Dealing with challenges to decisions based on the humanitarian principles[1]

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Providing aid impartially poses major challenges for aid agencies, but there are specific ways to address these. For example, humanitarian actors can openly discuss compromises and adopt ethical risk management. These and other approaches have proven to be effective in organisations that are able to work in very insecure contexts. Can German NGOs bring any significant added value to such contexts by providing aid themselves? Or would it be more efficient and effective for them to support other organisations?

In his essay in this publication, Antonio Donini powerfully describes the malaise of the current humanitarian system, which is overly bureaucratic, northern, and politicised. Donini makes suggestions on how the "reflective humanitarian" (p. 25) can adjust his thinking and calls for a general transformation of the system.

Our approach is different. We look at the situation from the bottom up, starting with the old-fashioned, dirty-booted humanitarian trying to deliver assistance in often very challenging contexts. We agree that the humanitarian system faces fundamental problems. But it continues chugging on fairly undeterred for the time being. That means it is worthwhile to look at the specific challenges humanitarians seeking to deliver assistance in a principled way are experiencing in the field. This essay will attempt to do this and will discuss how humanitarians can deal better with these challenges.

Ethical dilemmas are inevitable

Our 'old-fashioned humanitarian' tries to deliver assistance as best she can. To her, adhering to the principles of humanity, impartiality, neutrality, and independence is a question of morality and ethics – of doing the right thing in the right way. It is also a matter of identity as a humanitarian. Last, but not least, it is a practical consideration as it is the most proven way to protect the people she seeks to assist as well as herself.

Humanitarian workers often treat the principles like a mantra, as absolutes that must be 'complied' with under all circumstances. Yet, in practice, it is not a matter of complying with the principles, but of applying them to specific situations. Ethical dilemmas inevitably arise when working in areas that experience armed conflict, attacks on aid workers, and a multitude of restrictions on the delivery of aid.

Acting in a principled way, therefore, does not mean always avoiding compromises or concessions. Rather, it means being aware of the options available and deciding consciously whether to make compromises and which kind, bearing in mind that these decisions can also have important long-term implications.

There are many practical challenges to impartiality

As an example, let's consider impartiality as the most central of the principles that helps translate humanity into practice. Impartiality means that humanitarian assistance and services should be offered on the basis of need alone. There are many reasons why this can be difficult to achieve.

The global allocation of funds, for example, is often influenced by political considerations (see the articles on forgotten crises from page 39). In-country, aid organisations and their staff may have their own biases, favouring certain clans, gender or ethnic groups, or family members. In addition, governments, armed actors, or local communities may pressure or threaten aid agencies to deliver assistance in their area or avoid other areas.

Countering this is difficult when aid agencies lack information and do not know how many people are in need or how severe their needs are. It's also difficult when the idea of targeting aid at the most vulnerable is in conflict with local norms and existing community support mechanisms.

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Aid agencies can deal with these challenges to impartiality in different ways

Those who want to reach those most in need – and there is only a small number of humanitarian organisations that are willing to work in the highest risk locations to do this[2] – can do a few immediate things to deal with these challenges.

One approach is to make small, carefully considered compromises to gain access. Aid organisations can, for example, offer some limited activities to benefit less vulnerable groups if that allows them to deliver assistance and offer services to those most in need. Offering aid simultaneously to communities in conflict with each other can also be a solution.

Doing so, humanitarians should always recognise explicitly that they are making compromises and encourage staff, especially local staff or partners, to openly discuss trade-offs and their consequences. The current practice is to portray the principles as inviolable. This makes staff and partners afraid to raise possible compromises with their managers and take important decisions without consulting them.

Another measure is to be more aware of the potential biases of staff members and partners by analysing them. This helps organisations to better anticipate and address problems that can stem from the identity or political or religious orientation of staff members and partners. It can also be important to avoid over-reliance on hyper-local staff or partners, i.e. staff and partners drawn from the very communities the organisation is trying to help, as this can increase the risk of favouritism and bias.

Finally, humanitarian organisations should contribute to a realistic picture of how many of those in need they reach. Due to some of the institutional dynamics that Antonio Donini mentions in his essay in this publication, humanitarian organisations often exaggerate their presence and capacity to deliver to attract more funding from donors and the general public.[3] This, however, leaves communities who would need it without support. The humanitarian system, therefore, needs more robust reporting systems to track who actually delivers what where, and organisations need to contribute to these systems frequently and transparently.

To generally get better at applying humanitarian principles, agencies should adopt ethical risk management

More generally, humanitarian organisations need risk management approaches that consider ethical risks if they want to deal better with challenges to humanitarian principles. There is a trend, at least among larger humanitarian organisations, to adopt formal risk management systems. Based on global risk registers, these organisations analyse and prioritise risks. On this basis, they address and mitigate the most important risks. Field staff tend to appreciate the approach as it allows for a systematic and complete analysis, weighing up the likelihood and potential impact of a threat.[4]

However, most current risk management approaches have two important shortcomings:

1. They often do not include ethical risks or ethical risks are subsumed under many other operational or reputational risks.

2. They do not, in most cases, formally weigh up risks against the expected benefits of an action or operation.

Risk mitigation systems should, therefore, not only formally consider ethical risks, but help decide how much risk organisations are willing to accept depending on how critical an intervention is. This helps organisations decide how much residual risk they are willing to accept in different situations.

Organisations working in the most difficult contexts share a set of other good practices

A relatively small but diverse group of organisations has better access to people in need in particularly difficult areas.[5] These organisations have certain approaches and practices in common.[6] They:

- have a strong organisational culture that prioritises meeting the most acute humanitarian needs, however difficult that may be;
- try to involve people affected by decisions in the decision making process and invest in understanding the local context;
- accept that compromises may be necessary and make space for difficult conversations, especially between local and international staff or their partner organisations;
- allow staff on the ground to make difficult decisions, supported by managers in capitals and regional offices or headquarters who check in with them frequently;
- have a good system for escalating important decisions, making sure decisions on risks that can have major consequences for the people they affect, or the organisation, involve senior management;
- have access to some degree of independent (unearmarked or loosely earmarked) funding which means they have flexibility to change interventions if the context alters or input from affected people requires it;
- map ways in which the political interests of donors could influence humanitarian assistance in specific contexts to enhance their operational independence;
- challenge regulations and practices that impede their operations where donor funding imposes limitations on decision-making based on the humanitarian principles;
- incorporate ethics into regular processes, such as training and staff discussions, performance reviews and evaluations;
- document difficult decisions (including decisions not to act) to create an ‘institutional memory’ and promote learning.

The list shows that any organisation that wants to be able to work in the most difficult environments needs to make considerable investments.

Implications for humanitarian practice and debate in Germany

What does this mean for humanitarian practice and debate in Germany? The German humanitarian landscape has certain traits that merit special consideration in this context.

The German government has a reputation for being a relatively 'hands-off' donor. This allows humanitarian organisations funded by the German government much of the independence and flexibility that is necessary for a principled response. To preserve this in the longer-term, German NGOs should go the extra mile today to demonstrate that they are impartial in the way they provide assistance. Tracking with precision how their activities correlate with levels of needs and gaps left by other responders would be a first, critical step in this direction.

There is strong political pressure in Germany to use aid to tackle the root causes of forced migration. The lion's share of German humanitarian funding already goes to Syria and its neighbours (according to the United Nations Office for the Continuation of Humanitarian Affairs (OCHA) Financial Tracking Service, almost 50 percent was allocated to Syria, Lebanon, Jordan, and Iraq in 2017). The German government offices in charge of deciding how funds are used should defend a global allocation based on need. German NGOs should support them in this effort. If necessary, they can do this by rejecting funding for crises they consider overfunded compared to other, more forgotten emergencies.

German NGOs do not currently have a strong presence and operations in the most difficult and dangerous environments. This does not necessarily mean they should build up this capacity – as this would require significant investments in staff capacity, risk management, and financial flexibility, amongst other things. Rather, they should consider whether they could add significant value in these contexts, or if it would be more cost-efficient and effective to further invest in other organisations who already have a comparative advantage in working in these settings. This would require them to leave behind competitive institutional instincts – maybe itself a prerequisite for principled humanitarian action.

Endnotes

1. This contribution is based on research conducted for the Secure Access in Volatile Environments (SAVE) programme by Humanitarian Outcomes and the Global Public Policy Institute (GPPi), available at: www.saveresearch.net [26.06.2018], in particular the reflections on ethical decision-making outlined in Haver, Katherine. (November 2016). Tug of War. Ethical Decision-Making to Enable Humanitarian Access in High-Risk Environments. Network Paper No. 80. London: Overseas Development Institute. Available at: www.gppi.net/fileadmin/user_upload/media/pub/2016/SAVE__2016__Ethical_decision-making_to_enable_humanitarian_access_in_high-risk_environments.pdf [26.06.2018].
2. Recent research shows that there is only a small number of humanitarian organisations that consistently work in the most difficult environments. See: Stoddard, Abby and Jillani, Shoaib. (2016). The Effects of Insecurity on Humanitarian Coverage. SAVE. Available at: www.saveresearch.net/presence-and-coverage [26.06.2018].
3. Ibid.
4. Stoddard, Abby, Haver, Katherine, and Czwarno, Monica. NGOs and Risk. Humanitarian Outcomes. Available at: www.humanitarianoutcomes.org/projects/ngos-and-risk [26.06.2018].
5. Haver, Kathrine and Carter, William. (2016). What It Takes: Principled Pragmatism to Enable Access and Quality Humanitarian Aid in Insecure Environment. SAVE. Available at: www.humanitarianoutcomes.org/publications/what-it-takes-principled-pragmatism-enable-access-and-quality-humanitarian-aid-insecure [26.06.2018].
6. Haver, Katherine lc.