

Standards and finances: analysis of the report of Ban Ki-moon

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The financing for implementing humanitarian action, and the regulatory standards that govern it, no doubt represent the two stumbling blocks on which the participants in the Istanbul Summit will focus the most attention. In the following article, closely dissecting the report of Ban Ki-moon, Anne Héry and Antoine Peigney address respectively these two powerful themes, confronting the expectations of the actors with reality on the field.

The report on the World Humanitarian Summit that the United Nations' Secretary-General made public last February 9th is based on the synthesis of consultations conducted extensively for nearly three years¹. Ban Ki-moon draws attention upon five fundamental responsibilities: political leadership to prevent and end conflict, uphold the norms that safeguard humanity, leave no one behind, improve living conditions and invest in humanity.

Financing as a spearhead of the new humanitarian architecture

Ban Ki-moon's report is also based on the conclusions of the United Nations High-level Panel on Humanitarian Financing². This amounts to saying that the emphasis placed on issues related to the question of funding is very significant, this is not surprising knowing that the finding concerning the growing gap between funding and humanitarian needs is precisely one of the arguments for the organisation of the Summit. The fifth and last chapter of the report is entirely devoted to it, but the financial issues are also very present in the fourth chapter dealing with the role of local actors.

“Put an end to the needs rather than provide assistance” and “Invest in humanity” are the ambitions displayed in the titles of these two fundamental responsibilities. On the one hand, it involves strengthening the capacities of local actors, while linking up with other international frameworks that are the objectives of sustainable development, climate change and risk reduction. On the other hand, it involves increasing access to financing for local actors, while implementing a “grand bargain” that would ensure a more significant volume of funding for the United Nations system in exchange for improvements in efficiency and transparency.

¹ Available on the site: <https://www.worldhumanitariansummit.org>

²[https://docs.unocha.org/sites/dms/Documents/\[HLP%20Report\]%20Too%20important%20to%20fail%E2%80%94addressing%20the%20humanitarian%20financing%20gap.pdf](https://docs.unocha.org/sites/dms/Documents/[HLP%20Report]%20Too%20important%20to%20fail%E2%80%94addressing%20the%20humanitarian%20financing%20gap.pdf)

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The “grand bargain”

The scene is set: we are located within a very broad framework relating to aspects which go beyond the humanitarian system’s sphere of influence. It is uncertain therefore that the question of improving the collective organisation to provide immediate and vital assistance in an adequate way will receive the necessary attention during the discussions. Yet, we still fail too often on what constitutes the central mission of humanitarian assistance: some of the recent or current major crises, such as the response to the Ebola crisis or the Syrian crisis demonstrate this.

An increased role for local actors, the famous “grand bargain” and the ability of the actors to unite around “collective outcomes” therefore form the three pillars of the vision developed by Ban Ki-moon concerning funding. These pillars are the basis of the commitments that the Member States and humanitarian organisations will be invited to make at the Summit. They relate to critical and, for some, very concrete, questions concerning the distribution of funding among the various actors. Some have been on the table for a very long time and NGOs dream of seeing them become a reality. But is the resolution convincing as outlined in the report’s recommendations concerning the paradox between the necessary adaptation to the context and the efficiency of the global system? “As local as possible and as international as necessary” is the maxim which summarises the approach proposed to distribute the roles between international and local actors. Very wise, but it leaves room for interpretation.

Of complementarity between international and local actors

Local actors play an essential role for assistance adapted to the context and likely to be sustained over the long term. Capacity building, balanced partnerships and easy access to financing are essential factors for the coordination and implementation of humanitarian assistance. International actors are there to support existing capacities, complement and expand if needed, but also to improve the situation of the most vulnerable. The complementarity, the diversity of the actors function well as keys to providing assistance that meets the needs of people affected by a crisis and that takes into account the contexts and various capacities at the time of a given crisis.

Armed conflict, particularly when it is in the context of a fragile state, imposes precautions in working with local actors, particularly since this designation covers realities that can be very diverse, ranging from the small community-based organisation to the “subsidiary” of large international networks. The complementarity between international and local actors must be viewed through the prism of an assistance that upholds the principles of humanity, impartiality, neutrality and independence.

The Secretary-General insists on the need to facilitate direct access to financing for local actors. He emphasises strengthening the capacities of national actors involved in first line response. The establishment of mechanisms allowing for rapid selection of local partners could effectively streamline and facilitate partnerships. It encourages fixing a target percentage for the funding share that should be allocated to local actors: a systematic approach contrary to the need to adapt to each context. It advocates a tripling of national central-ised funds, the famous Country-based pooled funds to reach 15% of the funds available for a given crisis. A positive step, but at the same time, the Central Emergency Response Fund (CERF) would be doubled even though it is not accessible to NGOs. Besides, the capacity of national or local NGOs to draw on these funds will be of no use if there is no real effort made to simplify the constraints and obligations attached to these funds.

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The simplification and harmonisation of donor procedures foreseen in the “grand bargain” is an especially important proposal for NGOs, as well as the multi-annual recourse to financing. Here again, these proposals are not new and NGOs, as well as the donors themselves, have already worked on improvements of this type, collectively or in consultative forums, in particular the initiative of Good Humanitarian Donorship for donors. It remains to be seen whether the impetus given by the Summit will lead to decisive progress in this area.

The injunction of efficiency

The humanitarian organisations will need, for their part, to join in the “grand bargain”, to be more transparent and more efficient, with a series of proposals ranging from the creation of a single platform for data publication to a periodic review of expenditures, an idea that risks going against the commitment to simplify procedures.

It is ultimately very much a question of efficiency throughout the proposals, but this notion underlying the “grand bargain” seems too often reduced to solely that of reducing costs. The NGOs will have to remain vigilant to ensure that this search for efficiency will be interpreted in the light of the injunction to “leave no one behind”, also advocated by Ban Ki-moon. The principle of impartiality demands priority be given to the most fragile and the most vulnerable: those who are not always the easiest to identify or to reach. It is a necessity which imposes looking beyond a simple ratio of cost per beneficiary.

The “grand bargain” primarily addresses the main donors (five countries providing two thirds of humanitarian aid) and the major aid organisations (six agencies receive half of these funds) with the bet that their weight will be strong enough to cause a chain reaction of improvement throughout the whole system. In the run-up to the Summit, the States and organisations concerned scheduled a series of meetings to clarify the commitments that will be made in Istanbul. NGOs are mobilised within their collective groups, Voice (Voluntary Organisations in Cooperation in Emergencies) and ICVA (International Council of Voluntary Agencies) to contribute to these dynamics and to make their positions known.

The concept of collective results, in itself, supports both fundamental responsibilities four and five in the report. It is supposed to be based on a common understanding of all the actors involved in the humanitarian response, with the additional objective of having a positive impact on the indicators related to sustainable development objectives. It advocates a better predictability through the major objectives over several years, rather than a multiplicity of projects and fragmented activities. The funding should be directed based on priority and directly to actors considered as holding a comparative advantage to achieve these “collective results”. Such an approach may be difficult to reconcile with the call to increase the role of the national and local actors that often do not have sufficient capacity to integrate such large plans.

For NGOs, which today provide the largest amount of humanitarian aid, the major obstacles to act in time, in a relevant manner and in compliance with the principles remain the politicisation of the aid, the administrative barriers, the cumbersome nature and complexity of the constraints imposed by the donors, and the difficulties inherent to the coordination system. The proposals of the United Nations’ Secretary-General for the World Humanitarian Summit suggest opportunities for improvement on some of these points, but there is great risk of falling short of expectations. Nevertheless, in Istanbul, in this month of May, on the doorstep of one of the worst humanitarian crises in recent history, United Nations Member States, and the humanitarian actors will not have the right to be content with vague or weak commitments. The NGOs,

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whether they are international, national or local, must claim their non-governmental identity and promote their complementarity, embodiment of a solidarity that is expressed amongst civil societies at the global level. It is under these conditions that they will perhaps manage to truly influence the nature and strength of the commitments that will be made at the Summit.

Because even wars have limits

“Uphold the norms that safeguard humanity”. This is the title of the second fundamental responsibility that the United Nations’ Secretary-General insisted appear in his report. It should be noted that all of his proposals focus on situations of armed conflict. He already devotes his first chapter to political responsibility for the prevention of conflicts. The words are clear and forceful. What are we to retain regarding the humanitarian actors?

From urgency to development, a nearly completed evolution

By being vigilant in their strict application of the four guiding humanitarian principles (humanity, neutrality, impartiality, independence), NGOs should set good examples in order to win the confidence of all. This point is important because the scope of humanitarian NGOs has evolved considerably over the past twenty years and the supposedly inviolable basis of the four guiding principles has in fact become more fluid.

Today humanitarian NGOs evolve between strict application of the guiding principles in situations of armed conflict, and the presumed alignment (while being critical and attentive) with States in situations of natural disasters, health crises or... development assistance. In effect, the time is long past when humanitarian NGOs focused only on crises, now they all act in this field that they have long despised. Ban Ki-moon recalls this point in particular in a further chapter, with a call to put aside the sterile dichotomy between those acting in emergencies and those in development. Let’s tell him: while that is what NGOs have been doing for nearly twenty years, it remains to be done at the level of the United Nations and the donors...

However let us be clear, for while this evolution of the original DNA of humanitarian NGOs is presumed, this flexibility is not simple in itself. It requires a high degree of vigilance on the part of the NGOs’ governance to avoid the risks of confusion which weigh on their associations in this cohabitation of distinct operating modes depending on the cause of the crises.

The respect of international humanitarian law and human rights

But the essential words of Ban Ki-moon concern the Member States: respect of international humanitarian law (IHL) and of human rights, distinction, proportionality and precautions in the use of force, bringing war criminals to justice. Ban Ki-moon provides a damning assessment that the members will have to admit before drawing the conclusions which are necessary to raise the standard. These Member States, let us remember, will be embodied by the stateswomen and statesmen who will represent their countries at the time of the Istanbul Summit...

Concerning international humanitarian law, the United Nations’ Secretary-General also appropriately stresses (in paragraph 71) the initiative of the ICRC during the 32nd international conference on a parallel process for the implementation of IHL. This resolution, which has not been adopted by the Member States, was moreover without risks, painless. But in these times of intense paranoia concerning sovereignty and of distrust when it comes to international institutions, the subject has been literally torpedoed after one night of dealings in the rooms of the Geneva International Centre in November 2015.

While International Humanitarian Law had never been so trampled on, human rights are a given whose understanding varies widely from one country to another. And, unfortunately, beyond these two pillars that frame the respect of people in situations of violence, we must deplore the very low respect for some international conventions, such as that of 1951 on the protection offered to refugees, and its 1967 Protocol which removed the geographical and temporal restrictions in the Convention of 1951. Ban Ki-moon first evokes it as a plea (paragraph 69) to the Member States, not yet signatories, to ratify this Convention, amongst others. The Secretary-General returns even more extensively (paragraph 86) to this 1951 Convention in his next chapter. From his remarks we could go further: it is certainly useful to plead for more ratifications, but it will be particularly important for the Istanbul Summit to question the 145 States which have already signed (including all the countries of the European Union and the Balkans) concerning the respect that they have for this convention in the framework of the migrant crisis. At least this raises questions, when we know that the last European Summit devoted to the management of this crisis closed the “Balkan Route”, with Greece thus becoming the largest refugee camp in Europe.

This also gives rise for reflection when we listen to our political leaders expressing themselves on the question of refugees: we listen to them at best speaking of moral obligation, when it is in fact a treaty obligation. This obligation presumes accommodations and dignified measures. Morality or ethics come later and consist of honestly and objectively setting the threshold of sustainability for each nation as to the number of refugees accepted on its soil. In France, we salute the commitment of Doctors Without Borders which has built with its own funds a healthy camp to replace the infamous quagmire of Grande Synthe. Let's also salute the commitment of Doctors of the World and of so many other associations which - from Calais to Dunkirk - have supported this obligation under convention as well as by moral obligation.

Finally can we imagine the posture of Member States if in the future it is necessary to devise a new climate refugee status, mentioned by Ban Ki-moon (paragraph 88), when one sees their weak ability to meet their previously ratified obligations?

Forgotten crises?

What happens, precisely, concerning climate, and also seismic risks, or even health threats? In this chapter devoted to protection standards, not a word on these subjects from the United Nations' Secretary-General, who speaks only of armed conflicts. While we have stressed the absolute need to review the protection of populations in the context of conflicts, one could have imagined that at the time of climate change or after Ebola, such topics could have retained his attention.

Of course, Ban Ki-moon addresses the issue of natural and health disasters in his Chapter Four on “the shared responsibility to move from a dependency on assistance to the end of needs”. He even mentions it at length referring again to the commitments made by the Member States, from the Sendai to Paris summits, but essentially relating to a better risk mapping, a pooling of resources and a necessary increase in prevention programs.

However it seems to us that the natural disasters and health risks could be added to chapter two on the standards, relating to the responsibility of the Member States. In effect, no crisis is a fatality in itself. It occurs when a phenomenon encounters vulnerability. The more one acts upstream on the vulnerabilities, the more one reduces the risk of crises. Natural disasters result

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from the encounter between a climatic or seismic phenomenon and a densely populated area, not prepared for the shock. Of course, no protection - as sophisticated as it may be - protects a population from a phenomenon totally out of scale. Except for a country such as Japan and a few others cited as an example for their investments in the field of prevention, we are still far from the mark in almost all areas at risk on the planet!

A State which allows thousands of people to move into flood zones, at risk, without refuge, nor means of alert, which does not control the construction of its public buildings at the risk of seeing them collapse at the slightest tremor, is it any less responsible for the death of its inhabitants than the State that bombs its population? A State which is not investing in its health system while its ruling and corrupt class live in luxury, or would invest in security spending beyond what is reasonable, could it be less murderous than one leaving to die thousands of victims of a bacteria or virus? A State which would allow the sale of huge tracts of land to agricultural speculators or would facilitate the import of foodstuffs that could be produced on its soil, could it be less guilty of the deaths from malnutrition of children, women and old people unable to withstand exogenous shocks undermining their already extremely precarious economic situation?

As a conclusion, let us remember also the call of the Secretary-General to the attention that we must bring to alert and testify (paragraph 62) when we see violations of these standards and conventions, whether they are the responsibility of International Humanitarian Law or human rights. In this, he addresses in priority the senior leaders of the United Nations exhorting them to have “moral courage”. Let’s relate this point to his message a few lines further regarding a better coordination of all actors, the United Nations, NGOs, the Red Cross and Red Crescent movement under the aegis of the “Humanitarian coordinators” (paragraph 137). These senior officials of the United Nations had been decided in 2011 by Valerie Amos, ex-Deputy Secretary-General of the United Nations for humanitarian aid. It was one of the measures of the “transformative agenda”, which had succeeded the first reform of the Humanitarian Coordination in 2005.

We hope that the Istanbul Summit will also address the balance sheet of these two reforms that have succeeded each other at five-year intervals, in order to take into account of the failures and weaknesses, so as to ensure that the commitments of tomorrow are attainable.

Translated from the French by Atenao text work

Biographies

Anne Héry • A development economist, she has spent several years in the Organisation for Economic Cooperation and Development. Anne Héry was engaged in humanitarian aid by joining Handicap International in 2004, in charge of representing the association within the inter-associative forums (CLONG Volontariat, Coordination Sud, National Consultative Commission of Human Rights) and with the French public authorities (Ministry of Foreign and European Affairs, French Development Agency, parliamentarians). Anne then occupied the function of Advocacy Director for Islamic Relief in France for four years. Today she steers advocacy for Handicap International, a function which involves coordination of all members of the movement to influence international policies related to the reduction of the impact of weapons on civilians,

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respect for humanitarian principles, and the inclusion of persons with disabilities in humanitarian and development policies.

Antoine Peigney • Director of international relations and operations at the French Red Cross since 2005, he was successively responsible for the operational pole between 1998 and 2002 and then Director of International Operations for the French Red Cross from 2002 to 2005. His position also covers a corporate function related to international relations. Antoine is a member of the *Conseil national pour le développement et la solidarité internationale* (CNDSI) [National council for development and international solidarity] and of the Humanitarian Consultation Group [Groupe de concertation humanitaire] around the Ministry of Foreign and European Affairs. A graduate of Bioforce in 1991, he performed eleven missions on the field for various NGOs (Solidarités International, Doctors of the World, Action Against Hunger, Terre des Hommes, Secours populaire français) before managing African Programs for the NGO Équilibre from 1995 to 1997. He taught for several years to various audiences, universities (School of Higher Studies in Public Health, Master courses, etc.) and the military (Institute of Advanced Studies of National Defense, War college, Army Health Service, Officer schools, etc.).

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