

HAP INTERNATIONAL

Humanitarian Accountability Partnership International

1st GENERAL ASSEMBLY
11 December 2003

APPROVED MINUTES

CHAIR: Niels Dabelstein

PARTICIPANTS:

Jenny Wells (ACFOA), Sera Orzel (ALNAP), Marie-Louise Weighill (BRCS), Alistair Dutton (Cafod), Denis Caillaux (Care International), Howard Bell (Care International), John Scott-Murphy (Caritas Australia), Nazare Albuquerque (CRS), Niels Dabelstein (Danida), Andreas Kamm (DRC), Peter Klansoe (DRC), Manisha Thomas (ICVA, afternoon only), Igballe Rogova (Kosova's Women Network), Erik Volkmar (Medair), Randall Zindler (Medair), Shery Haw (Medair, afternoon only), Mamadou Ndiaye (Ofadec), Maurice Herson (Oxfam GB), Christophe Jakob (SDC, afternoon only), Mikael Lindwall (Sida), Sören Jessen-Petersen (Stability Pact), Nigel Timmins (Tearfund), Ellen Jorgensen (Women's Commission), Lars Gustavsson (WVI), Ton van Zutphen (WVI), Agnès Callamard (HAP International), Nicholas Stockton, Noria Mezlef (HAP International), Sara Davidson (HAP International), Helena Zihlerl (HAP International), Maximilien Zimmermann (HAP International).

I. WELCOME AND INTRODUCTION

The meeting was opened by Niels Dabelstein, who thanked participants for their presence to HAP International first GA. .

II. HAP INTERNATIONAL: VISION, MODUS OPERANDI, BENEFITS, AND CURRENT MEMBERSHIP

The objective of this session was for participants to share and discuss reasons for joining, their views, expectations, and vision.

The following points were made during the discussion::

- Accountability is on the table, it will not go away,
- We have to react proactively to meet our core values
- We must do everything we can to hold us accountable.
- HAP International can constitute an enormous support to ensure CEOs can fulfill their work.
- We want to be part of making the world of disaster-affected population better; it's an important driver for us.
- I believe humanitarian action is in crisis, in search of identity.
- Beneficiaries are at the center of humanitarian actions
- HAP International can help us move away from the arrogance of the humanitarian sector, believing we are the center of the word. We must move on from this arrogance to humility, to look at ourselves and our actions, to bring back humanitarian action where it has to be. I believe HAP could assist in restoring the confidence in humanitarian action, to bring back the humility of humanitarian action
- What has brought us to HAP is quality management, and the satisfaction of beneficiaries. We have faced problem trying to collect view of beneficiaries, HAP will assist us to ensuring that we cover this gap.

- Being a learning organization we need to learn from others. We also want to be a leading agency, to influence on behalf to those that have no or little voice.
- We believe that we should be part of this collective effort, to have someone to look after our relations with beneficiaries.
- Accountability is for us a core value. We are working mainly with partners and we encourage our partners to develop accountability.
- Interested to explore how it could work in the field with local partners, and also when we are implementing programs directly. Applying certain principles is easy but making them working in the field is the difficult part.
- ALNAP and HAP International should come together to clarify the distinction between the two initiatives. We are complementary and distinctive.
- We want to be member to cover our gaps regarding the accountability to beneficiaries
- What we would like to have are mechanisms that will hold us accountable, mechanism that have teeth to hold us accountable.
- Learning how to bring the beneficiaries in the center of our activities is a huge challenge.
- Learning how to build accountability at all levels
- At this stage, HAP International “teeth” include its complaint and monitoring system. These are baby teeth but they can become bigger. HAP has built a model borrowing from a number of professional associations and certification organizations. The main actors remain the member agency, not HAP International as a secretariat. How will the teeth develop, whether accountability will be implemented at all levels, will be first and foremost the member agency decisions: it is up to them to decide how to implement the compliance mechanisms and how strong they want those mechanism to be.

No decision

III. REVIEW AND APPROVAL OF HAP INTERNATIONAL STATUTES AND BY-LAWS

Presentation: Agnès Callamard

HAP International has reached the point where it needs to have only one statutory document. Large sections of the Constitution and Statutes have been brought together in a single document; other issues are discussed in the rules and regulations. Both documents have already been approved over the last year, with the exception of a few articles.

The Legal Committee met in November and proposed a few changes to the previous draft approved by the transitional board related to the number of board members; and eligibility criteria.

A few other changes were also made, to reflect the evolution of HAP International, including: (i) the articles related to the role of the Board (the review of complaints has been added to the list of its activities); (ii) the fees and membership approval process. There were two possible options regarding this process: Option 1: Board will meet at least twice year to review applications; Option 2: To have a rolling system, whereby applications will be reviewed and approved as they arrive.

Discussion:

Membership approval process

- It is important to have flexible and speedy procedure, but it will not be easy to organize Board meetings as members are spread over the world
- Membership must be approved by the Board: a written system should be devised to allow the Board to approve membership in-between sessions;
- We should be able to have written procedure, not to be included in the Statutes, of how applications are handled

Membership Fees:

- Membership fees should be calculated starting with the formal approval by the board, which will be done through writing exchange
- The concept of the ceiling as far as the fees are concerned is no longer in the statutes; it is now in the by-laws

Other Points:

- Associate members should be represented on the Board of HAP International
- Whether associate members can nominate independent board members (which they can)
- Balance equity instead of gender balance
- Regarding the hardship situation we have a small paragraph in Art 19 detailing what should happen in case of hardship.

Decisions:

1 – The December 2003 HAP International Statutes submitted to the General Assembly are approved with the following modifications:

- **Art 12.1: Add “and independent board members” to the sentence: “The General Assembly, comprised of all full and associate members and independent board members.”**
- **Under Article 15 on the Board, add following paragraph: “Full and Associate members may nominate board members, including independent board members.”**
- **Art 19: Board approval constitutes the beginning date for the calculation of the fees. The paragraph should therefore read: “HAP International will confirm the amount of fees due and payable by each member for the financial year by issuing an invoice to each member. The fees for each member agency will be calculated for twelve months on the basis of the formula agreed by the board, and the date of board approval for membership.”**
- **Art 27: clarification regarding contributions from donors. In case of dissolution cash and assets can not be returned to the founders or members, only in the case of institutional donors as per signed memorandum. The paragraph should be read: In case of dissolution, the cash and assets of the association will be returned to the donors in case of donation from governments or transferred to an organization with similar mandate.**

2 – HAP International Secretariat to draft a step-by-step process for membership review and approval, to be submitted to the next Board meeting

3 – HAP International Secretariat to draft procedures for termination of membership, to be submitted to the next board meeting.

Procedures for Board meetings

The procedures for board meeting were also submitted for approval. They are not included in the Statutes to allow for easier modifications. The discussion focused on:

- The proxy and whether the existence of proxy may contradict the intentions of the Statutes and the eligibility for board membership;
- The fact that independent board members should not be able to designate proxy
- The wording of Article 7 on the quorum

Decisions:

1 – Agency represented on HAP International Board should nominate proxy at the early stage of board formation. Names to be submitted to the next board meeting.

2 - The December 2003 Procedures for Board Meetings approved by the General Assembly with the following modifications:

- **Article 1 is amended as follow: The Board shall meet as often as necessary, but no less than twice ~~once~~ a year**
- **Article 5 is amended as follow: “If the Chair is unable to attend, ~~the Chair may appoint another Board member to the~~ Vice-Chair will act as chair of the meeting. ~~Said Board member~~ **The vice-chair shall have a second or casting vote if there is an equality of votes.” Art. 5****
- **Article 7 is amended as follow: “The decisions of the Board shall be valid when a quorum is present of at least half of the members of the Board or their ~~representatives~~ **present or duly represented, and the Chair or the Vice-Chair. save that the Chair must be present or the person appointed by him/her to chair the meeting.”****

Board Protocol

The third document to be reviewed had been approved by the transitional board. No changes have been brought since this approval. The discussion focused on:

- (i) The core competencies requested of board members, and whether these were not too ambitious and cumbersome. It was agreed that a number of the competencies were essential, e.g. commitment, credibility, integrity, and time. With regard to the others competencies, level of expertise can be or less strong.
- (ii) Independent Board members: the differences between the two categories of board members, and whether we should not be looking for independent members outside the humanitarian sector. It was confirmed that two of the four members should have personally experienced a humanitarian crisis as victims/survivors, but nothing prevents HAP International members to approach two other persons with non-humanitarian experience, e.g. from the private sector.

IV. REVIEW AND APPROVAL OF COMPLAINTS PROCEDURES

Presentation: Agnès Callamard

The point of departure is a CEO decision in January 2003: CEOs agree that complaints procedures should be included within HAP International Statutes, and that complaints investigation should not constitute HAP Int main function. Instead, complaints should be handled first and foremost by the members.

The document presented today was developed by a legal committee composed of lawyers from IFRC, DRC, WVI. In addition, HAP legal advisor and HAP staff were also present. These procedures are for members only. Other procedures will have to be developed for non-members

Salient Points raised during the legal meeting:

1. All complaints addressed to HAP Int will be sent to the agency whether or not they fall into HAP Int mandate
2. HAP International will consider complaints against non-members
3. The complaints procedures are NOT legally enforceable, and no financial compensation can be imposed by HAP Int.
4. As far as the Standing Complaints Committee (SCC) is concerned, the key points concerned: the role of independent member vs peer members, the workload, and the conflict of interest.

5. The absence of a common set of standards, applicable to all: HAP International has a set of generic principles, but no standards and indicators for accountability, which makes the basis for complaints handling more difficult.
6. Managing expectations from the complainants
7. Confidentiality

Discussion:

Are agencies requested to report back on all complaints?

- Agencies are requested to report in their annual report about complaints received and how they were solved as per the Statute.

Can an agency complain about another agency?

- Yes.

You should explore the possibility of being pro-active as far as allegations are concerned. For instance, allegations were brought against Australian Red Cross about its work in Bali. ACFOA felt that if we had had our own investigation procedures, we could have better supported our member.

- According to HAP International legal advisor, complaints procedures can have very positive outcome in that they will ensure and prove the integrity of the organization, rather than the other way around.

What is the process if one member agency knows that another has breached standards?

- There are no specific procedures at this stage.

Duplication of complaint being investigated by different structure

- The legal committee discussed the possibility of accepting complaints already in the hand of other complaint procedures, and recommended that we should, with the exception of those under legal proceedings.

Confidentiality vs. Transparency

The Legal Committee had sharply reduced the nature and extent of transparency of the complaints procedures. The principle of confidentiality had taken precedence to ensure that agencies fully participate to the process. As a result, for instance, the legal committee had recommended that no document pertaining to the case be forwarded to the complainant.

During the discussion, GA members reviewed the three paragraphs on confidentiality. The following points were made:

- Disclosure policy is very / too weak
- The point of departure should be transparency, not confidentiality. So we will have something like: unless required otherwise by one of the parties, all of the process will be transparent
- We should demonstrate a clear readiness to open up within and outside. The last three paragraphs give the impression that nothing much is changing. Business as usual! We should try to balance it.
- The request of confidentiality during the dealing of the complaint is essential but after we should report back.
- Transparency is good for the image but confidentiality will assist us in improving our work

Decisions

- 1- User-friendly document explaining the role of HAP International, and the step-by-step approach should be developed and posted on HAP International website;**

2- The GA approves the Complaints Procedures with the following modification to Article 31: “At the conclusion of the review, or should the matter become public at anytime, HAP International Board shall issue a public statement in general terms about the procedures followed and the status and/or the outcome...”

3- Secretariat to develop Complaints Procedures for non-member agencies

Issues not covered during the GA session:

- (i) Investigation Manual to be made available to member agencies¹
- (ii) legal implications of sharing information about “perpetrators” and setting up a central database of “perpetrators”. Report back to June Board meeting on preliminary findings.

V. ACCOUNTABILITY WORK PLAN: MEDAIR EXAMPLE

Please refer to presentation by Sheryl Haw, Medair Quality Manager (Attached):

Questions and discussion

The process takes time: 3 months is not sufficient.

Self-assessment questionnaire: There are many different opinions within the agency: opinion vs evidence, head office vs field perception, perfectionist vs realistic

The team selected for the development of the AWP should have the drive and commitment, should be willing to share

SWOT analysis: important. I had never seen any plan following a SWOT analysis before this exercise!

Self assessment questionnaire: difficulties to bring down the questionnaire to the level of project manager, beneficiaries, national staff. I don't think you can have it completed from all within 3 months

Did you have any organizational resistance to the process?

- Yes, such as why should I loose my time in it, is it going to have an impact on the beneficiaries etc. We should not keep it at the managerial level but bring it all levels

Are you prioritizing your stakeholders or are you taking all of them at the same level?

- Beneficiaries are our primary stakeholders. What we did however, is to see the impact we have on other stakeholders

Any thing HAP could do to assist at this stage?

- Comment on the draft work plan. We also have invited HAP to give a presentation to our field staff. It was very good, it brought HAP enthusiasm to all staff

It will be good if Medair could share and assist others

- We don't have the capacity at this stage

If we don't want to go through the principles without really working on it we will loose the essence of what we try to do

¹ HAPInt own investigation manual or those already produced, e.g. by agencies, IASC, UNHCR, etc.

The most important thing is to get the process started

No decision

VI. CERTIFICATION/ACCREDITATION

Please refer to presentation by Agnès Callamard, attached.

No decision

VII. DISCUSSION OF HAP INTERNATIONAL STRATEGIC AND OPERATIONAL PLAN 2004

Presentation: The Strategic and Operational Plan identifies the activities implemented in 2003 and suggestions for 2004. The New advisor, Zia Chowdhury, will be in charge of the implementation of goal 9.

Field assistance: different reaction regarding HAP fieldwork. Historically, HAP has worked largely in the field. Since the setting up of HAP International, there has been some concerns that our field presence will be too expensive and will not benefit all members. We came up with the option of proposing a minimum set of activities in the field, and everything above this minimum will have to be purchased by agencies (fees for services). One essential element missing to development of our work plan has been the review and analysis of members accountability work plans. It is difficult to estimate the nature and extent of work HAP International will have to cover once the Accountability Work Plans are developed and implemented.

Discussion:

- Field activities: we realize that they are not necessarily cost efficient, but we can benefit from fieldwork. They are an important part of HAP but not the major one. It has to be discussed and developed with the next board. The exact modalities have to be developed
- Question about the proposal to set up a committee to review work plan: We think it will be better to have a working group reviewing the work plans rather than the secretariat on its own..
- Training proposal for accountability champions by RedR.
Suggestions: Approach other from outside the sector such as New Foundation.
The idea of a champion training is an interesting idea, I am sure it will benefit to members. We leave it to the next board to implement it

VIII. REVIEW AND APPROVAL OF CONFLICT OF INTEREST POLICY

Following the presentation of the policy, the discussion focused on the categories or examples of conflicts of interests (Section II of the document) and of the nature and extent of outcomes.

Decision:

1 - Conflict of Interest Policy approved with the following modifications:

- Last three bullet points under Section II of the document Categories of Conflict of Interest deleted; namely:

- ~~Using one's position within HAP International to secure advantage for someone who is related to you or with whom you have a personal relationship;~~
- ~~Unauthorized use of HAP International's resources for reasons other than those related to one's formal role;~~
- ~~Use of confidential information~~

- Last sentence under IV.2. deleted, namely:

~~GA, Board or staff Members who have an actual or potential conflict of interest should not participate in the discussions or vote on the matters, and should not be substantively involved in decision-making affecting the issues.~~

IX. APPROVAL OF BUDGET 2004

Presentation: Noria Mezlef

The budget for 2003-2004 was developed for (among others) fund-raising purposes in November 2002 and March 2003. Some adjustments are now required. We also needed to revise the format of the budget in order to match the accounting system we are putting in place.

The following expenses have been increased or added to the budget: translations, web development, designs; Fixed cost (salaries); governance cost (meetings), payment to the IFRC following the closure of the HAP account there. Under program cost, capacity-building includes CHF 200,000 for field assistance activities.

The pending payment to the IFRC (currently estimated at CHF 90,000) remains an estimate. The IFRC is requesting a larger amount at this stage (as discussed during the transitional board meeting).

Sources of income include: Donors contributions, membership fees, and other sources referred to as other extraordinary income. The membership fees are estimated². With these fees, we estimate that 75% of HAP International proposed budget is covered. We have a shortfall of about CHF 250,000. Donors to be approached include: Dfid, SDC, Canada.

HAP International has contracted an accounting firm that has set up HAP Int accounting system and ensures the bookkeeping. Cash flow forecasting is included in the Work Plan for 2004.

Comments/Suggestions:

- More detailed budget lines required under Program Cost
- Quality of financial reporting needs some improvement
- Having 75% of the budget covered is a comfortable position
- The fixed cost looks very high for a secretariat that in the public eye produce little. If we talk about perception this might be a problem.
- The secretariat should look at the budget in term of activities rather than by costs and distribute the fixed cost for each activity
- If there is a funding gap, the Board will decide which activities need to be dropped.
- Cash flow forecasting is pretty crucial

Decisions:

1 – General Assembly approves HAP International 2004 Budget

² Following the decision of the Board meeting on 12 December 2003 regarding the ceiling for membership fees, the proposed estimate will have to be decreased.

2 – Board to review state of HAP International expenses, income and financial reporting during its next meeting.

X. ELECTION OF BOARD MEMBERS

The following members were elected:

CAFOD: Matthew Carter (in abstentia)
CARE I: Denis Caillaux
DRC: Andreas Kamm
OFADEC: Mamadou Ndiaye
Oxfam GB: Maurice Herson
Women's Commission: Ellen Jorgensen
WVI: Ton van Zutphen
Independent Member: Soren Jessen Petersen
Independent member: Igballe Rogova
Independent Member: Helen Sirleaf Johnson (in abstentia)

XI. MEMBERS OF BOARD ONLY: Election of Chair, Vice-Chair and Treasurer

Chair: Denis Caillaux, CARE International
Vice-Chair: Ellen Jorgensen, Women's Commission
Treasurer: Andreas Kamm, DRC