Tug of war

Ethical decision-making to enable humanitarian access in high-risk environments

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Network Paper

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SECURE ACCESS IN VOLATILE ENVIRONMENTS SAVE

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About the author

Katherine Haver is a partner with Humanitarian Outcomes, an independent research organisation providing evidence and policy advice to inform better humanitarian action. She led the 'access and quality' research for the Secure Access in Volatile Environments (SAVE) programme, overseeing fieldwork in four countries.

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Cover photo: Unity State, Leer. Women collecting sorghum and oil some hours after an airdrop conducted by the ICRC.
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Contents

Acronyms

ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
AMISOM	African Union Mission in Somalia
FDFA	Swiss Federal Department of Foreign Affairs
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
INGO	international non-governmental organisation
IS	Islamic State
MSF	Médecins Sans Frontières
NFI	non-food item
NGO	non-governmental organisation
OCHA	UN Office for the Coordination of Humanitarian Affairs
SARC	Syrian Arab Red Crescent
SAVE	Secure Access in Volatile Environments
SPLM-iO	Sudan People's Liberation Movement-in-Opposition
UNDSS	UN Department of Safety and Security
UNHAS	UN Humanitarian Air Service

Introduction

This Network Paper seeks to contribute to solutions to an important and vexing problem: how can humanitarian organisations help people caught up in conflicts, when these conflicts make it dangerous for aid workers to operate safely? Many humanitarian staff and organisations believe that being ethical and principled is the best, most proven way to protect the people they seek to help and themselves. Being principled is therefore both a moral and a practical choice. As described in this paper, however, the fundamental humanitarian principles come into tension with one another, and the environment forces aid organisations to make compromises. Any breach of ethical standards or humanitarian principles poses a risk to the organisation being able to fulfil its mission of saving lives and relieving suffering. Agencies can effectively deal with this by adopting a risk management approach, in which they view such compromises as a risk to assess and then mitigate, deny or accept.

This paper seeks to provoke discussion and reflection among aid practitioners about some of the difficult practical and moral questions they face when trying to reach people in need of assistance in war zones. It provides illustrative examples and suggests promising practice, drawing primarily on research conducted for Secure Access in Volatile Environments (SAVE), a three-year research programme (2013–16) exploring how to deliver an effective humanitarian response amid high levels of insecurity. The research involved extensive fieldwork in four of the most dangerous aid settings at that time – Afghanistan, South Central Somalia, South Sudan and Syria.[1] Interviews with several dozen senior managers of national and international aid organisations in these four countries form the main evidence base for this research. Additional interviews with hundreds of mid-level staff, consultations with over 700 affected people living in the four countries and an online survey of over 200 aid staff also informed the paper. In addition, the paper draws on other studies and books, notably Hugo Slim's *Humanitarian Ethics*, published by Oxford University Press in 2015.

The paper has three specific objectives, one for each section:

1. To describe some of the hard choices and ethical problems that humanitarian organisations face as they take decisions to try to enable access in high-risk environments (Chapter 1).
2. To present a model for a risk management framework that better incorporates programme criticality, to enable more ethical decision-making (Chapter 2).
3. To present some decision-making practices that show promise in allowing organisations to access affected people in high-risk settings, and for people to access aid (Chapter 3).

Decisions can be made by an individual, a team or by a whole organisation. There can also be system-wide or inter-organisational decisions.[2] The decisions examined in this paper are mainly organisational rather than inter-agency, and at the strategic and programme-design level, rather than lower-level, tactical or operational decisions. These decisions were designed to contribute to maintaining or increasing access in hard-to-reach, insecure areas. They were often difficult to make and involved a high degree of risk and potential positive or negative consequences. They included decisions about whether to:

- expand programmes to new areas or sectors;
- re-enter or restart programmes in an area where the organisation has previously worked;
- implement directly versus in partnership;
- implement one type of activity (or sector) over another; or
- use one transfer modality over another (cash, vouchers, in-kind).

Several researchers and academics have argued that humanitarian agencies generally pay insufficient attention to the ethical dimensions of decisions, including risks to affected people.[3] This is despite ethical elements being ever-present in humanitarian work, especially in high-risk, insecure conflict settings. Other studies on the role of evidence in humanitarian decision-making have found that external evidence often has limited relevance to decision-making, with decisions often highly 'path dependent'.[4] Instead, decision-makers are influenced more by 'the institutional framework for decisions … implicit values and assumptions … and the mental models by which

1 SAVE focused on three areas: presence and coverage (see Abby Stoddard and Shoaib Jillani, *The Effects of Insecurity on Humanitarian Coverage* (London: Humanitarian Outcomes, forthcoming 2016)); access and quality (see Katherine Haver and William Carter, *What It Takes: Principled Pragmatism to Enable Access and Quality Humanitarian Aid in Insecure Environments* (London: Humanitarian Outcomes, 2016)); and accountability and learning (see Julia Steets, Elias Sagmeister and Lotte Ruppert, *Eyes and Ears on the Ground: Monitoring Aid in Insecure Environments* (Berlin: Global Public Policy Institute, 2016)). For a more detailed discussion of the research methodology informing this paper, see Haver and Carter, *What It Takes*.

2 Dan Maxwell and Heather Stobaugh, '*Response Analysis: What Drives Program Choice?*', Feinstein International Center, Tufts University, 2012.

3 See, for example, Abby Stoddard, Katherine Haver and Monica Czwarno, 'NGOs and Risk: How International Humanitarian Actors Manage Uncertainty', Humanitarian Outcomes and InterAction, February 2016; Fiona Terry, 'Book Review. Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster', *International Review of the Red Cross*, vol. 97, no. 897/898, February 2016; Slim, *Humanitarian Ethics*; Caroline Clarinval and Nikola Biller Andorno, 'Challenging Operations: An Ethical Framework to Assist Humanitarian Aid Workers in their Decision-making Processes', *PLOS Currents Disasters*, Edition 1, June 2014.

4 See, for instance, James Darcy et al., 'The Use of Evidence in Humanitarian Decision-Making: ACAPS Operational Learning Paper', Feinstein International Center, Tufts University, January 2013; Maxwell and Stobaugh 'Response Analysis: What Drives Program Choice?'; David A. Bradt, *Evidence-based Decision-making in Humanitarian Assistance*, Network Paper 67 (London: ODI, 2009).

Box 1 Key terms used in this paper

- **Access** is the degree to which affected people are able to reach, and be reached by, humanitarian aid.
- A **quality aid intervention** is one that is both effective and ethical: it is relevant and addresses priority needs; is timely; avoids duplication with other actors; preserves the dignity of recipients; and minimises the potential of aid to do harm.
- **Ethics** are moral principles that govern a person's or a group's behaviour
- An **ethical dilemma** is a choice between two bad options, where different moral imperatives conflict with one another.
- **Humanitarian ethics** are based on the idea that 'every human life is good and that it is right to protect and save people's lives whenever and wherever you can' and a 'feeling of compassion and responsibility towards others who are living and suffering *in extremis*'.[5]
- **Risk** is the likelihood and potential impact of encountering a threat, while **risk management** is a formalised system for forecasting, weighing and preparing for possible risks in order to minimise their impact.
- **Risk acceptance** is the level of residual risk an organisation is generally willing to take on, independent of programme criticality (i.e. setting criticality aside). This can vary by risk type (security, fiduciary etc.) and by scale of programme, but for ethical reasons it shouldn't vary by country programme.
- For fiduciary or reputational risks, **sharing risk** with donors or international partner organisations can increase one's risk acceptance and allow critical activities to proceed. (Alternatively, it is also possible to see risk sharing as a form of risk mitigation, i.e. by talking to donors/partners and convincing them to share the risk, one lowers the likelihood or impact of possible negative repercussions, such as having to pay back funds or no longer being eligible for funds.)
- **Hyper** or **very local staff** are staff who live in or very close to the community or area where programming is taking place.

they processed available information'.[6] Putting together these two observations suggests that both organisational frameworks/values *and* personal judgment capacities – including the capacity to recognise ethical problems as they arise – are important. This paper seeks to contribute to the development of both within the sector.

Lastly, it is important to note that the SAVE research did not involve detailed case studies of ethical dilemmas. Thus, while many examples of ethical risks are presented in Chapter 1, they have been used to illustrate a specific point rather than to examine a situation from all angles. In specific contexts where ethical issues have been at the fore, the humanitarian sector could benefit from a more in depth examination of the issues from a variety of perspectives – political, economic, social, cultural – and points of view – government, armed groups, affected people, aid organisations.

5 Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster* (Oxford: Oxford University Press, pp. 26–27.

6 Darcy et al., 'The Use of Evidence in Humanitarian Decision-Making', p. 7.

Chapter 1

Hard choices and ethical risks in high-risk environments

This chapter presents some of the main types of ethical risks that agencies in the four countries – Afghanistan, Somalia, South Sudan and Syria – encountered when trying to access people in need of assistance. Some involve ethical dilemmas, i.e. a choice between two bad options, where different moral imperatives conflict with one another. The categories presented are by no means exhaustive. The first section explains why compromising is sometimes necessary in order to achieve broader moral goals, before moving on to discuss examples of compromise to the four fundamental humanitarian principles, and how these risks can be recognised and addressed. The chapter then turns to other hard choices agencies encounter where other core principles may be at risk – namely the principles of accountability, efficiency and transparency, maintaining a duty of care for staff and partners and avoiding causing harm to affected people.

Additional resources are available on many of the specific ethical issues raised here. In addition to Slim's *Humanitarian Ethics*, they include:

- Inter-Agency Standing Committee (IASC), *IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys*, 27 February 2013.
- IASC, *Protection Mainstreaming Training Package*, Global Protection Cluster, 2014.
- International Committee of the Red Cross (ICRC) and International Review of the Red Cross, 'E-briefing: Principles Guiding Humanitarian Action', May 2016.
- ICRC, *Exploring Humanitarian Law: Module 5: Responding to the Consequences of Armed Conflict*, January 2009.
- Abby Stoddard, Katherine Haver and Monica Czwarno, *NGO Risk Management: Principles and Promising Practice*, Humanitarian Outcomes and InterAction, 2016.
- Transparency International, *Preventing Corruption in Humanitarian Operations: Handbook of Good Practice*, 2014.
- Norwegian Refugee Council, *Risk Management Toolkit in Relation to Counterterrorism Measures*, December, 2015.
- Swiss Federal Department of Foreign Affairs (FDFA), *Humanitarian Access in Situations of Armed Conflict: Practitioners' Manual*, Version 2, 2014.

The Oxford Institute for Ethics, Law and Armed Conflict (ELAC) is also developing direct and remote ethical training for humanitarian workers.

1.1 The inevitability of compromise

Four principles – humanity, impartiality, neutrality and independence – are widely embraced as fundamental for humanitarian action, particularly in conflict settings.

While not all organisations approach the four fundamental principles in the same way, almost all organisations involved

Table 1 Humanitarian principles[7]

Humanity	Impartiality	Neutrality	Operational independence
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.	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.	Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.	Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.

Source: UN Office for the Coordination of Humanitarian Affairs (OCHA), *What Are Humanitarian Principles?*, New York, April 2010.

7 This statement of the principles (by OCHA) lacks some of the nuance of the original ICRC texts, which for example include 'In order to continue to enjoy the confidence of all' as the opening line to the principle of neutrality (Jean Pictet, 'The Fundamental Principles of the Red Cross: Commentary', International Committee of the Red Cross, January 1979). See also Slim, *Humanitarian Ethics*; Jérémie Labbé and Pascal Daudin, 'Applying the Humanitarian Principles: Reflecting on the Experience of the International Committee of the Red Cross', *International Review of the Red Cross*, vol. 97, no. 897/898, February 2016; E. Schenkenberg van Mierop, 'Coming Clean on Neutrality and Independence: The Need to Assess the Application of Humanitarian Principles', *ibid*.

in humanitarian action embrace and refer to them.[8] Nonetheless, this research found that most agencies hold simplistic views about the core humanitarian principles, and do not recognise that adherence to them almost always involves contradictions and compromises. Aid agency staff interviewed fully understood the need to make difficult choices, but they tended not to frame these in the language of humanitarian principles (with the exception of Médecins Sans Frontières (MSF) and the ICRC, and a few other organisations in some contexts). Rather, they retained an idealistic and at times dogmatic understanding of the principles, tending to 'recite them as a mantra and treat them as moral absolutes'.[9]

Acting in a principled or ethical way does not mean always avoiding compromises or concessions. Rather, it means being aware of the options available, and determining whether making compromises might be necessary, and which types of compromise are likely to lead to the best outcomes. While compromises to the four fundamental principles (as well as other principles that guide humanitarian action) are not ideal, they are sometimes necessary in order to reach people. The important thing is to be *aware* of when one is making compromises and to do so knowingly, with an understanding of the potential implications.

Of the four principles humanity is the most important, because it expresses the fundamental goal of all humanitarian action: helping and protecting others in wars and disasters.[10] Because humanity is at the heart of the humanitarian endeavour, upholding it will sometimes require compromising on the other principles. For example, an agency may decide to compromise its neutrality by accepting a military escort in order to be able to reach a besieged population, or it may risk its independence by accepting funding from an entity with overtly political goals in order to continue a vital aid programme. Such compromises are particularly likely in situations where insecurity or interference by armed actors obstructs access.

1.2 Compromising impartiality

Humanitarian action is meant to be impartial – carried out on the basis of need alone – but in practice such fairness is often difficult to achieve. This is particularly the case where agencies are able to work in some areas but not others due to security and access constraints. Below are some of the challenges to upholding impartiality, and the trade-offs that need to be made between and among the principles. Note that some practices entail compromises to multiple principles. For example, an aid agency may be influenced by the military objectives of an armed actor, resulting in compromised neutrality, independence and potentially impartiality.

1.2.1 Examples of this risk: challenges to assuring impartial aid

Large-scale imbalances in humanitarian coverage at the country level. To assess the impact of insecurity on humanitarian response, the SAVE study[11] sought to measure humanitarian field presence relative to the level of need (i.e. humanitarian coverage) in each of the four contexts, and to determine how security conditions affected this coverage. Researchers gathered primary data from humanitarian organisations in each context on their field presence and activities. The resulting datasets represent the most detailed measures collected to date on humanitarian deployment.

This research found that humanitarian operations in the four countries tended to cluster in more secure areas within these countries, irrespective of the level of local need – i.e. they were not impartial. Coverage in each country was proportionally greater in areas under government control. In Somalia, for example, this resulted in people living in areas under Al-Shabaab control not receiving assistance. These gaps in coverage were often obscured by inadequate inter-organisational systems for reporting and compiling data on presence and a lack of operational transparency among agencies.

Host governments, non-state armed actors or communities demanding aid in their areas. Armed actors and local communities frequently pressure aid agencies to work in their area, or to avoid working in other areas. These demands can be overt or implied. In South Sudan, for example, aid staff reported that government authorities and Sudan People's Liberation Movement-in-Opposition (SPLM-iO) members routinely seek to influence the location of a distribution or to manipulate the numbers of people in need to receive a larger share of aid. National government actors there have at times imposed limitations and bureaucratic impediments on aid in opposition-held areas, notably around flight clearances. In Syria, the impact of government-imposed restrictions on aid to opposition-held areas has been extreme, with severe limits placed on the ability of Damascus-based organisations to reach needy people across frontlines. In Somalia, clan militias impose restrictions, threats and conditions on humanitarian aid, which often include dictating which areas can be served – often along clan lines – as a condition for allowing programmes to continue. In Afghanistan, physically passing through one area to get to another can cause problems as local leaders demand assistance in their area.

Targeting biased by clan, ethnicity or family/community ties. Once the areas of a programme are agreed, impartiality can also be threatened during targeting. Affected people in Afghanistan, Somalia and Syria reported widespread bias and

8 For UN humanitarian work, the principles are formally enshrined in two resolutions by the General Assembly, and for NGOs and the International Red Cross and Red Crescent Movement in a Code of Conduct for operations in disasters signed by hundreds of organisations.

9 Terry, 'Book Review. Humanitarian Ethics'.

10 Slim, *Humanitarian Ethics*; Labbé and Daudin 'Applying the Humanitarian Principles'.

11 See Stoddard and Jillani, *The effects of insecurity on humanitarian coverage*.

favouritism. Somalis interviewed for this research cited many examples of the undeserving, wealthy or powerful being part of the quota. Often, aid agencies and their staff were seen (by aid staff themselves and by affected people) as representing particular clans or personal interests, resulting in unfair targeting. Similarly, Afghans interviewed described false or inappropriate beneficiary selection, either through staff being complicit in the generation of 'ghost villages' and 'fake elders', or through interference by community elders to prioritise their friends and family. Many Syrians working inside Syria also described widespread bias, with friends and relatives often inappropriately included on distribution lists. (By contrast, at the time of the research Turkey-based staff of those organisations generally did not perceive this bias or favouritism to be major problems in the areas they worked in; this was probably due to the physical remoteness of most staff from the operating environment.)

In South Sudan, targeting itself was often perceived as a problem by community representatives wishing to avoid tensions and increase the amount of aid distributed. At the time of research most food was delivered as general distributions (i.e. non-targeted) which avoided some of these problems (inflated recipient numbers and false lists were still common, however). By contrast, non-food items (NFIs) were targeted to the most vulnerable members of a community, resulting in some community representatives insisting that agencies 'give it to everyone or no one', or that a local leader receive, say, 20 NFI kits. This situation highlights tensions between the aid sector's ideas about fairness and those of affected people. One study found that problems arose in what is now South Sudan when targeting was 'dictated by the international community', because local people have their own ways of caring for their own, which are often not respected by externally imposed targeting criteria, and because 'the kinds of people who are seen as vulnerable … are very difficult for someone not from the community to identify'.[12] As external actors, in other words, aid organisations can find it difficult to distinguish between gatekeepers with malicious intent and local community support mechanisms.

1.2.2 Ways to address these risks

Recognise when you're making compromises. The first step to knowing when a compromise may be justified, or not, is to be aware of it. Encourage staff, especially local staff, to openly discuss any compromises they may be making to a needs-based approach, including by ensuring that they will not face negative consequences for doing so. Ask whether a certain compromise is essential for maintaining access, or whether it is being made only because it is expedient. What might be the consequences of this choice – for people in the greatest need, for your own programming and that of other agencies, and for individual staff members – and how will these be addressed?

Keep your eyes on the goal. The research found that organisations that have achieved relatively good access in dangerous areas – even if this does not always become widespread presence – tend to keep a strong focus on the goal of reaching those most in need, rather than simply executing programmes in reachable areas. This mind-set was found in a range of national and international organisations – non-governmental ones as well as the Red Cross/Red Crescent and the UN.[13] Having a strong internal culture of 'triage' – seeking to assign degrees of urgency to different groups of people in need, and endeavouring to respond accordingly – can help maintain a focus on impartiality.

Consider adding activities or programme areas or engaging in simultaneous distributions. In order to enable access, some organisations made small, careful compromises to their impartiality by adding programme areas or additional activities, thereby ensuring that the most needy received assistance as well as those in less need. For example, agencies in South Sudan reduced targeting in some cases (i.e. expanded the amount of assistance distributed) if the overall number of items distributed was still broadly within budget allocations. At other times, agencies were flexible about the type of programming they pursued, in response to local demands, as long as they were still meeting demonstrated needs. For example, one organisation working in Al-Shabaab areas in Somalia allowed Al-Shabaab leaders to suggest specific interventions, such as desilting large water catchments; the organisation determined that the benefits of this work would be community-wide, and so was willing to comply.

In Afghanistan, one agency staff member told researchers that, to deal with the challenge of passing through one area on the way to others, 'if there are two communities that are fighting one another, and you have to pass through the one to access the other, you might have to select some beneficiaries from the first community or hire some people from that community in order to access the other one'. In South Sudan, agencies responding to a critical situation in Southern Unity in 2015 engaged in lengthy negotiations with armed actors – as well as coordination among themselves – so that distributions could happen simultaneously in two areas across lines of control. As one large agency in South Sudan described in relation to another operation, 'For us it's about managing perceptions … It's fine for us to assist a relatively lesser-in-need area in the government-controlled area in Mayendit town, while assisting a much larger population in severe need on the other side of the line. That for us is a legitimate [compromise]'.

Be aware of staff members' potential biases and avoid over-reliance on hyper local staff and other local actors. It is important to anticipate potential problems stemming from the identity of staff members and local partners (e.g. ethnic or clan/sub-clan identity). Relying too much on hyper local staff and local partners (such as local councils in Syria) was seen to compromise quality because there was a smaller pool of staff

12 Simon Harrigan Chol Changath Chol, 'The Southern Sudan Vulnerability Study', *Field Exchange*, February 1999.

13 Haver and Carter, *What It Takes*.

to draw from and an increased risk of favouritism and bias in aid delivery.[14] Instead, find ways to ensure that outside staff (national or international) can monitor targeting processes. This may require hiring staff based on their ability to access an insecure area, then investing in their skills and capacities.

Contribute information to improve the picture of coverage. Reputational and financial concerns can cause organisations to overstate their presence and territorialise service areas. Agencies in the four insecure countries were found to 'exaggerate the extent of their presence for funding or public relations purposes, demonstrating to donors and the general public that they are capable of going where needed'.[15] More robust information-management systems for mapping operational activity are needed, and organisations need to contribute to them frequently and transparently.

1.3 Compromising independence

Both independence and neutrality are best viewed as instrumental principles, used to achieve freedom of operational access and autonomy. Their sole purpose is to 'generate trust and fairness in dealings with all sides'[16] so that humanity and impartiality can be put into practice. 'Independence' thus means being able to stay focused on the core mission of humanity (relieving suffering) and not being influenced by political, military or economic concerns. It does not mean doing whatever you want or failing to listen to local stakeholders. Rather, you must be able to listen carefully to those stakeholders and be able to identify and manage the demands of those seeking power or trying to capture resources for private use.

Agencies working in the four countries struggled to maintain both actual and perceived independence from many types of actors (international and local) with political and military objectives in their areas of operation. Agencies were sometimes influenced by the political concerns of donors as well as those of local armed groups, compromising their independence. They also found it difficult to decide when to speak out about atrocities or harm to civilians for fear of being seen to take a side in the conflict.

1.3.1 Examples of this risk: challenges to maintaining independence

Accepting funding from donor governments that have clear political positions in the conflict. Political actors can prevent aid agencies from acting independently and maintaining a focus on helping the most vulnerable. These actors include host governments (national and regional, as well as formal and informal authorities); non-state armed groups; and the governments of donor countries funding humanitarian action. (For NGOs, a fourth actor – the UN – was also seen as limiting their ability to operate independently; see sub-section below.) Aid agencies interviewed tended to be more cognisant of how host governments and non-state armed groups have affected their operational independence, and less aware of how donor governments and the UN were doing so in specific contexts.

Donors affected agency independence through their concerns about fiduciary risk and their positioning vis-à-vis certain non-state armed groups. Donors' 'zero tolerance' policies on corruption were found to inhibit discussion of actual corruption risks and the potential compromises needed to ensure access and improve quality. For example, INGOs reported that individual donor representatives could often acknowledge elevated corruption risk during conversations, but never in writing. As one donor explained, 'We want them to tell us, but not in writing. We can't deal with the implications if it's a formal notification'. Corruption scandals can easily become media scandals, with political ramifications for government donors that are typically overseen in some way by parliaments. The focus on preventing diversion was especially strong in areas where groups of particular concern to donors are active – notably Al-Shabaab in Somalia and Islamic State (IS) in Syria.

There were also clear links between the degree to which aid agencies felt comfortable negotiating with specific non-state armed groups and the attitudes of donor governments towards those groups. Across the four countries, senior aid agency staff were much more likely to describe discussions to enable access with non-state groups such as the SPLM-iO in South Sudan or groups associated with the Free Syrian Army or Kurdish-affiliated groups in Syria. They were much less comfortable speaking with or working in areas controlled by designated 'terrorist' groups or other entities under political or military attack by Western governments, such as Al-Shabaab in Somalia, Jabhat Al-Nusra and IS in Syria and the Taliban in Afghanistan. This reluctance was fuelled in part by lingering confusion about what types of action may constitute 'financial or material support' under counter-terror legislation, and whether individual aid staff are at genuine risk of prosecution.[17] More than that, however, the mere existence of the designation 'terrorist' contributed to a sense of these groups as 'on the other side', or at least as dangerous to engage with.[18] Some proscribed groups were regarded as more dangerous than others; in Syria, for instance, aid agencies expressed much greater concern about potential diversion to IS than to Jabhat Al-Nusra, despite both being designated terrorist groups.

14 See Haver and Carter, *What It Takes* for more on this.

15 Stoddard and Jillani, *The effects of insecurity on humanitarian coverage.*

16 Slim, *Humanitarian Ethics*, p. 66.

17 See also Stoddard, Haver and Czwarno, 'NGOs and Risk'; Norwegian Refugee Council, 'Risk Management Toolkit in Relation to Counterterrorism Measures', December 2015; and Jessica Burniske with Naz Modirzadeh and Dustin Lewis, *Counter-terrorism Laws and Regulations: What Aid Agencies Need to Know*, Network Paper 79 (London: ODI, 2014).

18 See also William Carter and Katherine Haver, *Humanitarian Access Negotiations with Non-state Armed Groups: Guidance Gaps and Emerging Good Practice*, Secure Access in Volatile Environments (SAVE) research programme (London: Humanitarian Outcomes, 2016); and Ashley Jackson, *Humanitarian Negotiations with Armed Non-state Actors: Key Lessons from Afghanistan, Sudan and Somalia*, Policy Brief 55 (London: ODI, 2014).

Relying on the UN. In some situations, aid organisations (including NGOs and UN humanitarian agencies) may rely on different parts of the UN for logistical support or for coordination in negotiating for access. This can pose challenges to independence where the UN has stricter security protocols or lower risk tolerance, or where it has a political role, for instance in contexts with integrated missions or where UN agencies are also involved in other (non-humanitarian) activities, such as recovery, development or peacebuilding, in which they may work in tandem with governments or advocate for specific political solutions.

In South Sudan, many organisations relied for air transport on the UN Humanitarian Air Service (UNHAS), which can only operate in areas that have been cleared by the UN Department of Safety and Security (UNDSS). This choice, often driven by budgetary constraints, at times made it difficult for NGOs and UN agencies to reach people in need. Similarly, in Afghanistan and Somalia UN agencies had much closer relationships with the host governments than many NGOs, including providing develop-ment support or supporting a UN peace operation. In Somalia, NGOs that were seen as tied to the UN incurred reputational and security risks because of the UN mission's role in the conflict. These dynamics were seen to make it additionally difficult for aid agencies to negotiate access to work in areas under Al-Shabaab and some other militias' control or influence.

1.3.2 Ways to address these risks

Map out the political concerns of actors around you. It is critical for humanitarian agencies to understand the main political actors in their environment. Many organisations have found actor mapping helpful in understanding local power dynamics as well as global-level political actors, including the UN and donor governments.[19]

Review funding choices and discuss fiduciary risks with donors. Avoiding certain donors' funding can help to preserve independence. As described above, independence is not an end in itself but an operational stance aimed at ensuring that humanitarian action is not diverted from its purpose of alleviating suffering. This is particularly the case when a donor is able to skew agency intentions and when they are writing large cheques. As Slim notes, 'big funding … brings significant influence and carries potential conflicts of interest and identity … Humanitarian agencies need to reflect regularly and hard about their mission integrity and their autonomy to be true to their values'. There will be times when agencies may need to accept funding from a donor government that is also a belligerent in the conflict or which has overtly political goals (risking their independence), in order to continue a vital aid programme. Where donors' concerns about fiduciary risks are hampering access, agencies can find ways to bring them into the dilemmas and challenges faced, making it a shared problem and a shared approach to solutions, rather than one where agencies take all the risk. This can include having a dialogue on the implications of managing donors' zero-tolerance policies (see Box 2 for more on maintaining independence from donors).

Increase logistical independence. Where the use of shared logistical assets is making it more difficult to reach areas of need, organisations should consider investing in their own assets (vehicles, planes), or devising shared arrangements to share assets with others with similar risk thresholds and operational approaches. Advocacy to encourage the UN to adapt its security protocols or find creative solutions is also possible. South Sudan, for example, security risk assessments were normally done by UNDSS, which often created a bottleneck due to differing priorities and risk tolerance. To address this, the Office for the Coordination of Humanitarian Affairs (OCHA) worked with UN operational agencies to conduct them, since the rules stated that they could also be done by certified security staff from other agencies.

Invest in negotiating policy and capacity. While joint initiatives to negotiate access can be helpful, aid agencies that have achieved relatively good access do not generally see them as an effective substitute for direct bilateral contact. Having clear guidance, greater organisational capacity and internal organisational transparency on negotiations[20] can help organisations manage their relations with the UN or other entities that may be seeking to negotiate on their behalf. More investment in negotiation skills and capacity can also help agencies engage in ad hoc local coordination.

1.4 Compromising neutrality

As noted above, neutrality is an instrumental principle rather than an absolute value or a general moral rule: not taking sides in hostilities or conflict is something that many humanitarian agencies find useful in achieving their goals. Neutrality is '[not] a good thing in itself and a principle for life; rather, it is a wise thing in humanitarian action, which serves a particular purpose'.[21] It is pursued 'In order to … enjoy the confidence of all'.[22] Some NGOs do not actually claim to be fully neutral, in order that they may express particular religious or political views and advocate for specific types of political intervention.[23] UN agencies involved in humanitarian action often also cannot be fully neutral because of the political

19 For advice on how to do this, see step 2 ('identify factors and actors') in section 3.2 of Swiss Federal Department of Foreign Affairs (FDFA), *Humanitarian Access in Situations of Armed Conflict: Practitioners' Manual*, Version 2, 2014.

20 See Carter and Haver, 'Humanitarian Access Negotiations with Non-state Armed Groups'.

21 Slim, *Humanitarian Ethics*, p. 66.

22 Pictet, 'The Fundamental Principles of the Red Cross'.

23 Article 3 of the Code of Conduct for NGOs and the Red Cross/Red Crescent specifies that 'aid not be used to further a particular political or religious standpoint'. It therefore avoids the principle of full neutrality and allows NGOs to espouse particular political or religious positions.

Box 2 Are you maintaining your independence from government donors? Questions to ask[24]

- **Funding amounts:** List all current and potential government donors. Which are the major ones? Are there any without whose funding the country programme (or a large intervention within the country programme) could not exist? Be extra vigilant about large amounts of funding, e.g. over a third of the organisation's country budget.
- **Political context:** What are this government's overall interests and goals in this country (security, military, peacebuilding, developmental)? What relationship does it have with other key actors in the country – the host government, non-state armed groups, other governments, the UN (including peace operations)? Which ones is it actively supporting, fighting against or keen to avoid offending? Ask donors if there are areas where they would *not* fund humanitarian assistance (e.g. those occupied by 'terrorist' groups) and ask them to explain why this is the case.
- **Respect for (and level of influence on) humanitarian action:** How important is principled humanitarian action to that donor, when weighed against broader goals? Does the donor care about its image as it relates to humanitarian action or access, or to International Humanitarian Law? Has it committed itself to the principles of Good Humanitarian Donorship? Does the donor view NGOs as an important part of civil society, or simply as inexpensive executing agencies?[25] How does the government's political constituency at home perceive its engagement in that country, including humanitarian action, and what influence does public opinion exert on that engagement? What influence does the donor have within the humanitarian community in that country? Does it attend meetings or participate in fora such as the Humanitarian Country Team, and if so why?
- **Earmarking and impartiality:** Is donor funding earmarked for a specific country, region or type of intervention? Are donors involved in targeting? Does a donor have an 'access framework' or encourage humanitarian corridors to certain populations? Particularly for specifications below the country level, how were these parameters set? What steps were taken – by your organisation, other organisations or donors – to ensure a needs-based response? If your organisation is not able to respond in areas of greatest need with an appropriate intervention, document why this is the case and explain the decisions made. Be wary of donors' attempts to only fund interventions located in areas under the control of favoured political actors; in response to high-profile crises, where donor visibility may be higher; for refugee or IDP returns or rehabilitation rather than responses to new or ongoing needs (thereby supporting a political narrative that 'things are getting better' (or vice versa)); or that use specific food products, including those originating in the donor country.
- **Visibility:** Have donors made demands for visibility? Are these universal or only specific to certain parts of the country or assistance sites? Are there ways for agencies (individually or collectively) to push back against such practices, particularly for donors that are party to the conflict?

role of the broader UN. And all multi-mandate aid agencies, i.e. those involved in other (non-humanitarian) activities such as recovery, development and peacebuilding, struggle with neutrality in conflicts where they work in tandem with governments that are a party to the conflict, or advocate for specific political solutions.

The key aspect of neutrality, however – to which almost all agencies delivering relief in conflicts aspire to – is the idea that agencies are not to 'explicitly join forces with one party in conflict and support its struggle … with one-sided health and welfare programmes'.[26] The provision of aid, in other words, cannot contribute an unfair advantage to one side or another. This condition is much easier to meet, and allows agencies to focus on ensuring that *how* they deliver aid is neutral, rather than what and who. Perceptions that aid agencies are not neutral – that they have thrown their weight behind one side of the conflict – can cause security risks, which can create problems for access. Some of the ethical risks related to neutrality are described below.

1.4.1 Examples of this risk: challenges to neutrality

Accepting armed escorts and services from armed militia. The use of armed escorts – from state as well as non-state actors – for humanitarian convoys is generally discouraged and seen

24 See also Nicholas Leader, *The Politics of Principle: The Principles of Humanitarian Action in Practice*, HPG Report 2 (London: ODI, 2000); Susanne Jaspars, *Solidarity and Soup Kitchens: A Review of Principles and Practice for Food Distribution in Conflict*, HPG Report 7 (London: ODI, 2000); Joanna Macrae et al., *Uncertain Power: The Changing Role of Official Donors in Humanitarian Action*, HPG Report 12 (London: ODI, 2002); GHD, '23 Principles and Good Practice of Humanitarian Donorship', 2003; Victoria Wheeler and Adele Harmer (eds), *Resetting the Rules of Engagement: Trends and Issues in Military–Humanitarian Relations*, HPG Report 21 (London: ODI, 2006); and Sue Graves and Victoria Wheeler, 'Good Humanitarian Donorship: Overcoming Obstacles to Improved Collective Donor Performance', HPG Discussion Paper, 2006; Schenkenberg van Mierop, 'Coming Clean on Neutrality and Independence', 2016.

25 Smillie, quoted in Macrae et al., *Uncertain Power*.

26 Slim, *Humanitarian Ethics*, p. 68.

as acceptable only as a last resort.[27] Using escorts can harm the actual or perceived neutrality (as well as impartiality and independence) of an agency and the humanitarian community as a whole, and risks endangering civilians by attracting attacks on convoys. Despite these risks agencies used armed escorts in several contexts. In Somalia, international agencies used escorts provided by the African Union Mission in Somalia (AMISOM) and clan militia, while NGOs and UN agencies occasionally used UNMISS escorts in South Sudan. In Afghanistan, UN agencies' use of armed escorts was increasing, but most NGOs continued to avoid them. Many NGOs there cited escorts as a security threat, given that they are easily mistaken for the police, who are widely targeted.[28]

Agency representatives in Somalia deemed using escorting and guarding services from clan militia as unavoidable, while also noting that doing so poses serious problems. It can be a protection racket which is hard to get out of, leading some within the aid community to question whether delivering aid 'over the barrel of a gun' is justified. It also raised ethical questions about the harm paying militias for their services may cause. In 2016, for example, a consortium of aid agencies in Gedo used a private security firm with connections to a local clan. The firm was later accused of killing several people from a rival clan. The agencies were formally accused (in a letter to the Humanitarian Coordinator) of having aided this process by providing material support to the local clan, thereby shifting the balance of military capability.

Entering certain areas just after certain armed actors have left, or leaving certain areas just after certain armed actors have arrived. Beginning new programmes only after an area has been 'cleared' by a government military or peace operation can create a perception of being aligned with that actor. Organisations in Somalia, for example, reported that they were sometimes negatively perceived by local power-brokers after they began programmes in areas recently 'liberated' by AMISOM. More generally, the close associations between the aid community, AMISOM and the Transitional Federal Government in Somalia were seen to have contributed to Al-Shabaab's reluctance to allow aid agencies into its areas of control. Something similar can happen when aid agencies evacuate as soon as a new armed actor comes in. The Taliban were reportedly disappointed when most organisations evacuated Kunduz after the Taliban took over and government forces left, believing that this indicated that they had sided with the government.[29]

Working with national partner organisations that have taken sides in the conflict. International aid organisations pursued partnerships with national actors partly as a way to in-crease their access in all four countries, especially in Syria and Somalia. While the evidence collected by the study does not suggest that these partners are generally more corrupt or biased in aid delivery (international agencies can also be, and very much so), in some instances they have taken an overtly non-neutral stance. Some Syrian NGO staff interviewed, for example, saw their high tolerance of physical risk as linked to the fact that they are not neutral actors: they took a side during the revolution and saw their humanitarian work as part of that.[30] Similarly, negative perceptions about South Sudanese NGOs' lack of neutrality, exacerbated by the ethnic dimensions of the conflict, were part of the reason why INGOs and donors have not channelled more funds to them.[31]

Aid conferring legitimacy on armed actors. Armed actors – both state and non-state – will frequently seek to associate themselves with aid efforts to enhance their legitimacy in the eyes of affected people. Agencies cited examples of this in all four settings. One agency representative working in Damascus said that questions about whether the government could be taking credit or profiting from the aid effort 'keep [them] up at night'. Non-state armed groups such as IS and Al-Shabaab sought to associate themselves positively with aid projects, for instance by turning up at distributions or, in the case of IS, making a propaganda film about a health clinic.

Staying silent to maintain access. When is it wiser to stay quiet and keep helping people, or to speak up and risk being closed down and thrown out? This tension was felt in several contexts. For aid agencies working from Damascus, the government – which has been accused of extensive attacks on its people – imposed severe restrictions on access to opposition-held areas. It closely managed all aid operations, required all international agencies to work with (and often under the direction of) the Syrian Arab Red Crescent (SARC), expelled aid personnel and frequently declined visas. These restrictions made agencies extremely cautious about what they say in order to maintain a tenuous kind of access.[32] As one UN representative put it:

> *What do we do when the constraints are too much? Within the UN, there's a conflict between the human rights/protection side (denouncing atrocities etc.) and the operational side that wants to deliver. At a certain point, they're incompatible. In Damascus, we've been very pragmatic: let's keep delivering. A lot of people have been assisted … But when is too little too much?*

27 Inter-Agency Standing Committee (IASC), 'IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys', 27 February 2013.

28 Jan Egeland, Adele Harmer and Abby Stoddard, *To Stay and Deliver: Good Practice for Humanitarians in Complex Security Environments*, independent study commissioned by the Office for the Coordination of Humanitarian Affairs (OCHA), New York, 2011.

29 Ashley Jackson, 'Aide Memoire: Staying and Delivering in Afghanistan: Selected Observations', unpublished background document for forthcoming Stay and Deliver update study, 2016.

30 See also Eva Svoboda and Sara Pantuliano, *International and Local/Diaspora Actors in the Syria Response: A Diverging Set of Systems?*, HPG Working Paper (London: ODI, 2015).

31 See also Lydia Tanner and Leben Moro 'Missed Out: The Role of Local Actors in the Humanitarian Response in the South Sudan Conflict', ChristianAid, CAFOD, Trocaire, Oxfam and Tearfund, April 2016.

32 See also ALNAP, *The State of the Humanitarian System* (London: ALNAP/ODI, 2015).

These dilemmas may be especially acute when people's primary need is protection, rather than material assistance. Many Syrian NGOs and others expressed frustration with the international response's focus on the latter at the expense of the former. Humanitarian agencies perceived that they 'do not have a role to play in countering abusive or violent behaviour even when political and military strategies and tactics pose the biggest threat to life … [or] … in challenging the impact of armed conflict, and other situations of violence, on civilians'.[33] As a resident of Homs said in 2012, 'We don't want food – we want to be protected from what is happening here'.[34]

Similar tensions between speaking out and staying silent were at play in South Sudan. Some stakeholders there believed that the UN had not pushed back as hard as it could have done on bureaucratic impediments on aid to opposition areas out of fear that aid staff would be expelled, as the UN Resident Coordinator was in June 2015.

1.4.2 Ways to address these risks

Don't focus too much on compromises to neutrality in the abstract. Humanitarian agencies are right to be concerned about being seen as part of the conflict, and hence at greater risk of attack, when they move around with armed actors (such as UN missions). The level of concern, however, should directly relate to the level of negativity attached to perceptions of the actor being associated with; concerns about security risks arising from negative associations with the UN mission were much more prevalent in Somalia than in South Sudan, for example. (There are also many other good reasons to avoid armed escorts wherever possible, which have nothing to do with neutrality.) Similarly, Slim argues that it is not necessarily problematic when association increases the legitimacy of armed groups and governments, if their intentions are good. If a warring party abides by the spirit of International Humanitarian Law and cooperates with relief agencies, their humanitarian (but not necessarily their political) legitimacy rightly increases. The SPLM–iO, for example, frequently made formal statements expressing its support for principled humanitarian action. While it was undoubtedly seeking to increase its political legitimacy by demonstrating humanitarian legitimacy, and aid actors should be aware of these dynamics, this is not necessarily problematic in itself. 'The problem is when a warring party uses humanitarian associations more cynically to gain undue legitimacy';[35] when they seek to inappropriately influence programming; or when such associations cause the other side to resent or be suspicious of the aid agency, especially governments vis-à-vis non-state armed groups. Compromises to neutrality, like all compromises, should be made based on good context analysis that takes into account the likely impact.

Don't assume that national NGOs are biased in favour of one side of the conflict. In all four contexts, donors and international agencies expressed the view that national NGOs are less likely to be neutral and therefore either biased in aid delivery or less useful in accessing difficult-to-reach areas. This bias was seen to come from the personal, clan, religious or ethnic ties of national NGOs' staff and leadership. The evidence for such assertions is mixed, however: across the four countries, international agencies also experienced problems with bias and favouritism, and national NGOs did not necessarily appear to be at greater risk of this. Further research in this area would be helpful. Some national NGOs were certainly limited in where they could programme, either because of ethnicity (e.g. in South Sudan) or because of the political positions of their founders or senior

Box 3 Does staying silent about abuses amount to complicity?

Not necessarily, says Slim, but it can be a moral failure. Sometimes it is morally necessary to make public note of extreme wrongs, regardless of the impact. This creates a 'moral marker for humankind to build on later as morality evolves and when a capacity to act is positively increased'. When deciding whether to speak out, here are some things to think about:[36]

- Is it broadly in the interests of the victims to do so? Have you consulted the right people to be able to know this? Will any members of the community face reprisals?
- Who is your audience and what would you like to achieve? Are you seeking to effect change, raise funds or both? How will you manage any competing objectives?
- What is the likelihood of success or impact of some sort in speaking out?
- Are others already speaking out? Are you just adding to the chorus?
- Could there be better, more discreet forms of information-sharing, such as the private 'demarches' preferred by the ICRC?
- Is the programme likely to face closure if you speak out? What impact would this have, both individually and in terms of the collective response?
- Can you support direct advocacy by victims themselves?

33 Norah Niland et al., *Independent Whole of System Review of Protection in the Context of Humanitarian Action*, commissioned by the Norwegian Refugee Council on behalf of the IASC and the Global Protection Cluster, May 2015, as referenced in Kimberley Howe, *No End in Sight: A Case Study of Humanitarian Action and the Syria Conflict*, Planning from the Future, Component 2, King's College London, Feinstein International Center and Humanitarian Policy Group, January 2016.

34 Béatrice Mégevand-Roggo, 'Syria: We'll Continue Working as Long as We Are Needed', ICRC Interview, 3 February 2012, quoted in Niland et al., *Independent Whole of System Review*, p. 25.

35 Slim, *Humanitarian Ethics*, p. 191.

36 Adapted from Slim, *Humanitarian Ethics*.

managers (e.g. in Syria). But the same was true of international NGOs, either because of their political associations or the ethnicity of national staff. Assertions that national NGOs are not neutral and hence more biased or less able to safely access people need to be based on context-specific evidence, rather than generalisations.

Don't stay for the sake of being able to say you're present. Agencies whose mandates include advocacy or bearing witness to abuses against civilians need to carefully weigh their ability to do these things against their ability to provide life-saving assistance. In another study, INGOs reported often not speaking out on behalf of affected people (i.e. reducing their advocacy) because of perceived or actual risks to the security of staff, the organisation's reputation or its future access. Decision-making on advocacy was complicated by the fact that staff based outside the country often lead advocacy efforts, but they are not as aware of the risks and so tend to defer to country-based staff, who are more focused on ensuring the continuity of their opera-tions. Few INGOs had structured ways of assessing the risks and benefits of speaking out.[37] This difficult choice is encountered frequently and would benefit from inclusion in organisations' risk management frameworks (see also Chapter 2).

1.5 Enabling or tolerating corruption

The four fundamental principles are not the only ones guiding humanitarian action. Accountability, quality assurance and good management are also important. Slim calls these 'stewardship principles', guiding humanitarians to use their resources wisely and assuming responsibility for their actions.[38] Corruption is a problem throughout the world. It can be financial, such as fraud, bribery, extortion and kickbacks, as well as non-financial, such as the manipulation or diversion of humanitarian assistance to benefit non-target groups, preferential treatment in assistance or hiring processes for family members or friends (favouritism, nepotism or cronyism) and the coercion and intimidation of staff or beneficiaries to turn a blind eye to or participate in corruption.[39] Corruption is particularly likely in the countries where humanitarian agencies typically work, which may lack a strong tax base and tend to have weak governance, and where paying bribes for public services may be accepted practice. Corruption in humanitarian assistance can result in the diversion of life-saving resources from vulnerable people. It can also damage an organisation's reputation, both globally (e.g. with donors) and locally (e.g. with local people through associations with corrupt elites).

1.5.1 Examples of this risk: challenges to acting with integrity

Maintaining a culture of silence on compromises and corruption. As awareness of corruption in humanitarian assistance has grown,[40] so donors and agencies have been encouraged to adopt 'zero tolerance' policies. In some countries, corruption scandals have led agencies and donors to take specific steps, such as improving monitoring systems and reorganising staff, to reduce their exposure. This was the case in Somalia, where the release of large volumes of funding in response to the famine there in 2011–2012 contributed to high-profile corruption cases.

Technically, 'zero tolerance' policies stress the requirement not to *tolerate* corruption – i.e. insisting on accountability when corruption happens. But 'zero tolerance' has often been under-stood to mean 'zero discussion' of corruption. The research found that, in all four countries, paying for access and granting concessions are commonplace, yet remain taboo as a subject of discussion. Common practices include paying money at checkpoints, paying unofficial taxes, altering targeting criteria, employing local militia or working in some areas instead of others so as not to antagonise a powerful person or community. Sometimes these compromises are justified because they are essential to maintaining access to very vulnerable people. Just as it is morally defensible to make strategic compromises to impartiality, neutrality and independence, so it may be acceptable to compromise and accept higher corruption risks – if humanitarian needs justify doing so.

Focusing on upward at the expense of downward accountability. Echoing previous research, local people interviewed in three of the four settings reported that corruption, bias and favouritism were major impediments to their receiving aid.[41] In Somalia and Afghanistan, affected people repeatedly reported to the research teams stories of community power holders or 'gatekeepers' misusing aid assets for patronage purposes. In Syria, affected people reported that corruption and favouritism were widespread, with friends and relatives often inappropriately included on distribution lists. Local councils and relief committees were seen to play a key role in the selection of beneficiaries and in influencing the amount of assistance delivered to their area.

Senior staff working in these countries showed insufficient awareness of the extent of these practices, reflecting a general tendency within aid agencies to emphasise upward accountability to donors at the expense of the kind of downward accountability to affected communities that could identify these problems. The two kinds of accountability

37 Stoddard, Haver and Czwarno, *NGOs and Risk*.

38 Slim, *Humanitarian Ethics*.

39 Transparency International, *Preventing Corruption in Humanitarian Operations: Handbook of Good Practice*, Berlin, 2014.

40 *Ibid*.; P. Ewins et al., *Mapping the Risks of Corruption in Humanitarian Action*, ODI and Management Accounting for NGOs (MANGO), 2006.

41 In South Sudan, there was less commentary on corruption or diversion, in part because of the prevalence of unconditional general distributions (meaning fewer opportunities for bias or favouritism during targeting) as well as the presence of armed actors during some consultations, inhibiting discussion on this sensitive topic.

should of course be linked, and most donors do care about aid quality from affected people's perspectives. But in practice they are often separate processes, with the latter form of accountability most often neglected.

1.5.2 Ways to address these risks

Foster an organisational culture where compromises can be openly discussed. Promoting an organisational culture where compromises, corruption and ethical risks can be openly discussed is an essential first step towards responsible humanitarian action. Ensure that staff understand that compromises will sometimes be necessary and are sometimes morally defensible, depending on humanitarian needs. Maintaining a focus on balancing all types of risk – including corruption – with programme impact and criticality is essential for good decision-making (see Chapter 2 for more on this).

Take steps to tackle the forms of corruption that people see and feel. Agencies can do more to independently monitor, investigate and tackle the most problematic types of corruption. They can also do more to provide incentives for greater integrity of aid, by reducing pressure to maintain funding flows and by protecting those who report corruption. In certain contexts, tackling corruption can be extremely dangerous, and involving community members in monitoring mechanisms can help mitigate this. As stressed in a recent guide on preventing corruption in humanitarian aid, '[e]xposure to corruption falls as community involvement in assessment, response and evaluation rises'. The following steps can enhance programme quality and accountability to affected people:[42]

- Provide relevant, timely public information.
- Learn about local political and social structures and 'gatekeepers'.
- Ensure that staff are receptive to beneficiary perspectives, including by encouraging 'soft skills' like listening and respecting social and cultural norms.
- Give beneficiaries decision-taking power, including designing programmes in participatory ways.

In Somalia, affected people and aid organisations tended to have the most positive views of organisations whose senior staff (Somali or international) were able to visit project sites and talk directly to local people, authorities and staff – in contrast with those whose senior staff rarely visited. These organisations were seen as more likely to address issues of quality (gatekeeping, clan favouritism, corruption).

Discuss risks openly with donors and encourage risk-sharing. As with fiduciary risks, find ways to involve donors in these issues. This should include having a dialogue on managing the implications of donors' zero-tolerance policies, where relevant. Donors and agencies should work together to weigh the urgency or life-saving nature of the intervention (programme criticality) and determine their risk acceptance accordingly.

1.6 Putting staff or partners in harm's way

Like other professional endeavours, being a good employer and ensuring staff safety are important principles within humanitarian action.[43] In the four countries examined, in response to increased security risks to international staff many organisations have transferred more programme responsibility to national or local staff. Partnerships with national actors (NGOs and the private sector) are also pursued as a way to enable access, especially in Syria and Somalia. In all four countries, international agencies that are implementing directly (i.e. not through partners) often hire very local staff as a way to increase their acceptance and knowledge of the area.

1.6.1 Examples of this risk: challenges to keeping staff and partners safe

Not fulfilling a duty of care for the security of national/local staff. International organisations' increasing reliance on national staff, including locally hired staff, raises the ethical problem of inappropriately transferring security risks to national staff or partners. Interviews with senior staff of these organisations in the four countries suggest that duty of care issues are often not sufficiently considered, echoing previous research on this topic.[44] Other recent research on INGOs' risk management approaches notes continuing gaps in risk mitigation measures for national staff, including off-hours transportation, com-munications and site security at home.[45]

Insufficiently investing in the security of national partners. While organisations have a direct duty of care for the national staff they employ in matters of safety and security, this legal obligation does not extend to the personnel of local partner NGOs, even if the partner is a direct subcontractor of the international organisation.[46] However, few would dispute that an ethical obligation to the local partner organisation exists, even if less clearly defined. This research found that, in the four countries (and especially in Somalia and Syria), national partners – including NGOs and private sector actors – are taking on more security risks, but often with insufficient support for security management. International actors have invested more in capacity-building to manage financial and operational/quality risks (which they are still responsible for) rather than security risks (which they are not). In Afghanistan, Somalia and Syria, there was limited to no shared analysis or discussion between international and national partners on security risks.

42 Adapted from Transparency International, *Preventing Corruption in Humanitarian Operations*.

43 Slim, *Humanitarian Ethics*, p. 40.

44 Abby Stoddard, Adele Harmer and Katherine Haver, 'Spotlight on Security for National Aid Workers: Issues and Perspectives', *Aid Worker Security Report* (London: Humanitarian Outcomes, 2011); Katherine Haver, 'Duty of Care? Local Staff and Aid Worker Security', *Forced Migration Review*, no. 28, July 2007.

45 Stoddard, Haver and Czwarno, *NGOs and Risk*.

46 Stoddard, Harmer and Haver, 'Spotlight on Security for National Aid Workers'.

Box 4 Risk transfer to Syrian aid partners

In Syria, international agencies' capacity to support partners, including through shared approaches to risk management, were very under-developed relative to the requirements of the situation. Many INGO representatives interviewed in Turkey expressed concerns about the extent to which security risks were being transferred – some felt inappropriately – to their Syrian NGO partners. Syrian organisations reported having only rudimentary security risk management procedures. They saw the main risks as coming from aerial shelling and military clashes, and simply attempted to move staff away from possible strike locations. Risk was also transferred onto the local councils that received and distributed aid. When asked if aid organisations faced any risk in delivering aid, a local council member in Aleppo Countryside said no, explaining that '[aid] organisations do not even come to [our] village, we receive relief [assistance] through organisations' delegates, who stay in the village for two to three hours every month'.

Very few INGOs were providing support to strengthen the security management systems of their local partners.

1.6.2 Ways to address these risks

Clarify when it is morally acceptable for national staff to face higher risks. Inadequate attention to the security needs of national staff is often based on broad assumptions that they face lower security risks than international staff. This is sometimes but not always the case. National staff who are not from the area, or who are of a certain ethnicity or clan, can face higher risks than highly local staff. A sense of economic privilege from being employed by an aid agency can also put them at additional risk.[47] A careful analysis is required.

Once actual threat levels are better understood (rather than just assumed), it may be possible ethically for organisations' national staff to expose themselves to greater risks than international staff. Slim argues that a moral case can be made for national staff taking on greater risk if two conditions are fulfilled:[48]

- Connectedness: national staff may feel especially connected to their communities in times of crisis, and so greater risk may be justifiable in line with the idea of there being different circles of obligations and relationships.
- Consent: all exceptions must be based on the consent of those involved. Gauging consent requires special care when there are financial incentives (per diems, danger pay).

A context-specific understanding of actual risks is key. One INGO in Afghanistan made the decision, unprecedented for the organisation, to evacuate national staff members and their families when a province was overrun by anti-government forces and they were deemed to be directly threatened. Although not without potential risks (such as setting a harmful precedent or even running afoul of national laws), the ad hoc decision revealed the need for, and helped to spark, policy develop-ment on this issue.[49]

Openly discuss security risks with partners. The level of trust and communication between partners – specifically for local partners to be able to discuss, and not hide, challenges and problems encountered during implementation – was found to be an important factor in successful partnerships. Some of the same steps that have been successfully used to boost national NGOs' financial and administrative capacities – including mentoring, frequent discussion and the embedding of international staff – can also be useful for improving security management. Open discussion of partners' willingness to accept various types of risk is key to ensuring actual consent. International agencies also need to think more carefully about when, how and why they form partnerships, and whether they have sufficient capacity themselves to support them.[50]

1.7 Putting affected people in harm's way

Humanitarian action has the potential to do harm instead of or as well as its intended good, and considerable attention has been given in recent years to 'protection mainstreaming' or 'safe programming' efforts.[51] Harm can happen directly or indirectly, and can include both physical and emotional or cultural harm, such as aid being paternalistic or degrading.[52] This section focuses on ways that aid organisations can cause physical harm to affected people, directly or indirectly.

1.7.1 Examples of this risk: challenges to minimising harm to affected people

Threatening to withdraw or stop services. In South Sudan, some organisations made inter-agency decisions to suspend their operations in specific areas as a way of dealing with riots, interference by local authorities or threats to staff safety. Some aid staff saw this as a form of collective punishment, whereby those not involved in the incidents were inappropriately denied aid. Other staff stressed that the suspensions were motivated mainly by a desire to avoid exposure to the same

47 Stoddard, Harmer and Haver, 'Spotlight on Security for National Aid Workers'.

48 Slim, *Humanitarian Ethics*.

49 Stoddard, Haver and Czwarno, 'NGOs and Risk'.

50 Kimberly Howe, Elizabeth Stites and Danya Chudacoff, *Breaking the Hourglass: Partnerships in Remote Management Settings – The Cases of Syria and Iraqi Kurdistan*, Feinstein International Center, Tufts University, February 2015.

51 Mary B. Anderson, *Do No Harm: How Aid Can Support Peace – Or War* (Boulder, CO: Lynne Rienner, 1999); Fiona Terry, *Condemned to Repeat? The Paradox of Humanitarian Action* (Ithaca, NY: Cornell University Press, 2002); Slim, *Humanitarian Ethics*; Niland et al., *Independent Whole of System Review.*

52 Slim, *Humanitarian Ethics*.

risks again and again. Some staff were concerned about a lack of triggers and benchmarks for re-entry, and the tendency to turn to withdrawal as the default option. For their part, the agencies involved in these decisions saw the need to present a collective front to obtain assurances that bureaucratic impediments would be eased or security conditions improved.

Aid distributions exposing people to violence. When deciding whether to stay or go, or to expand or not to new areas, safety and protection concerns were factors across all four countries. Many aid staff cited 'causing harm to beneficiaries' as an important factor in deciding whether to expand to new areas. In South Sudan and Syria, affected people reported facing physical dangers while collecting aid. Aid can attract raids or looting, putting people at risk. In South Sudan, the danger came from travelling long distances and criminality. Both men and women felt threatened, though it was more of a concern for women because it is typically women who collect food. People in rural areas consistently asked that food and services be brought to their village. Deciding when the level of risk to people's safety was too great – compared with the benefits provided by the aid itself – presents thorny dilemmas for field staff. As one staff member in South Sudan explained:

> *In Southern Unity, we were so worried about people having their food taken from them and being harmed. An armed group and a hungry population right next to each other. Is that our judgement to make? Maybe we have information that people in the bush don't have … we couldn't have staff stay after the distribution to provide accompaniment, because no one could guarantee that we could get them out. Flights were being denied [by the government] on a weekly basis. So we'd have no way of getting them out.*

Syrians receiving aid similarly reported dangers, which for them were mainly from regime shelling/airstrikes as large crowds gathered during aid distributions. Door-to-door or local distributions were seen to lower these risks.

Indirect harm. Analysts differ in their views on how much indirect harm it is possible for humanitarian action to create, and on how far humanitarians' moral responsibility should reasonably extend.[53] The methods used in this research could not explore these moral problems in any detail, but they were live ones in all four countries. In Syria, aid agencies working from Damascus worried about aid prolonging the conflict by providing services that legitimised the government or freed up funds for the government to spend on armaments. In South Sudan, aid agencies were aware of the capacity of aid to legitimise the major warring parties and hence prolong the conflict, as some have argued took place during Operation Lifeline Sudan (OLS).[54]

1.7.2 Ways to address these risks

Invest in context analysis. Investing time and resources in developing a strong understanding of the context, conflict and power dynamics is an indispensable first step to minimising the harmful aspects of aid. This includes mapping out the interests of local actors and understanding how they perceive aid and may seek to use it to further their aims. It also includes ensuring that this contextual knowledge informs staffing choices, for example by choosing people with the right personal networks and identity as well as the integrity to negotiate for an impartial response.

Consult affected people about decisions that concern them. Affected people consulted in the four countries were generally unhappy with their degree of involvement in aid interventions. Many cited little real dialogue or consultation: 85% of people surveyed said they had never been consulted about the aid they received. Aid agencies in all four countries were seen to rely too much on the same set of community leaders – who sometimes acted as 'gatekeepers', controlling aid agencies' access to people and people's access to aid – and tended not to involve the broader community throughout their projects.[55] Well-known problems – relating to communities, developing genuine participation that gets beyond self-appointed gatekeepers, navigating local politics and avoiding elite capture of aid – affect both development aid and humanitarian action, but our research shows evidence of only limited innovative or in-depth approaches to tackling them. There appears to be significant room for improvement in aid agencies' relations and communications with affected people, even given how difficult this can be in insecure settings.

53 See e.g. Terry, 'Book Review. Humanitarian Ethics'.

54 Dan Maxwell and Phoebe Donnelly, *The Violence in South Sudan, December 2013 to Present*, Planning From the Future, Component 2, Feinstein International Center, 2015; Mark Bradbury, Nicholas Leader and Kate Mackintosh, *The 'Agreement on Ground Rules' in South Sudan*, HPG Report 4 (London: ODI, 2000).

55 Steets, Sagmeister and Ruppert, *Eyes and Ears on the Ground*.

Chapter 2

Incorporating ethics into risk management frameworks

This chapter provides an overview of risk management frameworks and describes how they are increasingly used to inform aid agencies' decision-making in high-risk environments. It describes three inter-linked elements that are sometimes missing from such frameworks, and from agencies' approaches to decision-making in general: a consideration of ethical risks, such as those described in Chapter 1; the balancing of risk with programme impact or programme criticality (i.e. fulfilling the core humanitarian mandate); and the ability to acknowledge that a certain level of residual risk must be accepted, and to communicate effectively about this, especially with Boards of Directors/Executive Boards and donors.

In response to what many aid agencies perceive as new and intensified risks, and reflecting broader trends in a range of sectors, many larger international aid agencies – both UN and NGOs[56] – have increasingly begun to adopt professionalised risk management approaches. These cover not only security and safety risks, but also fiduciary, legal, reputational, operational and information risks. They share a 'common underpinning methodology, borrowed from the private sector, which systematises the assessment of risk in all areas at all organisational levels and builds in mitigation measures'.[57] A recent study of 14 large international NGOs found that 13 had instituted or were in the process of adopting an overarching risk management framework.[58] These frameworks typically include a global risk register for analysing and prioritising risks, and for planning mitigation measures. The greatest risks are in turn prioritised by the organisation, and follow-up steps and procedures set in motion to address and mitigate them.

Field staff interviewed for this study generally did not see risk registers – or risk management more broadly – as overly time-consuming or burdensome, and tended to value the approach for bringing a more systematic lens to complex problems. Risk management was particularly valued as a way to ensure that all types of risk were considered and for weighing both the likelihood and potential impact of a threat. For example, one INGO working in Turkey providing cross-border aid to Syria stored humanitarian goods in Syria instead of Turkey in order to comply with Turkish customs regulations. These stocks in Syria were stolen, contributing to a suspension of the programme. In retrospect, the risks involved in storing goods in Turkey were far lower than storing them in Syria – and a systematic risk assessment would have led to a different decision. Aid staff interviewed (at headquarters and field levels) did not perceive these frameworks as replacing human judgement, but as tools to complement and improve their ability to exercise good judgement. The INGO staff interviewed, while concerned about the possibility of growing risk aversion, did not associate risk management with reticence. Most saw risk management as enabling rather than constraining.[59]

Risk management approaches have tended to focus only on certain types of risk, however. Ethical risks, such as many of the ones described above, are generally not included as a category, and are instead enumerated under 'operational' or 'reputational' risks, if they are included at all. In practice this has meant that they are often left out. Along the same lines, the overall focus of risk management, which is also sometimes referred to as 'enterprise risk management', has tended to be on risks to the *organisation*, rather than to the people the organisation is trying to assist. Again, the potential for harm to affected people is sometimes included under 'operational' risk, but not systematically.

Another way of looking at this is that the 'benefit' side of the 'risk–benefit' equation has been left out. 'Benefit' in this case can be thought of as programme impact, or *programme criticality*: the degree to which an intervention is urgent, saves lives, relieves suffering, or otherwise fulfils the core humanitarian mission. This gap likely stems from the fact that risk management frameworks were developed in the private sector, where the goal is more easily measured, in terms of profit (i.e. monetised). For non-profit/service organisations, it can be more difficult to measure the impact of one's work.

In practice, senior field staff do tend to take the criticality of the intervention into account, in some way, when determining the level of risk they are willing to accept. INGO respondents made comments such as 'If the need is huge, our acceptable level of risk shifts somewhat'; 'If it's about saving lives, yes, [our organisation] is willing to take more risks'; and 'This always comes up in [senior management team] discussions [at field level]'.[60] This criticality assessment is mainly done informally, however. Programme criticality was typically not part of risk management mechanisms, and there was no systematic way of measuring it or ensuring that it was always included in decision-making. This is despite the fact that criticality is not necessarily any more difficult to measure than risk, and so relatively easy to add to current frameworks. While

56 The research did not look at the Red Cross/Red Crescent movement with regard to this question.

57 Stoddard, Haver and Czwarno, 'NGOs and Risk'.

58 *Ibid.*

59 Stoddard and Jillani, *The effects of insecurity on humanitarian coverage.*

60 Stoddard, Haver and Czwarno, 'NGOs and Risk'.

the UN has developed a way to assess programme criticality, its framework only looks at a specific kind of risk – security risks to UN staff members (i.e. not including partners, and not including other types of risks) – and the mechanism remains under-utilised in real-time decisions.[61]

In any sector, tensions exist between fulfilling one's mission and minimising risk. This is more so when trying to fulfil the goals of humanity and impartiality – helping the most in need – in high-risk environments. Explicitly mapping programme criticality against risk may help organisations visualise and accept these tensions. It can ensure a focus on the goal of reaching those most in need, rather than simply executing programmes in reachable areas.

Risk management incorporates the idea of 'residual risk', i.e. the idea that some level of risk will have to be accepted, even after mitigation measures are taken. Programme criticality is a vital consideration when deciding how much residual risk is acceptable. Without it, 'there is the possibility of making decisions using a lowest common denominator risk threshold, and failing to take life-saving action as a result'.[62] In addition, some types of residual risk acceptance (mainly fiduciary/reputational) are very much linked to *donors*' risk acceptance. A certain level of fiduciary risk will likely be morally justified, especially if modest in scale or humanitarian needs are high (e.g. payments to local warlords/gatekeepers in Somalia during the 1992 famine).[63] Organisations need to be able to have honest conversations internally, between national partner organisations and international ones, field and regional or headquarters staff and senior managers and Boards. They also need to be able to discuss risk thresholds (risk acceptance levels) externally, with donors. This ideally leads to risk sharing.

An alternative risk management framework is presented in Figure 1, which takes concepts from existing risk management frameworks and adds in these additional elements.

Figure 1 Alternative risk management framework: Balancing risk with criticality

1. Assess risk

Identify different types of risk associated with the specific action or intervention. These can be grouped by categories: security (organisational), security (affected people), fiduciary, reputational, information technology, health and safety, legal/compliance, etc. Risks can fall within multiple categories. Rate each threat by likelihood and impact based on available information and judgement. More information may be needed.

Likelihood x impact = risk

The scale for likelihood and impact is: 1–5 (1 = very low, 5 = very high)

The scale for risk is:
1–5 = low
6–10 = medium
11–15 = high
16–25 = very high

	Threat	Category	Likelihood		Impact		Initial risk rating
1	Armed group attacks us on the road	Security (organisational)	5	x	5	=	25 (very high)
2	Donor audit finds aid diversion to a designated terrorist group	Fiduciary	2	x	4	=	8 (medium)
3	Food distribution prompts a violent raid, harming beneficiaries	Security (affected people)	3	x	5	=	15 (high)

2. Mitigate risk

Identify and take steps to lower the likelihood or the impact of each risk.

	Mitigating measure(s)	Likelihood		Impact		New risk rating
1	Initiate negotiations with armed group. Improve communications procedures on road.	4	x	5	=	20 (very high)
2	Increase staff compliance with financial procedures	1	x	4	=	4 (low)
3	Ensure that distribution times and locations are not known in advance	2	x	5	=	10 (medium)

61 Katherine Haver et al., 'Independent Review of Programme Criticality', Humanitarian Outcomes, July 2014.

62 Stoddard, Haver and Czwarno, 'NGOs and Risk', p. 4.

63 As argued in Terry, *Condemned to Repeat*.

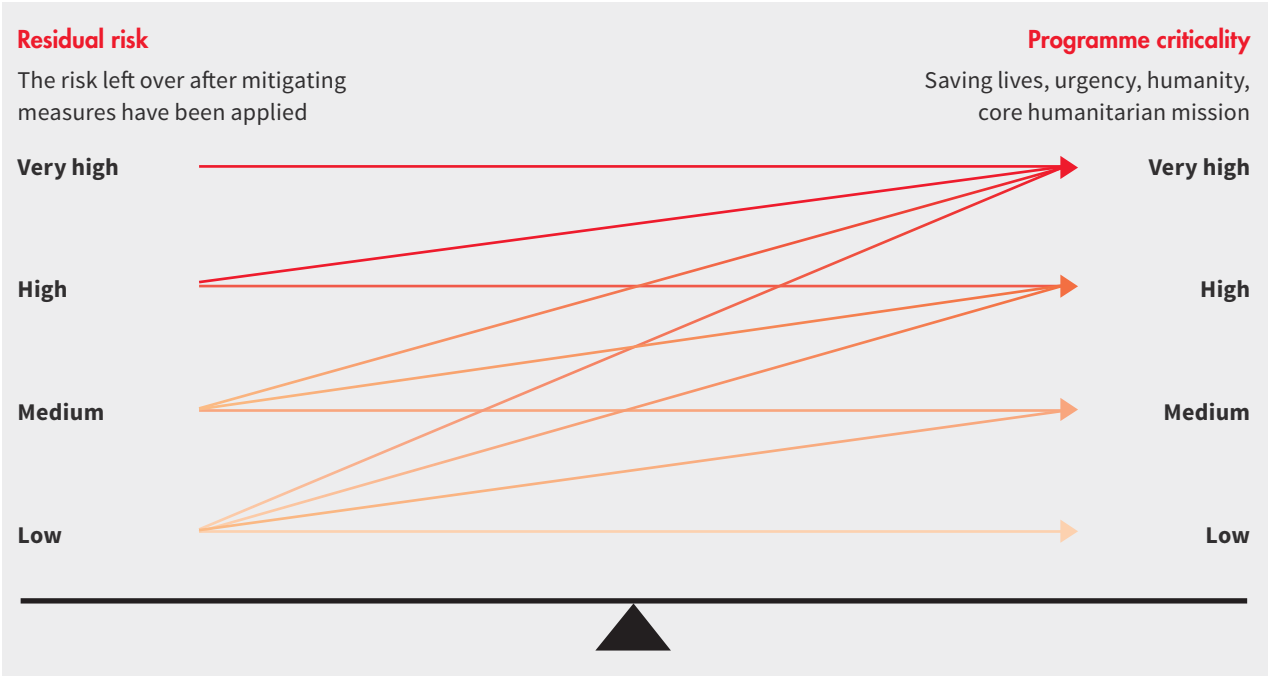
Figure 1 (continued)

3. Assess programme criticality

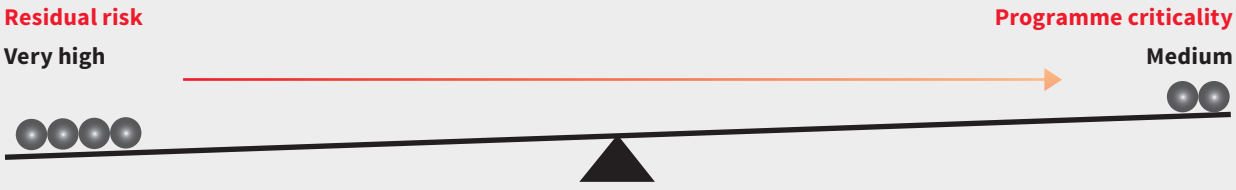
Determine the level of criticality of the intervention (low, medium, high, very high), based on the level and urgency of known humanitarian needs, factoring in the ability of other agencies to reach people.

4. Balance risk with criticality

In situations where programme criticality is higher, organisations can accept a higher level of residual risk.

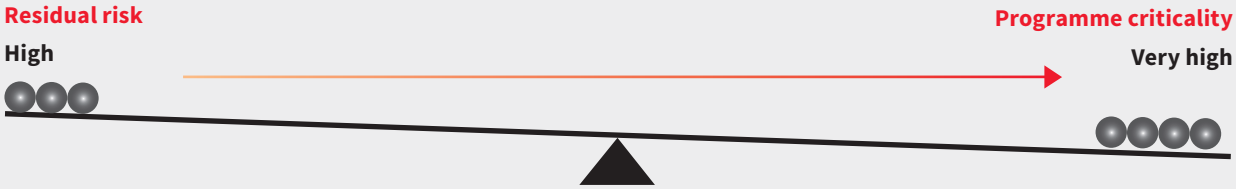


Example 1



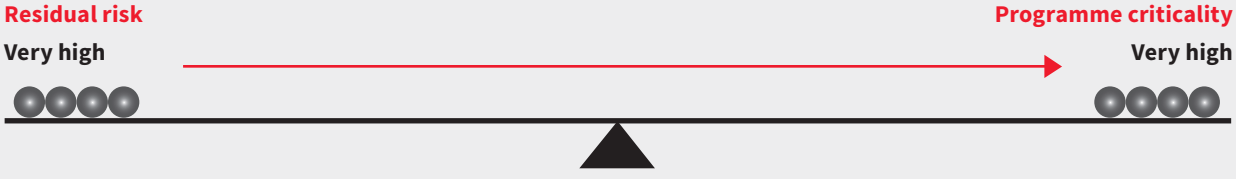
Review mitigation measures. If no further reductions possible, do not proceed

Example 2



Consider proceeding

Example 3



Consider proceeding

Chapter 3

Promising practice for decision-making to enable access in high-risk environments

This chapter points to some promising practice in decision-making to enable access in high-risk environments. It focuses on a select group of organisations that enjoyed better access to people in hard-to-reach areas.[64] Complex decisions around access, such as whether the organisation should expand to work in a new and insecure area, involve many factors all at once. They also often must be made with insufficient information. This means that having experience and good judgment is important. Most decisions have both practical and moral components. Some will have stronger ethical consequences than others, and hence will require good 'ethical competence'. Slim identifies a few elements of ethical competence:

- Knowing something about humanitarian ethics: the principles, rules and guidelines of humanitarian action, as well as people's options and the wider political-social situation.
- Being able to perceive and recognise ethical problems as they arise: people can develop a 'moral eye' which enables them to spot moral problems.
- Ethical reflection: engaging in deliberation, including 'doing and action' (see below).
- Habituation of ethical awareness and competence: over time, ethical awareness can become second nature.

Good decisions almost always involve some form of deliberation. This can imply a slow process, but deliberation need not always be slow. While there may not always be time to involve others in decisions, in most situations there is time for deliberation of some sort. Below are some key aspects of deliberation for humanitarian action in volatile settings:[65]

- Involving others: 'the very process of telling people our problems and speaking them out loud to one another can help us hear the problem better'. It is particularly important to deliberate with people in the affected society, since decisions will often affect them greatly.
- Actively experimenting: trying something and seeing if it works. Practitioners working in the four environments emphasised the need for both doing *and* deliberating, in a kind of reflective practice. Such flexibility does not always come naturally within the humanitarian sector, due to donor pressure, limited funds and a (mistaken) 'belief that a "trial and error" mentality is ethically unacceptable'.[66]
- Understanding and working with your organisational culture: decisions are made by and within organisations. Each organisation has its own culture, reflecting its values and norms. Individuals can help shape the organisational culture, but only so much. It is important to be aware of these limitations. Organisations can value the following elements – or act according to the following forces – to different extents:
  - Inclusion.
  - Transparency.
  - Commercial cultures that prioritise 'bottom line' considerations.
  - Pragmatic cultures that value 'getting the job done' over transparency.
  - Confidentiality.
  - Risk-aversion or risk tolerance.
  - A greater focus on end-states over values and means, or vice versa.

As noted above, a wide variety of organisation types were able to achieve relatively good access in hard-to-reach areas (albeit still limited coverage overall) in the four countries. These included both national and international organisations, as well as non-governmental, UN and Red Cross/Red Crescent entities. They thus displayed a wide range of organisational cultures and approaches to decision-making. Nonetheless, a few key elements could be discerned:

- Putting people, mission and values first: meeting humanitarian needs should be the first priority, over and above furthering reputations or securing funding; organisations that achieved good access in hard-to-reach areas tended to have a strong internal 'triage' culture driven by the goal of reaching those most in need – rather than simply executing programmes in reachable areas. They also tried to involve affected people in decision-making about programming and invested in contextual understanding.
- Understanding that compromises may be necessary: reaching people in war zones almost always requires compromise of some sort. A key capacity for organisations is to be able to decide when compromises are worth it based on systematic consideration of the issues, and to be able to explain and defend one's

64 For more detail, see Stoddard and Jillani, *The effects of insecurity on humanitarian coverage*; Haver and Carter, *What It Takes*.

65 Adapted from Slim, *Humanitarian Ethics*.

66 Darcy et al., 'The Use of Evidence in Humanitarian Decision-Making'.

decisions. This includes creating space for difficult conversations, especially between local and international staff, and ensuring that senior managers are also involved and assuming responsibility.

- Empowering staff: allowing staff who are close to the situation to make difficult decisions, with questions and support and frequent check-ins with managers from capitals and headquarters, was seen as good practice. Devolving decision-making to national staff or others on the ground, in situations where senior staff are cut off due to insecurity, while also providing oversight and guidance, was seen to improve outcomes and foster organisational trust; at the same time, many situations will require an outside staff member (international or national) to come in and enforce rules and good practices when locally based staff are under pressure.
- Making judgements on risk at the right level: a key principle of risk management is that decisions on risk need to be taken at the right level within the organisation. This means that a risk involving potentially major consequences for affected people, or for the image of the organisation, should be deliberated by senior management, whereas the risk of a minor computer virus should be handled by mid-level IT managers. Local staff should not be required to make strategic decisions that would have major repercussions; all such decisions should be explicitly discussed and documented.
- Being flexible: allowing and encouraging programme managers to change an intervention once it is under way, as needed, e.g. based on the changing context, the need for compromises or input from affected people, was key to allowing interventions to continue and fostering quality. This may also include challenging any donor funding regulations or procedures that impede this.
- Understanding your operational independence: explicitly considering and listing the ways in which donors' political interests may be influencing humanitarian aid in a particular context, including your organisation specifically, is a critical step to increasing independence. The same mapping exercise can also be carried out for other political actors in the environment: UN mission, host government, other armed groups or activists.
- Incorporating ethics into existing processes: different models and options exist for incorporating ethics into decision-making:
  - Revising risk management frameworks to incorporate ethical risks and programme criticality (see Chapter 2 above).
  - Increasing discussion and training for staff on ethics issues.
  - Including ethical issues in post-decision deliberations, evaluations and performance reviews.
  - Appointing an ethicist as a central resource for ethical issues. The ethicist may help define an organisation's value matrix, develop the structures and processes required to enable ethical decision-making, and run an ethics consultation service. This does not necessarily have to be a separate staff position. In this way 'expertise is disseminated but not diluted'.[67]
  - Using ethics committees: 'These committees should be practical and operate in real time. They need to offer operational support and not become a device with which to kick difficult ethical balls into the long grass of endless deliberation'.[68]
- Documenting decisions and learning lessons: putting down on paper difficult situations and what decisions were made was seen to promote learning and create institutional memory, especially for country programmes with frequent staff changes. One organisation saw these practices as critical for its ability to maintain its (excellent) access in South Sudan (they had situations documented back to 1996); another large organisation with relatively good access globally encourages staff to record reasons for *not* acting.

67 Clarinval and Andorno, 'Challenging Operations'.

68 Slim, *Humanitarian Ethics*, p. 248.

Conclusion

Drawing on research conducted under the Secure Access in Volatile Environments (SAVE) programme in Afghanistan, Somalia, South Sudan and Syria in 2014–16, this paper has described some of the ethical problems humanitarian organisations face as they take decisions to try to enable access in high-risk environments. It has also suggested a new risk management framework for the humanitarian sector, which better incorporates the key concept of programme criticality or programme impact. Lastly, it has outlined some decision-making practices that show promise in allowing organisations to reach affected people in high-risk settings.

The same moral risks recur in many humanitarian operations. These are practical problems with ethical dimensions, and they are key for enabling safe access and quality programming in difficult environments. How can we keep our staff safe while fulfilling our commitments to save lives? How do we win the trust of a warring party without losing our ability to work with the opposing warring party? How close an association is too close? These subjects have received thoughtful attention from academics and practitioners,[69] but they have tended not to trickle down to operational aid workers – who do not generally speak comfortably in the language of ethics. The newly emergent paradigm of risk management – which shows promise for improving practical decision-making – has also not to date been infused with an understanding of ethics concepts. While there are no ready-made solutions, a richer understanding of these practical and moral challenges can lead to better decisions and better access to vital assistance for people in need.

69 See for instance Anderson, *Do No Harm;* Terry, *Condemned to Repeat*; Claire Magone, Michael Neuman and Fabrice Weissman (eds), *Humanitarian Negotiations Revealed: The MSF Experience* (London: Hurst and Co., 2011); Slim, *Humanitarian Ethics*.

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