Rethinking the role of humanitarian principles in armed conflict

A challenge for humanitarian action

Martin Barber and Mark Bowden

CHATHAM HOUSE

Chatham House, the Royal Institute of International Affairs, is a world-leading policy institute based in London. Our mission is to help governments and societies build a sustainably secure, prosperous and just world.

Summary

— This final paper of the Chatham House Sanguine Mirage project explores options for a radical reassessment of the humanitarian principles in relation to the international humanitarian system. Host and donor governments, non-state armed groups (NSAG), local communities, peacebuilding and development agencies, UN agencies, components of the Red Cross and Red Crescent Movement, and international and national NGOs all have parts to play in this process.

— Current accountability processes within the international humanitarian system are self-referential and disconnected, focusing on the targets of humanitarian organizations rather than on the aspirations of those they purport to serve. The establishment of an independent international panel to commission audits of UN humanitarian assistance programmes in specific countries could provide clearer accountability to both member states and recipients of assistance. These audits could be overseen by the UN Economic and Social Council (ECOSOC).

— In settings where belligerents prevent humanitarian organizations from operating in accordance with humanitarian principles, these organizations must frequently contend with issues that they are ill-equipped to resolve. Situations like this demonstrate what some refer to as an 'ethics gap' – a failure to submit key policy dilemmas to a structured ethical decision-making process. The introduction of a structured ethical decision-making process for such dilemmas would ensure that all critical factors influencing possible outcomes are considered. Accomplishing this will require a major shift in approach within the humanitarian community, as well as new processes supported by ethicists and staff training programmes.

— In some contexts, humanitarian assistance acts as an inadequate substitute for much-needed political engagement to bring conflicts to an end. While peacemaking requires concerted action on several levels, an important component of any initiative should be efforts to put an end to breaches of international humanitarian law (IHL). To achieve this, states parties need to fulfil their responsibilities under Common Article 1 of the Geneva Conventions of 1949 to ensure that IHL is respected in all armed conflicts. These breaches of IHL include belligerents preventing humanitarian actors from operating in accordance with humanitarian principles.

— In recent years, donor governments have established several forums to discuss humanitarian work, for example, the Good Humanitarian Donorship (GHD) initiative. However, despite the agreements reached in the Grand Bargain of 2016, individual donor governments still impose different conditions on the use of their funds. Better coordination among donors has become at least as urgent as better coordination among humanitarian organizations. With appropriate management reforms, the GHD initiative can develop consistent messaging with donor governments that prioritize the needs of local populations.

— A culture of 'humanitarian exceptionalism' undermines the willingness of humanitarian organizations to appreciate the importance of a coordinated response. When organizations assert that the 'humanitarian imperative' removes any obligation for them to engage with the national or local authorities in conflict contexts, or even claim that it allows them to ignore the law, this exceptionalism can easily fuel behaviour that undermines the agency and capacities of populations affected by armed conflict.

Introduction

This final research paper of the Chatham House Sanguine Mirage project examines four crucial long-term issues that affect the role of humanitarian principles in complex and politicized environments. It follows the first paper in the project, which presented short-term practical recommendations, and the second paper, which discussed gender and inclusion issues. Through workshops, roundtables and advisory group meetings, participants explored how decisions related to the application of these principles can impact the outcomes of humanitarian programmes for those being assisted. The project team has distilled these contributions and identified a few key factors that are critical to the eventual quality of outcomes for affected people and communities.

The purpose of the humanitarian principles of humanity, impartiality, neutrality and independence is to provide guidance to those who wish to carry out humanitarian activities in times of armed conflict.[1] They promote a way of operating that is intended to assure parties to armed conflict that humanitarian activities will not interfere in the conflict or provide an advantage to their opponent. The principles define the main purpose of the humanitarian endeavour (humanity and impartiality) and specify what characteristics the actors providing humanitarian assistance and protection should embody (neutrality and independence).[2]

This research paper looks at longer term solutions to four of the fundamental problems identified by the project:

— Identifying appropriate responses to rejections of the principles;

— Employing ethical decision-making frameworks;

— Addressing the challenges facing UN member states; and

— Developing appropriate systems of accountability for humanitarian responses during armed conflict.

This paper offers recommendations on how organizations might implement changes to ensure that humanitarian action responds to the needs articulated by affected people and communities. The paper also suggests that states providing the bulk of the resources used by humanitarian organizations need to accept much greater responsibility than is currently the case for the consequences of their policies and funding decisions.

---

1 Pictet, J. (1979), 'The Fundamental Principles of the Red Cross: Commentary', *International Committee of the Red Cross*, https://www.icrc.org/en/doc/resources/documents/misc/fundamental-principles-commentary-010179.htm.
2 See Bernard, V. (2022), 'Humanitarian principles: The passport, the passepartout and the compass for the journey', published in Annex to Chatham House (2022), *The normative framework of humanitarian action in armed conflict,* Workshop Summary, London: Royal Institute of International Affairs, https://chathamhouse.soutron.net/Portal/Public/en-GB/RecordView/Index/191239.

Identifying appropriate responses to rejections of the principles

It is most challenging for humanitarian organizations to operate in accordance with humanitarian principles in contexts where one or more parties to a conflict, most often including the government, refuse to allow humanitarian organizations to provide relief in opposition areas. Belligerents may also seek to control or predate on humanitarian assistance, by setting ethnic or community-based conditions for its distribution. The enduring failure to hold parties to conflicts to account for flagrant breaches of international humanitarian law (IHL) and the rejection of humanitarian principles are well described by David Miliband in his 2019 Fulbright lecture.[3] Long-standing divisions between UN Security Council members have also weakened the authority of the UN system overall.[4] This has negatively affected the efforts of individual leaders, departments and agencies to promote greater compliance with IHL and international human rights law (IHRL). The impunity enjoyed by belligerents has allowed situations to develop in which the lack of political action by states and the pressures of fundraising objectives for humanitarian organizations have, taken together, displaced proper consideration of the interests of affected civilian populations.

It is most challenging for humanitarian organizations to operate in accordance with humanitarian principles in contexts when one or more parties to a conflict refuse to allow humanitarian organizations to provide relief in opposition areas.

Workshop discussions that informed this paper demonstrated that there are important tensions in the application of humanitarian principles that create problems for humanitarian organizations. Foremost among these dilemmas is when belligerents set conditions for assistance that run counter to humanitarian principles, particularly the principle of impartiality, but where humanitarian organizations perceive that refusal to cede to these conditions would threaten their presence, lead to loss of access and risk support to people in need.

The use by donors of humanitarian assistance as a proxy for political action has led to inconsistent responses to the challenges of impunity. This has left humanitarian organizations exposed to further political dilemmas around the nature of their engagement with the state and state institutions, including regional and local authorities. These are issues that humanitarian organizations are ill-equipped to address. The evolution of humanitarian assistance as a means

---

3 Miliband, D. (2019), 'The new arrogance of power: Global politics in the age of impunity', 19–21 June 2019, Fulbright Lecture, International Rescue Committee, www.rescue.org/press-release/new-arrogance-power-global-politics-age-impunity.
4 Bowden, M. and Metcalfe-Hough, V. (2020), *Humanitarian diplomacy and protection advocacy in an age of caution*, HPG briefing note, London: ODI, https://odi.org/en/publications/humanitarian-diplomacy-and-protection-advocacy-in-an-age-of-caution.

of supporting basic services in protracted crises, in failing and fragile states, has increased the financial vulnerability of humanitarian organizations in ways that encourage them to accede to state pressures. It has also created further dilemmas by allowing humanitarian organizations to replace the role of the state, undermining the social contract between the government and its people to provide basic services. While every context is different and donor priorities influence the ways in which humanitarian organizations are able to respond, these tensions and dilemmas frequently result in trade-offs that actors agree to without the help of a comprehensive conflict-sensitivity assessment or shared ethical framework to aid decision-making. Such processes would help organizations to identify and navigate these issues with a greater understanding of institutional responsibilities for achieving the best possible outcomes.[5]

Participants at the workshops also recognized the long-standing problems of operating transparently and with clearer accountability to those receiving assistance. Specific operational requirements for confidentiality within the International Committee of the Red Cross (ICRC) and human rights organizations have, in many cases, been misappropriated by other humanitarian organizations to create a culture that is weak in transparency. This undermines the perceived neutrality of humanitarian actors and more generally their accountability.

'Humanitarian exceptionalism' and entitlement

The evolution over time of a culture that may be referred to as 'humanitarian exceptionalism' has further complicated the ethical dilemmas faced by humanitarian organizations.[6] In their promotion of the humanitarian imperative and principles, many organizations have neglected the obligations normally incumbent on actors providing humanitarian assistance in a foreign country. Such organizations claim that their humanitarian identity and purpose override their legal obligations to engage with national and local authorities. An underlying reluctance by many international NGOs to engage meaningfully with governments, local authorities and de facto authorities in countries such as Afghanistan, the Democratic Republic of the Congo (DRC), Somalia and Sudan has been a consistent feature of the humanitarian response in those countries.[7] However, the authors of this paper disagree with this position and believe that this culture should be resisted.

Constraints on humanitarian operations

In assessing how humanitarian organizations can work together in a coherent manner to help ensure good outcomes for those in need of assistance, it is necessary to consider the constraints imposed on such organizations by host states and other belligerents that prevent them from operating impartially.

---

5 See Chatham House (2022), *Internal coherence in the efforts of humanitarian organizations to operate in accordance with humanitarian principles in armed conflict*, Workshop Summary, London: Royal Institute of International Affairs, https://chathamhouse.soutron.net/Portal/Public/en-GB/RecordView/Index/191963.
6 See Hilhorst, D. (2018), 'Classical humanitarianism and resilience humanitarianism: making sense of two brands of humanitarian action', *International Journal of Humanitarian Action,* 3(15), https://doi.org/10.1186/s41018-018-0043-6.
7 Ibid.

This section builds on the material in the first research paper for this project that looked in detail at the value of joint operating principles in relevant contexts and offers responses to the questions: How can organizations best respond in contexts where belligerents prevent them from operating in accordance with humanitarian principles? And should the mandates of different organizations affect the ways in which they respond to this challenge?

UN General Assembly (GA) resolution 46/182 requires the UN to provide humanitarian assistance in accordance with the principles of humanity, neutrality and impartiality.[8] The principle of independence was added in GA resolution 58/114 of December 2003.[9] The pressures on UN organizations to operate accordingly are considerable. Despite differences of interpretation in specific contexts, humanitarian organizations continue to refer to the importance of humanitarian principles.[10] For the UN Office for the Coordination of Humanitarian Affairs (OCHA), 'the humanitarian principles of humanity, neutrality, impartiality and independence underpin all areas of the response, across all geographical locations throughout the humanitarian programme cycle'.[11]

For the ICRC, neutrality and impartiality are at the core of its mandate as custodians of the Geneva Conventions and its specific duties under these laws, such as visiting prisoners in conflicts.[12]

For international and local non-governmental organizations (NGOs), however, there is no such requirement to operate in accordance with humanitarian principles. Nonetheless, these organizations frequently adopt the principles voluntarily as part of their organizational philosophy and charter. They may also have signed up to the Code of Conduct of the international system of the Red Cross,[13] first adopted in 1994. Organizations may also accept the principles because doing so is a condition of donor funding.

When host governments and other belligerents impede the neutrality and impartial operation of humanitarian organizations, and potentially delay access to populations in need, this can lead to dilemmas and difficult policy choices for humanitarian organizations. An example of such a dilemma is whether to continue providing assistance to people in areas under government control when the government is preventing the same organizations from assisting people in need in areas under opposition control.

---

8 UN General Assembly (2004), 'Strengthening of the coordination of emergency humanitarian assistance of the United Nations: resolution / adopted by the General Assembly', *UN General Assembly*, https://digitallibrary.un.org/record/508943?ln=en.
9 Gillard, E. (2022), 'Framing the conversation: humanitarian principles and the law', published in Annex to Chatham House (2022), *The normative framework of humanitarian action in armed conflict.*
10 Mills, K., cited in Rieffer-Flanagan, B. (2019), 'Is Neutral Humanitarianism Dead? Red Cross Neutrality: Walking the Tight Rope of Neutral Humanitarianism', *Human Rights Quarterly* 31(4), p. 896, https://www.jstor.org/stable/40389980; Norwegian Refugee Council and Handicap International (2016), *Challenges to Principled Humanitarian Action: Perspectives from Four Countries*, Report, Geneva: Norwegian Refugee Council and Handicap International, https://www.nrc.no/globalassets/pdf/reports/nrc-hi-report_web.pdf.
11 UN OCHA (2020), 'OCHA on Message: Humanitarian Principles', https://www.unocha.org/sites/unocha/files/OOM_Humanitarian%20Principles_Eng.pdf.
12 Fidelis, M. (2023), 'War, law and humanity: the role of the ICRC in international armed conflicts', *Humanitarian Law & Policy,* International Committee of the Red Cross, https://blogs.icrc.org/law-and-policy/2023/02/16/war-law-humanity-icrc-international-armed-conflicts.
13 ICRC (1994), 'Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief', https://www.icrc.org/en/doc/assets/files/publications/icrc-002-1067.pdf.

This paper suggests that, in such situations, humanitarian organizations always need to confront their options transparently, and in ways that fulfil their responsibility to be accountable, both to local communities and to the states and institutions that authorize and fund their activities. They need to conduct this process, first in the context of a conflict analysis and conflict-sensitivity assessment for the country and specific regions within it, and second by employing an appropriate ethical decision-making framework, as described in the following section, to ensure that all relevant factors are considered in decisions.

Humanitarian organizations always need to confront their options transparently, and in ways that fulfil their responsibility to be accountable, both to local communities and to the states and institutions that authorize and fund their activities.

While each context is unique, there are of course broadly two options, either to cease or reduce operations on the grounds that the humanitarian actor is being prevented from operating in an impartial manner, or to continue operations. If operations continue, humanitarian organizations are faced with sometimes agonizing choices about the extent to which they are willing to accept limitations on their work.

Given the clear mandates of the UN and the ICRC and their commitments to the principles, and the expectation that they will insist on operating in accordance with those principles, it might be expected that these organizations would be extremely sensitive to any attempt to limit their access to people in need and might consider, in some circumstances, either restricting their activities, or even withdrawing altogether.

In recent years, the ICRC and the UN have only very rarely opted to fully withdraw from armed conflict situations. Both have generally continued to deliver assistance in areas under government control, even when the host government has consistently failed to fulfil its obligations under IHL not to 'arbitrarily withhold consent' to humanitarian organizations seeking to assist in areas outside government control, and to allow and facilitate the rapid and unimpeded passage of such operations.[14]

Discrepancies in policy and field practice

Research workshops for this project indicated that there are significant gaps between policy statements issued by the headquarters of some humanitarian organizations and the operational decisions and practice of their field offices.[15] In broad terms, where headquarters insist that the organization is undertaking

---

14 UN OCHA and Oxford Institute for Ethics, Law and Armed Conflict (2016), *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict*, p. 16, https://www.unocha.org/sites/unocha/files/Oxford%20Guidance%20pdf.pdf.
15 Chatham House (2022), *The normative framework of humanitarian action in armed conflict*.

'principled humanitarian action', some field personnel admit that they are approving compromises and trade-offs that allow aid to continue to flow to the people who can be reached. This often seems to be done without assessing the likely impact on the conflict in the local area or the priorities of the local population. In some situations, this willingness to compromise on the principles has been used by host governments to their advantage, as has occurred in Syria since 2011.[16]

Some international NGOs, particularly in Syria, finding it impossible to operate in an impartial manner, have withdrawn or limited their operations to cross-border support in opposition-controlled areas.[17]

'Solidarity' as an alternative to the principles

As discussed in some detail in the first paper in this series, there are NGOs openly operating in Syria, Myanmar and some other conflicts that do not accept that it is appropriate for them to conduct activities in accordance with the principle of neutrality. Such NGOs are often referred to as 'solidarity' organizations. This title covers an extremely wide range of organizations, with different motivations, funding sources and operational practices. Recently, particularly in relation to Myanmar and Ukraine, the term 'resistance NGOs' has also been used.[18]

International NGOs referring to themselves as solidarity or resistance NGOs are more likely to operate through local groups that are resisting repressive regimes or invasions in affected areas, for whom neutrality is not a relevant concept. If donors insist on neutrality as a pre-condition for funding humanitarian operations, they may miss opportunities to support local resilience through solidarity NGOs in the face of oppressive government action.

This also illustrates the dilemmas of other organizations, such as the UN or ICRC, whose mandates prevent them from adopting a solidarity position when they are prevented from operating in an impartial manner.[19]

This situation places a strain on the credibility of the concept of 'principled humanitarian action' in several protracted armed conflicts, notably in Syria, which, in the view of the authors, is not being sufficiently recognized or addressed by the UN, the ICRC and their donors.

In addition, some observers may argue that humanitarian organizations of all kinds can be overly influenced in their decision-making by the desire to compete for available funds.

16 Miliband (2019), 'The new arrogance of power: Global politics in the age of impunity'.
17 See Wieland, C. (2018), *Syria and the Neutrality Trap: The Dilemmas of Delivering Humanitarian Aid through Violent Regimes*, London: I. B. Tauris; Norwegian Refugee Council and Handicap International (2016), *Challenges to Principled Humanitarian Action: Perspectives from Four Countries*.
18 Slim, H. (2022), 'Humanitarian resistance: Its ethical and operational importance', Humanitarian Practice Network, https://odihpn.org/publication/humanitarian-resistance-its-ethical-and-operational-importance.
19 See Falch, T. (2022), 'The solidarity approach to humanitarian action – a Syria case', published in Annex to Chatham House (2022), *Internal coherence in the efforts of humanitarian organizations to operate in accordance with humanitarian principles in armed conflict*.

Whatever the validity of such criticisms, decision-making by humanitarian organizations in Syria has not been based on the kind of conflict analysis and conflict-sensitivity assessment proposed in the first research paper in this series, or, so far, on the basis of an ethical decision-making process, such as those discussed below. Such exercises can offer a credible assessment of the impact of these decisions on the peace process and the resilience of local communities.

In addition to the decision-making processes that should take place before operations are undertaken, real-time or later evaluations should also consider these questions. For example, when humanitarian organizations committed to the principles have been systematically prevented from assisting people held in besieged areas and other zones outside the control of the Syrian government, the consequences of the decisions of the government and of the agencies' responses should be identified.

Employing ethical decision-making frameworks

At one of the Sanguine Mirage workshops in October 2022, several participants suggested that the consideration of ethics might offer practical help in resolving some of the core dilemmas relating to humanitarian principles that humanitarian organizations face in conflict contexts.

A sense of what McGowan et al. refer to as an 'ethics gap' – a failure to subject proposed actions to a structured ethical decision-making process – emerged during workshop discussions.[20] In recent months, debates in Afghanistan, Myanmar and Ukraine have considered the role of ethics in helping to resolve the dilemmas of humanitarian organizations. There is no indication, however, that these debates are being conducted in a structured and transparent manner. Indeed, as McGowan et al. point out, there is no established practice among major humanitarian organizations to subject the dilemmas they confront to a structured ethical decision-making process.[21]

The most comprehensive overview of ethics in humanitarian action is Hugo Slim's 2015 book *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*.[22] It lays out the large number of 'values' – Slim identifies no fewer than 33 – that are asserted by humanitarians as justification for their decisions. The book also points out that, apart from the 'humanitarian imperative', there is no agreed hierarchy of these values and no agreed framework for resolving the dilemmas relating to humanitarian principles that managers of humanitarian operations regularly tackle. Indeed, humanitarian organizations, at the headquarter level, typically ignore questions on these dilemmas, leaving them to field managers to resolve as best they can.

20 McGowan, C. R. et al. (2020), 'Preparing humanitarians to address ethical problems', *Conflict and Health*, 14(72), https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-020-00319-4#citeas.
21 Ibid.
22 Slim, H. (2015), *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster,* C. Hurst & Co. Publishers Ltd.

Developing ethical decision-making frameworks

Ethical decision-making can provide a framework that looks at all the critical issues that influence both long- and short-term outcomes for recipients of assistance in conflict contexts. Ethical frameworks are increasingly being used in other sectors, such as healthcare, to challenge those providing assistance to consider all the factors that make for an ethical choice. These processes do not, as is sometimes claimed, provide a single 'right' answer. Rather they ensure that decision-makers are confronted with and able to work through the likely consequences of their decisions. Equally, these processes do not add an additional time-consuming bureaucratic requirement. Rather, they can replace the unstructured and typically fractious discussions that can rage for months, both within organizations and between partners in joint operations.

Ethical decision-making processes can provide a values-based and systematic alternative to unstructured discussions between directors, senior staff and executive boards over difficult policy decisions.

Current approaches to analysis and decision-making in humanitarian action have an ethics gap, which could be usefully filled by more structured deliberative processes and supported by greater ethical expertise.

Different ethical theories and traditions offer different ways of looking at ethical problems. Consequentialist approaches are concerned with the ethical outcomes of actions and weigh up the different amounts of good and bad that result. This tradition (also known as utilitarian) should be the starting point for humanitarian ethics. This approach measures the likely outcome of pursuing the humanitarian imperative to act to save lives and alleviate suffering against possible harms arising from that action.[23] However, the ethics literature also points out that while utilitarian calculations are important, they should not be the sole method. McGowan et al. recommend four complementary approaches for addressing the ethical gap in humanitarian action:[24]

— Fostering a culture of ethical deliberation and compromise;

— Providing institutional support to all staff including training;

— Using decision-making tools and frameworks; and

— Supporting staff in moral distress.

This paper briefly examines two models that might provide inspiration for the development of an ethical decision-making framework for use in humanitarian action during armed conflict.

---

23 Ibid.
24 McGowan et al. (2020), 'Preparing humanitarians to address ethical problems'.

Eight key questions (8KQ)

Professor William Hawk developed a framework of 'eight key questions' (8KQ) to be considered when exploring ethical choices.[25] In a joint paper with Peter Mulrean, Hawk suggests how the US government might use the 8KQ approach to evaluate ethical choices in its foreign policy dilemmas.[26] In conversations with Hawk and Mulrean, the authors of this paper have explored how a similar framework might be used to consider dilemmas confronting humanitarian organizations.

8KQ is based on extensive research on how the brain makes decisions and is designed to disrupt and interrogate quick, 'biased' intuitions through reflection at the decision point. The eight areas of inquiry – fairness, outcomes, responsibility, character, liberty, empathy, authority and rights – have been identified in research as the range of moral considerations needed to form the basis of an ethical decision.[27]

Hawk and Mulrean's paper sets out the important elements of 8KQ and suggests questions that may be posed in relation to each one. For instance, in relation to 'fairness', they ask: 'What decision results in an equitable approach, balancing all legitimate interests?'

The 8KQ are not designed to elicit one group or region's ethics. The assumption is that every society is composed of persons who are concerned with 'fairness', 'outcomes' or 'responsibility'. Even though there may be significantly different expressions or practices by peoples and groups. The eight questions evoke universal ethical concerns. For example, all societies recognize some 'authority' as ethically relevant, even though they may differ on which authority is legitimate. The claim is that humans in every society demonstrate concern for the eight different ethical variables even though they express these concerns in significantly different, sometimes apparently contradictory, practices and behaviours.

The purpose of the 8KQ strategy is not only to elicit questions that bring to the surface differing ethical expressions but, by ensuring that the process is conducted in groups composed of divergent perspectives, to create the informed dialogue needed to openly discuss ethical differences. The 8KQ approach does not so much advocate for ethical values as provide the context in which differences in ethical value practice and behaviour are expressed. It is the open inquiry of those real differences that creates the situation in which challenges and dilemmas can be best addressed. If humanitarians adopted the 8KQ strategy as part of a structured ethical decision-making process involving all relevant stakeholders, they could never address dilemmas without the voices of those directly involved being heard because they, too, are engaged in the process.[28]

25 Mulrean, P. and Hawk, W. (2023), 'Toward a Values-Based Foreign Policy: Developing an Ethical Checklist', *Just Security*, https://www.justsecurity.org/84636/toward-a-values-based-foreign-policy-developing-an-ethical-checklist.
26 Ibid.
27 Ibid.
28 Personal communication with Professor William Hawk, by email, March 2023.

Leadership, ethics and governance systems (LEGS)

One sector that already makes considerable use of ethical frameworks is healthcare. In the medical world, it has been beneficial to include someone with expertise in ethics in the decision-making process.[29]

Dr Joseph Mfutso Bengu, a professor of bioethics in Malawi, in an article written with two colleagues, advocates a process in which systems providing social services, such as health or education, should build on the idea that there are three key pillars of leadership, ethics and governance for each system.[30]

The effectiveness of leadership and governance systems that include ethical decision-making processes highlights some of the weaknesses of the international humanitarian system, where leadership and governance are both diffuse and siloed.

Leadership relates to integrity and responsiveness to contexts and pressures; the ethics pillar is associated with an investment in the promotion and practice of virtues and moral reasoning skills; while governance relates to issues of prioritizing, monitoring performance, transparency, accountability and external social control.[31]

The relevance of these pillars to humanitarian action is self-evident. The effectiveness of leadership and governance systems that include ethical decision-making processes highlights some of the weaknesses of the international humanitarian system, where leadership and governance are both diffuse and siloed. It is clear that there is a need for much more consideration of interests of affected people and communities in war-torn states and that these are prioritized over those of the states and organizations offering their help.

How can ethical decision-making processes be introduced?

Recognition by humanitarian organizations, alongside the emergency relief coordinator (ERC), of the existence of the ethics gap is the first step in establishing an ethical decision-making process. It can be argued that the humanitarian principles themselves provide the ethical framework for humanitarian action during armed conflict. However, as has been shown above, much humanitarian action today takes place in situations where belligerents prevent impartial operations by neutral organizations. It is precisely in such situations that an ethical decision-making process becomes valuable.

29 Personal communication with Professor John Cameron Bowie, by email, February 2023.
30 Mfutso-Bengo, J., Kalanga, N. and Mfutos-Bengo, E. M. (2017), 'Proposing the LEGS framework to complement the WHO building blocks for strengthening health systems: One needs a LEG to run an ethical, resilient system for implementing health rights', *Malawi Medical Journal*, 29(4), pp. 317–321, https://www.ajol.info/index.php/mmj/article/view/164879.
31 Ibid.

To initiate the process, large organizations should invest in ethical expertise; smaller ones could share expert ethical resources. The most important activity to be subjected to an ethical decision-making process may be the development by the humanitarian country team (HCT) of the annual humanitarian response plan (HRP) for each affected country. Training of staff for participation in this work would need to be targeted at those taking part in the development of HRPs.

Addressing the challenges facing UN member states

Countries providing resources to humanitarian organizations also have responsibilities as states parties to the Geneva Conventions – for ensuring that the operating environments for humanitarian organizations in war-torn countries allow them to comply with the rules regulating relief operations.[32] However, there is a risk of tension between these different responsibilities.

As 'High Contracting Parties' to the Geneva Conventions, states have accepted responsibility under Common Article 1 for ensuring respect for IHL. They are also responsible for promoting the implementation of Security Council resolutions, both thematic ones, such as those on the protection of civilians in armed conflict, and country-specific political and peacekeeping resolutions, for ensuring that the operating environment for humanitarian organizations is conducive to effective operations.[33] All member states also have joint responsibility for oversight of UN humanitarian operations through the secretary-general's annual report to the GA subsidiary body, the Economic and Social Council (ECOSOC).[34]

In addition, states that contribute to appeals for humanitarian funding may attach conditions to their contributions that either facilitate or render more difficult the tasks of humanitarian organizations.

These observations pose the question: Are there ways in which states, other than those party to armed conflicts, could better coordinate their responses, both internally among their concerned ministries – such as defence, foreign affairs, aid and trade – and with other states, so that humanitarian organizations could more readily conduct their operations in accordance with the principles and achieve better outcomes for affected communities?

32 See Chatham House (2022), *Donor perspectives on operating in accordance with humanitarian principles in armed conflict,* Workshop Summary, London: Royal Institute of International Affairs.
33 See a list of UN Documents for Protection of Civilians and Security Council Resolutions, here: https://www.securitycouncilreport.org/un_documents_type/security-council-resolutions/?ctype=Protection%20of%20Civilians&cbtype=protection-of-civilians.
34 United Nations ECOSOC (2021), 'Strengthening of the coordination of emergency humanitarian assistance of the United Nations', Secretary-General report A/76/74-E/2021/54, https://www.globalprotectioncluster.org/sites/default/files/2022-11/a_76_74_e.pdf.

States responding to violations of IHL

In their report, *Humanitarian access in armed conflict: A need for new principles?*, Adele Harmer, Abby Stoddard and Alexandra Sarazen write:

> As a final appeal to state actors, this study's findings suggest they should consider the degree to which humanitarian violations have been both normalised and instrumentalised in the political dialogue around conflicts by not taking action when such violations occur. Political efforts by the Security Council and individual member states should be directed in the first instance to addressing the root causes of the humanitarian needs and stressing that conflict parties hold the primary responsibility for protecting and assisting vulnerable populations in their areas of control. Violations should be independently investigated, and perpetrators should be held to account. Appropriate means to achieve this, including through establishing tribunals should be considered. When violations continue, and humanitarian access is blocked, or humanitarian organisations are attacked, strong political consequences such as arms embargoes must be on the table.[35]

This highlights the problem, long acknowledged among humanitarian organizations, that states frequently use their financial contributions to humanitarian organizations as an alternative to taking robust action to bring a conflict to an end and prevent violations of international law. Such failures of political and legal action encourage parties to armed conflicts to ignore their own responsibilities towards their populations, thereby stimulating a cycle of non-observance of responsibilities by all actors and making it ever more difficult for humanitarian organizations to operate in accordance with the principles.

Common Article 1 of 1949 Geneva Conventions

Article 1 common to the four Geneva Conventions, known as Common Article 1, stipulates that 'the High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.'[36] In other words, whether or not states are a party to an armed conflict, they have accepted responsibility not only to comply with IHL *themselves* but also to 'do everything reasonably in their power to ensure that the provisions are respected' by parties to armed conflict.[37] The obligations flowing from Common Article 1 are key to promoting compliance with IHL.[38]

The failure of the UN Security Council and of individual states to take seriously their responsibilities under Common Article 1 has contributed to the continuing violations of humanitarian principles by belligerents in conflicts around the world.

35 Harmer, A., Stoddard, A. and Sarazen, A. (2018), *Humanitarian access in armed conflict: A need for new principles?* Report, London: Humanitarian Outcomes, https://www.humanitarianoutcomes.org/sites/default/files/publications/scoping_study-humanitarian_access_and_new_principles.pdf.
36 Dormann, K. and Serralvo, J. (2014), 'Common Article 1 to the Geneva Conventions and the obligation to prevent international humanitarian law violations', International Review of the Red Cross, 96 (895/896), pp. 707–736, https://international-review.icrc.org/sites/default/files/irrc-895_896-dormann-serralvo.pdf.
37 ICRC (2016), 'Commentary of 2016: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Article 1: Respect for the Convention', https://ihl-databases.icrc.org/ihl/full/GCI-commentaryArt1.
38 Ibid.

It should be noted that the consensus in the UN Security Council, already fragile and limited in its impact, began to break down in 2007 when the Russian Federation opposed UN action in Kosovo,[39] and was fatally compromised by the authorization to use force for the protection of civilians in Libya in 2011. In addition, it must be recognized that the majority of the permanent members of the Security Council are active, directly or indirectly, as parties to some of the most serious current conflicts and have not hesitated to use their veto power to prevent action to bring perpetrators of war crimes and crimes against humanity to account.

States as donors

In 2020, four donors – the US, European Commission, UK and Germany – contributed more than 70 per cent of global humanitarian aid.[40]

Corinne Redfern's article, 'One year on, Ukraine exposes the limits of well-funded international aid', describes how local organizations are struggling to access funding while pressing needs are going unmet.[41] The scale of the devastation is immense, but rigid funding conditions, unrealistic deadlines, and a focus on statistical targets is pushing some NGOs to prioritize faster, less impactful activities, even in a country where some $17 billion has been made available.[42]

This example highlights some of the most frequent obstacles facing humanitarian organizations in their efforts to operate in accordance with the principle of impartiality. It illustrates donor preferences for data over impact and highlights the disconnect between the mechanics of satisfying donor conditions and the achievement of the outcomes that reflect the priorities of civilian populations.

Since the Grand Bargain agreement at the World Humanitarian Summit in 2016, intensive efforts have brought together donor state representatives, the UN, parts of the Red Cross and Red Crescent Movement and NGO officials in various workstreams tasked with making programmes more effective and less bureaucratic. While progress has been made on some issues, the release of the updated Grand Bargain 2.0 in June 2022 revealed that little has changed in terms of increasing the levels of aid channelled through organizations to stimulate greater local ownership, which is expected to lead to better outcomes for affected communities.[43]

39 Harland, D. (2018), 'The lost art of peacemaking', Oslo Forum Paper, Centre for Humanitarian Dialogue, https://www.hdcentre.org/wp-content/uploads/2020/05/The-lost-art-of-peacemaking.pdf.
40 Lowcock, M. (2022), *Relief Chief: A Manifesto for Saving Lives in Dire Times*, London: Center for Global Development.
41 Redfern, C. (2023), 'One year on, Ukraine exposes the limits of well-funded international aid', *The New Humanitarian analysis*, 14 February 2023, https://www.thenewhumanitarian.org/analysis/2023/02/14/Why-international-aid-is-not-reaching-Ukraine.
42 The New Humanitarian (2023), 'The New Humanitarian weekly roundup: Canadian warships, Biya's birthday, and UN earthquake appeals: The Cheat Sheet', Weekly roundup, 17 February 2023, https://www.thenewhumanitarian.org/news/2023/02/17/Canadian-warships-Biya-UN-earthquake-appeals-Cheat-Sheet.
43 Metcalfe-Hough, V., Fenton, W., Willitts-King, B. and Spencer, A. (2021), *The Grand Bargain at five years: an independent review,* Report, London: ODI, https://odi.org/en/publications/the-grand-bargain-at-five-years-an-independent-review.

It is incumbent on major donors, particularly the four donors that contributed more than 70 per cent of humanitarian funding in 2020, to harmonize and streamline the conditions they impose on the use of their funding.[44] In recognition of the fact that the leadership of humanitarian action in armed conflict contexts is dispersed among different UN, Red Cross and Red Crescent Movement, and international and local NGO bodies, it is the responsibility of funding states to 'speak with one voice' when interacting with these actors. Coordination among donor states themselves may be even more important than coordination among humanitarian organizations.

Existing bodies in which donor states meet, such as the Good Humanitarian Donorship (GHD) initiative and the OCHA Donor Support Group, have not taken up the challenge of 'speaking with one voice' to their partners in the UN, Red Cross and Red Crescent Movement, and NGO bodies or used their collective political power in support of humanitarian action.[45]

Existing bodies in which donor states meet have not taken up the challenge of 'speaking with one voice' to their partners in the UN, Red Cross and Red Crescent Movement, and NGO bodies.

Discussions during the Sanguine Mirage project cycle suggested that the GHD initiative as a platform has the best potential for addressing these issues.

The GHD initiative was launched in 2003 by a group of donor states with the aim of promoting best practices in humanitarian assistance and increasing the quality and quantity of aid provided to people affected by crises. With 42 donor members it has now become the most comprehensive common donor platform. The initiative is based on four core principles: (i) providing humanitarian aid in a timely and flexible manner; (ii) strengthening local capacities and involvement; (iii) enhancing coherence among humanitarian actors; and (iv) promoting continuous learning and improvement. These elements are elaborated into 24 principles and good practices of humanitarian donorship, which provide both a framework to guide official humanitarian aid and a mechanism for encouraging greater donor accountability.[46]

The GHD platform provides the only overall mechanism for inter-donor coordination, but the elaboration of its principles has become increasingly technical, and its momentum has been weakened by an annual rotation of co-chairs. Attempts by an international NGO, Development Assistance

---

44 Lowcock (2022), *Relief Chief: A Manifesto for Saving Lives in Dire Times*. While UK contributions have declined since 2020, the country remains a major donor.
45 For more information on the Good Humanitarian Donorship (GHD) initiative, see GHD (undated), 'About GHD', https://www.ghdinitiative.org/ghd/gns/home-page.html; or for more information on the OCHA Donor Support Group, see OCHA (undated), 'Welcome to OCHA Donor Support Group', https://odsg.unocha.org/welcome?destination=/dashboard.
46 GHD Initiative (2018), '24 Principles and Good Practice of Humanitarian Donorship', https://www.ghdinitiative.org/assets/files/GHD%20Principles%20and%20Good%20Practice/GHD%20Principles.pdf.

Research Associates (DARA), to assess and rank individual donor government annual performance under these principles were contested by some governments and the review stopped.[47]

Recognizing that donor governments are obliged to respond to domestic pressures, GHD members should now respond to wider perceptions that these factors drive funding decisions more than objective analysis of needs in affected countries.

Developing appropriate systems of accountability for humanitarian responses during armed conflict

The question of accountability has been a long-standing issue within the humanitarian sector. It refers to the obligation of humanitarian organizations to be transparent, responsive and accountable to the people they serve and to those who authorize and provide assistance. It acts as an adjunct to the humanitarian principles by increasing trust and facilitating the constructive engagement of communities and parties to conflict.[48] The rising scale and complexity and the contractual nature of humanitarian financing has increased demands for accountability to meet the requirements of donors and governments. These normally take the form of evaluations that assess the impact, effectiveness and efficiency of humanitarian action but rarely look at its appropriateness from the perspective of the people affected by crises.[49]

Humanitarian accountability requires coordination and collaboration among various stakeholders, including donors, governments, local actors and affected communities. The Inter-Agency Standing Committee (IASC) is a mechanism to promote humanitarian coordination within the UN system, Red Cross and Red Crescent Movement and NGO bodies. In recent years, the IASC has produced several initiatives, including notably the 'Accountability to Affected People' process intended to address the accountability gap. Nevertheless, the consensus among participants at the workshops for this paper and in recent literature is that little real progress has been made.

There are two major shortcomings of the IASC's role. The IASC does not foster coordination and there is no common reporting and accountability framework to hold the IASC and its constituent parts accountable in a joined-up way. Instead, each organization reports separately to its own governing body.

There is also little appetite for system reform despite an emerging consensus that the commitments to humanitarian accountability made in the Grand Bargain are not being met.[50]

---

47 For more information on DARA, see DARA (undated), 'home page', https://daraint.org.
48 Metcalfe-Hough, Fenton, Willitts-King and Spencer (2021), *The Grand Bargain at five years: an independent review*.
49 Lowcock (2022), *Relief Chief: A Manifesto for Saving Lives in Dire Times*.
50 Metcalfe-Hough, V., Lydia, P., Bailey, S. and Belanger, J. (2018), *Grand Bargain annual Independent Report*, Report, London: ODI, https://odi.org/en/publications/grand-bargain-annual-independent-report-2018.

Coordination

Coordination can take place either in a consensus or military-style command-and-control model. To a large extent, coordination is determined by the underlying business or financing model in use. The IASC, chaired by the ERC, is a consensus-seeking body that utilizes an 'all in' model that engages all sectors in each crisis through an incentivized project-based financing system, which 'tends to reward compliance with standard procedures and financial targets, rather than choosing the best course of action to optimise humanitarian outcomes'.[51] The IASC brings together organizations that do not report to the ERC but to their own boards. The structure of the IASC is mirrored in countries in conflict by the HCT, chaired by a humanitarian coordinator (HC), whose authority lies in managing by consensus.

> The reality is that the system is not set up or structured in such a way as to facilitate coordination: donors fund vertically, competition is rife and conflicts over operational mandates and space run deep. But somehow the expectation has taken hold that leadership, if it were good enough, would be able to make coordination work.[52]

While current approaches to coordination and leadership are more acceptable in situations where a national government is managing the response to floods, drought or similar events, in countries where armed conflict is raging and government structures may have collapsed, current coordination structures can lead to a 'free for all' environment, in which each organization does what it thinks best with the funds it has raised.

This 'all in' approach extends to the preparation of the annual HRP for each country based on the various identification, prioritization and costing of needs by each sectoral cluster – these 'clusters' bring together organizations involved in a specific sector of humanitarian action, such as health, food security or shelter. At the global level, clusters have become the means for major UN agencies to control and manage a sector. While international NGOs increasingly become cluster co-leads, no national NGOs have yet become co-leads at the global level, and their membership of clusters at country level remains limited. Membership of the cluster is also a requirement for financing from the Central Emergency Response Fund (CERF) and more importantly the country established 'pooled-fund mechanisms', which are often the only way for national NGOs to access independent funding. The increasing technocratic and formulaic nature of HRPs has resulted in a loss of sensitivity and an inability to reflect how local communities perceive their needs. The HRP is also not subject to any conflict-sensitivity assessment, which might identify proposals that could have a negative impact on the local economy or aggravate existing political divides in the country. As summarized by Mark

51 Ramalingam, B. and Mitchell, J. (2022), *Learning for humanitarian leadership: what it is, how it works and future priorities,* Report, London: Active Learning Network for Accountability and Performance in Humanitarian Action, https://www.alnap.org/help-library/learning-for-humanitarian-leadership-what-it-is-how-it-works-and-future-priorities; Bennett, C., Foley, M. and Pantuliano, S. (2016), *Time to let go: remaking humanitarian action for the modern era*, Report: London: ODI, https://odi.org/en/publications/time-to-let-go-remaking-humanitarian-action-for-the-modern-era.
52 Ramalingam and Mitchell (2022), *Learning for humanitarian leadership: what it is, how it works and future priorities*.

Lowcock, a former ERC, 'the humanitarian system is set up to give people in need what international agencies and donors think is best, and what we have to offer, rather than giving people what they themselves say they most need'.[53]

The first Sanguine Mirage research paper suggested practical ways to improve the humanitarian response. However, improving coordination at the IASC level would require a radical rethink of the relationship between the IASC and the main UN humanitarian agencies, and there is currently no political appetite for such reform. Therefore, it is essential to examine the existing systems of accountability. Drawing on the arguments presented so far, the authors believe that urgent attention must be given to this issue and that agencies propose practical ideas for achieving it.

Accountability in UN operations in conflict environments

Although the secretary-general submits an annual report on overall UN humanitarian operations to ECOSOC, there is no comparable accountability process for individual humanitarian operations.

Representatives of UN humanitarian agencies, notably UNHCR, UNICEF, the World Food Programme (WFP) and WHO, may argue that they report to their respective boards, which are made up of member state representatives. However, these are not joined-up coordinated processes and they do not include any assessment of an agency's role in an operation from the ERC, the UN official tasked with coordinating these efforts. While these agencies maintain regular informal contact with their board members, any formal review usually takes place after the launch of an operation, on the authority of the executive head of the agency.

Under the financing model of voluntary contributions, decisions about which emergencies receive funding and which activities are supported rest largely with the small number of individual donors who provide the bulk of funds. These donor governments are separately accountable to their parliaments, but donor coordination mechanisms have proved inadequate to support coherence in funding priorities and joint accountability. Inevitably, the ability of humanitarian organizations to meet essential needs, and to do so while operating in accordance with the principles, is influenced by the decisions taken by these states.

In 2006, in recognition of this and other related problems, OCHA, with support from the UK government, proposed the establishment of the CERF, initially with a target amount of $450 million annually in voluntary contributions, putting funds directly under the control of the ERC. Subsequently, several other pooled-fund mechanisms were established for support of operations in specific countries. Globally these mechanisms amounted to $1.9 billion out of the $31.7 billion that was spent on humanitarian assistance in 2021.[54]

---

53 Lowcock (2022), *Relief Chief: A Manifesto for Saving Lives in Dire Times*, p. 277.
54 Urquhart, A., Girling-Morris, F., Nelson-Pollard, S. and Mason, E. (2022), *Global Humanitarian Assistance Report 2022*, Development Initiatives, https://devinit.org/resources/global-humanitarian-assistance-report-2022.

While there is an increased focus on accountability to donors and a need for a stronger overarching accountability framework, there is also a requirement for more accountability to peoples, communities and governments in conflict contexts and other crises. The key elements of an approach to achieve this were defined in the Grand Bargain as workstream 1 (greater transparency) and workstream 6 (participation revolution – i.e. including recipients of assistance in the decision-making process). A recent review of performance against the aims of the Grand Bargain highlighted little progress in these areas.[55] Specifically, workstream 6 has been hampered by a lack of collective political interest from signatories and has failed to deliver on the original ambitions of a 'revolution'. Instead, the available data, including from four years of perception surveys,[56] suggest that aid continues to be based on what agencies and donors want to give, rather than what people say they want and need. In the absence of any genuine incentives for change, and in the context of increasing risk intolerance among donors, progress under this workstream is likely to remain incremental at best.[57] Humanitarian evaluations that continue to be one of the main accountability tools fail to consult locally on perceptions and judge performance on the terms of the system rather than those being assisted.[58]

There is a requirement for more accountability to peoples, communities and governments in conflict contexts and other crises.

In the workshop discussions, representatives of humanitarian organizations urged the project to be 'realistic' in its recommendations, and not to propose additional bureaucratic layers of oversight that add unnecessary administrative burdens. At the same time, representatives of donor states encouraged the project to be 'bold' and address the fundamental flaws in the current system. So far, the humanitarian system has shown itself impervious to demands for improved accountability and has consistently rejected proposals that might give voice to those affected by crises.

In 2009, OCHA proposed the establishment of a 'Humanitarian Ombudsman' as part of its humanitarian reform initiative. The aim was to provide an independent, impartial and confidential mechanism for addressing complaints and grievances from affected communities and other stakeholders. In 2021, OCHA proposed a pilot project, the Independent Commission for Voices in Crises (ICVIC), that would, 'pilot approaches to elevating the priorities and needs identified by affected people to senior decision makers; and to independently evaluate how well the

55 Metcalfe-Hough, Fenton, Willitts-King and Spencer (2021), *The Grand Bargain at five years: an independent review*.
56 Ground Truth Solutions (2023), "Saving lives' without listening to people isn't efficient. It's immoral.', quarterly newsletter, August, https://mailchi.mp/groundtruthsolutions.org/will-flagships-pass-in-the-night-or-lead-to-lasting-change-8874220?e=7a5cf528e6.
57 Metcalfe-Hough, Fenton, Willitts-King and Spencer (2021), *The Grand Bargain at five years: an independent review*.
58 Ibid.

international humanitarian response delivers against those needs'. This initiative also floundered, in part due to the lack of support within the humanitarian system that felt that these issues were already addressed.[59]

Consequently, in seeking to address the flaws with minimal additional bureaucracy and to promote a joined-up approach to accountability, this paper recommends a programme of auditing that would offer significant confidence to member states, including the major contributors of funding for humanitarian operations, the members of the executive boards of UN humanitarian agencies and, indirectly, the boards and managers of the NGOs that partner with these UN bodies.

The proposed model is to create an independent panel with a remit to assess the impact of humanitarian assistance through a system of country portfolio reviews. This approach can evaluate the impact and performance of all humanitarian assistance in a country and the extent to which it has been conducted in accordance with humanitarian principles. It would include a strong focus on understanding people's voices and engagement. The proposal would also task the panel to commission audits of HRPs, as a way of increasing the transparency of humanitarian assistance, with the support of national government audit bodies to provide greater oversight of global appeal processes. This proposal differs from ICVIC and previous proposals by recognizing the need for an overarching framework that reports to ECOSOC, rather than to the ERC. The intention is to provide a mechanism that would broaden the engagement of member states through its regular reporting.

Auditing the IASC

Possible elements of an audit of IASC's oversight of efforts to operate in accordance with humanitarian principles and coordination of the humanitarian response in situations of armed conflict might include:

— HRP process, including estimates of needs and requirements;

— Conflict-sensitivity assessments and the role of humanitarian principles;

— Coordination arrangements, both within the humanitarian system and between humanitarian, peacekeeping, peacebuilding and development systems;

— Use and effectiveness of ethical decision-making processes;

— Contracting and sub-contracting and procurement processes; and

— Monitoring and evaluation of outcomes.

Such an audit process should be considered as a basic requirement for programmes absorbing huge resources within the UN system. The process could be requested by the GA, on the recommendation of ECOSOC, and financed from the budgets of donor governments already allocated for monitoring and evaluation activities.

---

59 Lowcock (2022), *Relief Chief: A Manifesto for Saving Lives in Dire Times*.

Conclusion

For too long, humanitarian organizations have filled the space left by a lack of concerted political action to bring conflicts to an end. This inevitably condemns those in need to lives of protracted suffering and leaves belligerents contesting these conflicts free to commit atrocities with impunity. States are failing to fulfil their responsibilities under the Geneva Conventions to ensure respect for IHL. The economies of affected countries have become dependent on humanitarian aid, enriching political and business leaders, with limited benefit for impoverished communities whose coping capacities are marginalized by international organizations. Donors have allowed their programmes to respond to domestic pressures rather than to the requests of affected populations. Humanitarian organizations have made compromises and trade-offs in the application of humanitarian principles without analysing the consequences of doing so, and without subjecting their planned decisions to ethical decision-making processes. Leadership of the international humanitarian effort is siloed, and accountability mechanisms are disconnected. The recommendations that follow are designed to address these issues.

Recommendations

1. **Identifying appropriate responses to rejections of the humanitarian principles**

— In situations where parties to a conflict fail to comply with their obligations under IHL, states parties to the Geneva Conventions should prioritize their responsibilities under Common Article 1 to ensure that belligerents abide by IHL.
Responsibility of: States parties to Geneva Conventions.

— In response to situations where the ICRC and the UN are prevented from operating in accordance with humanitarian principles, the organizations should routinely assess the anticipated impact of their programmes, using conflict analysis and conflict-sensitivity assessments for the country and its local regions, as well as an appropriate ethical decision-making framework.
Responsibility of: The president of the ICRC and the ERC.

— The ERC and the IASC should recognize that the prevalent culture of 'humanitarian exceptionalism' in the policies and practices of some humanitarian organizations is having negative impacts and needs to be addressed.
Responsibility of: The ERC and the executive heads of IASC member agencies.

2. **Employing ethical decision-making frameworks**

— All stakeholders in the humanitarian system should investigate the use of ethical decision-making frameworks to assist decision-making in policy dilemmas related to humanitarian principles in situations of armed conflict. The IASC should endorse this proposal and invite the UN secretary-general to include it in his annual report to the GA, with a request to approve it.
Responsibility of: The executive heads of the member agencies of the IASC.

— Once the IASC has endorsed the proposal of using ethical decision-making frameworks, the ERC and OCHA should work with experienced ethicists to develop guidance both for the use of ethical advisers and the formation of ethical decision-making processes in each affected country. Local experts should lead the framing of the specific questions to be included in the framework and the procedure for identifying panel members to conduct these ethical processes.
Responsibility of: Executive heads of IASC member agencies for policy guidance and HCTs for operational implementation.

— Humanitarian organizations should collaborate to employ ethicists to monitor and advise on programme design and management, and to train personnel.
Responsibility of: Humanitarian organizations.

— Humanitarian organizations should ensure that their safeguarding policies include responses to extreme situations in which there are no good options available.
Responsibility of: Humanitarian organizations.

3. **Addressing the challenges facing UN member states**

— Like-minded states from all parts of the world, civil society organizations and humanitarian organizations should consider working together to identify ways in which states parties could better fulfil their responsibilities to promote compliance with IHL (Common Article 1). In this effort, they could possibly take inspiration from the process and model of the Political Declaration on Explosive Weapons in Populated Areas.
Responsibility of: States, civil society and humanitarian organizations.

— The Good Humanitarian Donorship (GHD) initiative should:

a) Acknowledge the importance of ensuring that its members' contributions are used in response to needs expressed by affected populations and that local NGOs working in areas outside government control are not expected to operate in accordance with the principle of neutrality.

b) Encourage its members to increase contributions to pooled-fund mechanisms that stimulate rapid responses in a coordinated way and strengthen local organizations.

c) Offer a forum in which donor governments can develop consistent policies and speak with one voice.

d) Support the proposals for ethical decision-making frameworks, described in section 2 of this paper, and for auditing of country programmes, outlined in section 4.

e) Adjust its practice of changing co-chairs annually, to improve leadership on policy initiatives.

f) Establish an ad hoc working group to monitor the situation in countries where donors have set red lines that limit the purposes for which their funding can be used, and work with the IASC and HCs to resolve issues that make it harder for organizations to operate in accordance with the principles and to respond to the priorities set by local communities.

Responsibility of: Member states of GHD.

4. **Developing appropriate systems of accountability for humanitarian responses during armed conflict**

— The UN secretary-general should establish an expert panel to commission audits of country portfolio reviews and assess:

a) Whether assistance has been provided in accordance with humanitarian principles and in response to conflict-sensitivity assessments.

b) The extent to which assistance has been provided in response to consultations with affected populations, following ethical decision-making processes, and been delivered in ways that empowered local organizations.

c) Whether assistance has been well coordinated, limiting duplication and gaps and making use of joint operating principles and other mechanisms for internal coherence.

Responsibility of: UN secretary-general, on the advice of the ERC.

— Evaluations of humanitarian programmes should routinely include assessments of the extent to which the programmes have been designed in collaboration with affected communities and responded to the priorities identified by them. *Responsibility of:* All humanitarian organizations, with the support of donors.

About the authors

Martin Barber is a retired international civil servant with experience at senior levels of refugee programmes, coordination of humanitarian operations and peacekeeping, including as director of the UN Mine Action Service (UNMAS). He is the author of *Blinded by Humanity: Inside the UN's Humanitarian Operations* (2015).

Mark Bowden is a retired senior UN official with extensive experience in the coordination of humanitarian operations having served as the UN humanitarian coordinator in Somalia and Afghanistan. Before working with the UN, he worked in the NGO sector and served on the board of a number of NGO coordination bodies. He maintains a strong interest in conflict analysis and assessment with a continuing advisory role for the Centre for Humanitarian Dialogue in South Sudan.

Acknowledgments

About this project

The Sanguine Mirage project is a Chatham House research initiative funded by the governments of Germany, Sweden and Switzerland. It began from the authors' recognition of a fundamental contradiction between the actions of belligerents in protracted armed conflicts and the principles of humanity, impartiality, neutrality and independence to which humanitarian organizations are committed.

The project aims to offer recommendations designed to bring about substantial improvements in outcomes for civilians, both in the short and long term.