Network Paper

Concerning Accountability of Humanitarian Action

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Austen Davis

In brief

• One of the most frequently heard criticisms of humanitarian action is that it is unaccountable and unregulated. In response, a wide range of initiatives has been launched to improve quality and accountability. Reformers argue that, if actors are held to account, they will behave better and fulfil their responsibilities. They also contend that being accountable for one's actions has moral value.

• This paper asks whether initiatives designed to improve accountability really are the solution to the problems humanitarianism faces today. It does not aim to dismiss accountability; rather, it seeks to show that accountability is a procedural phenomenon, not a moral one. Imposing it in the absence of a more specific understanding of what it means is dangerous, and subject to instrumentalisation and manipulation.

• Accountability is not inherently a good thing, but simply a characteristic of relations of power. If we accept this argument, we will avoid moral imperatives and demands for compliance, and will be able to work towards a deeper understanding of the reasons behind the structural failures of humanitarian action, and their potential remedy.

About the author

Austen Davis is a former General Director of MSF Holland.

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Introduction

After the genocide in Rwanda in 1994, there was general recognition of the absolute failure of the international community to protect the victims, to respond effectively to their needs and to navigate the political challenges involved. Many of the same lessons were drawn in the aftermath of failures in Somalia, Sudan, Liberia, Sierra Leone, Afghanistan and elsewhere. More recently, there has been much critical thinking about the response in the Democratic Republic of Congo (DRC); about the scandal of aid resources and influence being used to procure sexual favours in West Africa; about irresponsible fund-raising and poor programming in the tsunami response; and about the embezzlement of aid funds in Iraq.

Humanitarian action has been accused of prolonging wars and undermining governments' accountability to their people, destroying markets and creating dependency, failing to address the causes of crisis and so acting as a substitute for 'real' action, failing to reach the neediest, being inequitable, corroding human dignity and providing poor-quality assistance in insufficient quantities to people in desperate need. There is some truth in all of these accusations, but also some disturbing deceptions based on very limited evidence and faulty reasoning. All too often, humanitarian agencies arrive too late, then fail to provide the help that is needed – either by doing the wrong things, or by doing the right things badly. Often, they intervene without reference to local people and do not respect the humanity and dignity of those they claim to help. Most agencies have professional ethics and want to do the best for those they seek to help, but, given the extent of documented failure, is this enough? Donors, politicians, journalists – even humanitarians themselves – all want to reform humanitarian action. They believe it is neither efficient nor moral.

One of the most frequently heard criticisms of humanitarian action – at least within the profession itself – is that it is unaccountable and unregulated.[1] For many, this criticism is damning because accountability is widely held to be an unquestionably good thing. Hence, many people who practice, fund and research humanitarian action believe that there is a need for improved accountability. In response, a wide range of initiatives has been launched to improve quality and accountability.[2] A plethora of codes, standards, charters and coordination platforms has been developed and implemented, amounting to what has been termed an 'accountability revolution'. Yet many critics say that the problems are worse now than ever before. Anyone involved in humanitarian action is familiar with the continuing inadequacy of collective efforts to end suffering, and the moral outrage that comes with this failure. We must therefore ask whether initiatives designed to improve accountability really are the solution to the problems humanitarianism faces today.

Is accountability a moral imperative?

Where lives are at stake and resources in short supply, efficiency is a moral requirement and reform becomes a moral imperative. Humanitarian reformers hope that, by making aid more accountable, we will have a humanitarianism that really does what the population in need requires – that it will be driven by the needs, desires and capacities of the people who require help – and that it will be provided in a way that demonstrates respect for the humanity and dignity of the recipients. They hope that aid actors (international and local) will no longer be able to abuse their power and exploit the people they are there to help; that they will no longer be able to hand out disgracefully inadequate assistance to people so powerless that all they are able to say is thank you for expired or ineffective medicines, rotten food or imported religious doctrine; that they will not roll out their pet projects because these are what they can do, regardless of the diversity of needs; that they will not experiment on powerless guinea pigs to develop new products for the benefit of rich Western populations; and that they will no longer act in the West as if they are champions of the poor and abused, while behaving like uncaring paternalists on the ground. Reformers want to generate a form of humanitarianism that is caring, context-specific, responsive, empowering, needs-driven, considerate, rights-enforcing, high-quality and dynamic, as well as timely, efficient and equitable.

Reformers argue that, if actors are held to account, they will behave better and fulfil their responsibilities. They will learn over time, and become more efficient. Reformers also believe that, if power is held to account, its use will be less arbitrary. Finally, they contend that being accountable for one's actions has moral value. Nick Stockton, head of the Humanitarian Accountability Partnership International (HAP-I), writes that 'a process of accountability is a necessary expression of that value in respecting the human mind' and 'we must act accountably in order to protect the essential dignity, the very humanity of our patients – who must never be treated as inanimate objects or mere medical interest'.[3] He goes on to claim that, were Jean Pictet alive today, the author of the Principles of International Humanitarian Law and the Commentaries on the Geneva Conventions and their Additional Protocols would include accountability as a humanitarian principle, ranked second only to humanity. Stockton claims, therefore, that the question is not whether humanitarian action should be accountable, but how to do it.

This is a difficult challenge to counter. This paper does not aim to dismiss accountability; rather, it seeks to show that it is a quality of transactions and therefore a procedural phenomenon, not a moral one. The degree to which accountability is good or bad depends on the coherence

and direction of the accountability system, and those that hold the power to drive it. The constant moral demand for increased accountability is a disservice to the cause of improved humanitarian action. Morally requiring accountability pushes accountability into the realms of ideology, which means experience and understanding are organised under a set of shared but unexamined assumptions. These characteristics of ideology make it hard to examine while it exerts its hold on the collective.[4] The imposition of accountability, in the absence of a more specific understanding of what it means, is dangerous, and subject to instrumentalisation and manipulation. Moreover, the environment in which humanitarian action operates – its funding structure, the nature of its work, the political and social contexts in which aid is delivered – all pose questions about what kind of accountability could be relevant and useful.

Accountability is not inherently a good thing, but simply a characteristic of relations of hierarchical power, whereby those responsible for an action report on their actions to those they are responsible to. If we accept this argument, we will avoid moral imperatives and demands for compliance, and will be able to work towards a deeper understanding of the reasons behind the structural failures of humanitarian action, and their potential remedy. Humanitarian action is reactive, conducted by agents with limited power, in places where political responsibility is compromised, practical challenges are immense and need and suffering are great. Because humanitarian assistance is delivered in the real and difficult world, reformists must find real world solutions, not panaceas. Ideal type humanitarianism can only be more or less approached in the real world. How humanitarian action fails also depends on what it is expected to achieve. Success and failure is in the eye of the beholder – and therefore, by definition, so is accountability.

This paper does not assume that accountability is, of itself, a good thing. Instead, it explores what it means, and how it is applied in different areas of social welfare and aid activity. This analysis is used to explain why there has been so little progress in the humanitarian sector, despite all the attention that has been given to reform and increased accountability. Finally, the paper explores what would be required to achieve virtuous accountability in humanitarian action.

Chapter 2
Accountability in Western public life

The idea of accountability has its origins in the Judeo-Christian tradition of freedom of choice and the ethical imperative to exhibit personal responsibility. In its political sense, it derives from a democratic political ideology in which sovereignty lies with the citizen and authority must be held to account. In particular, within democratic systems in which basic services are provided by the state, it means accountability to the taxpayers who fund those services, and to the people who receive them. Thus, the rise of the concept of accountability in Western public life is closely linked to the development of the modern nation state, modern state bureaucracy and the increased role of the state in the provision of public goods.[5]

Accountability and public sector reform

During the early years of public service development in Western Europe, services were provided by educated elites with strong internal codes of professional ethics. Public employees were described as servants, and were encouraged to be proud of the service they gave. In turn, the people who received those services felt themselves fortunate to do so. As the cost of public services rose, however, and scepticism about the welfare state began to grow, public service was increasingly portrayed as inefficient, paternalistic and unresponsive to citizens' needs. At the same time, citizens were encouraged in the view that, since they paid for these services, they were entitled to them, rather than lucky to receive them. Politicians who had failed to manage public services and control their costs sought to enrol public support in a programme of reform. Markets were created and accountability systems developed in an effort to increase the efficiency and effectiveness of the public sector.[6] Internal resistance to change was countered by the argument that paternalism and corruption were undermining people's trust in the institutions of public life.[7] Increasingly, the legitimacy of public institutions was seen to rest, not on an ideological commitment to public service, but on how well they performed.

Arguably, much of the public sector reform of the past two decades or so has not succeeded in achieving the kind of efficient and effective organisations it was meant to create. Consider, for example, the public health service in the United Kingdom, where decades of reform have seen medical professionals over-burdened by paperwork, and where the installation of new administrative and monitoring systems has meant that an ever-increasing proportion of the health service budget is swallowed up in bureaucracy.[8] Indicators for success, to be rewarded financially, have generated perverse medical behaviours and perverse system behaviour. This has led to constant rolling reform in search of new and more complex sets of indicators to control behaviour, requiring permanent change in management and procedures and blossoming paperwork, overheads and confusion. Professional morale and vocational spirit have collapsed. Increasingly, critics contend that reform has been a failure – far from making the health service more efficient and effective and improving services to patients, accountability reforms have arguably made things worse.[9] And these failings occur within coherent political systems, with relatively adequate financing and high levels of interest, information and stakeholder involvement – over time!

Despite the apparent failings of accountability reforms in leading to enhanced public sector performance, the concept has become widely accepted as essential to legitimacy and good performance. A Google search throws up 50 million references to it. Codes of conduct and charters have proliferated, giving the impression of an explosion of transparency and accountability in public and corporate life. Universities, the professions, public agencies and corporations all claim to be accountable, and have procedures to prove it; the US business magazine *Fortune* has an accountability index ranking major firms according to their progress in integrating accountability mechanisms into their structures. Accountability is considered an essential ingredient of virtuous management: an unquestionably good thing, promising benefits so great that ignoring it is somehow immoral. Indeed, so widespread is accountability that one is tempted to ask how we ever lived without it.

Trying to define accountability

Given the widespread acceptance of accountability, it is surprisingly difficult to find a common definition of what it means. Many definitions of accountability tend to confuse it with concepts such as responsibility and transparency, while others do not define accountability *per se* at all, focusing instead on describing mechanisms to enhance it. Below is a selection of definitions, drawn from a search of the Internet.

- 'The principle that individuals, organisations and the community are responsible for their actions and may be required to explain them to others' (University of Warwick, UK).
- 'To be answerable for the results of an assigned action. Accountability is associated with delegated authority and is distinct from responsibility. A supervisor can assign responsibility but cannot give away his/her accountability; the manager is ultimately accountable' (University of California, Santa Cruz).
- 'Accountability involves rendering an account to someone such as Parliament or a superior, on how and how well one's responsibilities are being met, on actions taken to correct problems and to ensure they do not reoccur' (Canadian Food Inspection Agency).

- 'At its root, accountability involves either the expectation or assumption of account-giving behavior' (Wikipedia).
- 'The obligation to demonstrate and take responsibility for performance in light of agreed expectations … Responsibility is the obligation to act; accountability is the obligation to answer for an action' (Government of Canada).

According to these definitions, accountability refers to the notion that one has *responsibility* for one's *actions*, and for the *outcomes* of those actions. There is a requirement to *provide information* on one's actions, and the outcomes. Therefore, the concept is closely linked to notions of power, responsibility and transparency. However, these definitions avoid thorny issues of *liability, judgement* and *correction*.

In general, the better definitions of accountability incorporate two fundamental concepts: *answerability* and *enforcement*:[10]

- Answerability involves the provision of information (account-giving) to those with power, to enable them to judge the agent on the appropriateness of the information provided, as well as the motives for, implementation of and outcomes (intended and unintended) from a particular action. It is associated with delegated authority (i.e. someone to be answerable to). Although accountability is often used as a synonym for responsibility, it has a different meaning: responsibility is the obligation to act; accountability is the obligation to answer for an action.[11]
- Enforcement implies that the information given is used. Those with power must determine what information is required, ensure that the information is of reasonable quality, use it to judge the action in question and ensure that that judgment is enforced (through the justice system, compensation, punishment, reward, change or learning). Power-holders must also have an interest in the outcomes, and must be able to judge what is good and what is not, and how to make improvements; otherwise accountability becomes synonymous with the arbitrary use of power.

Accountability structures reward and punish, and so are a powerful mechanism for altering behaviour over time. However, not all change is good. It is essential that we recognise that answerability (account-giving) and enforcement (account-holding) are fundamental character-istics of genuine accountability mechanisms when we try to evaluate what kind of accountabilities might be powerful and virtuous (i.e. actually contribute towards an intended direction of reform), and when conditions exist for effective accountability. Making promises about behaviour and providing information to the general public does not in itself constitute accountability.

Accountability and development aid

After a decline during the 1990s, official development aid will reach a record $100 billion in 2006. Aid is firmly back on the political agenda, but it is a new agenda. Much has been written about the politicisation of aid, and about how far it should be coordinated with political, economic and other policy. More recently, analysts have also highlighted the 'securitisation' of the aid agenda, arguing that, since 9/11, aid has been required to contribute to global security. But the new aid agenda also incorporates new philosophies about how to improve the quality and efficiency of aid.

There is increasing agreement amongst aid agencies and donors that the current aid architecture – or the way aid is provided – makes aid ineffective. Strongly influenced by the broader changes in public sector management outlined above, these donors are increasingly demanding more of a business model for aid provision, to extract efficiency and utility from limited resources. Donors, corporations, philanthropists (such as Bill Gates) and economists (such as Jeffrey Sachs) have come together to create a new consensus. They argue that aid is good and necessary, even if it has not worked in the past. It is therefore a duty – as well as in our interest – to make aid work, so we need to do aid differently.

On the one hand, too little aid has been provided; on the other, aid has been invested in bad projects, and has been badly managed. Accordingly, the new vision for the reconstruction of the aid endeavour involves the provision of large sums of money through official government budgets, combined with rigorous mechanisms to hold aid to account and to monitor its impact. Aid actors want to introduce incentives to promote good behaviour, competition, ownership, accountability and outcome measurement. In this way, donors hope to tackle the corruption and bureaucratic inertia that are blamed for the past failings of aid, and to create competent and responsible governments. This is essentially a utilitarian agenda: if aid is effective, investment will grow, leading to further resources being made available to better governments.

Accountability has become a key part of this reform agenda. According to the Paris Declaration on Aid Effectiveness, agreed by the Organisation for Economic Cooperation and Development (OECD) in 2005: 'for aid to become truly effective, stronger and more balanced accountability mechanisms are required'. Essentially, in line with the neo-liberal concepts driving change in the wider public sector, reformers want to create a market-place where consumers exercise power. If there is no accountability, no social contract and no means of popular participation in the monitoring, judging and evolution of social programmes, quality and coverage of services will rarely be achieved. Without dynamic accountability relationships, governments will respond to internal ideologies, rather than external realities. Governments will not follow a coherent path towards improvement, and there will be no sustained development. Without accountability between citizens, politicians and providers, there is no virtuous cycle of doing, learning and changing.[12]

Box 1

The Global Funds

The new focus on accountability is exemplified by the new Global Funds, an international initiative in which money is provided to local structures and used for locally identified priorities. Local ownership and rigorous accountability will, in theory, end the bad programme choices and spending patterns that have caused so many failures, and will transform the impact of aid. Recipient countries are obliged to adopt international policy priorities, compete for the new money and be accountable for managing the funds transparently. Although a recent development, the Global Funds have had some considerable early successes, along with some financial scandals and operational problems. In particular, they are running into difficulties in environments where the state is weak or malign, and where institutional processes and information cannot be trusted.

Accountability of action has also become an increasing concern for the NGOs through which much of the world's aid is channelled. On the one hand, as these NGOs have turned increasingly to advocacy on big political issues, so they have had to demonstrate the validity of their claim to be the voice of civil society. If NGOs are to hold governments to account and suggest alternative policies, they must be legitimate. In particular, international NGOs have had to demonstrate their legitimacy as a credible and accountable voice for the poor. Increasing criticism by Southern organisations and people of the positions of Western NGOs poses the most significant threat to their role and authority.[13] The increasingly political challenge NGOs present has also led governments and the media to question their accountability and legitimacy; in particular, governments have become concerned about political activism by NGOs on issues such as globalisation, the environment, trade, pharmaceuticals, immigration and war. As a result of these pressures, the last few years have seen the proliferation of a broad range of initiatives aimed at promoting the accountability of the third sector.

The World Bank[14] gives us perhaps the most precise definition of accountability as it applies to development aid. It is based on principal agent theory.[15] Thus:

1. The principal *delegates* responsibility to the agent (citizen to government, or government to provider). The principal *finances* the agent.
2. The agent performs.
3. The agent provides information on its performance.
4. The principal judges the sufficiency of the information, as well as the desirability of the action and outcomes.
5. The principal enforces its decision.

According to this definition, accountability is related to power and responsibility. It is coherent when relations of power and responsibility are well-defined and coherent.[16] Accountability relations do not exist between mere well-wishers or those who are simply interested in an issue – they exist only between stakeholders. For accountability to work, there has to be the power to hold to account (through delegated responsibility and financing); there has to be the power of information and participation; and there has to be the power to judge and enforce judgment.

The World Bank's work also sheds light on an issue that tends to be less discussed: the need for two-way relationships between actors and those who delegate, finance, judge and enforce against those actions. Accountable relations are most virtuous when they exist within cyclical and closed relational systems. However, even without cyclical relationships, it is clear that accountability is a quality of transactions between principals and agents: those transactions work when it is clear who is responsible for what, and when those who delegate responsibility have a vested interest in good performance (i.e. they suffer or gain from success or failure), and so have an interest in managing, judging and enforcing accountabilities. Furthermore, judgment occurs after the fact: the benefits of accountability depend on long-term, reciprocal relationships, where past failures can inform future improvements.

The World Bank work refers to the accountability of local governments and service providers. However, it does not extend the concept to its own work as an external aid agency, nor does it explain how these concepts and relations might be implemented in practice so as to ensure its own virtuous accountability. For all the discussions of accountability as a means of reforming and improving development aid, little has actually changed in terms of the accountability of international actors. Nor has the increased involvement of donors in aid policy and management led to instant improvements in investment patterns or efficiency, and attempts to locate power with consumers have not progressed. The new agenda rests on all donors behaving as one, with harmonised strategic long-term objectives and actions. This has not been realised: while donors would like aid to be more strategic, there are multiple strategic visions, systems and interest groups that have to be managed.

Such multipolarity and discordance make it difficult to define responsibilities and establish clear accountability systems. No one in WHO lost their job when the agency failed to achieve the target of three million people on anti-retroviral treatment by 2005, and it is unlikely that anyone will lose their jobs when the international community fails to achieve the Millennium Development Goals (MDGs) by 2015. No one is responsible for halving malnutrition, or for explaining to the mothers of children who will not be saved why their sons or daughters will starve. To that extent, the debate about responsibility and accountability in development aid goes to the heart of why some critics claim the international aid system simply does not work.[17]

Chapter 3
The rise of accountability in humanitarian action

For many years, humanitarianism was the small and intellectually backward cousin of development assistance. It attracted low levels of funding, and there was little academic interest in concepts or methods. The quantities of relief distributed were small, and were subject to very little scrutiny beyond demands for financial transparency. With the end of the Cold War, however, there was a growing expectation in Western countries that governments should fund responses to emergencies. As humanitarian aid budgets grew, NGOs established, or re-established, the humanitarian components of their programme portfolios, and the number and variety of agencies working in the humanitarian sector increased. UN agencies also began to adopt a humanitarian role.

As financing grew, so did donors' expectations about what they would get in return – transforming them from donors into principals. Undoubtedly, more relief goods were reaching more people more quickly than in previous decades. At the same time, however, many actors were becoming frustrated at the inability of humanitarian aid to address the root causes of crisis, and worried about the serious moral risks associated with emergency action. But despite high hopes for what it could achieve, the capacity of humanitarian aid to reduce social risks and promote stability remains unproven.[18]

The debates and dilemmas around humanitarian action, reinforced by high-profile failures such as that in Rwanda, have begun to catalyse an increasingly critical – at times condemnatory – literature on the need for reform. While arguably crises like Rwanda are primarily political failures, rather than humanitarian ones, there is genuine disgust at the spectacle of NGOs scrambling for resources at times of major crisis, and at the lack of an effective response to needs. Humanitarianism is seen as a circus of amateurs, driven by institutional needs rather than the needs of desperate, suffering people. This scepticism is not limited to those who do not benefit from the aid humanitarian agencies provide; investigations (admittedly rare) of the views of the leaders and people of the South show that international NGOs are generally not seen as the agents of international solidarity and humanity they claim themselves to be. One evaluation of local perceptions in Somalia, for instance, revealed that aid organisations – who saw themselves as professional, neutral and objective – were viewed by Somalis as bureaucratic, authoritarian and regulatory.[19]

A variety of reforms have been proposed to address the problems and failures of the humanitarian system – some demand a return to limited humanitarian action whilst others demand greater embedding within a broader set of objectives for intervention. They include disengagement, developmental relief, 'do no harm',

political economy approaches and SMART aid. New strategic approaches have been developed, including leadership and coordination by the UN (for example in Afghanistan), joint negotiated access (for example Operation Lifeline Sudan) and the withholding of aid from a particular party in a conflict (for example in Liberia, Sierra Leone and Afghanistan). Meanwhile, donor governments have become more involved in humanitarian crises, and in the policies and strategies used to address them. Funding is no longer provided with only limited demands for financial accountability; now, NGOs have to compete for contracts to do the work that donors want done.[20] The high number of NGOs accepting large amounts of donor funding – often close to 100% of their operating costs – has changed the original function of non-governmental organisations and merged their purpose with that of their funders.

If good aid depends on the quantity and quality of outcomes then there can be no essential difference in the qualities of the agent – and hence differences between business providers, the UN or NGOs become blurred. An NGO may be an expression of social mobilisation and claim a social mission – but in this harsh new light, its legitimacy rests solely on the impact of its performance and its cost effectiveness. All agents can be compared with the same metric, leading to a significant loss of understanding of differences in roles and responsibilities between different actors. This logic has reached its conclusion with the advent of contracting out arrangements in which donors form a compact with government concerning services required – and NGOs compete for contracts to provide those services. The aim is to ensure that all NGOs play an assigned role in an overall effort to build public welfare systems. NGOs can no longer choose who to work for or what to provide – NGO discretion is absent. They are merely service providers, and the imperative to serve is defined elsewhere. For many this represents significant progress.

The acceptance of joint strategic approaches, in which the UN and NGOs act as a single body to maximise leverage in negotiations with regimes or warlords, has also contributed to the impression of a single humanitarian system, in which all actors are components working in alignment towards a single goal. By implication, if the system does not operate according to expectations, working methods across the system must be reformed to make it function more efficiently. Reform has been directed at transforming humanitarian action from a radical response by small numbers of distinct and uncoordinated actors into an efficient professional system for emergency response – what UK Development Secretary Hilary Benn has called 'an emergency response service for the world'.[21]

Proliferating initiatives

Broadly speaking, there have been three approaches to addressing the humanitarian system's failings:[22]

- A focus on the rights and needs of the 'beneficiaries' or 'claimants' of humanitarian assistance. The emphasis here is on participative methodologies, contextual programming and mechanisms for listening and responding to the needs of people affected by crisis.
- An emphasis on humanitarian principles, codes of conduct, legal instruments and bodies of ethics and philosophy.
- An emphasis on technical standards, performance indicators, impact indicators and results-based approaches.

These initiatives began by trying to define humanitarianism and its common principles of action (the Red Cross Code of Conduct). Other initiatives have sought to promote evaluation and learning (ALNAP), set standards and norms (Sphere, SMART), improve personnel management (People in Aid) and accountability (the Humanitarian Ombudsman and the Humanitarian Accountability Project), promote standardised methods for project planning (the logical framework and, more recently, the Quality COMPAS), and develop information clearing-houses to arrive at system-wide analysis of information. Meanwhile, debates that used to take place within organisations as a means of digesting experience and directing organisational change have now become inter-agency discussions. This has allowed dialogue and thinking on quality issues to progress, though it is recognised that much effort is still needed for this progress to be reflected in practice.[23]

Although it is hard to measure whether things have improved or deteriorated over the last 20 years, some commentators are beginning to conclude that these initiatives have had very little impact on the overall functioning of humanitarian assistance. While the question of whether these initiatives have been truly transformative remains unanswered, it is clear that many of the problems besetting humanitarian aid have proved remarkably resilient. Most evaluations still identify the same issues that the joint evaluation of the Rwanda response raised ten years ago.

The experience of the Humanitarian Ombudsman project suggests an explanation. In response to a recommendation by the Rwanda evaluation, the idea of an ombudsman was taken up by a group of practitioners and agencies concerned with promoting reform. The original intention was to establish an external monitoring and regulatory mechanism and complaints procedure (an ombudsman), using the Red Cross/Red Crescent Code of Conduct and the Sphere Humanitarian Charter and Minimum Standards as a framework against which to hold humanitarian agencies to account. However, field-testing led to the conclusion that an ombudsman would not deliver accountability given the diversity of agencies, beneficiaries and contexts.

Box 2

The sex scandal in West Africa

UNHCR and SCF-UK commissioned a fairly standard survey of refugee conditions in different countries in West Africa, using standard survey procedures, in 2001. The report found that soldiers, businessmen and aid workers were all using their positions to extort sexual favours. However, while the methodologies used were sufficiently valid to say this, the body of proof was inadequate to indict any agency or person.

The report led to a public scandal. The crime was shocking – but the media focused on aid workers, rather than other perpetrators. Very few of the perpetrators were disciplined, none was prosecuted, and it is not known whether victims and witnesses were adequately protected or compensated. No senior managers were held accountable for failing to respond to earlier reports, or for their handling of the allegations submitted by the assessment team. Some preventive measures are now in place, and there have been some improvements in beneficiary protection.[24] However, this is not virtuous accountability – the guilty were left unpunished, while all aid agencies suffered a dramatic loss of trust.

Following on from this, the Humanitarian Accountability Project (HAP) was set up in 2001 to examine different methods to promote accountability, drawn mainly from business or public services. Field trials were conducted to develop an international platform to provide expertise to agencies, as well as to monitor compliance with standards. The findings of the trials were, however, disappointing. Despite considerable effort and some pioneering work, the time and resource costs were shown to be enormous. The complexity of the findings made it hard to reach judgements about accountability, and even harder to enforce them. Although some suggestions were taken up, none of the major conclusions was pursued. The project teams felt that they had failed to develop a system that could reach and inform beneficiaries of their rights, collect complaints safely or investigate abuse and seek proper redress. The sex scandal in West Africa in 2002 illustrates some of these difficulties (see Box 2).

HAP was succeeded by the Humanitarian Accountability Partnership International (HAP-I) in 2003. After experimenting with sector-wide approaches, HAP-I now focuses on developing practice through a small network of dedicated members. Only time will tell whether HAP-I will limit itself to improving practice among members (openly sharing experiences both positive and negative) or seek to push the accountability revolution onto other agencies in an attempt to transform the 'system' (the tendency towards reform is strong).

Table 1: The multiple accountabilities of humanitarian aid

Location of accountability	To whom	Forms of accountability
In country of operations	National authorities	National law Access agreements Public health system/protocols Humanitarian agency coordination bodies
	Local communities	Access agreements Service agreements Contracts (e.g. facility rental, staff hire)
	Individuals	Quality of services Information provided
Sectoral	International agencies, UN	Coordination bodies Providers of materials – reporting CHAP/CAP Provision of information
	International agencies, NGOs	Professional standards (e.g. Sphere) Self-regulatory mechanisms Public condemnation
	Colleagues	Internal governance
	Donors	Project reporting Framework agreement reporting
Home country public	Private donors	Annual reports Website Access to historical record
	Media	Access to records Websites
	Corporations	Contracts
Bodies of law	National law on fundraising, employment and charity governance	Audits Law courts
	International Humanitarian Law	Compliance with what is required of a humanitarian agency
Profession (e.g. medicine)	Professional associations	Bodies of ethics Licence to practice/certification
	Professional publications	Peer review
	National courts	Research protocols and ethics

Multiplying accountabilities

All agents can be held to account by those who have power over them. In coherent and rational systems with effective definitions of responsibility and virtuous processes of accountability, there are clear and delimited lines of reporting, judgement and enforcement. NGOs, however, exist within a non-system, beholden to multiple stake-holders and multiple spheres of regulation, and with ill-defined responsibilities. Thus, they are subject to divided and multiple accountabilities, as shown in Table 1.

International humanitarian NGOs are private institutions, and so face a set of accountabilities according to their inputs, internal processes and fiduciary and employer responsibility. Many are also charities, and so are subject to accountability requirements under charity laws that give them special public status and tax relief. They are also service providers, and are accountable for the efficiency and effectiveness of their operational choices and action. They are social/public institutions, a status from which they derive legitimacy and moral authority. They are also accountable for upholding and acting according to their rhetoric. In addition, professionals (medics, social workers or engineers, for example) are accountable to professional bodies, and their codes and ethics. These divided and frequently opposing systems of accountability have led some commentators to talk of schizophrenia in relation to

humanitarian accountability, albeit this does not seem to lead to questions about accountability's practical utility.

Aid agencies are naturally accountable to those that fund them – this is where their power (resources and legitimacy) comes from.[25] But donors (private or government) are not the recipients of action, nor are they present to witness what they have paid for. They cannot communicate with the recipients, but depend on the agency to report back on what they have done with the money (in effect, to hold themselves to account). These reports are hard to audit: audit firms are rarely able to go to the area of operations to check them. Any critical reports from the field tend to be from the media, and are often subjective and sensationalist. Where there are more substantial reports or evaluations, it is frequently difficult to assemble proof and ensure due process. Global Funds such as the Global Alliance for Vaccines and Immunisation and the Global Fund to fight AIDS, Tuberculosis and Malaria have standard accountability procedures, but it is increasingly evident that these are expensive and fairly meaningless in contexts of failing states, poor governance and crisis, where partners are hard to work with and information is scarce.

While it is (relatively) easy to define accountability for development aid, there is clearly a problem with defining it for humanitarian action. The nature of the humanitarian system is different. Development aid largely passes through the state – it theoretically contributes to a coherent system, attempting merely to provide extra resources and technical advice in support of local priorities and actions. Humanitarian action, by contrast, is state-*avoiding* – it is financed, conceived, organised and delivered from outside the state, and provided directly to victims of disaster.[26] Hence, there is less interest in it, and less verifiable information about its actual outcomes: those that finance humanitarian aid may be passionately concerned with human suffering, but they are a long way away from the crisis and cannot minutely follow the experiences of its victims, or imagine what they want.

Humanitarian action remains fundamentally constrained by the limits of charity. Aid finance is donated and allocated by people who *trust* that the agency will use this money well. They *trust* that the agency is committed to the job, and will work to improve what they do within the limits of their capabilities. Hence, donors give money to projects that sound reasonable – that fit with their overall priorities, and are conducted by agents with track records and a reputation for genuine engagement. But giving is sporadic and voluntary – as is action: givers can stop giving at any time, without sanction. Likewise, humanitarian agencies can walk away from a population, no matter what trials they face. Humanitarians must learn to deal with this uncomfortable fact;[27] they cannot wish it away through reference to rights-based approaches and accountability to beneficiaries. What is more likely to work? Creating accountability systems so humanitarian agencies cannot walk away from a population in need when things become difficult, *or* supporting agents that have proved they are motivated precisely to help and thus to stay with a population to the limits of their ingenuity when things become difficult? The uncomfortable reality of charity forces us to seriously consider whether it is important to act to enhance accountability as a means to improved action, or work on the basis of trust for effective, genuine action.

Chapter 4
Accountability in practice

The concept of humanitarian accountability has tended to deal with the aid actor's relationship with its donors. This is because it is donors that provide the resources required to act, and so have the power to request information about those actions. In recent years, however, there has been an increasing concern with the accountability of humanitarian actors to those they claim to be helping. For some, a victim has the *right* to receive assistance. Thus, an agency that chooses to respond is fulfilling someone's rights and must listen to the rights-holder. The victim, as a claimant acting on his or her rights, should be able to hold the actor – the duty-bearer – to account. In this way, it is hoped that humanitarian aid will provide what crisis-affected people require, and will do so in a way that respects their humanity and dignity.

Genuine accountability, proponents argue, creates a virtuous circle, making responsibility explicit and enhancing legitimacy. Beneficiaries become claimants and, as such, ensure that programming is relevant and respectful, and that it will catalyse social organisation and democratisation. In economic terms, the aggregation of the individual behaviour and choices of everyone in a society or market indicates what is required and/or desired, and ensures the efficient production and distribution of resources according to demand. Accountability creates a coherent set of incentives and punishments to guide behaviour and inform the development of capacity over time. It is, in short, system changing. It is also without doubt noble. The question is, is it practical?

The 'accountable humanitarian'?

According to Nick Stockton, the head of HAP-I:

> Accountability is not simply about accounting for one's decisions and actions, it is also about first taking account of the interests, views and preferences of those affected by your actions. There can be no exclusions from this principle without simultaneously reducing the affected person to sub-human status … while humanitarian strategies go on being designed and implemented without the informed consent of those whose lives are the object of the humanitarian endeavour, the prospects for good humanitarian outcomes are deeply compromised. Instead, a considerable proportion of humanitarian resources are consumed by the effort to make humanitarian strategies satisfy the utility of donors and operational agencies (variously for propaganda, force protection, meeting growth targets) while barely any effort is made to verify the relevance and logic of humanitarian strategies with the subject population itself.[28]

In line with this, HAP-I defines humanitarian accountability as follows:

> Accountability involves two principles and mechanisms: (i) those by which individuals, organisations and States account for their actions and are held responsible for them, and (ii) those by which they may safely and legitimately report concerns and complaints and get redress where appropriate. Humanitarian accountability is concerned with ethics, rights and responsibilities … and agreed standards and benchmarks. Men, women and children affected by disasters have a right to assistance and protection. They also have a right to information, to participation, to be heard, and to redress.

This is not so much a definition as a recognition of the need for two complementary mechanisms (account-giving and complaint-giving). The definition also invokes the rights of people affected by disaster to be informed, to participate, to influence and to complain about the aid that they receive. This implies that humanitarian actors become accountable as duty-bearers for the fulfilment of these rights: only then will the humanitarian sector avoid the worst trappings of charity and be able to fulfil the needs of people in crisis, whilst promoting and protecting their essential human dignity; only then, in other words, will the humanitarian sector become truly humanitarian. But this definition lacks the idea of power and victimisation, and sidesteps thorny questions around the delegation of responsibility, representation, interests, judgement and sanction/enforcement.

HAP-I's definition of accountability also calls for a body of (normative) standards against which recipients of aid can judge agencies' intentions and actions over time (this is as opposed to a context-specific compact between a local population and an agency). Thus, members of HAP-I commit to a set of accountability principles:

1. Respect and promote the rights of legitimate humanitarian claimants.
2. State the standards that apply in their humanitarian assistance work.
3. Inform beneficiaries about these standards, and their right to be heard.
4. Meaningfully involve beneficiaries in project planning, implementation, evaluation and reporting.
5. Demonstrate compliance with the standards that apply in their humanitarian assistance work through monitoring and reporting.
6. Enable beneficiaries and staff to make complaints and to seek redress in safety.
7. Implement these principles when working through partner agencies.

These principles again invoke a system of listening and inclusion, in which the agency voluntarily submits its actions to the verdict of the people it is trying to help. It is

hard to distinguish this from the kind of popular participation in project planning and implementation that has had such mixed results.[29] There is no mention of how beneficiaries will act together to judge an agency, or what they will do to sanction an agency that is found wanting. Who will lose his or her job, or go to jail? Will punishment be well-founded, or arbitrary? And what will happen next? Will another agency fill the gap and provide services that can be judged again – and perhaps again, until an acceptable or compliant agency is found?

Critiquing accountability endeavours in the real world

It is clear that aid recipients are not the ones who delegate responsibility or finance and judge humanitarian action. It is also clear that those that who do provide finance have limited experience or interest in understanding the agents and their actions, working out what is good action and what is not, or trying to measure what is done and imposing effective sanctions. Judgements are frequently made, but they are often hysterical and arbitrary trials by media in reaction to egregious failures.

Until now, this discussion of accountability has assumed that all the requirements are in place: there is a closed system with clear definitions of responsibility, agents who are able to fulfil their responsibilities, delegators who are interested in defining and monitoring good intent and action, and relations that continue over time. But what if this assumption is false? What if the humanitarian system is neither closed nor coherent? What if aid providers are not sufficiently interested to spend the time and resources required to make sure that their aid is being properly spent? The diagnosis of the failures of humanitarian action put forward by those who want to reform it may be correct. However, it is far from clear that the remedy they prescribe can save it.

Power and influence

Accountability occurs in coherent systems of power relationships, in which different actors are inter-related and have mutual responsibilities. As we have seen, the World Bank definition acknowledges that accountability relationships only include stakeholders, not well-wishers: those with power delegate responsibility and provide financing, and are thus empowered to demand information, make judgements and enforce decisions. Where there is no real power, it becomes harder to ensure accountability. Even if virtuous agencies endeavour to respect and listen to their beneficiaries, when organisational survival is at stake their more important relationship is with those who provide them with their funds.

Client power depends on an ability to influence providers, and those who have influence over them. This is possible in countries where the public has power over their government and pays for services via taxes. But it is hard to see how it can work in countries where services are funded mainly by external donors and agents, as is usually the case in humanitarian crises. Even where people exercise influence, there is little evidence that they do so equally; in fact, there is ample evidence that these processes are captured by elites. These elites may well be benign, and may well be acting on behalf of the wider community. But they are often malign, and acting to protect their privileges.[30]

In a typical humanitarian crisis, the cycle of accountability may be ruptured in five ways.

First, people in need usually have little or no influence over the authorities, and the authorities care little about the quality of service available to the population. If services are provided (through the Ministry of Health, for example), they are generally poorly funded, staffed and supplied, are unregulated and often do not serve all of the population. If international agencies working in support of such local services are held accountable by the authorities responsible, this is unlikely to ensure that their programmes serve the needs of the people.

Second, power and patronage distort and undermine citizen power. Power is often won and exercised through violence, and predatory governments exploit the population rather than serve it. Representative structures, created as an interface between an agency and the population, risk being dominated by influential groups and used in their own interest, rather than for the people who need assistance. The development literature indicates that participation works best in undivided and equitable communities. These are not characteristics usually associated with the places where humanitarian crises occur. Typically, claimants are weak and have little capacity to exercise their rights or make their voices heard. Even when humanitarian agencies manage to speak with the victims of crisis, priorities will have to be negotiated in a community forum or social organisation of some kind, which will necessarily refer to the current system of authority.[31]

Third, in the neo-liberal view, clients hold power through the purchase of services. Cost-sharing arrangements (fees for services) apply this logic. However, in crisis situations many people are destitute – they cannot even afford to eat. Cost-sharing policies thus exclude parts of the population from essential services. Furthermore, consumer power is in part exercised through choice. In crisis zones, there is usually no choice of provider – aid agencies have a monopoly. The only alternative is private providers, who are often unregulated and expensive and accessible only to those with resources, such as the predatory elite.

Fourth, in international humanitarian action, the principals who delegate responsibility and financing are the donors (public or private). They do not live in the area being assisted and are not recipients of, or even witnesses to, the activities of the humanitarian agencies they finance. They rely on the agencies themselves reporting on their actions, and on occasional media coverage. The agencies report to them through channels that are not available to the recipients of aid, and, with the exception of financial accounts, are largely

not externally validated. Agencies work according to policies that are made outside the area, and which are not specific to a particular community, or determined by it.[32] The process of financing, priority-setting, reporting, judging and enforcing occurs outside of the crisis zone, and often with little or no reference to the victims of that crisis. So if agencies listen to the population, how much room do they really have to respond to what they hear? Or are they already highly constrained by the realities of funding and internal policy?

Fifth, aid itself fundamentally affects accountability in a society. Aid is fungible, so if external actors supply a particular public service, government resources may be freed up to be used for something else. The government will, however, claim the benefit of the service ('we provide you with an NGO'), while avoiding public criticism if the service is poor ('the NGO is responsible, not us'). Development aid in particular has been criticised for reducing the accountability of governments to their people, and shifting it to aid donors. It is also charged with denying governments the opportunity to participate and learn from the regulation and provision of essential services.[33] Humanitarian assistance has been similarly criticised. It has also been accused of prolonging crises by mitigating the costs to the population and breaking the social contract between a government and its people, so delaying the emergence of representative politics.[34]

Monitoring

Accountability depends on monitoring and feedback to allow consideration of the intentions behind actions and outcomes. Simple commodities or services that are delivered repeatedly are amenable to standardisation and are easy to monitor. Complex transactions providing services tailored to the needs of the individual call for multiple sources and types of information, and are not easy to monitor. In humanitarian action, some services are standardised and easy to monitor (food rations per capita, for example); others are individualised and complex (the diagnosis and treatment of patients with unusual problems, for example). Single accountability procedures in emergencies are unlikely to be possible – different systems would be required for different kinds of transaction.

In developmental settings this problem is so significant that it creates pressure to alter entire aid strategies. Major development agencies like the World Bank are now advocating simple plans with simple monitoring procedures, using a few robust indicators. Effective monitoring is now a prerequisite, and constrains choices. When people are dying in large numbers in a humanitarian crisis, it is less easy to set constraints on choice. Programmes need to be designed according to needs, access and logistical/security feasibility.

The massive needs and low resources that characterise most humanitarian responses favour the standardised provision of a few simple services to provide the basics – food, water, healthcare, shelter. To avoid complexity, the same commodities are given to all. The bureaucratisation of aid helps

to extend and improve impact at the public level. However, the way aid is provided is impersonal and becomes dehumanising. Giving the same minimum response to everyone regardless of their situation, needs or experience is often described as a veterinary intervention. On the one hand, there is an imperative to reach as many people as possible and assure the basics; on the other, there is a moral requirement to respect and protect people's dignity and recognise their unique experiences. Accountability feedback mechanisms tend to focus on the concrete, the standardised and the measurable. It is hard to measure and ascribe value to less tangible things such as care and compassion, individual attention, respect, witnessing and advocacy. More-over, where problems are complex, there is often no right answer or action, only a justifiable one. Accountability systems tend to obliterate this difficult balance in humanitarian assistance, driving instead towards the utilitarian.

Lastly, the capacity to collect information and effectively monitor action is severely reduced and subject to manipulation under conditions of limited access and violence.[35] Even if outcomes can be measured, the activities of humanitarian agencies usually make only a marginal contribution to people's welfare. The difficulty of collecting information and then attributing agency limits the potential for effective accountability to the consumer. As a result, the humanitarian sector in general focuses on inputs and processes. This kind of information is useful for upwards accountability to the financers of humanitarian aid. For its clients or recipients, however, it is outcomes that are important, but these are hard and expensive to monitor and, as argued above, funders are often not especially interested in them.[36] There is little investment in rigorous evaluation, and the system has a low capacity (and little motivation) to absorb evaluation findings and enact reform.

Even if it were possible to monitor all the dimensions and outcomes of humanitarian action, information alone is not enough: it must be disseminated, interpreted and used for the accountability feedback cycle to work. Results must be widely available, and must stimulate public debate and critique. However, most emergencies enjoy very little impartial news coverage and even less access, which means that people have little opportunity to obtain the impartial information that could inform debate. When information is available, audiences are understandably more interested in discussing political and military developments than the marginal effects of NGOs.

Timeframe

For accountability to work, there must be a relationship over time, to allow judgement, enforcement and reform to take place. The benefits are only realised next time round, when the feedback loop has done its work. If the action is one-off and is not repeated it may be judged, but there is no opportunity to improve practice and enhance the well-being of the recipients. Hence there is little motivation to invest in feedback on either side – and little incentive for reform.

External agencies come and go. An NGO may be judged and found lacking by a community, but if it leaves and does not return that community cannot punish it and demand a different response next time. Many NGO programmes continue beyond a few months of emergency action, but the nature of the programmes changes so much with the changing context that problems and failures in the previous period are arguably not relevant to the future. In addition, staff change so frequently that lessons learned may be forgotten. Communities also do not necessarily see themselves in long-term relationships with agencies (they do not have to face the opportunity costs of decisions – everything is free), and the power relationships described above do not give enough weight to the community's view.

The measure of a good agency is its record of action over time and in different places. This demonstrates what it does, its motivation and commitment, its reliability and the quality of its work and its willingness to take risks and succeed. Unfortunately, the recipients are not party to a historical judgement of an agency's record (indeed, who is?). They cannot call the victims of the last crisis to ask which NGO they would be better off with. In crisis, people's lives often hang in the balance in the here and now, and they have no choice about which agency should help them.

Priorities

The fact that accountability systems tend to focus on major and discrete events and services that are easy to monitor, and avoid measuring and comparing less tangible services like compassion and care, is a particular problem for humanitarian action because of the wide divergence of opinion about what it is, and the different motivations and goals of the agencies involved in it.[37] Without such agreement, it is difficult to decide precisely what is to be valued, and therefore monitored and rewarded or punished. Who is to define what is good and to be valued – the recipients, the authorities in the countries where NGOs work, government donors, private philanthropists, the media, or the agencies themselves – and if so, which ones?

Uniformity

If all agents are held accountable to the same rationale or standard, the only thing that matters is how well the agency delivers to that defined standard. This tends to lead to a de-contextualised and de-politicised understanding of what constitutes good action. Taken to the logical extreme, this implies that faith-based organisations, secular professional agencies, the UN and Wal-Mart are all qualitatively the same – they are differentiated only by how well they perform.[38] Qualities such as motivation, perseverance, compassion and empathy are not valued and become excluded.[39] A technical set of minimum standards becomes the rubric for success. Standards can be valuable to encode technical learning, but if they are used to define what all agencies ought to do, they quickly drive everyone to safe minimum ground, leaving us with deradicalised, utilitarian service provision.

When a group of agencies came together to form the Sphere Project to create a set of standards for disaster response relief, they (surprisingly quickly) agreed on standards for action in various areas of intervention.[40] However, important questions emerged. Does such a set of standards crystallise current knowledge, or does it freeze learning? Does it set a standard, or a minimum? Is there an imperative to act even if you are likely to fail? Is humanitarian action the same as service delivery? Could the standards be abused by others? These are important questions, and they remain unanswered.

Standards and protocols may capture the current state of knowledge, but this knowledge deteriorates over time. In simple non-expert systems, there is no one to recognise the gradual loss of quality or impact, and no one to experiment with new approaches. Over time, technologies lose their efficacy (treating malaria with chloroquine, for instance). This must be recognised and addressed – all systems require more expertise and development than the rote performance of today's actions would minimally demand.

In trying to identify a single solution, we tend towards the lowest common denominator and area of commonality. The process strips away the individual and the specific and reduces everything to the generic, thereby losing elements of humanitarian action that some actors may regard as crucial to it. Nor do standards recognise the essential differences in legitimacy, mandate and responsibility between different agencies.

NGOs are formed by social networks, and try to produce social value. By reducing the diversity of motivations and other factors that drives people and agencies to act, we reduce humanitarian action to something that is neither radical nor transformative, nor particularly brave. Humanitarian agencies become no different from private corporations acting for profit.[41] Now, we might decide that this does not matter – that what matters is the quality of service provided to the victim. If so, we have to ask what constitutes the best way to achieve quality service. The humanitarian imperative requires people to go to terrible places and face great challenges. A committed agency will go there, try to maintain a presence and provide a meaningful response. It may try hard to raise the quality of its provision and increase access to it, but may nevertheless ultimately fail to provide a standardised quality of service. A bad agency might also go there, be present and find something to do that is perhaps less meaningful and less close to the limits of the possible. How can an accountability system distinguish between these different actors? Will recipients notice? The difference is in the historical record of action, which demonstrates a commitment over time to act and to do one's best.

The attributes that allow an organisation to succeed differ according to the type, nature and responsibilities of the organisation, as well as its resource base and core capacities. Current thinking on accountability ignores and hence obliterates these attributes and differences.

Humanitarian action needs a form of accountability that can understand and reward commitment, presence, bravery and risk-taking (with the concomitant possibility of failure), and distinguish this from failure due to a lack of commitment and care. Other forms of accountability might ensure that more relief is delivered, but it would probably not reach those who need it most, when they most need it.

Opportunity costs

Lastly, there is one accountability problem that is peculiar to humanitarian action. Humanitarian actors are dedicated to helping those in most need. They have an international, even a global, scope, and their assessments of who is in most need are not bounded by the borders of any single political community or social system. Agencies have responsibilities towards the people living in the places where they choose to intervene, but they also have responsibilities towards those they are *not* helping. For each humanitarian programme that is implemented there is another programme that is not. This opportunity cost is not borne by the recipients. Humanitarian agencies are responsible for deciding when to close a programme and leave an area, and when to go to another area where they can perhaps help people in greater need. Who should have the power to hold the agency to account for its decision: the community being left, or the potential new recipients?

Should an agency leave only when everyone is healthy and adequately fed and there are good-quality, sustainable services for all? Or is it legitimate to leave before this level is reached? If so, who decides? The community cannot decide, as they will choose the former complete and finished option every time, which lies beyond the power and responsibility of a humanitarian agency to provide. The better and more appreciated the agency, the harder it will be for it to leave.

Humanitarian agencies should have an ethical and coherent rationale for intervening and for leaving. Individual communities may not like the rationale, but they should have access to the argument, and should be able to challenge the facts used to make it. Ultimately, however, it is the agency that decides, according to its own mission and strategy, or the donor, according to the availability of funds. This makes it very hard for a community to hold an agency to account because, at a critical moment, it can always explain that it has to leave because humanitarian need is greater somewhere else, or because there is no more money. There is no forum where the claims of those who are not served, as well as those who are, can be effectively heard, compared and judged. The agency has to be trusted to do this, and to do it in a consistently principled and legitimate way – an onerous and under-exposed responsibility.

Perhaps the greatest problem with humanitarian action today is the overall lack of effective rapid response in the face of acute need. Rapid deployment capacity and operationality are declining as agencies focus on policy analysis and advocacy. This is unlikely to be redressed through accountability procedures. A system requiring greater operational engagement could simply drive out those still operating in the turbulent field of emergency intervention even faster. *Agencies fail to provide quality aid to those they serve – but they fail those they are not serving even more.*

An effective organisation must be concerned with processes and people. Fashionable methods such as key performance indicators and other metrics designed to boost performance have been strikingly ineffective. An organisation needs to be strong in all key performance areas or it will fail. It needs to have a compelling vision, so all are motivated to work to similar ends; a strong organisational culture involving openness, trust and challenge, to allow people to act within their domains of responsibility, innovate and excel; and it needs clear goals and accountabilities.[42] There is no one-size-fits-all answer to this, and no one except the organisation and its members is able to ensure the balanced development of coherent systems of responsibility.[43] An organisation needs to ensure that it is managed well enough to be able to do what it sets out to do. Managers must understand their internal processes and take responsibility for enhancing performance at all levels.[44] Others must decide if this organisation has social value, and if so whether they should fund it. Accountability and responsible management are key features of successful organisations – at least where regular transactions occur. Successful organisations dealing with complex tasks requiring tacit knowledge must also act to enhance the performance of trusted front-line workers.[45]

Accountability systems may provide some benefits in some situations (within organisations or within polities), but we must stop claiming that they can be transformative, or that they are the answer to the failures of the humanitarian system. If states fail to fulfil their responsibilities under international law and do not ensure that there is proper humanitarian space, it becomes very difficult to hold humanitarian agencies to account for their responsibilities.[46] Measures to promote accountability to beneficiaries cannot fix this. Political actors fund agencies and set the terms of accountability systems. These systems are designed to improve performance in terms of what is easy to measure and what the funders value. Accountability to beneficiaries cannot fix this either.

Accountability actions can provide marginal improvements if done well and locally. System-wide initiatives are unlikely to be successful because they are reductive and ultimately cater to the interests of the main sources of concentrated funding, the institutional donors.[47] Their concern with cost-effectiveness tends to obliterate differences between providers, and ignores the fact that different actors have different responsibilities. Where responsibilities are clear, virtuous accountabilities are possible. Where responsibilities are diffuse, information is lacking and power is asymmetrically distributed, accountability structures cannot work effectively to manage and shape the system.

Chapter 5
The consequences for humanitarian action

Where systems of power are reciprocal, and those delegating responsibility receive the benefits of good action and incur the costs of bad action or of actions not done, authority can be held accountable to the members of a community. This can be a very good thing. But even in propitious circumstances – where resources are considerable, and there is substantial political interest in success – the application of accountability systems has not brought substantial benefits, and has not resolved the crisis of trust greater accountability was meant to address (see the above discussion of the national health service in the UK). If we cannot generate virtuous accountability within sophisticated, plural democracies (indeed, if we end up destroying public value by trying), then we must be extremely careful in the territory of humanitarian action, where resources, competence and due process are usually sorely lacking.

This paper has attempted to demonstrate that the practical difficulties of constructing accountability systems for the international humanitarian system are massive. Humanitarian action often takes place in unregulated and largely lawless conditions, where exploitation and victimisation make notions of political representation and accountability meaningless. The humanitarian system is neither systemic nor humanitarian, so there is a good chance that any accountability reform of the system will be directed at goals other than enhancing the welfare and dignity of those that humanitarian agencies seek to assist.[48] Most initiatives to increase the accountability of the humanitarian system have been combined with efforts to strengthen coordination, in effect to make the humanitarian community (including donors, UN agencies, NGOs, local groups and contractors) act as a single system – not to be more responsive to its intended beneficiaries.

Reform may be justified under the banner of accountability, but it mostly serves the interests of large, institutionalised, northern NGOs and Western donor governments by strengthening brand identity and administrative control, protecting fundraising, making humanitarian action less politically challenging and contentious and increasing efficiency and cost-effectiveness. A desire to increase accountability to beneficiaries is claimed, but by and large accountability is ultimately about maintaining donors' trust, and ensuring continued funding. A respectful and interactive relationship between an aid agency and its recipients can be developed, but only if the aid agency so wishes – and at considerable cost, in money and time.

Accountability in the kind of incoherent, diverse, violent and complex environments in which humanitarian agencies work is an issue of dazzling complexity. The arguments presented here lead to a number of different conclusions, some of which are indicated below. But the principal conclusion must be that the notion of accountability in humanitarian action has to be considered and debated with much more practical rigour than has so far been the case, and in the context of the roles and responsibilities of the various actors involved.

The implications for the humanitarian 'system'

It is profoundly disturbing that, while more communities are receiving more relief goods than at any time in the past, so much of this relief goes to people for whom it is of marginal benefit, and so little reaches those for whom it would be critical. Some of the worst humanitarian crises in the past few years – populations caught in rebel territory in Sierra Leone, the displaced caught in UNITA territory and the post-peace agreement famine in Angola, civilians living outside Pashtun areas during the Taliban domination of Afghanistan, the crises in Ituri and on the Fizi plain in eastern DRC, refugee repatriations from Pakistan to Afghanistan in 2002, the famines in Western Upper Nile and Bahr el Ghazal in southern Sudan, Darfur – have all been characterised by an *absence of humanitarian agencies* actively providing assistance in the heart of these crises, and clamouring for the world's attention to them.

Attempts to forge a system of unitary and efficient actors out of the disparate humanitarian community – Benn's 'emergency service for the world' – seem to have coincided with an evolving conservatism and a growing reluctance to engage in real crises. Humanitarian action may now be on a grander scale, but it is more concerned with delivering goods and services and less concerned with being where it matters, in a way that can be of some solace to the victims of crisis. There are no accountability initiatives that would hold agencies to account for *not* being somewhere. How many of those moments that define the humanitarian creed do humanitarian agencies miss?

Beneficiary accountability is a worthy idea. But it can only leverage power by feeding back to those who give the money. As a consequence, aid actors become concerned with reducing risk and bad publicity, instead of working in difficult conditions where it is hard to achieve very much. As an ongoing relationship, it can only be effective in moderating what is currently being done; it cannot drive humanitarian agencies towards new and more radical engagement. And even if we recognise that the people we aim to serve have rights, this does not mean that we give them power. The humanitarian endeavour is still blighted by the failings of charity. We can act in a way that shows respect, but doing so is not obligatory. Judgements as to whether a humanitarian agency has created social value are not made by beneficiaries, or measured by outcomes. These judgements are made by the donors that drive the system, according to their own interests and concerns.

Accountability to beneficiaries will only be developed by authentic organisations with an authentic sense of mission – it cannot be used to reform the system as a whole.

Clearly, if aid actors do not respect those they work for, something is wrong. However, it is far from clear that the best way to ensure and demonstrate respect is through accountable relations. Bureaucratic processes and procedures cannot capture the essence of the humanitarian act. In times of acute crisis, the humanitarian transaction shifts. The assistance we provide may be insubstantial in terms of the volume of goods delivered. The important thing in such circumstances is that someone is there to witness what is happening. In my experience, in conditions of real crisis, 'beneficiaries' and 'recipients' demand that the world recognises them and values their lives enough to record their existence and death. Knowledge of massive human sacrifice gives weight to the importance of each life lost – and renders meaningless the excuse that 'we did not know'. Survivors of the Nazi Holocaust tell us that the worst terror was the prospect of dying without anyone knowing they had ever existed – to be obliterated from history. It is as if a life not recognised is a life devalued. That is dehumanising.

I conclude from this that the primary responsibility for a humanitarian is to have the decency to show up and stay around for a while, visibly, and to engender normal human relations of empathy and compassion for victims of crisis. By being there the humanitarian must make herself vulnerable and reachable. She must try to understand what has happened – and to acknowledge the existence and worth of the lives of victims, as well as the fact of their deaths. It is the humanitarian's duty to leave a safe home and try to understand and earn the respect of victims – to obliterate the self and seek understanding of others' suffering.[49]

To some, this will sound like romantic fantasy, far removed from the practical concerns of humanitarian response – an activity that, while perhaps not brave and heroic, is nonetheless important, and deserving of standards and regulation. Yet is it no less fantastical to believe that a technocratic solution can fulfil the needs of all the people in the world who are broken and damaged by human abuse, or that, thanks to global accountability, each and every one of the world's victim has rights, and is able to enact them? If the first duty of the humanitarian is to be there in crisis, when people are most in need and most abused, and to behave in such a way as to make these people believe that you are there for them, then we need other reforms than the ones we have been making over the last 15 years.

Humanitarian agencies face great and urgent needs, and have limited access and resources with which to meet them. In response, they have been proficient at inventing cheap, standardised public-level interventions to preserve life in difficult conditions. There is, however, a contradiction between this urgent endeavour to save lives and the particular responsibility to respond to the essential humanity and dignity of individual people. How can this tension be managed? The answer is not as difficult as it may seem. The general needs of people for certain commodities *can* be met by large-scale distributions in a way that generates trust towards the agency through enhanced debate over issues of equity and social responsibility in crisis-affected communities – but this takes time and presence.

Complex transactions, such as medical care and education, make greater demands on agencies to recognise the individual and the specific (there should be a case history, for example, and a clinical examination, diagnostic tests and the giving of opinion on the specific case). In service sector reform in the West, it is recognised that we need accountabilities that are service-specific and internal to particular agencies.[50] The aim is to create value, not destroy it. Humanitarian action is complicated, dynamic and contextual. There is usually not the opportunity to develop relationships over time, information is in short supply, the capacity to measure and monitor is extremely limited and transactions are complex and discretionary. There are significant difficulties in organising positive community participation in a predatory and unregulated environment. Local populations have no tradition of holding services to account and, if they had the social organisation to do so, they would probably expend their energies on more important topics, like politics and war.

International aid is fundamentally politically flawed. A technocratic vision in which civil society is involved in development decisions has been devised as a way of addressing this problem. But because it is technocratic and essentially de-politicised, it is not the answer. People do not all have the same power to represent their interests, they are not all equally represented, differences of opinion are not necessarily taken into account and power differentials affect the outcomes of the process.[51] These realities reduce participation to little more than window-dressing for an externally driven process. This applies to participatory forms of accountability in humanitarian and development practice alike.

Reforming humanitarianism

To generate virtuous accountability in humanitarian action, six things are required:

- There is a common understanding of what we value in humanitarian action, and therefore what behaviour should be promoted or punished.
- There is a system with clear roles and responsibilities which each actor can reasonably be expected to perform, and to which they can be held to account.
- There is freedom of association amongst victims of crisis, to form social organisations able to participate in community affairs.
- The recipient has power over service providers to ensure funding (or not), and to enforce judgments.
- Information is available to the recipients about the authenticity and capacities of the organisation over time.

- The opportunity costs of decisions are transferred to recipient and other competing potential recipient communities.

Everyone concerned with humanitarian aid would agree that these six conditions do not exist, and it is difficult to imagine them ever being achieved.

The World Bank points out that, in some conditions, it is impossible to establish accountability relationships. In that case it becomes important to rely on the action of internally driven and motivated agencies. I would argue that the key to future progress lies with authentic humanitarian agencies that care, think and criticise, that seek improvement and understanding and presence in the heart of humanitarian crises. We will have to trust these agencies, and we will in turn have to accept that, by trusting them, we make ourselves vulnerable: 'Since trust has to be placed without guarantees, it is inevitably sometimes misplaced: others let us down and we let others down'.[52] Trust is critical to public life – without it there would be no point in getting out of bed in the morning.[53] It makes social life simpler and makes possible cooperative endeavours – such as NGOs – which we could never achieve alone. Trust does not give people *carte blanche* to do what they like: people take responsibilities and are limited in their decision-making by the nature of the responsibilities they assume.[54]

In an effort to be positive and to imagine a different future, I am suggesting that perhaps a more productive route for reform than all the coordination bodies, policy think-tanks, convergence attempts and system reform initiatives would be to ensure the conditions for building and maintaining authentic NGOs with a sense of mission, detailed internal accountabilities (to members, staff and boards) and honest and open relations with the public. I suggest that this would also be to the benefit of donors, shocked at the inadequacy of the response to the Darfur crisis, and the public, as NGOs would begin to reengage with public life in a responsible fashion.

A range of measures will be needed for this:

- Institutional donors should give block grants to NGOs with a proven and coherent history of humanitarian action, demanding only fiscal probity, demonstrable public support and key internal mechanisms of questioning, learning and accountability.

- NGOs and the media should work together to develop ways to expose the truth about humanitarian operations, so that NGOs can have an open and honest dialogue with the public and contribute to the production of real social value, in crises and at home. Without the ability to be honest and engender genuine public support real reform is unlikely.
- Academics need to find hard-nosed definitions of the responsibilities of humanitarian NGOs.[55]
- NGOs should challenge local authority to debate social responsibility and how to fulfil it, as well as providing information to beneficiaries to help them meet their needs.
- All NGOs should acquire informed consent for research and invasive procedures.

The debate about accountability in humanitarian action over the last decade has tended to be polarised. Some agencies – MSF is one – are seen as opposed to accountability. This is a misrepresentation. MSF believes that accountability systems are very potent, since they define what agencies are rewarded and punished for, and so help to determine humanitarian policy and practice. MSF is very much in favour of a clear and precise definition of the responsibilities of all actors in the crisis zone.[56] However, MSF does not support non-specific calls for greater accountability, and is sceptical of system-wide approaches when there is so much mitigating against effective accountability, and when there are so many pressures driving humanitarianism in what MSF believes is the wrong direction. Accountability is a virtuous aim, but a one-size-fits-all, de-contextualised and de-politicised form of accountability does not and cannot enhance humanitarian action.

Humanitarianism values people over efficiency, and focuses on compassion and political engagement. Humanitarian actors must want to be present in humanitarian crises, even if they can save more lives more cheaply in easier contexts. They must want to meet the people living in crisis, and take pleasure in helping them. They need the drive to do more than seems possible, and to stand up for learning and change. This is the currency of excellent humanitarian action. Without it, an agency may do outstanding work in any one place at any one time – but it will not consistently be in the most difficult environments, pushing for dignity and excellent services, to the limits of its capacities, over and over again.

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7 This analysis is based on experiences in Western Europe, particularly the UK. In the United States, government has traditionally played a different role in the provision of social services, and issues of accountability and efficiency have tended to be more pronounced.

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26 In practice, of course, the differences are less obvious. Humanitarian aid is often used in less urgent crisis interventions, and development aid is generally more conditional and imposed than described here. The problems facing development actors are every bit as large as those that confront humanitarians – the presence of neo-patrimonial states, for instance, a proliferation of external actors, significant levels of conditionality, imposed priorities and donors' avoidance of government channels.

27 Stephen Hopgood, 'Saying "No" to Wal-Mart? Money and Morality in Professional Humanitarianism', in Michael Barnett and Thomas G. Weiss (eds), *Humanitarianism in Question: Politics, Power, Ethics* (Ithaca, NY: Cornell University Press, 2007).

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29 Development NGOs place great importance on the notion of working with the community and allowing community members to 'own' the process, set the priorities, contribute resources and inputs and participate in the management and evolution of activities and evaluations. The participative, partnership-oriented mode of action infers a high degree of accountability. However, its application has been fraught with problems. Participative imperatives have also been championed in humanitarian activities, but practice has proved dis-

appointing. Participation in large-scale responses has often been more exploitative than emancipatory, being used as a means to obtain cheap labour, reduce costs and acquire information. Commissioned by ALNAP, Groupe URD conducted a 'global study on participation in humanitarian action' which concluded that participative methodologies were unlikely to transform practice.

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56 *Ibid*.

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Membership Administrator at:

Humanitarian Practice Network (HPN)
Overseas Development Institute
111 Westminster Bridge Road
London, SE1 7JD
United Kingdom

Tel: +44 (0)20 7922 0331/74
Fax: +44 (0)20 7922 0399
Email: hpn@odi.org.uk
Website: www.odihpn.org