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## Acronyms

ALNAP	Active Learning Network Programme
DEC	Disasters Emergency Committee
DFID	Department for International Development
HAO	Humanitarian Assistance Ombudsman
ICRC	International Committee for the Red Cross
NGO	Non-Government Organisation
SCHR	Steering Committee for Humanitarian Response

## Acknowledgements

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## PART ONE • *Executive Summary*

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## Background

The impetus for this feasibility study emerged out of the debate on accountability in humanitarian assistance. Of particular concern was the fact that few existing structures encourage humanitarian agencies to be accountable to their clients, the beneficiaries or claimants of humanitarian assistance. The main aim of this project, therefore, has been to establish whether an ombudsman system could be adapted for use in humanitarian emergencies. Through a process of consultation with humanitarian agencies the project has surveyed the feasibility, challenges and potential of an ombudsman system by outlining some of its most important distinguishing features and suggesting ways in which the office of Ombudsman for Humanitarian Assistance (HAO) might be set up and how it might conduct its main activities in the field.

## Summary of Main Finding

In principle, it is possible to develop an ombudsman system for use in humanitarian emergencies by drawing on the operational frameworks of a variety of ombudsman schemes and combining key characteristics from other approaches to increase accountability. It is possible to state clearly the values and principles that would underpin the workings of an HAO, but since humanitarian emergencies are often a turbulent and complex area of work there are a number of outstanding issues that still require thorough investigation.

## Main Recommendation

It is recommended that the HAO be thoroughly tested in a pilot phase. This would help develop a clearer understanding of the methodological realities and help to establish a realistic *modus operandi*. It would also help to establish the legitimacy of the HAO among key actors in the international humanitarian system such as host governments, local organisations and the UN. This recommendation will be put before the World Disasters Forum to be held in London in June 1998. If there is a positive reaction, the project will move forward into a pilot phase.

## Conclusions

- 1 Although this initiative has been undertaken on behalf of UK agencies, the HAO would have international jurisdiction. It is envisaged, therefore, that ultimately international membership would be required. The creation of an international HAO would require immense commitment, time and negotiation with numerous actors and organisations during a pilot phase.
- 2 The HAO would have a proactive function as well as a reactive function. This means that it would not only respond to the complaints or grievances of humanitarian claimants (as in the classical model of an ombudsman) but would also need to develop several other mechanisms to trigger its activities in the field. These could include a request from more than one agency in the field or a proactive decision by the HAO that the monitoring of a particular response is necessary given the specific circumstances of the crisis.

- 3 The underlying rationale for the HAO would be the need to increase direct accountability to the claimants of the new system. It is acknowledged that direct consultation with claimants will inevitably be limited in some complex humanitarian situations, and that increasing accountability may have to come as a result of indirect consultation with those who represent claimants rather than direct consultation with the claimants themselves. Wherever possible the HAO will endeavour to use participatory methods to canvass the views of claimants directly.
- 4 The guiding principles or values of the HAO would be based on those embedded in the history and function of other ombudsman schemes. These values create the basis for the kind of legitimacy and respect that the HAO will need in order to function effectively. The most important values are transparency, impartiality, independence and inclusiveness.
- 5 The HAO would emphasise on facilitation rather than regulation. This means that its focus would be on providing advice and incentives for agencies to adhere to the main codes of practice and standards used in humanitarian assistance (the Red Cross and NGO *Code of Conduct* and the Sphere Project's Minimum Standards in Humanitarian Response) rather than policing non-compliance of these standards. This emphasis on non-policing would need to be balanced by a set of sanctions or remedies to be used where necessary.
- 6 Given the cultural and political diversity of humanitarian emergencies the methodology of the HAO would be underpinned by the principle of flexibility. A portfolio of methodological techniques would need to be developed so that appropriate tools could be used in different situations. It is evident that codes of best practice in humanitarian assistance do not always lend themselves to explicit and legalistic interpretation and the HAO might therefore concentrate on counselling agencies to reflect on how their policies and actions relate to the codes and standards, and on how they are perceived by claimants. The appropriate approach, however, would always be situation specific.
- 7 At the end of a pilot phase it would be important to establish a clear governance structure. This would probably be on the lines of private sector ombudsmen in the UK. There would be a Board of Directors, a Council and the Office of the Ombudsman. This structure would be responsible for establishing statutes.
- 8 The HAO would need sustainable financing in order to carry out its activities. Private sector schemes surveyed are predominantly funded by the sector themselves, with the costs passed on to the consumer. Humanitarian agencies would be required to make a financial contribution to the HAO and would have to develop a system of financing such an initiative. Whilst it might be possible to find government funding or funds from other donors, this might result in a loss of independence and ownership amongst agencies.