# Benchmarks and yardsticks for humanitarian action:
## broadening the picture

by Koenraad Van Brabant

*A serious debate has developed in recent years with regard to 'standards' for humanitarian action.*

The focus of this debate has been the 'minimum standards' of the Sphere project but that debate is now expanding to one on 'quality assurance' of relief/humanitarian action.[1] One of the questions being asked is whether the Sphere standards are indeed a central tool in determining whether humanitarian aid has achieved 'quality'.

This debate on standards follows an earlier one on principles which goes back to the formulation of the 1994 Code of Conduct for the Red Cross and NGOs in disaster relief. This Code of Conduct in particular has been most influential in international NGO circles, inspiring a number of field level codes of conduct, notably the Joint Policy of Operations in Liberia, the Sierra Leone Code of Conduct and the Principles of Engagement for Emergency Humanitarian Assistance in the Democratic Republic of Congo.

Thanks to dissemination, advocacy, training and follow up among and by international NGOs, the Sphere standards and the Red Cross and NGO Code of Conduct have achieved centre stage position in the awareness of many organisations, including Western donor administrations and some UN agencies.

## Supporting roles: international legal instruments

Although staff and associates of the Sphere project emphasise that the Sphere Charter is as important as the 'minimum standards', the reality is that the technical delivery minimum standards are better known and more actively used by aid workers than the Charter with its very brief references to the Refugee Convention, Human Rights Law and International Humanitarian Law. While the Refugee Convention may be a daily reference for UNHCR, for example, it is neither well known nor regularly used by international NGOs (often the operational partners of UNHCR) – hence the creation of the Reach Out project to familiarise aid workers across the globe with the Refugee Convention.[2]

The Convention on the Rights of the Child (CRC) is a daily reference for an organisation such as UNICEF and some child-focused NGOs such as the Save the Children Alliance. It has also been actively used to inspire the 'ground rules' that Operation Lifeline Sudan in 1995-96 negotiated with the factions in southern Sudan. But the CRC is certainly not as actively advocated, used or referred to in NGO and donor circles as Sphere and the Code of Conduct.

The situation therefore seems to be one whereby legal instruments, ratified by many if not most states in the world, seem to have less prominence in NGO circles than two yardsticks developed by NGOs but with no legal status.

## Broadening our perspective

There is a much wider range of relevant yardsticks or benchmarks that can – and sometimes must – be used to plan, review or 'judge' the quality of a performance and to hold agencies to account. These yardsticks have different status. The challenge for managers, monitors, reviewers and evaluators is to more consciously consider the range of possible benchmarks, including those that are obligatory because of their legal status, and to choose those that seem most relevant in a given context.

The numbered table overleaf shows the range of benchmarks and indicates some of the organisations or interagency projects that have developed the instrument or actively guard and/or promote it. Note that the various references have a different status. Some are inscribed in law while most are not. An organisation is not obliged to accept an inter-agency benchmark and some are of the view that they are only bound by legal references and their own internal yardsticks.

1. **International and national legal references:** These spell out rights and obligations. Of particular relevance here is the constitution of a country. While typically little known to the overwhelming majority of people, a constitution spells out rights and obligations within the national framework. In certain circumstances, it can possibly be a more powerful tool for advocacy and accountability in the country where humanitarian action takes place than an international convention or an interagency 'code'.

2. **National policy framework:** National policy may be perceived by some as inappropriate in certain crisis situations, or even counter-productive, but it is preferable that aid agencies argue their case with the national authorities rather than simply bypass them. The latter practice undermines the credibility of local authorities and also contributes to the perceived confusion of roles and responsibilities that aid agencies then subsequently lament.

3. **Inter-agency references:** Some refer to rights and principles. As such they have no formal legal status but are fairly widely accepted. They can be given a more authoritative status by the national authorities. Some countries, like Colombia, have incorporated the Guiding Principles on Internal Displacement into national law. Uganda has used them to develop a National Policy Framework on Internal Displacement.

4. A series of other guidelines, developed on an **inter-agency** basis, refer more to good practices.

5. Each organisation also has a series of **internal references,** ranging from mission and values statements to policy statements and practical manuals, which it has developed internally and against which it can plan, monitor and review its performance.

6. Finally, there are **situational references** that can be used as yardsticks: project agreements (with donors but also with intended beneficiaries), operational plans, etc.

## Responding to the earthquake in Gujarat, India

As with previous evaluations, the UK's Disasters Emergency Committee evaluated the response of British NGOs to the earthquake in Gujarat in terms of the Red Cross and NGO Code of Conduct and the Sphere standards.[3]

When the ACT network[4] evaluated its Indian members' response to the same disaster, it asked them which references and benchmarks they thought were most relevant. Although aware of the Code and the Sphere standards, they **first** pointed to legal-political benchmarks such as the Indian constitution, the Panchayat Raj Act, the Juvenile Justice Act, the Land Acquisition Act and the Disability Act. **Secondly**, they drew attention to policy frameworks. Of great significance were the various policies developed by the Gujarat state authorities with regard to compensation to disaster victims and the adoption of villages requiring reconstruction. Also relevant was the Indian Relief Code. Drawn up in the 19th century, it is widely seen as outdated and, because of its focus on drought and famine, inappropriate for cyclone or earthquake risk and disaster management – but it is still an active reference for the Indian public administration in the management of any disaster. So far, lobbying efforts for it to be updated have not had any impact. **Thirdly**, for technical standards, they would consult not the Sphere handbook but the India Standards Code Book, which includes, for example, specifications on earthquake-resistant building.

In short, for these Indian actors operating in an environment where there is a functioning state that has accepted its responsibility for disaster management, it is much more relevant to work with, and try to improve, national and/or state laws, policies and standards than to refer to vaguer international ones which have no legal clout.

## Resettlement and rehabilitation in Sierra Leone

A key benchmark, first developed in 1997 and recognised by international NGOs, was the Code of Conduct for Humanitarian Agencies in Sierra Leone. This was inspired by the Principles and Protocols for Humanitarian Operations developed in 1995 in Liberia and can be seen as one of the field-level translations of the 1994 Red Cross and NGO Code of Conduct. Various respondents in an inter-agency survey conducted for the Humanitarian Accountability Project referred to it as an active benchmark for their organisational conduct.[5]

However, by January 2002, it appeared that many newly arrived international NGOs seemed to have lost interest in the Code.[6] This was surprising given that there had recently been intensive dissemination of the Code, albeit targeted at armed groups such as the army and policy and the UN peace keepers rather than at aid organisations. Sphere standards were also fairly well known and used among the international NGOs in Sierra Leone. But while international human rights organisations such as Human Rights Watch in Sierra Leone actively refer (in their reports and lobbying) to international human rights law and national legislation, and even sometimes to international humanitarian law, the focus on a Code mainly developed by international NGOs and on the Sphere standards prevented recognition by aid agencies of other highly relevant standards.

One of these might be the Constitution of Sierra Leone[7] which spells out the rights of citizens and the responsibilities of the state. Another one, highly relevant in the Sierra Leone context, would have been the Guiding Principles on Internal Displacement, which few agencies actively seemed to work with. A policy document such as the Resettlement Strategy of the National Commission for Reconstruction, Resettlement and Rehabilitation (October 2001) should have been a central reference. Internal agency benchmarks could also be applicable. Some of these would be generic, such as the agency's mission and value statement, while others would be context-bound. Examples of context-bound references that can serve as yardsticks would have been UNHCR's 'Plan of Operation: Repatriation and Reintegration of Sierra Leonean Refugees' (September 2001) or a written project agreement between an aid organisation and its intended beneficiaries.

Interestingly enough, a major aspect of the reaction of the aid organisations in Sierra Leone to the 'sexual abuse' report of UNHCR/SC-UK has been to develop another benchmark: Standards of Accountability to the Community and Beneficiaries for all Humanitarian and Development Workers in Sierra Leone. But this is again an inter-agency product with no legal status and does not make any reference to legal obligations in the home country where agencies are registered or in the host country.

Crisis-affected people themselves may also hold benchmarks, perhaps more implicit than explicit. Conversations in Sierra Leone show that affected people value an agency that 'keeps its word', that acts with transparency, with whom there can be sufficiently regular contact and whose staff are not arrogant but ready to listen and to treat people with dignity.

One significant problem is that the affected people are often not – or not well enough – informed about benchmarks so cannot themselves act as monitors or watchdogs. As organisations in Sierra Leone not only want to provide material relief and rehabilitation assistance but also promote good governance, which includes greater accountability, it seems they are missing here an opportunity to lead by example. That point seems to have been understood in the wake of the UNHCR/SC-UK report, as it is reportedly the intention to widely disseminate the Standards of Accountability for aid personnel behaviour among the Sierra Leonean people. Yet few agencies have any programmes to inform ordinary Sierra Leonean citizens about their constitutional rights and their rights under

## 1. LEGAL OBLIGATIONS

- International Human rights Law
- International Humanitarian Law
- 1951 Refugee Convention
- Convention on the Rights of the Child

*UNHCHR*
*ICRC*
*UNHCR (Reach Out)*
*Sphere Charter*
*UNICEF*

- Laws of Country of Association
- Constitution of country of operation
- Laws of country of operation

## 2. NATIONAL POLICY FRAMEWORK

- Disaster policy and management framework
- Sectoral policies

## 3. INTER-AGENCY REFERENCES ON RIGHTS & PRINCIPLES

- Guiding Principles on Internal Displacement
- Red Cross and NGO Code of Conduct

*Global IDP Project*
*DEC (UK)*

## 4. INTER-AGENCY GUIDELINES FOR GOOD PRACTICE

- People-In-Aid Code
- Guidelines for the Protection of Refugee Women
- Guidelines on Older People in Disasters
  and Humanitarian Crises
- Good Practice Reviews
- Sphere sectoral standards
- Local Capacities for Peace
- Coordination on protocol

*PIA*
*UNHCR*
*HelpAge*
*HPN*
*Sphere*
*LCP Project*
*Interaction*

## 5. INTERNAL REFERENCES

- Values and principles
- Policies and procedures
- Code of personal conduct
- Sectoral manuals

## 6. SITUATIONAL REFERENCES

- Operational plans
- Project agreements

international and national law, and to train local people in basic legal aid.

### In – provisional – conclusion

Because the Red Cross and NGO code and the Sphere project have received so much attention, at least from international NGOs, there is a real risk that other standard-setting benchmarks or yardsticks come to be seen as less important. That would not only be a methodological mistake; it would also be a strategic political mistake because it gives the impression that (international) 'NGO products' are more important than state-developed legal standards. Moreover, NGOs have generally been very reluctant to allow any authority to exercise oversight over their adherence to certain principles and codes of conduct.[8] So, in practice, the unintended effect is to replace 'hard law' with weaker instruments. This undermines rather than strengthens the rule of law.

Mainstreaming the use of benchmarks in humanitarian action and relief work is a task of management. They may be encouraged to do so if monitors, evaluators and authorities exercising oversight start using a wider variety of benchmarks, not simply referring automatically to some well-propagated ones but choosing those that are actually mandatory and/or relevant. It would be refreshing to see programmes evaluated, for example, against the CRC, the Guiding Principles on Internal Displacement and even an agency's values. This could only increase the agency's credibility, legitimacy and accountability.

*Koenraad Van Brabant is a Research Fellow at the Disaster Studies Programme, University of Wageningen, Netherlands. Email: koenraadvan@yahoo.co.uk*

1. See for example 'Enhancing the Quality of Humanitarian Action. Conference proceedings', The Hague, Dutch Ministry of Foreign Affairs: (www.hap-geneva.org/pdf/La%20Hague%20conference%20Procee dings.pdf)
2. See www.reachout.ch/
3. See www.dec.org.uk
4. See www.act-intl.org
5. See Van Brabant 'Promoting Transparency and Accountability. The Humanitarian Accountability Project fieldwork in Sierra Leone (November 2001-May 2002)', 2002, Geneva, HAP (www.hapgeneva.org)
6. Interview with member of Code of Conduct committee.
7. See www.sierra-leone.org/documents.html.
8. The inter-agency Code of Conduct committee in Sierra Leone, e.g. only had an advocacy and advisory role. Donors were represented on it but reportedly did not make adherence to the Code a criterion in funding decisions. The rejecting of any effective authority for the Committee even went so far that no meeting minutes were produced.