![International Federation of Red Cross and Red Crescent Societies](logo)

Conference Report
Equipped to meet tomorrow's humanitarian challenges?
20[th]anniversary of the Code of Conduct
Geneva, 5th December 2014

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<u>BACKGROUND</u>

The 20th anniversary of the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Government Organisations (NGOs) in Disaster Relief* (the Code) provided an ideal moment to reflect on the continued relevance of the Code and the principles underpinning humanitarian work and practice.

In 1994, the Code was a ground breaking initiative. At a time of increased numbers of crises and greater numbers of organisations involving themselves in humanitarian action, the Code sought to reinitiate common minimum standards of behaviour grounded in humanitarian principles and the concept of accountability, not only to donors but also to affected populations. The results were 10 principles of conduct and 3 annexes, which included the following:

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 humans, not hopeless objects

Annex I : Recommendations to the governments of disaster affected countries

1. Governments should recognise and respect the independent, humanitarian and impartial actions of NGHAs

2. Host governments should facilitate rapid access to disaster victims for NGHAs

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1. Donor governments should recognise and respect the independent, humanitarian and impartial actions of NGHAs

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1. IGOs should recognise NGHAs, local and foreign, as valuable partners

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3. IGOs should extend security protection provided for UN organisations, to NGHAs

4. IGOs should provide NGHAs with the same access to relevant information as is granted to UN organisations

THE CONFERENCE

20 years on, the humanitarian environment has changed significantly, yet the need for strong principled action has not. The conference illustrated that the principles remain practical tools used in planning and implementation of pragmatic approaches to improve protection and assistance to affected populations. It also acknowledged that the Code and humanitarian principles are not synonymous. Although the Code draws heavily from the principles of humanity, impartiality and independence it makes only an implicit reference to neutrality[1].

Bringing together perspectives from international and national NGOs, academia, the International Red Cross/Red Crescent Movement and States, the 20th anniversary conference considered the operational relevance of humanitarian principles, the relevance of the Code in decision-making, and how the Code can be used to strengthen collaboration and dialogue between various actors implementing humanitarian work.

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[1] The principle of neutrality is defined by the International Red Cross and Red Crescent movement as 'In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature'. OCHA uses a similar though not identical explanation. The Code includes only an implicit reference to neutrality as some NGOs, although committed to not taking sides in hostilities, felt that this principle might preclude humanitarian organisations from being able to conduct advocacy on human rights and justice issues when such issues are perceived as being linked to political or ideological controversies.

KEY DISCUSSION POINTS

Discussion themes included the place of neutrality in today's humanitarian operations and the need to work towards a common understanding of this principle; the role of humanitarian diplomacy and relations with States, including challenges of funding and humanitarian access, and strengthening standards and accountability to affected populations.

The discussions reaffirmed the value and operational relevance of both the Code and humanitarian principles. Other values were also highlighted as critical to providing effective assistance and protection, such as transparency, consistency and predictability. However with a large diversity of actors currently providing humanitarian assistance, participants acknowledged the gap between theory and practice.

For humanitarian organisations, the most significant gaps concerning the Code related to the relevance of the Code to a greater diversity of humanitarian organisations. Participants welcomed the development of Codes of Conduct and other initiatives from different regions, which have build on the foundations of the Code. Looking forward, the practical application of shared values at a local level and supporting ongoing accountability initiatives might be more important in strengthening the implementation of principled humanitarian action than imposing the Code, whilst recognising the foundational standards set by the Code in humanitarian action. Challenges related to the implementation of the four humanitarian principles, included a lack of shared understanding of the principles, increased pressure to conform to the political and security agendas of States or armed groups, funding constraints, along side increasingly complex coordination and partnership mechanisms.

From the perspectives of States, a panel of State representatives recognised the role of States in promoting humanitarian principles. States as parties to international legal instruments (for example the 1949 *Geneva Conventions* and the 1951 *Convention Relating to the Status of Refugees*)have obligations to support humanitarian action and they draw on humanitarian principles. The Code (in particular Annex II which contains recommendations to donor governments) and other humanitarian standards (for example the Good Humanitarian Donorship standards) also serve as a framework for their policies, decision-making, staff training and other mechanisms. Although there is a need to separate humanitarian policy from the political agenda, panellists emphasised that State policy is multidimensional in nature and cannot be considered neutral. In order for States to effectively support principled humanitarian action there is a need for open and transparent dialogue between States (both donor and host) and humanitarian organisations.

This report summarises the discussions in each session.

INTRODUCTION

On 5th December 2014, the International Federation of Red Cross and Red Crescent Societies (IFRC) and the Norwegian Refugee Council (NRC), organised a conference in Geneva which gathered over 80 senior representatives from States (16 Permanent Missions), humanitarian organisations (33) and academia (4).The conference was organised on the occasion of the 20th year anniversary of the *Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (hereafter, "the Code").*

Over the past twenty years the humanitarian landscape has been marked by increased needs including higher numbers of displaced populations affected by natural disasters and conflicts, the growing scope of humanitarian response, diversification of humanitarian actors, and high risks – both physical and financial – of operating in increasingly complex emergencies. Humanitarian actors face mounting pressure to meet needs and navigate complex environments and needs of affected populations are likely to grow. Further, with information flowing further and faster than ever, humanitarian actors also face increasing scrutiny from States, communities, and the public through communications and social media. Humanitarian principles, grounded in international humanitarian law and reflected in UN Security Council Resolutions, and other international, regional and national policy and legal frameworks, are as relevant as they have ever been.

Humanitarian principles are not synonymous with the Code, however, and the Code includes humanitarian principles as well as notions of quality, accountability, participation, transparency and *doing no harm,* which are recognised as equally important in ensuring programme quality and acceptance. The conference focused on the relevance of the Code in the 21st century, and particularly the implementation of principles of humanity, impartiality, independence and neutrality and how these can be better used in delivering aid in complex environments.

OBJECTIVES

This conference sought to gain a better and more nuanced understanding of the way humanitarian agencies practically apply humanitarian principles and how States perceive and support humanitarian action, and to identify potential common goals, practical solutions and also innovative approaches to improve effectiveness in humanitarian action across actors and contexts.

The dialogue also aimed to identify areas for complementary engagement to strengthen the application of the principles. Being operationally-focused and offering different perspectives across contexts, it is hoped that the dialogue and its outcomes, by highlighting dilemmas and offering practical recommendations and follow-up actions, can also contribute to global processes aimed at improving the delivery of humanitarian aid, such as the 32nd International Conference of the Red Cross/ Red Crescent in Geneva in December 2015 and the World Humanitarian Summit in Istanbul in May 2016.

METHODOLOGY

The conference gathered diplomatic representatives from permanent missions in Geneva, national and international NGO representatives, Red Cross and Red Crescent Movement participants and representatives from UN agencies. The discussions were designed to be interactive and included presentations and break-out group discussions. The dialogue began with a more formal morning conference in plenary, consisting of two high level panel discussions and interactive plenary question and answer discussions. Taking stock of the morning discussions, in the afternoon there was a separate NGO/UN discussion in break-out groups and in plenary, on neutrality, humanitarian diplomacy, standards, and accountability – including an exchange of experiences and lessons learnt. The conference ended with a discussion on ways forward to strengthen effective delivery of principled aid.

OFFICIAL OPENING

Elhadj As Sy, Secretary General, *International Federation of Red Cross and Red Crescent Societies (IFRC)* [2] welcomed participants to the conference by video conference, remarking that the 20th anniversary of the Code provides an important opportunity to reflect on challenges that humanitarian actors are currently facing. With over 540 signatories, the Code was one of the earliest initiatives, building on local culture and custom, to elaborate on key principles and values considered as essential in humanitarian action. Although the humanitarian community has become more professional, Sy emphasised that it has never been as stretched and challenged as it is now. As much has changed in the world, Sy emphasised that the need for principled action remains critical in order to meet the needs of affected populations.

Walter Cotte, Under Secretary General Programme Services, *International Federation of Red Cross and Red Crescent Societies (IFRC)* emphasised the continuing relevance of the humanitarian principles as enshrined in the Code, and the need for humanitarian organisations to more effectively alleviate suffering and strengthen the protection of civilians affected by crisis and disaster. Cotte considered that the humanitarian community needs to optimise its action, resources, adjust structures, enhance participation and to be more flexible and connected with local populations. Noting that 2015 would include the 50th anniversary of the Fundamental Principles and the 32nd international conference of the International Red Cross and Red Crescent, he hoped that this conference would provide much food for thought in preparation for these important upcoming dialogues.

Hugo Slim, Associate Director and Senior Research Fellow, *ELAC, Oxford Institute*, the conference moderator, introduced the objectives of the conference which were to gain a better and more nuanced understanding of humanitarian principles, and to identify potential common goals and innovative approaches to improve effectiveness in humanitarian action across actors and contexts. Recognising that there are also other values which guide humanitarian action such as dignity (i.e. empowerment) and stewardship principles (i.e. accountability), Slim highlighted that discussions at this conference would focus primarily on the operational relevance of the four humanitarian principles - humanity, impartiality, neutrality, independence in today's operational and political environments. Slim remarked that the Code was written at a time when humanitarian action faced numerous difficult challenges, different from those experienced today.

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[2] The welcome statement given by the Secretary General of IFRC can be accessed at:
https://www.youtube.com/watch?v=z7Vu5w8IixE&feature=youtu.be

He invited the participants to think about the following, during the course of the day :

1. the operational relevance of these four principles, including the relevance of the Code in decision-making and how the Code is used to create a dialogue between various actors implementing humanitarian work;

2. if and how humanitarians apply the Code, and common goals and innovative approaches for using the Code to overcome the challenges facing humanitarian agencies both today and in the future, and;

3. future action required and possible good practices and practical innovative ways for applying the principles.

THE ORIGINS OF THE CODE OF CONDUCT: WHAT PURPOSE DOES IT SERVE TODAY ?

Peter Walker, Dean*, Falk School of Sustainability, Chatham University,* one of the original drafters of the Code, reflected on its historical context. 1985 was a very different time. Humanitarian aid became more commonplace in the 1980s; there was a genuine passion for humanitarian work, which was also more straightforward than it is today. Initially proposed by the French Red Cross, the Code was written during a period of rapid growth of engagement by NGOs (in particular) in conflict-affected countries, limited technological means and the perception of humanitarians as *angels of mercy that could do no wrong.* There were three separate "worlds" at this time, with three separate lenses: disaster relief, refugee assistance and response in conflict settings.

The Code ended up being based largely on professional experiences of the drafters. The annexes to the Code were considered to be an important section of the document, which are not well known. The drafters also considered that if humanitarian organisations were committed to the Code, then States would be as well; however, in hindsight, placing "Recommendations to donor governments" in Annex 2, was in Walker's view, a disservice considering the importance of State role to support and promote principled action. Because of the political environment and institutional priorities and disagreements at the time, neutrality was not explicitly referred to in the Code.

Walker remarked that if asked to re-draft the Code today, he would do so. He emphasised that significant changes to the humanitarian environment have brought to light a number of ambiguities in the Code. For example whether it is intended to guide the behaviour of organisations, or that of individuals. Walker noted that in conflating different humanitarian areas (i.e. emerging crises, conflict, social welfare, etc.), he was not convinced that these could all meet the same standards. Neutrality remains an important tool to promote humanitarian work through acceptance, however, it is particularly difficult to achieve and requires constant effort.

There was no accountability mechanism introduced alongside the Code, and in Walker's view, something firmer was required. Protection was not as much of a priority in 1980s- early 90s either, and the Code was framed more in terms of assistance. If the Code were to be re-written[3], Walker would recommend that protection feature centrally. Walker also remarked that there would be a need to separate individual from institutional behaviour. He further expressed that , in relation to accountability, a humanitarian organisation should not serve 25,000 refugees; it should serve "the individual", with a name and family, 25,000 times. Organisations and individuals are in many cases

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[3] There was consensus at the end of this Conference (see page 18) that the Code should not be redrafted.

driven by funding and job descriptions rather than being driven by values, and there is a need to hold organisations and individuals more accountable. Adequate professional skills and competency remain crucial.

PLENARY DISCUSSION

In relation to humanitarian principles, neutrality was recognised by participants as being difficult to implement effectively and consistently, and that operating in a neutral way requires constant dialogue and negotiation with affected populations, States and all other stakeholders. It was questioned whether all organisations have the internal capacity and the will required, to implement the principle of neutrality appropriately. Across the discussion there was strong support for the need to promote the importance the principles, but particularly, of value-driven approaches to humanitarian action (rather than being motivated by donor interests), and to defend this from the tendency of humanitarian organisations (particularly larger organisations) to fall into a momentum-driven approach where the primary focus is on positioning of the organisation.

With regards to the Code, participants considered that the Code could be strengthened to address the importance of protection more explicitly. Others felt that there was nothing in the Code to contradict the centrality of protection and that it was instead just an issue of vocabulary and interpretation. The lack of an accountability mechanism linked to the Code, was also considered to challenge the Code's effective and consistent implementation and consequentially, the practical value of the Code itself. Participants noted that questions remain as to how adherence to the Code could be measured and failure to uphold it redressed.

While some participants highlighted the number of signatories to the Code (over 540) as a mark of its current relevance across contexts, others questioned why the number of signatories was not higher, particularly in terms of national NGOs. Some representatives of national NGOs expressed the concern that many international NGOs may assume that national NGOs are less able to operate in a principled way due to their proximity to the context; it was felt that this perception contributes to the tendency of international NGOs to treat national NGOs as sub-contractors instead of equal partners. It was proposed that these perceptions could be addressed through an increasing number of national NGOs framing their work in the terms of the Code.

Counter-arguments to the point on seeking more national NGO signatories, included the following:
- The Code can be perceived as being written by and for a western audience. National NGOs and other regional actors might prefer to and should maybe instead be encouraged, to instead adhere to existing alternative codes of conduct which embed principles and are based on regional specificities and cultural values.

- More signatories does not necessarily equate to better implementation as not all signatories truly abide by the Code.

PANEL 1: PRINCIPLED HUMANITARIAN ACTION IN EMERGENCIES-OPERATIONAL DILEMMAS AND INNOVATIVE SOLUTIONS

<u>Facilitator</u>: **Helen Durham**, Director of International Law and Policy, *International Committee of the Red Cross*

<u>Panellists</u>: **Ingrid Macdonald**, Director, *Norwegian Refugee Council (NRC) Geneva and Humanitarian Policy;* **Simon Eccleshall**, Head of Disaster and Crisis Management Department, *International Federation of Red Cross and Red Crescent Societies;* **Abbas Aroua,** Director, *The Cordoba Foundation of Geneva*

Focus: the panellists considered whether and how affected populations benefit from more principled humanitarian response, and explored ideas for more effective implementation of principled action. This was followed by questions and answers in plenary.

PANEL PRESENTATIONS

There was wide agreement that the humanitarian principles of humanity, impartiality, neutrality and independence have profoundly influenced humanitarian discourse, and remain the basis for a strong ethical and normative legal framework. Throughout the discussion, the relevance of principles as pragmatic and practical tools to strengthen protection and assistance to affected populations in emergencies, was underlined. Principles are at the foundation of many humanitarian policies, processes and procedures. For example, impartiality requires non-discrimination and delivery of aid in proportion to need. This principle should be the basis underpinning needs-assessments, anti-corruption, anti-diversion and numerous other measures. When implementing principles, it was recalled that there is an inevitable tension between pragmatism, diversity, of mandates, and efficiency, that should be kept in mind.

Speakers reflected on the changes affecting the humanitarian landscape, including the growing diversification of actors, increasingly complex coordination and partnership mechanisms, and the challenges they entail. International organisations are less directly implementers in operations, and management of programmes has become more technical. While empowerment of local partners was encouraged, the speakers cautioned about exploitation, and emphasised the need for partnerships based on the principle of subsidiarity and complementarity, and adequate investment for sustainable and principled partnerships. These partnerships should respect the different mandates, strengths and weakness of each actor. It was also remarked that other non-humanitarian actors that may be involved in humanitarian action, apply different principles and humanitarians tend to see these actors' roles (i.e. the military) as a risk rather than an asset.

The speakers remarked on the growing number and complexity of crises and disasters. In order to secure funding in this increasingly competitive environment, it was suggested that humanitarian organisations need to move beyond using the "moral weight" of principles alone, to convince States to support and respect humanitarian action. By demonstrating how principled humanitarian action enables humanitarian organisations to provide better assistance and protection, humanitarian organisations will be in a better position to secure funding. The speakers also expressed concern over the lack of genuine dialogue with donors, particularly on a number of key issues such as risk management, burdensome reporting and accountability requirements.

It was highlighted that humanitarian organisations often assume that their staff and all other concerned parties understand the meaning of humanitarian principles and the practicalities of implementing these, however this is not always the case. Lack of shared understanding is more obvious with the principles of neutrality and impartiality, which are commonly mistakenly used interchangeably. In order to address this, it was suggested that there should be increased internal dialogue and transparency with all concerned parties on how organisations understand, operationalise and navigate decisions, which require compromises. Context specific practical tools and guidance should be developed and shared with field staff to strengthen their ability to interpret, prioritise and implement the principles as tools for navigating obstacles, including methods to strengthen guidance for principled decision-making and consistent training and capacity building. Furthermore it was proposed that in order to build awareness and support for principles with a wider audience, humanitarian organisations need to make them accessible for the new generation of humanitarian actors, affected populations and the wider public, for example by publicising them and making more use of communication tools such as social media.

It was expressed that the politicisation of neutrality is being used as a tool by external actors in order to discourage organisations from doing advocacy. It was remarked that humanitarian organisations need to be confident that 'providing protection is not political, but that does not mean that some actors do not want to politicise humanitarians'.

PLENARY DISCUSSION

In the plenary discussion, participants highlighted that although this dialogue focused on the core humanitarian principles embedded in the Code, it is important to acknowledge the wider value of the Code and the other relevant principles it includes, such as accountability.

When discussing principles during the discussion there was some debate around the congruence of alternative principles and values to principled humanitarian action. In particular for some, the principle of solidarity, which is held by many Islamic organisations, was viewed as incompatible with principled humanitarian action as it is considered to involve aligning the

organisation with a political view, whilst others view it as an extension of the principle of humanity interpreting it to mean solidarity with those suffering.

With regards to the Code, participants expressed general agreement that the Code is worth investing in for the future. While it was remarked that the Code can be perceived by some as being western-centric, with 5% of the signatories being based in the Muslim world and only 1% in the Arab world, it was also argued that significant intercultural research and dialogue has shown that the values embedded in humanitarian principles and the Code itself are held by humanitarian organisations from a wide range of religious and cultural backgrounds. Furthermore, these shared values are embedded in a number of culturally specific Codes of Conduct, for example the Islamic Charter of Goodness[4].

It was suggested that the preferred focus for future action should be on strengthening the shared values within these Codes of Conduct and using them as opportunities for joint action, rather than working to get all humanitarian organisations to sign up to one vision of humanitarian action. There was general agreement that the emphasis should be on working to improve the effectiveness of humanitarian assistance through diversity and complementarity, rather than all actors signing up to one same thing. Further suggestions for future action included promoting the Code with donors and organisations as a mechanism to measure the quality of humanitarian assistance, and highlighting the annexes as guidance for donor funding decisions and partnerships.

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[4] The Islamic Charter of Goodness can be accessed at: http://www.cordoue.ch/human-security/item/190-islamic-charter-of-the-work-of-goodness

PANEL 2: THE ROLE OF STATES IN SUPPORTING PRINCIPLED ACTION

Facilitator : **Guillermo Reyes**, First Secretary, *Permanent Mission of Mexico to the UN in Geneva*
Panellists :**Cathrine Anderson**, Counsellor, Humanitarian Affairs, *Norwegian Mission in Geneva;*
Hassan Boukili, Minister Plenipotentiary, *Permanent Mission of Morocco to the UN in Geneva;*
Joshua Tabah, Counsellor, Humanitarian Affairs, *Permanent Mission of Canada*

During the panel discussion, representatives of different States explored different perceptions of priorities for humanitarian action and ways to promote effective and principled humanitarian action. This was followed by questions and answers in plenary.

PANEL PRESENTATIONS

It was agreed by all speakers that the humanitarian principles enshrined in the Code remain valid, and that States have a central role to play in supporting and strengthening principled humanitarian action. States as parties to international legal instruments (for example the Geneva Conventions and the Convention relating to the status of refugees) have obligations to support humanitarian action and they draw on humanitarian principles, the Code (in particular Annex II which contains recommendations to donor governments) and other humanitarian standards (for example the Good Humanitarian Donorship standards) as a framework for their policies, decision-making, staff training and other mechanisms. This serves to firewall humanitarian work from other State interests, and depoliticise aid as far as possible. Additionally, it was emphasised that States are political entities, and they cannot and should not be expected to behave as apolitical (neutral) humanitarian actors. However, it was acknowledged that the separation of humanitarian policy from political agenda becomes more difficult when there is an active military presence of the State in a context, and which therefore results in a balancing of humanitarian versus other interests.

Humanitarian organisations are increasingly operating in contexts that are politically and financially risky for donor States. It was considered that donor States need to share in this risk to ensure humanitarian organisations can operate effectively and in accordance with their principles, and that risk does not fall disproportionately on local or field staff. While it was acknowledged that it is important to support local capacity-building and national actors, it was also considered that States are most likely to support humanitarian organisations based on knowledge of their work or previous partnerships, leaving national humanitarian organisations at a disadvantage.

Finally, the past failures of humanitarian action have eroded the perceived credibility of humanitarian action and of the Code itself, for States. It was expressed that as States have the primary responsibility to provide and coordinate humanitarian assistance, successful humanitarian action occurs when States are fully integrated into the humanitarian response, working with and not in parallel to humanitarian organisations. As a result it was contended that from the State

perspective the neutrality of humanitarian action should not be construed as being contrary to engaging with States. Where context permits, it was expressed that engaging in an open and transparent manner with States is critical for effective humanitarian response.

PLENARY DISCUSSION

In the plenary discussion, a number of participants voiced their concerns regarding the increased use of humanitarian discourse and assistance as a political tool by governments in order to achieve foreign policy or security objectives. Furthermore, it was felt that the firewall between humanitarian and other government policies was being degraded by the merging of humanitarian departments with other political government offices. It was recognised that there is currently a tendency for humanitarian departments to be subsumed into broader State departments dealing broadly with foreign affairs. However, this has provided advantages, for example providing humanitarian civil servants with a more direct line to Ministers, as well as with challenges, for example humanitarian priorities competing with other agendas, at times resulting in a mixing of public messaging. It was expressed that where this mixing was clearly intentional, humanitarian organisations and the public should mount a response; however it should be noted that messages may be mixed accidentally.

Participants highlighted that humanitarian organisations are increasingly being challenged by States and donors over their engagement with non-state armed groups, most recently in the context of counter-terrorism measures. Speakers recognised that engagement with non-state armed groups is critical in order to gain access to affected populations, and encouraged humanitarian organisations to engage States and donors in transparent dialogue on such topics in order to ensure that civilian protection and counter-terrorism mechanisms do not conflict.

Within such an open dialogue with donor States, humanitarian organisations were encouraged to have the confidence to challenge problematic contractual, accountability and reporting requirements. Overall, it was emphasised that humanitarian organisations should maintain realistic expectations of States; though they may have strong humanitarian policies, States are not humanitarian actors. Where tensions with principles cannot be reconciled, speakers recalled the right of humanitarian organisations to decline funding, and encouraged humanitarian organisations to use this option more often in order to be more principled.

NEXT STEPS AND WRAP UP IN PLENARY

SUMMARY PRESENTATION

Hugo Slim, commented that humanitarian organisations face a great deal of challenges in operating in the current humanitarian environment, Islamic humanitarian organisations in particular, and that principles remain operationally relevant tools to improving humanitarian action.

Slim highlighted a number of questions which had been put forward regarding the Code. These included whether the Code was flexible and yet specific enough to guide humanitarian work in the diversity of complex contexts within which humanitarian organisations currently operate, and if it contained enough detail to guide the work of individual humanitarian workers.

Slim recommended that wider consultations continue to be held involving both a diversity of humanitarian organisations and other parties, to discuss potential actions to reconcile issues with the Code in its current form, and develop a stronger more unified code with a corresponding independent accountability mechanism. Slim also highlighted the need to build State awareness of humanitarian principles and promote the uptake of the donor recommendations to support principled humanitarian action, as found in the annexes of the Code. Throughout the discussion, humanitarian organisations were encouraged to engage in joint action, particularly cross cultural partnerships, in order to share expertise on how best to overcome the challenges they face in implementing principled humanitarian action.

NGO DIALOGUE

RESISTUTION OF MORNING CONFERENCE

Peter Walker, Dean*, Falk School of Sustainability, Chatham University* led a restitution of the morning conference. Walker noted that during the conference there were a number of tensions surrounding the principle of neutrality. Drawing on this, Walker proposed that the principle of neutrality is extremely valuable as a pragmatic approach to gaining access to affected populations through making the organisation irrelevant to the political agenda. Additionally, he encouraged humanitarian organisations to consider the long-term implications of decisions to the perceived neutrality of the organisation. He questioned whether under most definitions of the principle, it was possible to practice solidarity whilst being neutral.

Walker stressed to humanitarian organisations that States are not neutral no matter the mechanisms operating to depoliticise their policies or funding. As a result humanitarian organisations should develop a deeper understanding of the conditions and politics which are attached to funding and be aware that accepting funding means accepting 'the whole package'.

Regarding strengthening accountability, Walker promoted the concept of employees holding their organisation to account. He remarked that as 'every government should be a little bit afraid of their people so should every organisation'.

BREAK – OUT DISCUSSION 1: STRENGTHENING HUMANITARIAN ACCESS: IS NEUTRALITY CRITICAL TO ENDERING TRUST ?

Diverse Approaches to Neutrality

The principle of neutrality was generally understood as meaning not engaging in conflicts, political controversies or other contested issues. Although humanitarian organisations work to implement the principle of neutrality, some participants remarked that humanitarian organisations may never be perceived as neutral with perceptions often being as important as adherence, and the need to reflect whether principle of neutrality can serve the best possible outcome.

The discussions revealed varying approaches to the implementation of the principle of neutrality for example:

- Some organisations felt that many issues which fall under the mandate of protecting and assisting affected populations are contested or politicised, for example the rights of women and minorities.

- Others felt strongly that it was relevant to differentiate between issues that are political and those which are politicised. Some participants felt that it was important to defend them when violated even if it affected their neutrality.

- Using the example of humanitarian action in Al Shabaab-controlled areas of Somalia, it was proposed that humanitarian organisations may not be perceived as neutral at the practical field level when working in contested regions, in relation to the difficulties in obtaining access and engaging in a dialogue will all parties to the conflict.

Through the discussion there was consensus that humanitarian organisations need to promote and call for adherence to the principle of neutrality both by humanitarian and other actors. Participants noted however that this may be challenging considering the variety of approaches to neutrality taken by different humanitarian organisations.

International Counter-terrorism Regime

There was general agreement that a significant challenge to principled humanitarian action today was considered to be current developments to the international counter-terrorism regime. In response to such developments, participants stressed the need for the humanitarian community to come together to address international and national laws and policies which impede humanitarian organisations from being impartial or neutral and limit delivery of aid to most affected populations.

Financial Independence

The discussion also considered the importance of strengthening "financial independence", in order to be perceived as neutral and impartial. It was suggested that this could be improved through the humanitarian community engaging States and donors in dialogue on humanitarian principles and the realities of practically applying them, whilst encouraging humanitarian organisations to reject unprincipled funding. However it was also recognised that humanitarian organisations in so doing, need to be prepared to also accept that donors may apply that funding to other organisations with different values, including private companies.

BREAK – OUT DISCUSSION 2: HUMANITARIAN DIPLOMACY: WHAT INTERPLAY WITH PRINCIPLED HUMANITARIAN ACTION?

During the discussion there was general agreement by NGOs, academia and UN agencies, that the Code remains valid and useful as an operational tool to navigate the complex humanitarian environment and that the Code should be increasingly used by NGOs to inform advocacy and shape common messaging. Furthermore, it was considered that this advocacy approach has the potential to have a greater impact on the protection of the displaced than the provision of assistance alone.

Impartiality

Impartiality was acknowledged as a guiding principle, which the principles of neutrality and independence enable an organisation to achieve. It is important to both effectively demonstrate the principles and communicate them through dialogue with all parties. Such dialogue is critical to explain the meaning of the principles for humanitarian organisations, as these can be interpreted differently by communities: for example, the impartial distribution of assistance does not mean that aid is distributed equitably to all, although this is an assumption humanitarians have faced.

Neutrality and Access

In order to gain access to affected populations situated within areas controlled by armed groups, it was considered critical that a humanitarian organisation be perceived as neutral. However it was questioned whether organisations which operate only within the territory controlled by one party to a conflict could be considered neutral and impartial. Although not theoretically incompatible with humanitarian principles, participants commented that it depends on the perceptions of the organisation by all parties in that context. Furthermore, it was highlighted that the perceptions of all parties can only be gauged through constant dialogue. One challenge to this seen in recent years is the criminalisation of certain groups.

Independence and Humanitarian Funding

It was suggested that more financial and therefore operational independence can be gained through decreasing the proportion of the organisation's State funding. The importance of refusing or limiting government funding when conditions require unacceptable compromises on principles was recognised, for example when a donor State has an active combat role in the context. Furthermore, it was noted that it is important for humanitarian organisations to maintain dialogue with these donors in order to influence their policies and restart the relationship if interests realign. However,

whether shifting funding sources over short time periods or only for selected geographical areas could support the perception of an organisation as independent, was questioned.

Improving Perceptions

Across the discussion there was agreement that the perception of an organisation can be improved, for example through partnering with appropriate national organisations, increasing the proportion of local staff working for the organisation in that context, strengthening quality of staff negotiation and mediation skills, and implementing an effective community participatory approach.

Organisations were encouraged to reflect on the humanitarian principles when setting red lines, which are important for their accountability and reputation. Moreover, it was acknowledged that when a humanitarian organisation establishes a red line (or chooses not to) it affects the work and perception of other organisations present in that context, therefore it was suggested that organisations should either emphasise their distinction and distance themselves from other organisations, or, in line with the Code, work towards a stronger common standard on the issue of concern.

BREAK – OUT DISCUSSION 3: STANDARDS AND ACCOUNTABILITLY: DO THE PRINCIPLES MAKE HUMANITARIAN ACTION MORE ACCOUNTABLE ?

Diverse Approaches to Accountability

It was acknowledged that there is no clear common understanding of the meaning of accountability. Overall there was general agreement that although there were many approaches to accountability, accountability should include involvement of and information to populations, donors, peers etc. Organisations need to be value-driven, which includes placing dignity of affected populations at the centre. Humanitarian organisations were also encouraged to improve their self-awareness and sensitivity to the dynamics of the context.

Participants considered that humanitarian principles can make humanitarian action more accountable, but it depends on how they are implemented. If humanitarian organisations are not effectively employing a participatory approach to accountability, they are more likely to be perceived negatively by affected parties, and to face more restrictions which might compel them to compromise between principles. In order to address this, it was generally agreed that there is a need for better communication on principles, standards and inter-agency accountability mechanisms to affected populations, and to empower them to hold humanitarian organisations to account.

Strengthening Accountability

Throughout the discussion, the need for organisational and individual accountability and not just program accountability was highlighted. Participants agreed that individual employees working for humanitarian organisations should be value and not financially driven, and demonstrate the competence, efficiency and relevance of their work to the context. Through this, employees should be able to hold themselves, each other and the organisation to account, and the different levels of accountability held by different positions should be clear. As organisations arrive in communities without a mandate to assist from the affected population, it is critical that they also demonstrate these qualities as an organisation, in order to justify their role as a legitimate conduit between recourses and affected people. However, it was acknowledged that whilst organisational responsibility depends on self-regulation, an increasing amount of organisations can continue to perpetuate the myth that they are all efficient and necessary.

Participants expressed concern over drawing too many lessons on standards and accountability processes from other professions and the private sector, when attempting to shape a

standardised approach to accountability in humanitarian action. It was felt that humanitarianism requires organisations to go further than just striving for client satisfaction in accordance with standard measurement.

Core Humanitarian Standards (CHS)

Participants welcomed the new Core Humanitarian Standards (CHS) as they felt it would streamline the current multitude of standards. However participants noted that in order for the CHS to be successful, organisations need to ensure that staff in the field receive comprehensive training in the CHS, and are provided with relevant tools to guide its implementation.

PLENARY DISCUSSION – WHERE TO GO WITH THE CODE AND PRINCIPLED HUMANITARIAN ACTION OVER THE NEXT 10 YEARS?

During the discussion there was wide agreement amongst NGOs, academia and UN agencies, that the Code remains a valuable tool.

When asked, participants suggested the following approaches and developments:

- The Code to remain the foundation of future standards and initiatives developed to improve the quality of humanitarian assistance, for example the Core Humanitarian Standards.

- More inclusive dialogues to be held with a greater diversity of humanitarian organisations, which aim to promote shared values drawn from multiple culturally based Codes of Conduct, and discussing the practical application of shared values at a local level. It was expressed that such discussions would be more effective in promoting principled humanitarian action than imposing the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief on other organisations.

- The need for the Code to be accessible to a diverse range of humanitarian organisations and donors. Additionally, inclusion of language on protection and prevention issues were highlighted, should the text of the Code be revisited one day. This could be achieved by involving a greater diversity of actors in future discussions on implementation or potential revisions of the Code , including states, non-state armed actors national NGOs, affected populations etc. A participatory forum for example the World Humanitarian Summit in 2016 could be considered. Although the 32nd International Conference of the Red Cross/ Red Crescent in 2015 was also suggested as a possible forum, given that the Code was originally noted at the 26th International Conference in 1996, , it was generally agreed that the conference will be held too soon for comprehensive preparatory discussions. Overall however, holding dialogues in these and similar fora was put into question on two grounds. Firstly some participants voiced strong concerns about any future revisions to the Code being negotiated between States and actors with non-humanitarian agendas, as it was felt it might lead to a dilution of humanitarian principles. Secondly it was remarked that if the strategic goal was for a greater diversity of non-traditional organisations to take ownership of the processes of sculpting the Code in order to make it locally accessible, then international NGOs are not well placed to take the position of leading the change process. 'As long as we (traditional international NGOs) are gatekeepers, nothing will change'.

- Overall there was general agreement that although revisions to the Code in the future could be useful, participants felt that the emphasis of future work should be on improving the operational context within which the Code is applied.

- Throughout the discussion there was mention of the need to consider the usefulness of establishing an independent international body or mechanism to oversee the Code, and with the authority to sanction signatory organisations which violate the Code. However the participants did not reach a consensus.

- Regarding recommendations for the on-going World Humanitarian Summit process, participants requested that humanitarian principles and the values which are integral to the Code, be included in discussions. Additionally, participants suggested that the impact of counter-terrorism measures on principled humanitarian action also needed to be highlighted.

CONCLUSIONS

The Code is regarded as having withstood the test of time and two decades on, when the emphasis on accountability and principled approaches has never been greater, and it provides a sound reference point. The Code is however, not an end in itself, and the discussions revealed that continued efforts are needed to build a common understanding of key concepts in order to improve communication, coordination and complementary between humanitarian organisations. 20 years on, the Code's influence has extended across a raft of initiatives seeking to improve standards of humanitarian action, and outcomes.

Today, initiatives such as the Humanitarian Accountability Partnership (HAP), Sphere, and most recently the Core Humanitarian Standards all build upon the foundational concepts established in the Code. In addition, alternate Codes of Conduct have been developed in other regions and serve to demonstrate that common or shared values have application across a wide range of religious and cultural settings.

The way forward may not be to focus energies on increasing the number of signatories to the Code, but rather to foster inclusive dialogue for which the Code can continue to serve a sound basis. In this, training and dialogue on principled humanitarian action remain key.

SUGGESTED FOLLOW-UP AREAS

➢ Humanitarian actors should promote the Code as foundational guide in dialogues and trainings. IFRC should continue to facilitate the signatory process, which should be strengthened through improving the accessibility of the application process.

➢ All actors should strengthen awareness of humanitarian principles and discussions on how humanitarian principles and the Code can be effectively operationalised. For example, organisations should promote and foster an environment of debate and discussion regarding how humanitarian principles and the Code can be utilised to navigate humanitarian challenges, both within their organisations and the humanitarian community more broadly.

➢ Encourage dialogue amongst humanitarian organisations to reach a more shared understanding of concepts and approaches, particularly with local organisations and non-western organisations. This should include transparent practical discussions on how organisations understand, operationalise and navigate decisions, which require compromises.

➢ Individual organisations should invest in strengthening the ability of their staff (particularly those in field locations) to interpret and prioritise the humanitarian principles as tools for navigating obstacles, including methods to strengthen guidance for principled decision-making and consistent training and capacity building.

➢ Undertake specific efforts for example dialogues, to build a common understanding on the principle of neutrality – what it is and what it is not.

➢ Encourage humanitarian organisations to engage in open and transparent dialogue with States (host and donor) to promote shared appreciation of humanitarian principles, and raise concerns when government policies obstruct principled humanitarian action.

➢ Organisations should look to strengthen their financial independence and to refuse or limit government funding when conditions require unacceptable compromises on principles.

➢ Use the Code and humanitarian principles as the base of future initiatives to improve humanitarian action and support relevant initiatives such as the Core Humanitarian Standards.

➢ Establish mechanisms to strengthen the implementation of the principles, both within organisations and collectively.

➢ Strengthen the communication of humanitarian principles, standards and interagency accountability mechanisms to affected populations and empower them to hold humanitarian organisations to account.