Ethics and Humanitarian Action

Objectives

- What is ethics?
- Introduction to some academic concepts
- Cascade of ethics
- Ethical principles of humanitarian action
- Ethical operation of humanitarian agencies
- Ethical behaviour of humanitarian workers
- Ethical dilemmas in humanitarian action

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"What do ethics mean to you?"

- "Ethics has to do with what my feelings tell me is right or wrong."
- "Ethics has to do with my religious beliefs."
- "Being ethical is doing what the law requires."
- "Ethics consists of the standards of behaviour our society accepts."
- "I don't know what the word means."

Ethics (Moral philosophy)

- Ethics refers to well-founded standards of right and wrong that prescribe what humans ought to do, usually in terms of rights, obligations, benefits to society, fairness, or specific virtues.
- Enjoin virtues of honesty, compassion, and loyalty
- Include standards relating to rights, such as the right to life, the right to freedom from injury, and the right to privacy
- Ethics also means, then, the continuous effort of studying our own moral beliefs and our moral conduct, and striving to ensure that we, and the institutions we help to shape, live up to standards that are reasonable and solidly-based.

Velasquez, Issues in Ethics IIE V1 N1 (Fall 1987) (Revised 2010)

Rules, Context & Consequences

- Rules, Context & Consequences

- As humanitarians is it important that we work by a set of rules? (Principles, charters, codes of conduct)
- How do we implement absolute rules in an imperfect world? (Context)
- Is it more important that we seek the best outcome (consequences) even if that means bending/disregarding the rules?
- If so where do we stop bending/disregarding the rules?

Deontological Ethics

- An approach to ethics that judges the morality of an action based on the action's adherence to a rule or rules. Deontologists look at rules and duties.
- Rules "bind you to your duty" (1930, C. D. Broad Five Types of Ethical Theory.)
- May be linked to moral absolutism, the rule is always right in every context. (Divine command theory)
- Tends to emphasise "accountability"

Consequentialist Ethics

- Those moral theories which hold that the consequences of one's conduct are the true basis of morality.
- A morally right act (or omission) is one that will produce a good outcome, or consequence.
- "The ends justify the means"
- Tends to emphasise responsibility.

Example

- In a famine, relief food worth $500,000 can only be released from the port by paying a bribe of $1,000.
● Deontological approach: Paying bribes is always morally wrong, unethical.
● Consequential approach: The food is urgently needed to prevent people starving. If the bribe is the only way, then paying it will have the best outcome.
● Ethical dilemmas pervade our work
● and sometimes divide our teams.

**Cascading ethics**

![Cascading ethics diagram](image)

**Humanitarian Principles**

- Humanity
- Neutrality
- Impartiality
- Operational Independence

**Three types of beliefs or ideas**

- Political science theory of institutions and ideas proposes three types of ideas or beliefs. Goldstein and Keohane (1993)
  - Principled beliefs (absolute, normative)
  - Causal beliefs (means to an end)
  - World views (Ideas and rules that come from working in an institution: Dunantist/Wilsonian)
- Which type of beliefs are the humanitarian principles?

**Humanity**

- It is from this principle that we get our title as “Humanitarians”.
- Human suffering must be addressed wherever it is found.
- The purpose of humanitarian action is to protect life and health and ensure respect for human beings.
- If this principle is not accepted as the sole motivation then the organisation, the individual and the actions do not qualify as humanitarian.

**Neutrality**

- **Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.**
  - Does this principle limit or restrict advocacy?
  - Neutrality of silence or neutrality of witness?
  - Is our neutrality always accepted or understood in a conflict where “if you are not for us you are against us”?
  - (Equally disliked and mistrusted by all.)
Impartiality

- Humanitarian action must be carried out on the basis of need alone, giving priority to the most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious belief, class or political opinions.
  - “On the side of the victim whatever side the victim is on”.
  - What is the ethical response in case of limited access?

Operational Independence

- Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.
  - Donor agendas and restrictions?
  - Coordination with other humanitarian organisations?
  - Cooperation with local authorities?

Ethical conduct of humanitarian organisations

- “Around the turn of the century a core group of international NGO activists has sought to reaffirm the humanitarian ethic in three particularly important documents: the Code of Conduct, the Humanitarian Charter, and the Sphere Minimum Standards in Disaster Response.
- Although initially seen as a rigorous attempt to “put their house in order,” this process of humanitarian writing has resulted in a deeper process of explicit recommitment to humanitarian values. (Hugo Slim “Claiming the Humanitarian Imperative”)

Code of Conduct

- 10 point code. ICRC, IFRC, NGOs
- Article 1 emphasises humanitarian duty
- The Humanitarian imperative comes first—the right to receive humanitarian assistance, and to offer it, is a fundamental humanitarian principle which should be enjoyed by all citizens of all countries.
- As members of the international community, we recognise our obligation to provide humanitarian assistance wherever it is needed.
- Hence the need for unimpeded access to affected populations is of fundamental importance in exercising that responsibility

Reaction to Article 1

- The new “imperative” form of humanitarian ethic, with its emphasis on compulsory obligation, burst on the ears of many humanitarians as strident and even extreme.
- Some of those who were used to delicately negotiating humanitarian access found it strangely imperious, while others who were becoming increasingly aware of the ambiguity of humanitarian aid and its sometimes dangerous consequences found it reckless and lacking in operational nuance. (Hugo Slim)

Justification of Article 1

- Those choosing the phrase “humanitarian imperative” were determined to reinstate emphatically the principle of humanity that they saw as being so undermined in practice around the world
- Their determination to revitalize humanitarianism with a sense of ethical imperative began a moral shift toward a categorical insistence on humanitarian aid and protection that affirmed it as a supreme duty as much as a right.
- In doing so, they also began to identify themselves and others as particular duty bearers

Sphere Standards

- In the Sphere minimum standards that followed, produce precise and quantifiable standards for describing what their humanitarian duty would look like in practice
- These standards seek not simply to ensure people’s survival but to enable a “life with dignity.”
• Sphere standards are not just the stuff of general moral obligation but present very precise latrine-based ethics!
• This is an extraordinary attempt to specify rights and duties that is unprecedented in international law.
  (Hugo Slim)

Humanitarian Charter
• The Humanitarian Charter is based on: “agencies’ appreciation of their own ethical obligations, and reflects the rights and duties enshrined in international law in respect of which states and other parties have established obligations . . . And reaffirms our belief in the humanitarian imperative and its primacy”
• The charter explicitly emphasizes “a corresponding duty on others” to take steps to preserve life where it is threatened.
  Hugo Slim

Accountability over responsibility
• With these three documents, all apparently emphasising duty, being drafted and widely accepted at around the same time it is not surprising that the notion of accountability took precedence over that of responsibility.
• Accountability was seen as a stronger, more precise measure of performance than responsibility.

Accountability and Responsibility
• Accountability
  – Compliance
  – Deliverables
  – Standards
  – Reporting requirements
• Responsibility
  – Less precise
  – All encompassing

Humanitarian fundamentalism
• Has humanitarian work got so complicated and disorientating that some humanitarians feel that a simple radicalism is required?
• Humanitarian pragmatists, ethical consequentialists, see the humanitarian imperative and its specification of humanitarian duties as being blind to complexities of the operational context.
• The pragmatist claim that these NGO documents have become simultaneously obsessed with universals and minutiae
  Hugo Slim

Balancing influences
• Two essentially consequentialist concepts have been introduced that begin to balance the strong deontological pressures on humanitarian ethics.
• Do no harm – Mary B. Anderson (1999) How can aid support peace or war?
• Contextualisation of humanitarian programming

Do no Harm
• Mary Anderson’s book limits this important concept to conflict situations.
• The “Do no harm” principle should apply to all humanitarian work.
• Inseparable from the idea of “unintended consequences”
• A consequentialist concept with an emphasis on responsibility for what is difficult to define in the context of accountability.
• Written in “accountability explosion” of the late 1990s as another approach to the humanitarian shortcomings of Bosnia and failure in Rwandan refugee camps in DRC.
Contextualisation

- As a balance to absolute standardisation it has always featured in the Sphere standards.
- For a decade or more it was the neglected, almost forgotten, aspect of the Sphere project.
- Often forced upon projects rather than designed into them.
- Now is getting much more institutional attention.
- Can be written in the a deontological/accountability framework of manuals, guidelines, checklists etc. but is essentially a consequentialist philosophy.
- Involves professional value judgements and an acceptance of responsibility for the consequences.

Accountability to Beneficiaries

- When we involve ourselves in the survival strategies of communities in crisis can we simply be accountable or do we take on unlimited responsibility for the consequences of our actions?
- How do humanitarians respond to the concepts of Negligence and Malpractice?
- Merlin report on Haiti – unnecessary amputations, lack of informed consent
- Limited accountability is relatively safe particularly for those who work in large organisations and bureaucracies.

Ethical conduct of humanitarian workers

Codes of conduct for humanitarian workers

- Most humanitarian organisations formulate ethical conduct for their employees in the form of a “code of conduct”
- Acceptance and signature of the code of conduct is usually a condition of employment
- Violation of the code of conduct incurs sanctions and possible dismissal.

Areas covered

Typically:

- Awareness and definition of the unequal power relationship
- The status of “guest” in a foreign culture and political system
- Sexual conduct (transactional, beneficiary, minors, pornography)
- Awareness of and avoidance of organised crime
- Personal gain, gifts and bribes
- Gender discrimination and harassment
- Alcohol and substance abuse
- Environmental sensitivity
- Agreement

Ethics, conduct and attitude

- For individual humanitarian workers almost all of the code of conducts stems from the unequal power relationship with the beneficiary.
- The attitude of humanitarians to their working environment is of paramount importance.
- Very hard to legislate attitude.
- Stress and frustration are major factors which colour attitude.
- Attitude motivates actions, good and bad

Shapers of attitude

- Frustration
  - Our job is “to bring a measure of humanity, always insufficient, into situations that should not exist.” (ICRC official in Bosnia)
  - These shared feelings of unfulfilled purpose, impotence, and powerlessness are dealt with in various ways (Mark Walkup)
  - In positions of power but ultimately powerless
Power and inhibitions

- "Power is the ultimate aphrodisiac. (Henry Kissinger.) (Bill Clinton, Silvio Berlusconi, DSK .......")
- "Disinhibition is the very root of power," “When people feel powerful, they stop trying to control themselves.” (Prof. Deborah Gruenfeld, Stanford University)
- "Nearly all people can stand adversity, but if you want to test a person's character, give them power." (Abraham Lincoln, made 21st century PC)
- All power tends to corrupt (Lord Acton)
- How we behave in unequal power relationships defines whether our conduct is ethical or unethical.

Humanitarian ethical dilemmas

In a career in humanitarian action you will meet many ethical dilemmas. We will look at two examples

- Often the result of conflict between deontological and consequential views of the same situation.
- Interpretation of the humanitarian imperative in complex situations is a basic problem.
- When is the situation too difficult to allow humanitarian work to continue?

MSF in Rwanda refugee camps

- The moral quandary we faced, the intense, emotional and sometimes acrimonious debates that surrounded our decision left an indelible mark on my conscience.
- It pushed all of us to reflect deeply on what humanitarian action represents, and at what point it loses its sense and becomes a technical function in the service of evil.
- It invoked a basic question: Can we, in the name of moral principle, cease to aid a population in need? (Fiona Terry, Condemned to Repeat)

Deontological views

i. Absolute

- The humanitarian principles are universal indivisible and non negotiable
- Fundamental duty to uphold and insist on full implementation
- All or nothing.
  - E.g. ICRC approach to visiting prisoners.
- Limited access allows unacceptable manipulation of humanitarian action.

ii. Duty to assist

- The duty to assist, even if assistance is limited by external factors is paramount
- Right to access and assist.
- Push boundaries and accept risk of possible violent reaction
- Use the violent reaction for purposes of advocacy.
- Example
  - Attempt to break the Israeli naval blockade of Gaza
  - NGO cross border work in Afghanistan (1980s)

Consequential approach – The Decider

- Deontological approaches may produce unworkable, inappropriate or multiple different solutions.
- Consequentialist ethics using professional value judgements have to be used in conjunction with the deontological framework in order to decide the best option in an imperfect world.
• The harm being done by continuation of humanitarian action may out weigh the good being done for the beneficiary.
• Withdrawal may overall result in the better outcome for the beneficiaries
• Publicity and advocacy may be more effective than highly manipulated humanitarian action.
• The possibility of project closure must always be considered
• Positive effects to the beneficiary may result in negative effects for the agency.
  – MSF withdrawal from Darfur, 
  – French MSF left Rwandan camps but other MSFs remained.

Advocacy and access
• One of the greatest dilemmas of humanitarian action.
• Access allows humanitarian assistance but also makes us witnesses of abuses
• Testifying to what we see may result in loss of access and assistance to victims
• Silence will allow the continuation of the abuse in secret
• What constitutes ethical conduct?
• Examples:
  – ICRC working in Nazi concentration camps
  – Birth of the Sans Frontiers principle
  – Humanitarian worker testimony to the ICC

The new humanitarianism
• Fox (Disasters 2001)
• The death of Dunantism
• Neutrality was made for the battlefield
• Neutrality is actually taking the side of the perpetrator
• A rights based approach to aid – all have the right to aid to meet their needs
• Aid must then be linked to human rights.
• Can aid be continued when human rights are being abused?
• Should aid be given to Taliban controlled areas of Afghanistan despite their declaration on womens’ rights?
• Is it right to continue aid in a conflict when what is needed to end the suffering is a cease fire and a peace negotiations?
• For the long term interests of people, to actually achieve real stability and development it may be better to withdraw aid now (IDC)
• Donors and agencies alike have downgraded the humanitarian imperative in favour of conditional assistance linked to peace-building processes (DEC)

Synthesis
• Deontological and consequentialist ethics are not competing ideologies but must be used together in the imperfect contexts in which we work.
• High ideals, strong principles
• Set the highest standards
• Take and defend the moral high ground
• Acknowledge that ethical dilemmas are inevitable
• Individual and group conscience should be respected
• Unethical behaviour must be sanctioned