
3. The Humanitarian Accountability Covenant

The part of the Standard referred to as the Humanitarian Accountability Covenant includes a common set of principles to which agencies seeking HAP Certification must commit. These Principles for Humanitarian Action provide a common practical definition of humanitarianism for agencies seeking to achieve compliance with the HAP Standard. More importantly, they offer a framework that can help to guide and adapt humanitarian action in a consistent and accountable way to the realities of challenging operational environments and when working with humanitarian partners. This section of the Guide examines three elements of the Humanitarian Accountability Covenant:

- The HAP Principles for Humanitarian Action
- Declaration of additional interests
- Working with humanitarian partners.

The HAP Principles for Humanitarian Action

1. What are the HAP Principles for Humanitarian Action?

In designing the HAP Standard, it was necessary to adopt a clear definition of what being ‘humanitarian’ entails for organisations seeking to comply with it. The International Committee of the Red Cross is rightly seen as the guardian of the spirit and law of humanitarianism, and the HAP Principles for Humanitarian Action owe a large debt to the accumulated wisdom contained in the 1965 Fundamental Principles of the Red Cross.³

However, the Fundamental Principles contain three ‘organic principles’ that are specific to the Red Cross movement and which are not necessarily relevant to other humanitarian organisations; furthermore, they do not explicitly address the question of accountability. The HAP Principles for Humanitarian Action therefore exclude two of the Red Cross organic principles (unity and universality), while adding five accountability-related principles (informed consent, duty of care, witness, transparency, and complementarity). The third Red Cross organic principle – voluntary service – is effectively contained within HAP’s ‘not-for-profit’ qualifying norm.

2. Why are the principles important?

Humanitarian crises are typically complex and fluid. They affect individuals and groups whose needs also change over time in different ways. Of necessity, humanitarian agencies have recognised the need for great flexibility in applying policy principles within diverse and sometimes hostile environments. The medical practice of ranking the order in which emergency patients are treated (known as *triage*), exemplifies how humanitarian organisations can be forced to select the ‘least worst’ option from within a range of ‘bad choices’. Providing humanitarian aid often requires prioritisation of objectives, e.g. in response to issues of relative need, urgency, available resources, access, protection, staff security, and so on. This happens each time humanitarian needs outstrip response capacities, creating dilemmas with which humanitarian agencies are all too familiar.

It was in recognition of the challenge posed by such situations that the International Committee of the Red Cross ranked the Fundamental Principles, thereby creating a guidance tool when confronting hard choices. As Jean Pictet's celebrated commentary on the Red Cross Principles states: *'The principles do not all have the same importance. They have a hierarchical order, indicated at the outset by the sequence in which they are presented in the Proclamation ... The ICRC is obliged to interpret these principles with a certain degree of flexibility, taking into account the particular circumstances in each individual case.'*⁴

The HAP Humanitarian Covenant similarly acknowledges that the contexts in which humanitarian agencies operate can impose constraints beyond the control or influence of the agency, and that these in turn demand operational compromises. In reality there will be occasions when one or more benchmarks in the Standard cannot or should not be fully met, for justifiable reasons. The Humanitarian Covenant groups the Principles for Humanitarian Action into primary, secondary, and tertiary levels.⁵

While the HAP Standard expects a compliant agency to commit to all the principles with equal determination, real circumstances may still force an agency to compromise on a tertiary principle, such as neutrality, in order that it is allowed to run an operation that can fulfil a secondary or primary principle, such as meeting humanitarian needs in an impartial way. For example, many NGOs are obliged to pay taxes to warring parties before they are allowed to operate, in effect compromising on a strict interpretation of neutrality, in order that they can deliver life-saving aid. In such cases, exoneration for non-compliance would be granted under the HAP Covenant.

3. How will compliance with the Principles for Humanitarian Action be assessed?

The HAP Certification process does not audit compliance with the Principles for Humanitarian Action, because to do so would be too

complex and costly, and of questionable benefit. Several of the principles are philosophical in nature, and verification of compliance would be subject to insoluble debates about interpretation and attribution. In contrast, a HAP Certification audit is focused upon verifiable indicators, including the requirement that an agency must have a humanitarian accountability framework.

However, because difficult operating environments will sometimes legitimately justify non-compliance with the HAP benchmarks, it is necessary to have a transparent and consistent way in which exoneration for non-compliance can be granted when justified. In this respect, the proper question should be: how will cases of non-compliance with the benchmarks be exonerated? The answer is that claims of 'justifiable non-compliance' will be analysed and assessed by reference to the HAP Principles for Humanitarian Action.

4. When will exoneration be granted?

The HAP Certification process allows the certification auditor to recommend 'exoneration' whenever reasonable justification is given. It is impossible to explain all of the specific cases in which exoneration might be granted because of the enormous number of variations that exist in humanitarian operating environments. Instead, Table 3 reproduces the Principles for Humanitarian Action from the HAP Standard in the left-hand column, and in the right-hand column provides a few simple examples of cases where exoneration may be granted.

Table 3: Examples of exonerated cases

Principles	Notes and examples of context-specific constraints
<p>Primary principles:</p>	<p>Exoneration may be justified only where humanitarian action is prevented by factors beyond the control or influence of the agency.</p>
<p>Humanity <i>Upholding the right of all persons to receive and give assistance</i></p>	<ul style="list-style-type: none"> Exoneration for non-compliance with the ‘humanitarian imperative’ (the primary principle of humanity) may be justified only when an agency either lacks the ways (permissions or partners) or means (resources) to intervene effectively.
<p>Impartiality <i>Providing humanitarian assistance in proportion to need and with respect to urgency, without discrimination based upon gender, age, race, impairment, ethnicity, and nationality or by political, religious, cultural, or organisational affiliation</i></p>	<ul style="list-style-type: none"> In cases of extreme urgency or insecurity, or as a result of the policies and practices of donors or host authorities, impartiality may be unavoidably compromised. Urgency: It would be inappropriate to conduct a detailed survey of the needs of flood victims before undertaking urgent search-and-rescue operations. Access: When relief supplies can only be delivered by air-drop it may be possible to make only approximate considerations regarding specific gender, age, and disability data (although consultation with people familiar with the affected population and relevant demographic records may enable these to be quite accurate). A failure to assess needs in relation to gender, disability, and age that are entirely due to shortcomings within the agency cannot be exonerated.
<p>Secondary principles:</p>	<p>Exoneration must be justified by reference to the primary principles.</p>
<p>Informed consent <i>Ensuring that the intended beneficiaries, or their representatives, understand and agree with the proposed humanitarian action and its implications</i></p>	<ul style="list-style-type: none"> In cases of urgency or insecurity it may not be possible to secure the informed consent of beneficiaries, but the ‘humanitarian imperative’ may still justify intervention – e.g. airdrops of relief supplies to flood victims. Where cholera is endemic, the treatment of drinking water supplies might be justified by the primary principles prior to gaining informed consent. Where government policies prevent meaningful consultation with affected people, an intervention may still be justified by the primary principles, although those most familiar with the affected population (e.g. a diaspora) may provide a reliable ‘proxy’ reference group.

Principles	Notes and examples of context-specific constraints
<p>Duty of care <i>Ensuring that humanitarian assistance meets or exceeds recognised minimum standards pertaining to the well-being of the intended beneficiaries</i></p>	<ul style="list-style-type: none"> • In cases where host authorities have set standards below the level of internationally recognised disaster relief norms (e.g. shelter specifications, drugs policies) the agency may be obliged to comply with these on the grounds that the only alternative is to breach the primary principles by doing nothing. • In cases where recognised minimum standards can only be met by the arbitrary selection of a few beneficiaries, an agency may be exonerated for deciding to provide a smaller ration than recommended in order to comply with the principle of impartiality.
<p>Witness <i>Reporting on policies or practices that affect the well-being of disaster survivors</i></p>	<ul style="list-style-type: none"> • If reporting human rights abuses might result in the closure of an effective relief programme, the agency may be exonerated for giving the primary principles precedence over the duty to bear witness, although in most cases it is possible to pass on information to others who are in a position to use it. • In cases where the safety and security of disaster survivors or field staff might be compromised by the publication of information about the disaster-affected population, exoneration for non-disclosure would be justified when this was necessary to protect an ongoing humanitarian effort.
<hr/> <p>Tertiary principles: Exoneration must be justified by reference to the primary or secondary principles.</p> <hr/>	
<p>Transparency <i>Ensuring that all relevant information is communicated to intended beneficiaries or their representatives, and other specified parties</i></p>	<ul style="list-style-type: none"> • In cases where the publication of beneficiary lists and entitlements might compromise their security (i.e. primary principles) or their privacy (i.e. secondary principles), non-disclosure would be justified.
<p>Independence <i>Acting under the authority of the governing body of the agency and in pursuit of the agency's mandate</i></p>	<ul style="list-style-type: none"> • Agencies often cede a degree of their sovereign independence when they enter funding contracts, partnership agreements, or registration mechanisms. Such compromises can be justified provided that these can be demonstrated to enable an agency's capacity to further the primary and secondary principles.

Principles

Notes and examples of context-specific constraints

Neutrality

Refraining from giving material or political support to parties to an armed conflict

- In some conflict zones, working in certain areas may prevent an agency from working in other areas because an authority forbids it from working on both sides of a conflict. While this does not prevent the agency from acting impartially in its area of operation, it may adversely affect perceptions of its neutral status.
- Agencies are sometimes obliged to choose between absenting themselves from a disaster zone or paying taxes or ‘tithes’ to authorities closely linked to warring parties, in order to gain permission to carry out humanitarian work.
- Assessing ‘net humanitarian benefit’ in both cases cited above is extremely complicated, but this kind of analysis would be necessary before exoneration could be considered.

Complementarity

Operating as a responsible member of the humanitarian assistance community

- It may sometimes be deemed necessary to work outside the parameters set by national or international co-ordination bodies in order that the agency can comply with the primary and secondary humanitarian principles.

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As the examples above demonstrate, an exoneration scheme is both necessary and complex. The guidance given to HAP’s auditors is to approach the question of exoneration with an open mind, recognising that humanitarian work will often present agencies with difficult choices and occasional moral dilemmas, in situations where information is scarce and often unreliable. The Principles for Humanitarian Action provoked more debate than any other element of the HAP Standard during the drafting process. In recognition of this, HAP is committed to further learning from evidence and common sense, and will not promote a dogmatic interpretation of the Principles for Humanitarian Action in the Certification scheme.

Declaration of additional interests

1. What are ‘additional interests’?

The HAP Standard requires that agencies seeking Certification declare ‘additional affiliations, interests, values, and policies where these may have a direct bearing upon the well-being of disaster survivors, intended beneficiaries, and other specified stakeholders’.

The word ‘additional’ means commitments that go beyond the substance and scope of the HAP Principles of Accountability and the HAP Principles for Humanitarian Action. Because on its own this is a very open-ended requirement, the conditional phrase ‘having a direct bearing upon’ needs to be emphasised. The HAP Standard (see Benchmark 2) requires that information about the agency that beneficiaries and other stakeholders should be aware of is readily available. However, it is for the agency, in consultation with its stakeholders, to decide what this means in practice. HAP’s concern is mainly to know that it has been done.

The ‘declaration of additional interests’ should be included in the inventory of commitments made in an agency’s humanitarian accountability framework, and in most cases it will not be necessary to prepare a separate document.

2. Why declare additional interests?

The purpose of the declaration of additional interests is to encourage a ‘no surprises’ approach, giving all stakeholders the opportunity to better understand the nature of the agency and to ensure greater predictability in, and understanding of, its relevant affiliations, policies, partnerships, and relationships.

3. What should be included in a declaration of interests?

It would be impossible to produce a list of all the additional interests that humanitarian agencies have that could be defined as being of direct relevance to the well-being of disaster survivors, intended

beneficiaries, and other stakeholders. Instead, a simple classification of the kinds of interests that may be relevant is provided in Table 4, with some examples given for illustrative purposes only.

Table 4: Examples of ‘additional interests’

	Type	Examples
Affiliation	National, regional, and global networks	ACBAR and ANCB (Afghanistan), Coordination Sud (France), InterAction (USA), ACFID (Australia), Philippines Council for NGO Certification, DENIVA (Uganda), DEC (UK), Bond (UK), Asian Disaster and Response Network, SCHR, VOICE (EU), ICVA
	Professional, technical, or thematic networks	ALNAP, People in Aid, Sphere, Inter Agency Working Group, ECB
	Partnerships and federations	CARE International, Oxfam International, World Vision International, Caritas Internationalis, Lutheran World Federation, Plan International, MSF International, International Federation of Red Cross and Red Crescent Societies
	Operational arrangements	Operation Lifeline Sudan, UN Water and Sanitation cluster
Interests	Client group focus	Women (e.g. Women’s Commission on Women Refugees and Children), children (e.g. Save the Children), elderly people (e.g. Help the Aged), people with disabilities (e.g. Action on Disability and Development), refugees (e.g. Refugees International)
	Technical or functional focus	Water (e.g. WaterAid), health (e.g. Médecins du Monde), animal health (e.g. Vétérinaires Sans Frontières)
Values and policies	Values	Religion (e.g. Islamic Relief, Christian Aid), human rights (e.g. Human Rights Watch)
	Policies	Red Cross Movement and NGO Code of Conduct in Disaster Relief, People in Aid Code, Do No Harm, ACFID Code of Conduct

4. How will the declaration of additional interests be assessed?

The declaration of additional interests will not be ‘assessed’ in the Certification audit because there is no related benchmark or compliance indicator for this declaration included in the Standard. However, an agency must document and publish its humanitarian accountability framework (to meet qualifying norm 4 and Benchmarks 1 and 2), and an agency’s ‘additional interests’, as defined above, should be included in this document.

Working with humanitarian partners

1. What is a ‘humanitarian partnership’?

The first people to provide humanitarian assistance are invariably neighbours, local community-based organisations, local NGOs, and government organisations. The Red Cross/NGO Code of Conduct states: *‘We shall attempt to build disaster response on local capacities.’* Humanitarian aid agencies work within complex networks of contractual relationships involving donors, suppliers, official regulatory or licensing bodies, outsourced sub-contractors, and many others who help and occasionally hinder their work. However, the term ‘partner’ is often reserved for those bodies with the most direct relationship with disaster survivors and beneficiaries, and which are often referred to as ‘implementing partners’.

The HAP Standard defines humanitarian partnership as ‘a relationship of mutual respect between autonomous organisations that is founded upon a common purpose with defined expectations and responsibilities. Partnerships can be established with or without formal contractual agreements. Partners can be small, community-based organisations or large national or international institutions. A **humanitarian partnership** is one in which two or more bodies agree to combine their resources to provide essential goods or services for disaster survivors.’

2. Why are humanitarian partnerships important?

According to HAP Accountability Principle 7 (see Annex 1, The HAP Standard), ‘Members are committed to the implementation of these principles if and when working through implementation partners’. However, many agencies have expressed the view that the phrase ‘working through’ implies a relationship of subservience on the part of implementing partners. The HAP Standard was therefore developed within a new consensus that places greater emphasis upon the ideas of complementarity and mutuality as key principles for defining ‘quality’ in humanitarian partnerships. In particular, the idea of imposing standards or principles upon humanitarian partners was rejected in favour of an approach that emphasises common objectives, trust, mutual respect, and negotiation over differences. However, there was also consensus about the need to establish a ‘bottom-line’ understanding about basic values that must exist for a partnership to flourish. The HAP Standard therefore requires that certified agencies will at a minimum:

- explain their accountability and quality management obligations as HAP Standard bearers to their humanitarian partners;
- seek ways and means to improve the quality of the partnership with respect to the Principles of Accountability and the Principles for Humanitarian Action.

3. How will this requirement be assessed?

The HAP auditing process will first ascertain if an agency seeking Certification has explained its accountability and quality management obligations to its humanitarian partners. Second, the audit will examine how the requirement to improve the quality of partnership is being pursued.

The audit will pay special attention to how an agency is enabling its humanitarian partners to become compliant with the Principles of Accountability and the Principles for Humanitarian Action. Generally speaking, the methods used for assessing compliance by the applicant agency will include:

- Interviews with one or more of the agency's humanitarian partners, selected at random, to assess their knowledge and experience of the agency's humanitarian accountability framework, partnership improvement strategy, and complaints-handling mechanism.
- A review of documents, e.g. improvement plans for partners; monitoring and evaluation reports; contracts with partners showing that relevant support is built in; records of consultation with partners about setting up complaints-handling procedures (minutes of meetings; contractual inclusion); written copies of complaints-handling procedures; sample complaints, etc.
- Interviews and focus group discussions with beneficiaries during field visits to verify that the complaints-handling procedures are working.

More information on improving and assessing 'quality partnerships' is provided in the section explaining the benchmarks below.