



Terms of Reference

Principled Humanitarian Action Decision-Making Guidance For Aid Agencies & Coordination Mechanisms

Background

“Principled humanitarian action” is defined as humanitarian action that is guided by the core humanitarian principles of humanity, impartiality, neutrality, and independence. These core humanitarian principles; alongside international law and the associated normative frameworks are the foundation of humanitarian action.

Humanitarian NGO staff have identified that their ability to uphold humanitarian principles in complex humanitarian emergencies is persistently, and increasingly, challenged by a combination of external and internal factors. **External factors** are determined by state and non-state actors attempts to politicize humanitarian action such as restricted access to certain populations/geographies, widespread disinformation campaigns, criminalisation of humanitarian action, attacks on humanitarian workers and bureaucratic impediments or donor foreign policies co-opting humanitarian assistance, sanctions and counterterrorism policies.

Internal factors within humanitarian agencies and the humanitarian system, such as the diversity of actors that implement humanitarian programmes, lack of understanding and structured discussions of the humanitarian principles, lack of common positions and joint red lines, and a lack of coordination and information sharing, also impact on humanitarian staff’s ability to secure the most principled outcome in the operating environment. These are discussed in detail in Annex 1 below.

As a result of these external and internal constraints, humanitarian NGO staff working to assess needs and implement programmes frequently experience dilemmas between upholding all the core humanitarian principles and making compromises to one or some of these principles to obtain access to crisis affected populations in a timely manner. In fact, often the principles themselves prompt the need to make strategic compromises in pursuit of the most principled outcome. Access, in times of urgency, is often an example when these compromises are made, whether these compromises are done strategically or not.

Navigating dilemmas and identifying compromises

In many crisis contexts, multiple, diverse agencies and staff are implementing humanitarian programmes, sometimes alongside development and peacebuilding initiatives, in the same area and experience the same dilemmas. How agencies individually and collectively navigate these dilemmas can have a significant impact on principled response, humanitarian response and ultimately the relevance and quality of programmes for crisis-affected populations.

Sometimes agencies need to make compromises to the humanitarian principles in order to maintain access and acceptance. Compromises might be strategic and with risks fully considered and mitigated against to secure the best outcomes for crisis affected populations. At other times, compromises might be unintentional or reactionary, particularly when they are caused by expediency, pressure, a lack of understanding of the principles, or existing practice.

While compromises are often pragmatic, the challenge arises when responses to dilemmas are overly focused on narrow and short-term access to the detriment of that of others and the collective in the immediate and/or longer term.



There are instances when it is principled to have separate decisions or compromises based on agency mandates, for example agencies providing emergency medical care have different considerations than an agency providing livelihoods. However, research highlights that diverse approaches to the interpretation and application of humanitarian principles made by one staff member or agency can impact the larger collective of NGOs, as authorities can “divide and conquer” the NGO community by leveraging the compromise made by one agency to push other agencies to follow suit.

Short-term and individualistic approaches, or decisions that are not deliberated nor transparently shared, can thus unintentionally lead to the erosion of principled humanitarian action, can increase the cost of doing business, and may lead to a reduction in humanitarian access and space in the longer-term, with the consequences ultimately most felt by crisis-affected populations.

Given the stakes involved, the compromises or concessions made by some agencies to gain access or maintain acceptance can therefore cause significant controversy and a breakdown of trust with peers within the humanitarian community, which can undermine trust and effective coordination. Conversely, research, all be it limited, points to the value of consistent collective and coherent promotion of humanitarian principles especially in complex humanitarian emergencies: *“When collaboration is carried out successfully, it can be an incredibly powerful tool for maximising reach, impact and scope: the combined weight of the partners proving to be infinitely more powerful than any one individual agency could ever achieve. Successful collaboration can also have important related effects, such as improved relationships, higher levels of trust and cost efficiencies that are carried forward in other activities.”*

How individual agencies and coordination mechanisms navigate contextual dilemmas, how they arrive at decisions and communicate them with each other, is key to securing coherence in interpretation and application of humanitarian principles and mitigates against distrust within the humanitarian community. There is rarely just one principled approach and there is a need for nuance and understanding.

The important point is that compromises are made with a clear understanding of their implications on the safety of clients and staff, on funding and coordination, on agencies’ ability to operate, and ultimately for ensuring those in need receive the assistance and protection they require, and all measures possible taken to reduce risk and identify the most appropriate compromises accordingly.

Existing Approaches to Principled Decision-Making

NGOs have commissioned research and undertaken a series of steps to better uphold principled humanitarian action: CARE, DRC and Save the Children have developed principled decision making tools or frameworks.

Existing Decision-Making Frameworks

- Several NGOs have developed internal documents (Save, CARE, DRC, MSF)
- CCHN Access – Principles – Do No Harm: Compromising on Principles <https://frontline-negotiations.org/wp-content/uploads/2021/10/2021-10-Middle-East-Think-Tank-Report-Chapter-2-p.-23-36.pdf>
- HERE Geneva (2021) PRINCIPLED HUMANITARIAN PROGRAMMING IN YEMEN A ‘PRISONER’S DILEMMA’? https://here-geneva.org/wp-content/uploads/2022/02/Principled-H-programming-in-Yemen_HERE-Geneva_2021-1.pdf



- Katherine Haver (2016) **Tug of war: ethical decision-making to enable humanitarian access in high-risk environments** <https://odihpn.org/wp-content/uploads/2016/10/NP80-web-string.pdf>
- Chatham House <https://www.chathamhouse.org/rethinking-role-humanitarian-principles-armed-conflict/employing-ethical-decision-making-frameworks>

Related frameworks

- Humanitarian Outcomes is developing an ethical decision-making framework
- Risk Sharing Framework Enhancing The Impact Of Humanitarian Action Through Improved Risk Sharing <https://interagencystandingcommittee.org/sites/default/files/migrated/2023-06/Risk%20Sharing%20Framework.pdf>

With funding from the German Foreign Federal Office, ICVA have convened a Principled Humanitarian Action Steering Committee (PHASC) focused on developing decision making guidance for promoting principled humanitarian action.

ICVA has also partnered with CCHN to support NGO fora at country level to identify coordinated or collective actions on contextual dilemmas and support humanitarian access negotiations. The intention is to pilot the framework in three humanitarian contexts in 2024.

Specific Objective

The specific objective of the work is to improve the ability of individual aid agencies, NGO fora and coordination mechanisms to navigate contextual dilemmas and promote principled and effective humanitarian action to the greatest extent possible to support the best outcomes for crisis-affected populations.

Proposed Actions

The ICVA Humanitarian Access Working Group proposes to conduct the following actions to support individual, coordinated and collective actions to identify and secure the most principled humanitarian outcomes in an operating environment:

1. **Establish a steering committee of interested NGOs and research institutions** to oversee the mapping delivery of the proposed actions. The Terms of Reference are available in Annex 1 below.
2. **Map existing member and research institutions work** (e.g. Humanitarian Outcomes) on principled humanitarian action, including frameworks, scenarios and after-action reviews, lessons learned, challenges and available tools.
3. **Develop Principled Humanitarian Action Decision-Making Framework & Guidance For Aid Agencies & Coordination Mechanisms.** The guidance will be based on the mapping of existing work and lessons learned, but will include information and methodology/toolkit for:
 - a. Understanding the meaning, value and application of principled humanitarian action in the context of evidence that humanitarian principles are not universally understood and applied, increasingly complex humanitarian crises, shrinking civic and humanitarian space, the triple nexus, the participation of non-traditional actors (e.g. the corporate sector) and the need to promote localisation and transform power relations within the aid system.
 - b. Reflecting on the impact of compromises, taking principled, context specific decisions and developing individual, coordinated or common positions as



- appropriate, which accounts for a diversity of actors and approaches, aiming to achieve principled outcomes.
- c. Deepening understanding and comfort in promoting the principles and navigating compromises by providing a summary of options, debates and practices around principled humanitarian outcomes with the aim of supporting members to draw lessons and support from practical experiences.
 - d. Communicating your agency's position if it is different to other agencies to donors, state and non-state authorities, people in need and peer agencies.
4. Pilot this framework with 3 NGO Fora (one international, one mixed, one national)

Oversight – The Principled Humanitarian Action Steering Committee

The PHA Steering Committee role is to take responsibility for the oversight of the deliverables associated with the Development Principled Humanitarian Action Decision-Making Framework & Guidance For Aid Agencies & Coordination Mechanisms. The Steering Committee is responsible for approving the content and approach, promoting awareness of the initiative, and monitoring risks, quality and timeliness.

The PHASC is comprised of representatives from Islamic Relief, Sphere Association, Medair, Danish Refugee Council, International Rescue Committee, Save the Children, Oxfam, the Libya INGO Forum, the Sudan INGO Forum, the Sudan NNGO Forum, the Myanmar NGO Forum, the Centre of Competence on Humanitarian Negotiation (CCHN) and the think tank HERE Geneva, who meet on a fortnightly basis.

Role of the Steering Committee

1. Ensure the scope of work aligns with the requirements of the key stakeholder groups
2. Oversee and provide guidance on the project's feasibility, quality and achievement of outcomes
3. Highlight and address any issue that has major implications for the project
4. Ensure the project scope remains under control as emergent issues force changes to be considered
5. Reconcile differences in opinion and approach, and resolve disputes arising from them
6. Promote the work with key stakeholders

Role of individual Steering Committee Members

1. Attend SC meetings- Individual members must be committed and must ensure continuity in participation to all meetings.
2. Actively contribute to discussions and documents, including highlighting the significance of the work for some or all major stakeholders and representing their interests.
3. Be an advocate for the project's outcomes with major stakeholders
4. Be committed to, and actively involved in pursuing the project's outcomes

Meetings

- Once a fortnight for 1.5 hours on average.
- Meetings are conducted under Chatham house rules.
- Meetings will be recorded, however the recording is for participants' use only and not for dissemination.



Ground rules

1. Show up! As much as possible, attend each meeting.
2. Speak up - everyone's opinion matters and it's ok to be wrong or to ask for clarification or want to change something. If you are not comfortable or don't agree with a proposal or comment, please speak up - you might just have the key to unlocking a problem!
3. Our number one job - as in any team - is to take care of each other. This includes respecting each others confidences and not judging each other for mistakes or comments made. All of us have made mistakes, none of us have all the answers.
4. Do meet with others inside and outside the group to discuss the work - bring the learning back to the group
5. Maintain utmost confidentiality about stories and opinions shared / do not attribute any conversations to specific members.
6. We are currently working in a voluntary basis. The success of this endeavour will require everyone doing their share, including sharing risks and success.

Annex 1: Internal opportunities and constraints for collective principled humanitarian action

The following internal enablers and constraints to upholding principled humanitarian outcomes were identified through a literature review, discussions with ICVA members, and with aid workers conducted as part of recent studies:

1. Diversity of Actors & Mandates.

A diverse array of actors engage in humanitarian work across the world, and have their own core values (such as faith, human rights or enterprise) which may or may not include humanitarian principles in whole or in part.[6] More principles and values, and mandates, in the mix add greater complexity to decision-making and greater challenges facilitating coordinated and collective action.

Coordinated and/or collective reflection and action to addressing dilemmas that may undermine and impede principled and effective humanitarian action has often been hampered by a lack of recognition for this diversity of values and principles, and mandates. The push for common positions and red lines does not always sufficiently take into account this diversity.[7]

While individual agencies need to uphold their mandates and values (and mandates), they must also adapt to the context and ensure a uniformity of approach in their actions to secure trust and acceptance of affected populations. Besides dilemmas, it is evidenced from the Humanitarian Response Plans that the humanitarian needs have exceeded the capacity of all humanitarian funding and operations combined for many years now, and therefore principled action should be looked at from the perspective of total efforts in a single response, and not individual responses. Otherwise, no single actor could claim to have met the humanitarian suffering (or at least not to have undermined the humanitarian imperative) or concluded an impartial response on their own. The diversity of actors, values, technical capacities, and mandates could be also an enabler for a more principled, efficient, and effective response if we choose to work more closely together.

2. Unequal power dynamics and pressures



Another dynamic identified is the different and unequal pressures placed on local, national and international NGOs from governing and de facto authorities. There is also a need to understand the different roles and comparative advantages of local, national and international actors as well as the alliances, networks and consortia in which they participate. An ICVA paper on Localisation (2019) identified that realizing principled humanitarian action is challenging for all these actors. Concerns have been raised about what localization may mean for principled humanitarian action, particularly in conflict settings. Some concerns include that localization may weaken protection aspects of a response or may be used as a way to keep international actors from engaging, particularly in situations involving rights violations. In some contexts, local and national NGOs may be more exposed to pressure from governments or other actors, or be forced to assume additional risks that international actors transfer to them, or, given their identity or geographic location, may not be accepted by or have access to some affected communities. be too close to a conflict to deliver principled and effective humanitarian assistance.

Research by International Alert into Partnerships in Conflict found that international actors are often unaware of the extent of the challenges their local partners face and that strengthened approaches to partnerships are needed in these settings.

National NGOs can have excellent access to high level and local decision makers, and many have built strong relationships, which they can leverage to negotiate on dilemmas. However, they may have significant financial constraints and be under severe donor (or INGO) pressure to deliver “at all costs”. Some local NGOs have identified that they are more likely to compromise their principles and more vulnerable to political pressures due to a fear of losing their project funding, which they are dependent on for their existence.[9]

INGOs are also subject to political and donor pressures, they may struggle with additional challenges with bureaucratic and administrative impediments and have less ability to identify the levers and less access to decision makers in a context, however they often have core funding and a broader funding base.

Identifying and respecting these constraints and opportunities when discussing principled action outcomes is key. These conversations help manage expectations and build trust and help support the identification of realistic principled actions outcomes, joint positions and red lines that can be applied at a given time in a specific contextsustained.

3. Different Interpretations of the Principles and Absence of Policies

As HERE Geneva and DARA noted: *“Questions continue to exist as to which principles individuals or agencies are referring to when they speak about humanitarian principles in general. The way humanitarian actors take operational decisions suggests that one principle may prevail over another, which may impact on the shorter and longer-term strategies and priorities. Assessing the effectiveness of these strategies by looking at whether the decisions and assumptions were correct is an “extremely complicated matter”.* Also noted, was that an approach that requires organisations to explain the rationale of their decisions in relation to the principles may provide a productive way forward in terms of strengthening accountability”.

While many NGOs have codes of conduct, few have organisational policies or guidance (and by extension accountability mechanisms) on what principled humanitarian action is and how to make decisions or translate the principles to the operating context.

4. Poor Coordination & Communication



Coordinated principled approaches are considered by many as one of the best ways to reach the people most in need with quality and timely assistance and protection.[10] However, poor coordination has been identified to be the biggest challenge in the humanitarian sector.[11]

Organisations tend to navigate the context from their own individual capacity and understanding perspective, and sometimes without consideration of the way their decisions impact the principled (or otherwise) humanitarian programming of others, or in the future.[12] Responses to dilemmas, often made to achieve short term benefits and frequently in the name of upholding the humanity principle, can compromise the other corer principles, which can lead to significant negative implications for effective response, cause harm and damage community acceptance in the medium turn. In the longer term, the compromises and lack of coherent and coordinated humanitarian action can entice state actors to impose additional restrictions on humanitarian aid they feel betrays humanitarian principles, ultimately undermining an effective response.

Many agencies are reluctant to discuss these compromises or their with other aid agencies for fear of judgement or loss of funding. While operational imperatives, donor conditionalities and deeply restrictive and fear-inducing operating contexts can impede bandwidth for discussions on principles, the overarching finding of research on Principled Humanitarian Action is that a lack of trust and communication about how each agency/organization operationalises the principles is hindering the effectiveness of developing coordinated, or collective positions, and ultimately hindering the wider humanitarian responses in general .[13]

It is difficult to build trust in these instances due to the presence of significant stigma and judgement around how individual agencies make compromises impedes coordination and open dialogue between agencies. The stigma of 'Principled' vs- 'Unprincipled' should be broken, as it is both overly simplistic and undermines trust and sharing. Aid agencies often make compromises to a greater or lesser extent depending on their relationships and acceptance, mandates, footprint, capacity and more simply, the level of internal analysis of what is the most principled way to navigate a dilemma. Dilemmas, being inherently complicated choices amongst a series of imperfect options, means that different agencies will have different analysis of what is the 'most principled' way forward-complicating inter-agency dialogue.

The value for coordinated approaches with open dialogue is clear: A “coordinated principled approach is considered by most as the best way to reach the people most in need with good quality assistance and protection.” The lack of coordinated action on principles allows restrictive authorities to “divide and conquer” humanitarian agencies and has severe consequences of effective response.

This does not infer that a 'collective' or 'common' position is always the most appropriate way forward: Coordinated discussions on principled outcomes may recommend various approaches to respect the diversity of actors and constraints and capacities they bring. Depending on these approaches, one of the following approaches may be more appropriate:

5. Lack of joint problem statement and supportive, evidence-based analysis

In some contexts, there is a lack of joint, in-depth analysis of the problem itself, to include assessment of drivers, impact and influencers of humanitarian dilemmas and the impact of compromises against medium and long -term impact in a country context and globally.[14] Furthermore, with some notable exceptions, research finds that few aid agencies conduct geopolitical or conflict analysis to better understand the opportunities and constraints in their operating environments. The research also highlights that it is rare that aid agencies collectively analyse the impact of compromises on principles.



This point is critical. Various agencies may have very legitimate, yet different, positions regarding the most principled way forward when facing a dilemma according to their own principled analysis. Coupled with the different mandates and dynamics guiding that particular organization, this difference of analysis can result in vastly differing opinions on principled outcomes. This may lead to accusations of ‘unprincipled’ vs. ‘principled’ responses, disintegrating trust and ultimately weakening coordination between humanitarian agencies. Humanitarians want to work in accordance with the principles but need more support and flexibility to do so. Key to this trust is breaking the assumption that there is one principled approach regardless of your starting point.

6. Lack of staff knowledge and institutional support

Likely, the humanitarian community has overestimated the depth and range of knowledge of humanitarian principles throughout the sector. Recent research in Afghanistan suggests that many frontline aid actors were not fully aware of the humanitarian principles.[15] Anecdotal evidence points to the same issue among many senior leaders. Even if all humanitarians, especially those interacting with the realities of humanitarian dilemmas (ie drivers, suppliers etc.) were well trained on, and aware of, humanitarian principles, the nature of dilemmas means that there would be different proposed solutions to respond in the most principled way.



References

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