S. (2012) *Strengthening Principled Humanitarian Response Capacities: European Donor Financing Policies and Procedures*, forthcoming. Bristol: theIDLgroup.
- Caritas Europa (2011) *Bridging the Gap between Policy and Practice: The European Consensus on Humanitarian Aid and Humanitarian Principles*. http://www.caritas-europa.org/module/FileLib/BridgingtheGap_ENdefinite.pdf.
- Collinson, S. and S. Elhawary (2012) *Humanitarian Space: A Review of Trends and Issues*, HPG Report 32, London: Overseas Development Institute. <http://www.odi.org.uk/resources/docs/7643.pdf>.
- Collinson, S., M. Buchanan-Smith and S. Elhawary (2009) *Good Humanitarian Donorship Principles in Practice: Assessing Humanitarian Assistance to Internally Displaced Persons in Sudan and Sri Lanka*. London: Humanitarian Policy Group, Overseas Development Institute. <http://www.odi.org.uk/resources/docs/7131.pdf>.
- Conflict Dynamics International (2011) *Humanitarian Access in Situations of Armed Conflict, Handbook on the Normative Framework*. http://www.cdint.org/documents/PAIV_111118_Humanitarian%20Access_Handbook_mit_Inhalt.pdf
- Council of the European Union (1996) 'Council Regulation (EC) No 1257/96 of 20 June 1996 Concerning Humanitarian Aid'. http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CEL_EXnumdoc&lg=EN&numdoc=31996R1257&model=guichett.
- Curtis, D. (2011) *Politics and Humanitarian Aid: Debates, Dilemmas and Dissension Overseas*, HPG Report. London: Overseas Development Institute. <http://www.odi.org.uk/resources/docs/295.pdf>.
- DARA (2010) *The Humanitarian Index Report 2010: The Problems of Politicisation*. <http://daraint.org/humanitarian-response-index/humanitarian-response-index-2010/download-the-report/>.
- DARA (2011a) *The Humanitarian Index Report 2011: Addressing the Gender Challenges*. <http://daraint.org/humanitarian-response-index/humanitarian-response-index-2011/>.
- DARA (2011b) *The Humanitarian Response Index 2011: Progress and Obstacles in Applying Good Donor Practices*. http://daraint.org/wp-content/uploads/2012/03/Progress_and_obstacles1.pdf.
- DEC (Disaster Emergency Committee) (2001) *Independent Evaluation: The DEC Response to the Earthquake in Gujarat*. http://www.preventionweb.net/files/2628_vol2.pdf.
- Donini, A. et al. (2008) *Humanitarian Agenda 2015: The State of the Humanitarian Enterprise*. Medford, MA: Feinstein International Centre, Tufts University. <http://sites.tufts.edu/feinstein/2008/humanitarian-agenda-2015-the-state-of-the-humanitarian-enterprise>.
- EC (European Commission) (2005) 'European Union Guidelines on Promoting Compliance with International Humanitarian Law (IHL)', *Official Journal of the European Union*, 2005/C327/04.

- EC (2008) 'Joint Statement by the Council and the Representatives of the Governments of the Member States Meeting within the Council, the European Parliament and the European Commission: The European Consensus on Humanitarian Aid', *Official Journal of the European Union*, 2008/C 25/01. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:025:0001:0012:EN:PDF>.
- EC (2012) Humanitarian Aid: Report, Special Eurobarometer No. 384, June. http://ec.europa.eu/public_opinion/archives/ebs/ebs_384_en.pdf.
- Egeland J., A. Harmer and A. Stoddard (2011) *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments*. New York: United Nations Office for the Coordination of Humanitarian Affairs. <http://reliefweb.int/node/390824>.
- Elhawary S., M. Foresti and S. Pantuliano (2010) *Development, Security and Transitions in Fragile States: Meeting Series Report*. London: Overseas Development Institute. <http://www.odi.org.uk/resources/docs/5852.pdf>.
- Fast, L. et al. (2011) *The Acceptance Toolkit: A Practical Guide to Understanding, Assessing, and Strengthening Your Organization's Acceptance Approach to NGO Security Management*. Washington, DC: Save the Children. <http://acceptanceresearch.files.wordpress.com/2012/01/acceptance-toolkit-final-for-print-with-notes.pdf>.
- FDFA (Swiss Federal Department of Foreign Affairs) (2011) *Humanitarian Access in Situations of Armed Conflict: Field Manual—Version 1.0*. http://www.cdint.org/documents/PAIV_111118_Humanitarian%20Access_Field%20Manual_mit_Inhalt.pdf.
- Fishstein, P. and A. Wilder (2012) *Winning Hearts and Minds? Examining the Relationship between Aid and Security in Afghanistan*. Medford, MA: Feinstein International Center, Tufts University. <http://sites.tufts.edu/feinstein/files/2012/01/WinningHearts-Final.pdf>.
- GHD (Good Humanitarian Donorship) (n.d.) '23 Principles and Good Practice of Humanitarian Donorship'. <http://www.goodhumanitarianandonorship.org/gns/principles-good-practice-ghd/overview.aspx>.
- Grombach-Wagner, J. (2005) *An IHL/ICRC Perspective on 'Humanitarian Space'*, Humanitarian Exchange No. 32, London: Humanitarian Practice Network, Overseas Development Institute. <http://www.odihpn.org/humanitarian-exchange-magazine/issue-32/an-ihl/icrc-perspective-on-humanitarian-space>.
- HAP (Humanitarian Accountability Partnership) (n.d.) 'HAP Standard Certification Audit'. http://www.hapinternational.org/projects/cert_audit.aspx.
- Hilhorst, D. (2004) *A Living Document? The Code of Conduct of the Red Cross and Red Crescent Movement and NGOs in Disaster Relief*. The Hague: Disaster Studies Wageningen University. <http://www.icva.ch/doc00004271.pdf>.
- HPN (Humanitarian Practice Network) (2010) *Good Practice Review: Operational Security Management in Violent Environments*, No. 8 (revised edn.). London: Overseas Development Institute. <http://www.odihpn.org/hpn-resources/good-practice-reviews/operational-security-management-in-violent-environments-revised-edition>.
- IASC (Inter-Agency Standing Committee) (2008) *Preserving Humanitarian Space, Protection and Security*. Background document. <http://www.unhcr.org/refworld/docid/48da506c2.html>.
- IFRC (International Federation of the Red Cross and Red Crescent Societies) (1994) 'Code of Conduct'. <http://www.ifrc.org/en/publications-and-reports/code-of-conduct/>.
- IRIN (2012) 'Pakistan: Concern over Attacks on Aid Workers'. 14 May. <http://www.irinnews.org/Report/95444/PAKISTAN-Concern-over-attacks-on-aid-workers>.
- Leader, N. (1999) 'Codes of Conduct: Who Needs Them?', Relief and Rehabilitation Network Newsletter No. 13, London: Overseas Development Institute. <http://www.icva.ch/doc00004273.pdf>.

- Leader, N. (2000) *The Politics of Principle: The Principles of Humanitarian Action in Practice*, HPG Report 2, London: Overseas Development Institute. <http://www.odi.org.uk/resources/docs/305.pdf>.
- Leader, N. and K. Mackintosh (2000) *The Principles of Humanitarian Action in International Humanitarian Law*, HPG Report No. 5. www.odi.org.uk/resources/docs/305.pdf.
- Mackintosh, K. (2000) *The Principles of Humanitarian Action in International Humanitarian Law*, HPG Report No. 5. London: Overseas Development Institute. <http://www.odi.org.uk/resources/docs/305.pdf>.
- Magone, C., M. Neuman and F. Weissman (2011) *Humanitarian Negotiations Revealed: The MSF Experience*. Geneva: Médecins Sans Frontières. <http://www.msf.org/msf/articles/2011/11/publication-humanitarian-negotiations-revealed.cfm>.
- Metcalf, V., A. Giffen and S. Elhawary (2011) *UN Integration and Humanitarian Space*. London: Humanitarian Policy Group and Stimson Center. <http://www.odi.org.uk/resources/docs/7526.pdf>.
- NRC (Norwegian Refugee Council) (2011) *Internal Unpublished Report on Menik Farm, Sri Lanka*.
- OCHA (United Nations Office for the Coordination of Humanitarian Affairs) (2006a) *OCHA on Message: Humanitarian Principles*. http://ochanet.unocha.org/p/Documents/OOM_HumPrinciple_English.pdf.
- OCHA (2006b) *Humanitarian Appeal: Background Documents*. <http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1483>.
- OCHA (2007) *Oslo Guidelines: Guidelines on the Use of Foreign Military and Civil Defence Assets In Disaster Relief*, Revision 1.1, November. [http://ochanet.unocha.org/p/Documents/Oslo%20Guidelines%20ENGLISH%20\(November%202007\).pdf](http://ochanet.unocha.org/p/Documents/Oslo%20Guidelines%20ENGLISH%20(November%202007).pdf).
- OCHA (2009) *Aide Mémoire for the Consideration of Issues Pertaining to the Protection of Civilians in Armed Conflict*. <http://ochanet.unocha.org/p/Documents/Aide%20Memoire%20Protection,OCHA,%20Phase%201,%20Vol.%201%20No.%201,%202009.pdf>.
- OCHA (2011a) *OCHA Message: Humanitarian Principles*, November. <http://www.unocha.org/about-us/publications/humanitarian-principles>.
- OCHA (2011b) *Overview of the 2012 Consolidated Appeals*. <http://reliefweb.int/node/464900>.
- OCHA (n.d.) 'Financial Tracking Service', accessed March 2012. <http://fts.unocha.org>.
- ODI (Overseas Development Institute) (2005) *Humanitarian Exchange No. 29*. <http://reliefweb.int/sites/reliefweb.int/files/resources/DA5A7FDBE704B52BC125736F00455558-documents%255Chumanitarianexchange029.pdf>.
- OECD (Organisation for Economic Co-operation and Development) (2008) *Effective Aid Management: Twelve Lessons from DAC Peer Reviews*. <http://www.oecd.org/dataoecd/54/0/40720533.pdf>.
- OECD (2010) *Transition Financing: Building a Better Response*. www.oecd.org/dataoecd/50/21/46338900.pdf.
- OECD (2012a) *Toward Better Humanitarian Donorship: 12 Lessons from DAC Peer Reviews*. <http://www.oecd.org/dataoecd/11/5/50019816.pdf>.
- OECD (2012b) *International Support to Post-Conflict Transition: Rethinking Policy, Changing Practice, Development Assistance Committee Guidelines and Reference Series*.
- Pantuliano, S. et al. (2011) *Counter-Terrorism and Humanitarian Action: Tensions, Impacts and Ways Forward*, HPG Policy Brief No. 43. London: Overseas Development Institute. <http://www.odi.org.uk/resources/docs/7347.pdf>.
- Pictet, J. (1979) *The Fundamental Principles of the Red Cross: A Commentary*. Geneva: Henry Dunant Institute. <http://www.icrc.org/eng/resources/documents/misc/fundamental-principles-commentary-010179.htm>.
- PressTV (Teheran) (2012) 'Somali Famine Victims Fell Prey to US Policy: Analyst'. 22 April. <http://www.presstv.ir/detail/237493.html>.

- Rana, R. (2010) *Background Document for the ICVA Code of Conduct Learning Events*. Geneva: International Council of Voluntary Agencies, <http://www.icva.ch/doc00001245.html>.
- Slim, H. (1997) 'Relief Agencies and Moral Standing in War: Principles of Humanity, Neutrality, Impartiality and Solidarity', in *Development in Practice*, vol. 7, no. 4, pp. 342–52.
- Stoddard, A. (2003) 'Humanitarian NGOs: Challenges and Trends', Humanitarian Policy Group Briefing No. 12, July, p. 49. www.odi.org.uk/resources/hpg-briefings.asp.
- Stoddard, A. (2008) *International Humanitarian Financing: Review and Comparative Assessment of Instruments*. London: Humanitarian Outcomes. <http://www.humanitarianoutcomes.org/pdf/HumanitarianFinancingReview2008.pdf>.
- Stoddard, A., A. Harmer and K. Haver (2011) *Aid Worker Security Report 2011—Spotlight on Security for National Aid Workers: Issues and Perspectives*. London: Humanitarian Outcomes. <https://aidworkersecurity.org/sites/default/files/AidWorkerSecurityReport2011.pdf>.
- Stoddard A., A. Harmer and J.S. Renouf (2010) *Once Removed: Lessons and Challenges in Remote Management of Humanitarian Operations for Insecure Areas*. London: Humanitarian Outcomes. <http://www.humanitarianoutcomes.org/resources/RemoteManagementApr20101.pdf>.
- Stoianova, V. (2012) *Private Funding: An Emerging Trend in Humanitarian Donorship*. Somerset: Global Humanitarian Assistance. <http://www.globalhumanitarianassistance.org/report/private-funding-an-emerging-trend-in-humanitarian-donorship-2>
- UNDHA (United Nations Department of Humanitarian Affairs) (1994) *Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief*, Project DPR 213/3 MCDA. Geneva: UNDHA. http://www.unjlc.org/tools/FOM/supporting_docs/FOM_PUB_6_4_06_MCDA_Guidelines_Natural_Disasters.pdf.
- UNGA (United Nations General Assembly) (1991) 'Strengthening of the Coordination of Humanitarian Emergency Assistance of the United Nations', A/RES/46/182, 19 December. <http://www.un.org/documents/ga/res/46/a46r182.htm>.
- Walker, P. (2005) *Cracking the Code: The Genesis, Use and Future of the Code of Conduct*. Medford, MA: Tufts University. <http://www.nutrition.tufts.edu/faculty/publications/cracking-code-genesis-use-and-future-code-conduct>.

Authors:

Ingrid Macdonald and Angela Valenza,
Norwegian Refugee Council.

Publisher:

Norwegian Refugee Council
Post box 6758 St. Olavs plass
N-0130 Oslo
Tel: (+47) 23 10 98 00
Fax: (+47) 23 10 98 01
E-mail: nrc@nrc.no
www.nrc.no

