

REAFFIRMING THE FUNDAMENTAL PRINCIPLES: A MOVEMENT INITIATIVE 2014-2015

MENA ZONE REGIONAL WORKSHOP, BEIRUT, MARCH 2014

INTRODUCTION

In 2015, the Movement will mark the 50th anniversary of the adoption of the Fundamental Principles (FP). In preparation for this milestone, the 2013 Council of Delegates workshop on Fundamental Principles¹ agreed the proposal of a Movement-wide initiative to reinvigorate the Movement's understanding and application of the Fundamental Principles. The main activity of this initiative is a series of regional workshops (to be organised jointly by the ICRC and the International Federation) on the topic of the application of the Fundamental Principles by components of the Movement. These workshops will pinpoint the challenges in implementing specific Fundamental Principles, highlight particular regional challenges and share practice on how such challenges can be managed. The outcome will be shared during the celebration of the 50th anniversary of the adoption of the FP, to take place during the 2015 statutory meetings.

This report describes the first workshop in this series, which took place in Beirut on 18-19 March 2014. This pilot event was co-hosted by the Lebanese Red Cross (LRC) and the ICRC. The workshop brought together National Societies (NS) from the Middle East and Northern Africa (MENA/NAME) region to look at specific operational dilemmas from a FP perspective, to share good practice and to discuss ways in which the FP can be employed as tools to help navigate such situations.

STRUCTURE OF THE REPORT

This report describes the workshop content and key points from the discussion, which took place under three themes. The three themes were: The Auxiliary Role and FP; External Partnerships and FP; and Movement Coordination and FP. The report goes on to outline recommendations for the remaining workshops in this series.

OPENING COMMENTS

The workshop opened with speeches by the co-hosts recalling the importance and relevance of the Fundamental Principles for the Movement, and for Movement action in the MENA zone in particular.

Participants shared their expectations of the event, which mainly focussed on:

- Having the opportunity to discuss real challenges faced by NS in relation to the application of FP, and how these can be managed
- How best to use the FP to build trust and to position ourselves in relation to governments, communities and other actors
- Based on experience sharing translate the FP into a useful tool for concrete RC/RC action on the ground, including in the new challenging environments in which the different Movement components have to operate.

The LRC made a presentation on their FP-based approach, notably on the value of consistent, strict adherence to the FP. This has translated into very high acceptance rates for the LRC in

¹ A summary of the workshop can be found under <http://www.icrc.org/eng/assets/files/red-cross-crescent-movement/council-delegates-2013/cod13-ws1-summary-fp-eng.pdf>

Lebanon, across all confessional groups. Notable in the presentation was the importance placed on individual adherence to an FP-based approach, and the importance of consistency in application of the FP in peacetime, as well as during conflict.

As part of the general introduction, the classification of the FP according to the Jean Pictet's commentary was presented, i.e. Humanity and Impartiality (as substantive principles), Neutrality and Independence (as derived principles), Voluntary Service, Unity and Universality (as organic principles) (see pyramid in annex 2).

THE AUXILIARY ROLE AND FP AS WELL AS EXTERNAL PARTNERSHIPS AND FP

The session opened with a brief presentation on the origins of, and key documents relating to the auxiliary status. This was followed by an NS presentation on their management of the auxiliary role in relation to FP adherence. Finally there was a group exercise in which participants discussed the theme in relation to a case study scenario. Although centred on the auxiliary role of NS and FP, the discussion took in many broader issues also relating to the perception of neutrality and independence. The second session on external partnerships and FP completed the discussions on auxiliary role and the two sessions merged into one exercise.

Key points of the discussion:

- The complementary roles of different Movement components were highlighted as a means of mitigating the risk to perceived non-neutrality and non-independence posed by the auxiliary role. For example, in certain contexts the ICRC relationship with national militaries in dissemination work, enables the NS to retain a distance from these activities and the related association with the authorities.
- There is persistent confusion around the FP-based approach with authorities and with beneficiaries, which would benefit from better explanation and public communications. For example, impartiality does not necessarily equal equality. Similarly, authorities sometimes do not recognise the scope of the auxiliary role and its limitations. It is the constant responsibility of the NS and other Movement components to remind the authorities of this, for example by underlining that the NS's auxiliary role is related to humanitarian issues and not to security or immigration issues.
- Working as an auxiliary requires flexibility and compromise but also clarity on what the limits are. An example was presented of an NS being directed to undertake operations in a

Good Practice - Making the decisions and Taking the decisions: A theme in the discussion was the distinction between those who make the decision (volunteers in the field), and those who take the decision (management). An evidence-based decision with broad volunteer support was considered a protection to management that enabled them to pursue an FP-based approach to the management of requests falling under the auxiliary role.

For example, in one case where an NS considered that auxiliary requests from the authorities were compromising the perceived neutrality and independence of the NS, the NS drafted a letter on behalf of the volunteer population. The purpose of the letter was to clarify the limits of the auxiliary role with regard to FP (and in relation to volunteer security). The letter recalled the authorities' acceptance of FP through reference to the Geneva Conventions, to which the state is a signatory. By presenting this argument in the name of the volunteers, it diffused the pressure that the authorities might otherwise have put on the NS management.

particular area. The NS negotiated to be allowed to conduct its own Needs Assessment in the prescribed area, and on the basis of this was better able to conduct impartial action within the area. In similar contexts, the NS was able to use the results of its Needs Assessment to argue in favour of targeting different areas based on needs. This shows how a NS can meet the request of the authorities, whilst retaining decision-making power over the impartiality of the action.

- There is a continual need to learn to operate and communicate within the dilemma of being independent from the government but at the same time act as auxiliary to it for certain tasks. Explaining this dilemma while keeping an important operational independence necessitates constant dialogue with the authorities.
- Perception risk is not limited to the auxiliary relationship; in particular, proximity to a politicised UN was identified as a risk to perceived NS neutrality and independence. Also, similar to the opening presentation by LRC, there was a broad consensus that individual behaviour – including when volunteers are “off-duty” – is a key factor in the perception of the Independence and Neutrality of an NS.
- To strengthen NS’s independence while still fulfilling its role as auxiliary to the government, one participant recommended that the election of NS governance is limited to NS staff. The NS constitution may need to be revised in order to accommodate this.

MOVEMENT COORDINATION AND FP

The session on Movement Coordination opened with a presentation and was followed by a guided group discussion. The presentation looked at current developments and views of Movement Coordination that were identified in the course of work conducted ahead of the Council of Delegates in 2013. In the discussion that followed, the key points of the relationship between FP-based action and Movement Coordination were identified as follows:

- A lack of coordination challenges FP adherence by NS. For example, in-kind donations that are not coordinated with the host NS, can challenge the Movement ability to respond impartially to the greatest needs: when unsolicited goods are received, they may not be in line with the needs that have been determined.
- Coordination of a joint FP-based Movement response requires cohesive needs assessment in the interest of impartiality. It was strongly stated that response to a crisis by any NS should be made on the basis of a needs assessment conducted by the host NS and/or ICRC and/or the International Federation. The sole evocation of the principle of humanity should not be used as a pretext by a NS to launch a humanitarian operation without – at least - coordinating with the Operating National Society (ONS).
- The participants identified a lack of Participating National Society (PNS) independence as a significant impediment to good coordination. More than one NS present remarked that while ONS strive to work according to need, PNS are often under pressure to work according to their own state’s priorities and budgeting plans. This is especially prevalent when their states have identified specific geographic areas or categories of beneficiary, towards which they wish to direct funding e.g. refugees, but fail to consider the needs of the host communities. Furthermore in this last example the perceived impartial humanitarian action of PNS was also at risk. Some participants suggested that in order to remedy this situation and to cover the needs of the local population a certain amount of refugee aid should be automatically in favour of host communities.
- Related to the point above is when PNS are politicised by association with their states, which negatively influences the perception of Movement independence and neutrality. For

example, when states advocate and provide funding for cross-border action against the permission of a government, the actions of their associated NS are perceived to be part of a political statement. This has a broad impact on the perception of the Movement's FP-based action, and specifically in terms of Movement Coordination, renders it extremely difficult for a host NS to coordinate with a PNS acting in this way.

ADDITIONAL THEMES

Through discussion of auxiliary role, external partnerships and coordination, there were additional significant points that were raised under all three themes, and that warrant an extra mention in this report:

- Independent funding for independent action: It was debated whether a NS could accept funding from a party to a conflict without compromising its (perceived) neutrality and independence. There was no clear position identified on this other than it being unacceptable to accept such funding if it is tied to a specific activity or a specific group of people. In general, it was agreed that the proportion of funding an NS receives from its own government can have an impact on its real and perceived independence. NS should avoid financial dependence on only one donor, in particular on government, and the Movement should explore ways of protecting NS from such dependency, which compromises independence.
- Failing to prepare, preparing to fail: The importance of FP adherence in peacetime was repeatedly stressed. For example, good relations and established independence before a crisis, make perception management with all stakeholders, and relationship management with the authorities and other parties, easier in the midst of a crisis. At a technical level, ensuring space for FP-based action through engagement with preparedness and national response planning processes, with all relevant ministries, enables that action to take place in accordance with FP when disaster or armed conflict strikes.
- Consistent and cohesive communication by all Movement components was raised as a challenge. In response to this, the FP were identified as "our only Terms of Reference". The FP provide the Movement with a common language and consistent message that should be employed by all components in their actions and discussions with all stakeholders. Furthermore in today's Global Village, non-respect of the FP by one Movement component in one part of the world can have huge implications for the Movement's perception in other countries.
- Context matters. Although the FP are universal, standard tools such as the Federation Code of Conduct do not necessarily present the FP in a way to which volunteers can easily relate. A good practice example was of an NS developing their own version of a Code of Conduct, with specific examples relevant to the given context. This included, for example, how to utilise social media in accordance with FP, in the given context.
- An unresolved question from the discussion was the limits of FP-based action when it goes against local law, especially with regard to protection work. For example, one NS decided against involvement in IDP shelter management, as they felt this would compromise their perceived independence and neutrality; if the authorities arrested IDPs within the shelters, the NS would be seen as working with the authorities and non-neutral. The NS could not

challenge such arrests if legitimate under national law, even despite protection needs. Similarly, legal requirements to share patient information with the authorities have been avoided by one NS by outsourcing camp management to a local NGO, and focussing instead on assistance activities in the camp.

CONCLUSIONS AND RECOMMENDATIONS

This pilot workshop showed that the FP can be a useful lens through which to analyse important operational themes and dilemmas within the Movement. By viewing themes through this lens, it adds a valuable dimension to the analysis, and also ensures equal ownership of the discussion, as the FP are a shared language within the Movement. The organizers left this workshop with a number of useful findings and recommendations for consistent FP application – and for the organization of future workshops of the kind.

Key-words retained from the discussion on the role of auxiliary to the Government are constant dialogue with the authorities, complementarity of roles between Movement components, independent needs assessments by NS and the need for greater awareness and understanding of FP at leadership level.

With regard to Movement coordination and FP application, the need for a cohesive application and understanding of these principles by all Movement components in a given setting is key. In particular, PNS need to make sure their humanitarian activities abroad are not (or are not perceived to be) an implementation of their own state authorities' foreign policy. As the local population does not necessarily distinguish between the different Movement components, PNS activities and behaviour naturally have a strong impact on the perception of the ONS in their own country.

Preparing the ground in peacetime came up as a strong recommendation with regard to the perception the local communities may have of the NS.

There was a strong desire expressed by some participants to involve states in Movement dialogue on the importance of FP, ahead of the International Conference in 2015. In general, an effort should be made to establish and benefit from the planned Advisory Group of NS for this initiative, ahead of the next workshops. However the manner in which states should be involved requires further consideration by all stakeholders, so that the style and content of the remaining events can be tailored appropriately.

SEE ATTACHED:

ANNEX 1: CASE STUDY EXERCISE

ANNEX 2: FUNDAMENTAL PRINCIPLES PYRAMID

ANNEX 3: PARTICIPANT LIST