

Ensuring respect for the humanitarian principles

Guidance note for humanitarian partners
of the Norwegian Ministry of Foreign Affairs



Norwegian Ministry
of Foreign Affairs

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Background

One of the main goals of Norway's Humanitarian Strategy (2019) is to 'ensure that people in need are given the necessary protection and assistance, in line with the humanitarian principles'. This document provides guidance for our humanitarian partners on putting the humanitarian principles into practice. It is also intended to promote dialogue and greater understanding of the dilemmas that can arise when taking a principled humanitarian approach.

While partners differ in their approaches to humanitarian assistance, the Norwegian Ministry of Foreign Affairs (the Ministry) wishes to ensure a common understanding of what is expected from our partners as regards compliance with the humanitarian principles. Partners are encouraged to use recognised standards in their work, such as the Sphere standards and the Core Humanitarian Standard on Quality and Accountability (CHS). This document is intended to supplement recognised standards, as well as organisations' own standards, where applicable.

The guidance given here is divided into three parts, based on the three phases of the project/programme cycle: 1) design, planning or proposal; 2) implementation; 3) monitoring and evaluation (certain elements are relevant to more than one phase).

Box 1: The humanitarian principles

The humanitarian principles are derived from the Fundamental Principles of the International Red Cross and Red Crescent Movement, and based on international humanitarian law. They form the basis for all humanitarian action in both conflict situations and natural disasters. The four principles adopted by the humanitarian community are:

Humanity

Human suffering must be addressed wherever it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.

Impartiality

Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions.

Neutrality

Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.

Independence

Humanitarian action must be autonomous from the political, economic, military or any other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

At times it may not be possible to fulfil all the principles at once. The principles will need to be weighed against each other and balanced with other considerations, including accountability and the potential negative effects of assistance. The principles of humanity and impartiality are generally considered to be fundamental, ethical obligations, which define the objective of humanitarian action, while the principles of neutrality and independence are of a more contingent nature. As a result, in situations where there has to be a trade-off between the four principles, the principles of humanity and impartiality take precedence.

Design/planning/proposal

Context analysis

Partners must carry out a context analysis, showing how a proposed action will affect and be affected by the context in which it will take place. Where relevant, this should include a conflict analysis and a stakeholder analysis, including an assessment of contextual protection risks, and be informed by the humanitarian principles. For partners with a dual mandate (i.e. also working in the fields of development or conflict prevention), any implications this has for humanitarian action must be considered and addressed.

Ensuring a 'Do No Harm' approach is another key consideration in the context analysis. This includes making sure that humanitarian assistance does not further expose people to hazards, violence or other forms of rights abuse, or undermine the affected population's capacity for self-protection. Sensitive information must also be managed in a way that does not jeopardise the safety or security of individuals.

Beneficiary selection

The selection of beneficiaries should be guided by the principle of impartiality: it must be made solely on the basis of need, giving priority to the most urgent cases of distress. Partners must ensure accountability to affected populations (AAP) and take into account the protection needs of the population(s) concerned. The procedures to be used for selecting beneficiaries should be outlined in the proposal, and the necessary documentation should be provided.

Due diligence in working with local partners

When NGO partners work in partnership with local actors, a due diligence process must take place to ensure that joint activities can be carried out in line with the humanitarian principles and with recognised standards. As part of this due diligence process, proposals must consider how local partners are perceived in terms of their political, ethnic, religious and other affiliations, how they interpret their mandates, and how they prioritise different activities (in particular when partners have dual mandates, see above). Proposals must also con-

sider local partners' practices in the areas of staff recruitment, beneficiary selection, etc. These practices must be in line with the principles.

Risk management systems and strategies

The Ministry understands and accepts the fact that there is always a risk of non-compliance with the humanitarian principles in all humanitarian assistance. In their proposals, partners must identify and assess this type of risk in the same way as they identify and assess other forms of risk. They should clearly communicate the level of risk they are willing to take (their 'risk appetite') as well as the relevant risk management strategies they plan to implement to address the risk of non-compliance with the humanitarian principles.

Deviation from standard procedures

In situations where there are constraints on the ability of a partner to apply its own standard operating procedures, this should be discussed with the Ministry at the planning stage (or at the earliest possible stage during implementation). Alternative procedures should be explicitly agreed on and included in the proposal/contract.

Box 2: A dilemma of principle in Ethiopia, 2018

A civil conflict in Ethiopia in 2018 caused over one million people to flee their homes. A partner of the Ministry was involved in the efforts to assist the internally displaced people in Gedeo and West Guji, and discovered that Government beneficiary lists were systematically excluding one particular ethnic group. The partner chose to suspend allocations to all beneficiaries until they could ensure the impartiality and independence of beneficiary selection, even though suspending allocations was not in line with the humanitarian imperative. The partner approached the Government with a proposed solution: a one-page guidance note setting out steps for the joint targeting and independent verification of beneficiaries. With the backing of donors, the country and area office conveyed a common message, and lobbied continuously at the local level until the proposed solution was adopted by the authorities, and later on used for humanitarian organisations at the national level.

Implementation

Partner relations

Where the Ministry's partners implement their activities through local partners, it is important that they maintain an ongoing dialogue with the local partners on the application of the humanitarian principles. Full use should be made of the partners' respective strengths. For example, the local partner may have a more in-depth understanding of the situation on the ground and the particular needs and customs of local populations, while the international partner may bring its knowledge of humanitarian principles and standards, and experience of applying them, to the partnership. Joint implementation should contribute to an enhanced understanding of the humanitarian principles, and address the challenges of maintaining a principled approach on all sides of a partnership.

Strengthening the capacity of local partners can be important in this regard, as can the provision of clear guidelines that set out the kinds of project decisions the local partner can make independently, and the approval and documentation procedures that should be in place. Appropriate monitoring systems should be established.

A continuous assessment of the risks of joint implementation is needed, especially in situations where international partners have limited access to the areas of humanitarian operations and hence limited opportunity to maintain close contact with local partners and monitor their activities.

Partners are encouraged to include explicit references to the humanitarian principles in their agreements (MoUs or similar) with authorities (national authorities or other actors) in the areas where they operate.

Communication of incidents and dialogue on dilemmas

Delivering principled humanitarian assistance is often a matter of striking a balance between the various aspects of the principles. There is no single definitive answer as to what constitutes principled humanitarian action and at what point the principles are breached. A continuous dialogue based on transparency and trust between partners and the Ministry, as well as with local partners, is essential in order to find solutions that are appropriate to the specific situation and context. The Ministry should be informed as early as possible if there are situations that threaten to undermine principled action. The identification of 'red lines' (indicators of situations which will lead activities to be discontinued) in connection with risk evaluation and mitigation strategies can be a useful tool for partners. These should be adapted to the context in question and should include any developments that would prevent a principled approach from being maintained.

Box 3: 'Red lines'

Examples of red lines could include:

- *a change in activities so that the project no longer addresses the needs of the original target population (e.g. as a result of interference in the project by a party to a conflict);*
- *part of the target population (such as women or members of a specific ethnic group) being prevented from receiving assistance;*
- *the Ministry's partner organisation losing access and/or no longer being able to monitor project activities in accordance with the proposal;*
- *enforced direct payments to access beneficiaries; or*
- *organisations being instructed to recruit staff who have a certain political or ethnic affiliation or gender.*

Communication

In order to safeguard and enhance understanding of the humanitarian principles, it is important that NGO partners make clear why assistance is planned and implemented the way it is, and explain the rationale behind principled action and the challenges involved. They should communicate this to the affected population, to local partners, the authorities and the Ministry, as well as to the public, where appropriate. However, NGO partners must bear in mind possible repercussions this could have for local partners and project beneficiaries.

Advocacy

Advocacy to promote adherence to the humanitarian principles may be closely linked to operational humanitarian response, where it can help to ensure protection and assistance for those in need. In situations of conflict, certain partners may be well-placed to speak out on issues and actions that are harming the affected population, without siding with any of the parties involved.

Box 4: Example – Taking sides in Syria?

In December 2016, a partner of the Ministry was actively involved in the evacuation of some 35 000 people from Eastern Aleppo to neighbouring rural areas. The operation took several weeks, was approved by the parties to the conflict, and entailed facilitating logistics and the physical accompaniment of the convoys.

The operation was later criticised for not complying with the principle of neutrality, because it helped to implement a political deal between parties to the conflict, where one side was clearly losing the battle. However, the humanitarian partner saw the evacuation as vital for ensuring the safety of the population. Much of the military pressure exerted by the winning side had been in the form of aerial bombardment and indirect fire, and it was reasonable to assume this would continue until the opposing party surrendered. In the meantime, civilians would be in grave danger. In the partner's view, it was imperative to assist in the evacuation in order to uphold the principle of humanity, even if the deal did serve one side of the conflict more than the other.

Monitoring, evaluation and follow-up

Monitoring systems

Monitoring systems should be able to detect any changes in the context that could have an impact on principled action, for example relating to access to key operational areas and target groups, the local perception of partners, incident reporting etc. Indicators should capture whether strategies to mitigate possible risks, including to the humanitarian principles, have been effective or whether mitigation gaps remain.

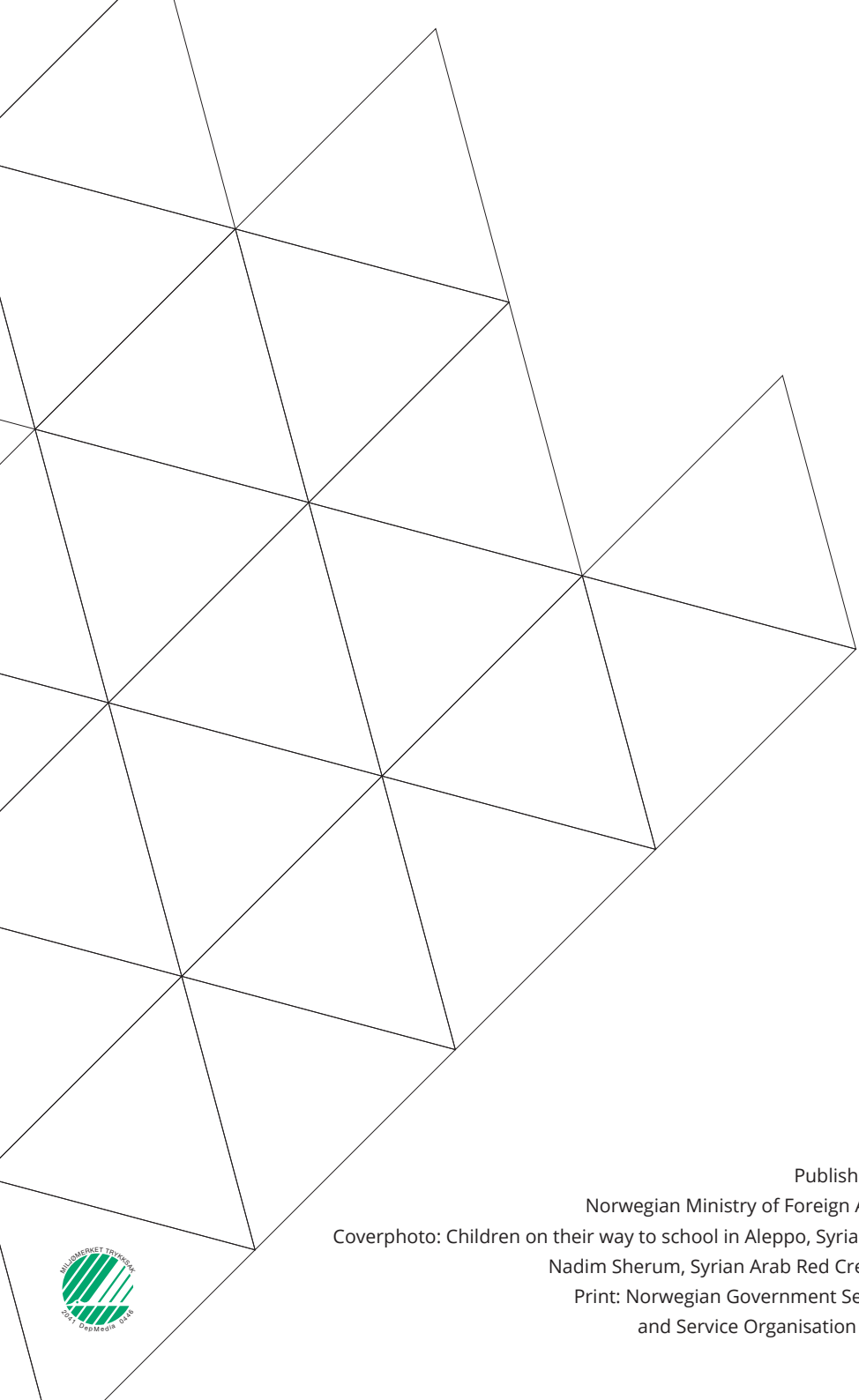
Risk management and mitigation strategies

Risk management and mitigation strategies, including in relation to the humanitarian principles, should be assessed as part of any internal or external reviews or evaluations of the project.

Our expectations of partners' reporting

Reports on humanitarian action funded by the Ministry should include a description of the challenges/dilemmas faced in ensuring respect for the humanitarian principles, as well as any lessons learnt. This can be a topic for discussion in annual meetings with the Ministry, in order to strengthen future cooperation and identifying ways of addressing these risks.





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Coverphoto: Children on their way to school in Aleppo, Syria 2017.
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