

Relief and Rehabilitation Network

Network Paper 7

**Code of Conduct
for
the International Red Cross and
Red Crescent Movement
and
NGOs in Disaster Relief**

September 1994

Preface

The appearance of a Code of Conduct setting standards for the work of NGOs involved in the provision of humanitarian aid is a significant and welcome step - all the more so because it is a collaborative product of many of the largest non-governmental agencies within the International Relief System.

Whilst some RRN members may already have received copies of the Code as a result of their agency's involvement in its preparation, many members may not have seen it yet and some may even be unaware of its existence. The intention of reproducing the Code in the form of a Network

Paper is to ensure that RRN members are able to study the Code and participate in discussions on its virtues.

The text of the Code provides surprisingly little information on its origins, the process by which it was developed and how it is expected to operate in practice. Such information provides the necessary context for any assessment of the Code's significance and value and also for any discussion over the actual text of the Code. This Preface is intended to provide such background information so as to give RRN members a sufficient basis upon which to make their assessment of the Code. It has been prepared by the RRN Coordinator drawing on discussions with some of the individuals involved in the preparation of the Code. The actual text and contents of the Code have not been commented upon. Instead the RRN intends to monitor the reaction to the Code and facilitate the debate over its strengths and weaknesses. RRN members are strongly encouraged to use the RRN as a forum for exchanging views on the Code.

How Was It Prepared?

The Code stemmed from a proposal by the French Red Cross Society in 1991 to develop common standards for relief agencies. For various reasons it was decided to carry the proposal forward using the Steering Committee for Humanitarian Response (SCHR - formerly known as the Licros/Volag Steering Committee) as an appropriate forum for involving some of the larger NGOs involved in the provision of humanitarian assistance. The Steering Committee for Humanitarian Response is composed of senior representatives of the International Federation of Red Cross and Red Crescent Societies (IFRC), Caritas Internationalis, Catholic Relief Services (CRS), the International Save the Children Alliance (ISCA), the Lutheran World Federation (LWF), Oxfam and the World Council of Churches (WCC), and meets regularly in Geneva. The International Committee of the Red Cross (ICRC) is not part of the Steering Committee but participated in the preparation of the Code together with the IFRC.

Draft texts were prepared and revised during 1992-3 by representatives of the eight agencies. Once the text had been finalised each agency presented the Code to their governing bodies for approval, in order to ensure the highest level of commitment within the agency. All agencies completed this process earlier this year and the Code was published in mid-1994. In addition to the dissemination process within the eight agencies involved in its preparation, 800 copies were disseminated to European NGOs through the EC-NGO Liaison Committee and 200 to US NGOs through InterAction. Copies were also disseminated to Governments via their diplomatic missions in Geneva and New York.

Why Was It Prepared?

The Code itself does not indicate the factors which prompted the agencies to develop it. However the *World Disasters Report 1994* prepared by the IFRC contains a preamble to the Code which states:

'What few people outside of the disaster-response system realise is that all of these [humanitarian] agencies, from the old to the new, from the multi-million dollar outfits to one-man shows, have no accepted body of professional standards to guide their work. There is still an assumption in many countries that disaster relief is essentially "charitable" work and therefore anything that is done in the name of helping disaster victims is acceptable. However, this is far from the truth. Agencies, whether experienced or newly-created, can make mistakes, be misguided and sometimes deliberately misuse the trust that is placed in them' (pp. 21)

The preamble goes on to indicate some of the factors which contributed to the decision by the agencies to develop the Code, including:

- tens of millions of people are vulnerable to and affected by disasters each year and the number is steadily increasing
- disaster relief is no longer a small time business but involves substantial privately donated and tax-financed resources
- humanitarian agencies are increasingly the only agencies left working with the poor and marginalised as the role and capacity of governments is reduced in many developing countries
- NGOs are coming under increasing pressure to act in ways which may not be in the interests of the affected populations, such as acting as agents of donor policy and only seeking involvement in the easy tasks or those which have high media profile.

How Will It Work?

As it presently stands the Code is voluntary and self-policing. There is no provision within the Code for the creation of an Ombudsman position or evaluation of the Code to the status of a Convention. The extent to which signatory agencies interpret and adhere to the ten principles is therefore a matter for them and their personnel to determine. To many observers the absence of a body responsible for monitoring adherence to the Code and with the powers to encourage or even enforce such adherence represents the principle weakness of the Code.

Those involved in its preparation argue as follows:

- that many of the professional codes of conduct which exist in other fields, such as medicine and financial services, began as public statements of standards by those practising in the field and against which their work could be assessed. In such fields mechanisms responsible for monitoring and enforcement only evolved gradually over many decades. The development of a **professional body** among relief personnel is still some years away. Once such a body has been established it will be easier to introduce monitoring and enforcement mechanisms.
- relief programmes, as they presently operate, are complex operations involving many different organisations undertaking different but complementary activities and where relationships between the activities and organisations are often informal and lines of responsibility unclear. Unless and until this state of affairs changes, a body responsible for ensuring adherence to the Code will be unable to function effectively.

Despite its 'lack of teeth' those involved in the Code's preparation argue that it has considerable value in that it provides:

- a standard against which the behaviour of those agencies which are signatories to the Code can be measured by personnel within the agency, other agencies involved in the same operation, donor agencies, private supporters of the agency. [Conceivably also members of the affected population that are dissatisfied by the agency's performance in a particular operation may also make use of the Code in pressing a complaint against the agency, though quite how this would work in practice is unclear.]
- a statement of standards with which many agencies will wish to be publicly associated and can sign up to.
- text which can be used by agencies (including non-signatory agencies) in preparing their own mission statements, manuals and guidelines.

Where Does It Go From Here?

So soon after its publication it is difficult to determine the impact the Code will have upon the actions of NGOs involved in the provision of humanitarian aid. As well as the original eight agencies involved in the development of the Code a further 19 have registered their support for it. Significantly, one of the 19 is World Vision International, one of the group of large international NGOs involved in the provision of humanitarian aid that are not members of the SCHA and consequently not involved in the development of the Code. It will be interesting to see how other large international NGOs such as CARE, Médecins Sans Frontières and Medicine du Monde react

to the guidelines. Such agencies have been placed in a potentially awkward situation by the appearance of the Code, for if they do not feel comfortable with the wording of one or more of the ten principles their choice lies between 'joining in' or 'staying out'. Participating in a process to modify the Code to accommodate the perspectives of other agencies is understood not to be on the agenda at present.

Even if a majority of NGOs do become signatories to the Code, will it significantly alter their actions during relief operations, given the Code's 'lack of teeth'. There is a potential risk that the Code will be used by agencies in their public relations material whilst its principles are overridden by operational and other pressures during relief operations.

Finally, there are substantial questions over the other principle 'actors' in the International Relief System and how they will react to the Code. In Annexes to the Code 'indicative guidelines' are provided for governments, donor organisations and UN agencies in supporting the work of NGOs involved in the provision of humanitarian aid. Because governments, donors and UN agencies were not involved in the preparation of these 'indicative guidelines' they appear as rather one-sided, 'wish lists' and it is hard to see them being given much credence at this point. However, should the majority of NGOs become signatories to the Code the attitude of donor organisations, UN agencies and some governments may change.

In the long run, the Code may stimulate an inclusive and more comprehensive process involving governments, donor organisations, UN agencies and NGOs which, over time may result in a sort of Geneva Convention for Humanitarian Aid.

**Code of Conduct
for
the International Red Cross and Red Crescent Movement
and NGOs in Disaster Relief**

Purpose of the Code

This Code of Conduct seeks to guard our standards of behaviour. It is not about operational details, such as how one should calculate food rations or set up a refugee camp. Rather, it seeks to maintain the high standards of independence, effectiveness and impact to which disaster response NGOs and the International Red Cross and Red Crescent Movement aspires. It is a voluntary code, enforced by the will of organisation accepting it to maintain the standards laid down in the Code.

In the event of armed conflict, the present Code of Conduct will be interpreted and applied in conformity with international humanitarian law.

The Code of Conduct is presented first. Attached to it are three annexes, describing the working environment that we would like to see created by Host Governments, Donor Governments and Intergovernmental Organisations in order to facilitate the effective delivery of humanitarian assistance.

Definitions

NGOs: NGOs (Non Governmental Organisations) refers here to organisations, both national and international, which are constituted separate from the government of the country in which they are founded.

NGHAs: For the purposes of this text, the term Non Governmental Humanitarian Agencies (NGHAs) has been coined to encompass the components of the International Red Cross and Red Crescent Movement - The International Committee of the Red Cross, The International Federation of Red Cross and Red Crescent Societies and its member National Societies - and the NGOs as defined above. This code refers specifically to those NGHAs who are involved in disaster response.

IGOs: IGOs (Inter Governmental Organisations) refers to organisations constituted by two or more governments. It thus includes all United Nations Agencies and regional organisations.

Disasters: A disaster is a calamitous event resulting in loss of life, great human suffering and distress, and large scale material damage.

The Code of Conduct

Principles of Conduct for The International Red Cross and Red Crescent Movement and NGOs in Disaster Response Programmes.

1. The Humanitarian imperative comes first

The right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries. As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed. Hence the need for unimpeded access to affected populations, is of fundamental importance in exercising that responsibility.

The prime motivation of our response to disaster is to alleviate human suffering amongst those least able to withstand the stress caused by disaster.

When we give humanitarian aid it is not a partisan or political act and should not be viewed as such.

2. Aid is given regardless of the race, creed or nationality of the recipients and without adverse distinction of any kind. Aid priorities are calculated on the basis of need alone

Wherever possible, we will base the provision of relief aid upon a thorough assessment of the needs of the disaster victims and the local capacities already in place to meet those needs.

Within the entirety of our programmes, we will reflect considerations of proportionality. Human suffering must be alleviated whenever it is found; life is as precious in one part of a country as another. Thus, our provision of aid will reflect the degree of suffering it seeks to alleviate.

In implementing this approach, we recognise the crucial role played by women in disaster prone communities and will ensure that this role is supported, not diminished, by our aid programmes.

The implementation of such a universal, impartial and independent policy, can only be effective if we and our partners have access to the necessary resources to provide for such equitable relief, and have equal access to all disaster victims.

3. Aid will not be used to further a particular political or religious standpoint

Humanitarian aid will be given according to the need of individuals, families and communities. Notwithstanding the right of NGHAs to espouse particular political or religious opinions, we affirm that assistance will not be dependent on the adherence of the recipients to those opinions.

We will not tie the promise, delivery or distribution of assistance to the embracing or acceptance of a particular political or religious creed.

4. We shall endeavour not to act as instruments of government foreign policy

NGHAs are agencies which act independently from governments. We therefore formulate our own policies and implementation strategies and do not seek to implement the policy of any government, except in so far as it coincides with our own independent policy.

We will never knowingly - or through negligence - allow ourselves, or our employees, to be used to gather information of a political, military or economically sensitive nature for governments or other bodies that may serve purposes other than those which are strictly humanitarian, nor will we act as instruments of foreign policy of donor governments.

We will use the assistance we receive to respond to needs and this assistance should not be driven by the need to dispose of donor commodity surpluses, nor by the political interest of any particular donor.

We value and promote the voluntary giving of labour and finances by concerned individuals to support our work and recognise the independence of action promoted by such voluntary motivation. In order to protect our independence we will seek to avoid dependence upon a single funding source.

5. We shall respect culture and custom

We will endeavour to respect the culture, structures and customs of the communities and countries we are working in.

6. We shall attempt to build disaster response on local capacities

All people and communities - even in disaster - possess capacities as well as vulnerabilities. Where possible, we will strengthen these capacities by employing local staff, purchasing local materials and trading with local companies. Where possible, we will work through local NGHAs as partners in planning and implementation, and co-operate with local government structures where appropriate.

We will place a high priority on the proper co-ordination of our emergency responses. This is best done within the countries concerned by those most directly involved in the relief operations, and should include representatives of the relevant UN bodies.

7. Ways shall be found to involve programme beneficiaries in the management of relief aid

Disaster response assistance should never be imposed upon the beneficiaries. Effective relief and lasting rehabilitation can best be achieved where the intended beneficiaries are involved in the design, management and implementation of the assistance programme. We will strive to achieve full community participation in our relief and rehabilitation programmes.

8. Relief aid must strive to reduce future vulnerabilities to disaster as well as meeting basic needs

All relief actions affect the prospects for long term development, either in a positive or a negative fashion. Recognising this, we will strive to implement relief programmes which actively reduce the beneficiaries' vulnerability to future disasters and help create sustainable lifestyles. We will pay particular attention to environmental concerns in the design and management of relief programmes. We will also endeavour to minimise the negative impact of humanitarian assistance, seeking to avoid long term beneficiary dependence upon external aid.

9. We hold ourselves accountable to both those we seek to assist and those from whom we accept resources

We often act as an institutional link in the partnership between those who wish to assist and those who need assistance during disasters. We therefore hold ourselves accountable to both constituencies.

All our dealings with donors and beneficiaries shall reflect an attitude of openness and transparency.

We recognise the need to report on our activities, both from a financial perspective and the perspective of effectiveness.

We recognise the obligation to ensure appropriate monitoring of aid distributions and to carry out regular assessments of the impact of disaster assistance.

We will also seek to report, in an open fashion, upon the impact of our work, and the factors limiting or enhancing that impact.

Our programmes will be based upon high standards of professionalism and expertise in order to minimise the wasting of valuable resources.

10. In our information, publicity and advertising activities, we shall recognise disaster victims as dignified humans, not hopeless objects

Respect for the disaster victim as an equal partner in action should never be lost. In our public information we shall portray an objective image of the disaster situation where the capacities and aspirations of disaster victims are highlighted, and not just their vulnerabilities and fears.

While we will co-operate with the media in order to enhance public response, we will not allow external or internal demands for publicity to take precedence over the principle of maximising overall relief assistance.

We will avoid competing with other disaster response agencies for media coverage in situations where such coverage may be to the detriment of the service provided to the beneficiaries or to the security of our staff or the beneficiaries.

The Working Environment

Having agreed unilaterally to strive to abide by the Code laid out above, we present below some indicative guidelines which describe the working environment we would like to see created by donor governments, host governments and the inter-governmental organisations - principally the agencies of the United Nations - in order to facilitate the effective participation of NGHAs in disaster response.

These guidelines are presented for guidance. They are not legally binding, nor do we expect governments and IGOs to indicate their acceptance of the guidelines through the signature of any document, although this may be a goal to work to in the future. They are presented in a spirit of openness and co-operation so that our partners will become aware of the ideal relationship we would seek with them.

Annex I

Recommendations to the governments of disaster affected countries

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

NGHAs are independent, bodies. This independence and impartiality should be respected by host governments.

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

If NGHAs are to act in full compliance with their humanitarian principles, they should be granted rapid and impartial access to disaster victims, for the purpose of delivering humanitarian assistance. It is the duty of the host government, as part of the exercising of sovereign responsibility, not to block such assistance, and to accept the impartial and apolitical action of NGHAs.

Host governments should facilitate the rapid entry of relief staff, particularly by waiving requirements for transit, entry and exit visas, or arranging that these are rapidly granted.

Governments should grant over-flight permission and landing rights for aircraft transporting international relief supplies and personnel, for the duration of the emergency relief phase.

3. Governments should facilitate the timely flow of relief goods and information during disasters

Relief supplies and equipment are brought into a country solely for the purpose of alleviating human suffering, not for commercial benefit or gain. Such supplies should normally be allowed free and unrestricted passage and should not be subject to requirements for consular certificates of origin or invoices, import and/or export licences or other restrictions, or to importation taxation, landing fees or port charges.

The temporary importation of necessary relief equipment, including vehicles, light aircraft and telecommunications equipment, should be facilitated by the receiving host government through the temporary waving of license or registration restrictions. Equally, governments should not restrict the re-exportation of relief equipment at the end of a relief operation.

To facilitate disaster communications, host governments are encouraged to designate certain radio frequencies, which relief organisations may use in-country and for international communications for the purpose of disaster communications, and to make such frequencies known to the disaster response community prior to the disaster. They should authorise relief personnel to utilise all means of communication required for their relief operations.

4. Governments should seek to provide a co-ordinated disaster information and planning service

The overall planning and co-ordination of relief efforts is ultimately the responsibility of the host government. Planning and co-ordination can be greatly enhanced if NGHAs are provided with information on relief needs and government systems for planning and implementing relief efforts as well as information on potential security risks they may encounter. Governments are urged to provide such information to NGHAs.

To facilitate effective co-ordination and the efficient utilisation of relief efforts, host governments are urged to designate, prior to disaster, a single point-of-contact for incoming NGHAs to liaise with the national authorities.

5. Disaster relief in the event of armed conflict

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

Annex II

Recommendations to donor governments

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

NGHAs are independent bodies whose independence and impartiality should be respected by donor governments. Donor governments should not use NGHAs to further any political or ideological aim.

2. Donor governments should provide funding with a guarantee of operational independence

NGHAs accept funding and material assistance from donor governments in the same spirit as they render it to disaster victims; one of humanity and independence of action. The implementation of relief actions is ultimately the responsibility of the NGHAs and will be carried out according to the policies of that NGHAs.

3. Donor governments should use their good offices to assist NGHAs in obtaining access to disaster victims

Donor governments should recognise the importance of accepting a level of responsibility for the security and freedom of access of NGHAs staff to disaster sites. They should be prepared to exercise diplomacy with host governments on such issues if necessary.

Annex III

Recommendations to intergovernmental organisations

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

NGHAs are willing to work with UN and other intergovernmental agencies to effect better disaster response. They do so in a spirit of partnership which respects the integrity and independence of all partners. Intergovernmental agencies must respect the independence and impartiality of the NGHAs. NGHAs should be consulted by UN agencies in the preparation of relief plans.

2. IGOs should assist host governments in providing an overall co-ordinating framework for international and local disaster relief

NGHAs do not usually have the mandate to provide the overall co-ordinating framework for disasters which require an international response. This responsibility falls to the host government and the relevant United Nations authorities. They are urged to provide this service in a timely and effective manner to serve the affected state and the national and international disaster response community. In any case, NGHAs should make all efforts to ensure the effective co-ordination of their own services.

In the event of armed conflict, relief actions are governed by the relevant provisions of international humanitarian law.

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

Where security services are provided for intergovernmental organisations, this service should be extended to their operational NGHA partners where it is so requested.

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

IGOs are urged to share all information, pertinent to the implementation of effective disaster response, with their operational NGHA partners.

Relief and Rehabilitation Network

Background

The Relief and Rehabilitation Network was conceived in 1993 and launched in 1994 as a mechanism for professional information exchange in the expanding field of humanitarian aid. The need for such a mechanism was identified in the course of research undertaken by the Overseas Development Institute (ODI) on the changing role of NGOs in relief and rehabilitation operations, and was developed in consultation with other Networks operated within ODI. Since April 1994, the RRN has produced publications in three different formats, in French and English: Good Practice Reviews, Network Papers and Newsletters. The RRN is now in its second three-year phase (1996-1999), supported by four new donors – DANIDA, the Department of Foreign Affairs, Ireland, the Department for International Development, UK and SIDA, Sweden. Over the three year phase, the RRN will seek to expand its reach and relevance amongst humanitarian agency personnel and to further promote good practice.

Objective

To improve aid policy and practice as it is applied in complex political emergencies.

Purpose

To contribute to individual and institutional learning by encouraging the exchange and dissemination of information relevant to the professional development of those engaged in the provision of humanitarian assistance.

Activities

To commission, publish and disseminate analysis and reflection on issues of good practice in policy and programming in humanitarian operations, primarily in the form of written publications, in both French and English.

Target audience

Individuals and organisations actively engaged in the provision of

humanitarian assistance at national and international, field-based and head office level in the 'North' and 'South'.

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