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Questionable Accountability: MSF and Sphere in 2003

Jacqui Tong
Programmes Unit MSF UK
Medical Coordinator Liberia MSFCH

This article examines the relationship between Médecins Sans Frontières (MSF) and the Sphere Project. Prior to revisiting the concerns MSF had with the project, it looks at factors that give rise to differences between NGOs and cites some reasons for why an organisation such as MSF would not embrace such a project and clarifies some key elements of MSF-style humanitarianism. The author revisits the original concerns and arguments presented by MSF when it decided not to participate beyond assisting with the establishment of technical standards and key indicators for the handbook. This is followed by a critical discussion examining these concerns and counter-criticism with reference to experiences a few years after the inception of Sphere. It concludes with MSF's perceptions and stance regarding Sphere and accountability in 2003.

Keywords: accountability, technical standards, differences in NGOs, objections to Sphere, MSF position 2003.

Preamble

The Sphere Project came into being as a consequence of the crisis in Rwanda in 1994 and the catastrophic level of death there. The evaluation done in its aftermath coincided with a drive to find ways to improve NGO performance and establish means for accountability. Prevailing discourse was focused on the failure of aid whereas the political actors and their responsibilities received relatively scant attention and accountability was viewed as the responsibility of NGOs for their actions in front of the donors and the recipients. The end result was a Handbook of Minimum Standards, a Humanitarian Charter and the adoption of the Red Cross Code of Conduct by participating NGOs. There was also the preliminary establishment of a body for members of a recipient population to air a grievance against an NGO by means of the Humanitarian Ombudsman Project — now the Humanitarian Accountability Project International (HAPi).

MSF was an active participant with the development of the Sphere handbook during Phase I of the Sphere Project (1997–8) when the technical guidelines and the Humanitarian Charter were developed. It also became a signatory to the Red Cross Code of Conduct. Although guidelines already existed such as Oxfam's Nutrition Guidelines and UNHCR's Emergencies Handbook, MSF believed it to be a professional responsibility to share its technical expertise and provide input. What was produced was viewed by MSF to be a catalogue of agreed minimum technical standards and key indicators that would be useful as a guideline to ensure a greater

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degree of quality in an emergency intervention. Within MSF there was debate and some dissension but it was officially decided that it would not participate in Phase II, including the training programmes (1998–2000) and Phase III for dissemination and implementation (2000–03).

There was no question that the development and dissemination of best technical standards was seen as valuable and necessary. However, there were concerns about possible counterproductive effects that this project taken as a whole could generate. Despite the Humanitarian Charter and Code of Conduct, it was felt that there was an emphasis on the use of a technical approach by the use of Minimum Standards and key indicators as a means for ensuring quality and accountability. Although better quality relief from a technical perspective was seen as important, it was not believed to be the solution to the fundamental issue underpinning a humanitarian crisis. This being the fact that in most crises, the majority of death and suffering during conflict and/or displacement is caused by the lack of political will for ensuring the welfare and protection of a vulnerable population.

These concerns were shared by a number of other predominately French agencies. Unfortunately, these diverging opinions became characterised as a Franco-Anglo divide and were caricatured by the notorious 'French Letter'.[1] Subsequent to this division, Koenraad Van Brabant wrote an article discussing and analysing the various objections about Sphere and the Humanitarian Ombudsman Project (Van Brabant, 2000). Although he clearly articulated the concerns of the two camps, the article did not really fully capture the rationale of the core MSF position. What he touched upon, but did not explore, is the Sphere Project in relation to the philosophical underpinnings, different political and cultural origins and typologies of NGOs. In addition, the different mandates, or in effect, self-accorded mandates, need to be understood. These aspects are crucial; they will inherently affect perceptions of the usefulness of the Sphere Project.

Considering the latter point, prior to discussing concerns with the Sphere Project, this paper will start with an outline of general differences between NGOs and briefly present MSF's identity and approach to humanitarian action. The original position and objections of MSF regarding the Sphere Project will be reviewed and then these objections will be discussed considering some of the counter-criticism and in light of lessons learned a few years down the track (with reference to situations of violence rather than natural disasters). The final section will discuss what MSF's position is in 2003 with respect to Sphere, accountability and an overview of the current challenges we face as an organisation for humanitarian action.

The myth of 'homogeneous humanitarians'

Not all humanitarians are the same and to use the terms 'humanitarian' and especially 'NGO', as though there is an agreed generic definition, is misleading. Using a broad and literal definition, Al-Qaeda could be classified as an NGO. Several reasons for differing views of how to respond to humanitarian needs and what is defined as humanitarian assistance, rests with some aspects of the character of an organisation formed by its tradition, political and cultural heritage, typology and self-accorded mandate. Admittedly, to define an organisation by these crude parameters can render the process of definition to that of stereotyping, or even caricature. Furthermore, tradition will have an impact on typology as will political and cultural heritage.

Nevertheless, some core features can be disentangled and the stereotype, while lacking in depth and texture, can define aspects of an NGO's essence and is a useful means for a broad differentiation.

Tradition

One of the key influences lies with what tradition an organisation stems from. A paper by Abby Stoddard defined three broad historical avenues (2003). There are organisations that have their roots in religion and may or may not express any of their core religious beliefs in their action. Their aid is delivered in the spirit of service and free giving. Another category is termed 'Wilsonian' referring to former US president Woodrow Wilson who had the ambition to project US values and influence as a force for good. Wilsonian NGOs do not find any particular incompatibility between humanitarian aims and US policy. The third category is where MSF has its roots, that of 'Dunantist' style humanitarianism, which traces its origins back to Henri Dunant and the Red Cross where the idea of classical humanitarianism and the corresponding principles were formed (Stoddard, 2003: 28). The Red Cross claims independence from government, politics and religion to operate relief activities in armed conflict situations.

Even though MSF was formed by breaking with a Red Cross rule — that of keeping silent when faced with breaches of International Humanitarian Law and abuse of a population — its underpinnings remain in the 'Dunanatist' tradition. Three key principles defined by the Red Cross and which are included in the MSF charter are neutrality, impartiality and independence.

Political and cultural heritage

Another reason for inter-agency differences is the result of the particular culture from which an organisation stems. Anglo-Saxon NGOs come from a culture in which the relationship between them and government tends to be more collaborative and participative reflecting that of the relationship between civil society and government in general. As an example not directly linked with humanitarian action is the institutionalisation of the interface between civil society and the government in the UK by means of quasi-autonomous NGOs (Quango). A Quango is a body that has a role in the processes of national government but is not a part of one, and which accordingly operates to a greater or lesser extent at arm's length from ministers.[2]

Further differentiation needs to be made between NGOs in the UK and US. For the latter, stemming from Wilsonian precepts, they inherently share a more comfortable and collaborative relationship with their government. In the case of the UK, although NGOs such as Oxfam can have strong relationships with governmental bodies, they can also be confrontational and are considered to be more Dunantist in their tradition (Stoddard, 2003).

Although MSF is now an international movement, it has 'Latin' roots, whereby there tends to be an adversarial relationship between NGOs and governmental powers. This is reflected in the relationship between civil society and government in France. Political heritage is also a crucial factor and in Europe political life has been built through a mixture of evolution and revolution. This legacy is expressed by different approaches to solicit change: by denunciation and external pressure as well as

working inside the system to participate in the process of evolution. The different political and cultural heritage will have an impact on perceptions about the usefulness and appropriateness of a project, which calls for strong and long-term collaboration with governments. The MSF approach can be described as 'disobedient humanitarianism' in contrast to the Wilsonian 'state humanitarianism'.[3]

Typology

As well as tradition and political and cultural heritage, the typology of an NGO also contributes important elements to its character. There are models that focus on the emphasis an organisation places on humanitarian values, or to what extent they cooperate with governing powers. One of the most informative models of typology is known as the O'Malley and Dijkzel's mental map of large international NGOs (Stoddard, 2003). As well as looking at the weight applied to the values they uphold, this model gives nuance to the way an NGO relates to its governing powers. There is a vertical axis ranging between the values of independence versus the willingness to work more as a public service contractor. Similarly, there is a horizontal axis ranging from impartiality — where aid is delivered proportionally according to needs and needs alone as the only determinant — towards solidarity where aid is given in favour of a particular group.

MSF is described as lying closer to the corner where there is a convergence of independence and impartiality. These principles are strongly valued to the extent that independence is viewed as a necessary condition to be able to deliver humanitarian assistance in an impartial manner. Other NGOs may be more inclined to undertake public service contracts or skew the balance of resource allocation in a gesture of solidarity. This partly explains why MSF finds it difficult to agree to participate in a broad project that frames quality and accountability with an emphasis on technical outputs as important baseline determinants for the effectiveness of an intervention.

Mandate and scope of action

An organisation's mandate also needs to be considered or, more precisely, their self-accorded mandate or scope of action. Under international law, UN bodies such as UNHCR (Refugee Conventions) and the ICRC (Geneva Conventions) have legally recognised mandates, while NGOs do not. However, most NGOs use international legal instruments as points of reference for their activity and talk in terms of a mandate. Some NGOs are described as 'multi-mandated' encompassing development as well as relief, and aspects of developmental interventions are brought into their relief work as an essential part of humanitarian action.

There are many theories of developmental aid but most are underpinned by the notion that efforts should be biased towards giving aid to those who can help others with the objective of more long-term benefits. In the classical sense, humanitarian action is about action taken in contexts of violence and destruction, not developmental situations although these lines are frequently blurred and many contexts are mercurial. The principle guiding relief actions in time of armed conflict are different: aid being given on the basis of need and need alone. Organisations that are 'multi-mandated' are inherently more willing and able to embrace the Sphere Project as it articulates rights

that must be considered with project implementation and it incorporates aspects of developmental orthodoxy.

MSF is said to have a 'single-mandate' and frames its work using the fundamental principles of independence and impartiality for humanitarian action, even in more developmental contexts. It does not systematically employ developmental concepts but some elements will be used when contextually appropriate. Yet many contexts are in reality conflict related or with socially repressed populations. Although the long-term is factored into decision-making, the focus tends to be on immediate needs. In such situations aspects of a developmental approach such as participation, although fundamentally important, will be sidelined if it is seen that this process has been politicised for individual or group gain. Some supporters of the Sphere Project have argued that participation is integral to the point that it was seen as a vital component to define aspects of quality and accountability.[4] Therefore, in this respect the demands of Sphere would at times be at odds with the MSF 'mandate'.

MSF-style humanitarianism

Using the above framework, MSF can be defined as an organisation that is clearly focused, principled, adversarial — very much the disobedient humanitarians. Nevertheless, to understand fully MSF's decision to decline to participate further with Sphere, it is important to give more texture and depth as to who and what MSF is.

Principles and pragmatism

As much as NGOs are not homogeneous, neither is MSF, but there are shared values, principles and elements that define its operations. As MSF is a medical humanitarian organisation there is a commitment to universal medical ethics, which is underpinned by demands of: the duty to do good (beneficence), to do no harm (non-malfeasance), autonomy (confidentiality, informed consent and privacy) and justice. As a Dunantist organisation it holds at its core some key principles: neutrality, impartiality and independence. These principles are not absolute and sacrosanct, but are critical guides. They are what underpins an action as being humanitarian and are also a means to negotiate through the labyrinthine nature of the complex contexts where humanitarian assistance is needed.

As much as the principles are extremely important, MSF is not naive and has to be pragmatic in certain contexts. In order to respond to a 'humanitarian imperative; that is, to alleviate the suffering of a vulnerable population out of respect for human dignity, occasionally they are subject to trade-offs. That is, to be given different weightings according to the demands of a context in order to deliver the needed assistance' (Bouchet-Saulnier, 2002: 140–43). It is not within the scope of this paper to debate the usefulness or even appropriateness of neutrality, but in general, impartiality and independence have the greater weight for the decisional calculus, should there be a clash or dilemma.

Another key feature is the framework used in deciding whether to undertake humanitarian assistance and how to carry it out, is that of being able to deliver aid within the realms of 'humanitarian space'. This is defined as having independent access to the affected population and unhindered dialogue with them, and to ensure that

the assistance delivered is received by those for whom it is intended. On that basis, there is acute awareness that aid can feed a conflict or a regime causing the humanitarian crisis and there is ongoing analysis performed to ensure programme orientation will mitigate this.[5] Moreover, MSF has withdrawn aid when it has determined that it is aiding and abetting parties to a conflict or increasing the level of violence for the affected population.

Operational characteristics

The overall objective of humanitarian action is to alleviate suffering, which as a medical organisation means to act to reduce morbidity and mortality. At the core of MSF is the quality of the medical activities. Many guidelines have been produced in response to a variety of medical emergencies.[6] However, sometimes the Minimum Standards have to be abandoned. In some cases what ought to be achieved can simply not be done but action must be taken — being the duty to do good. Therefore, the ability to be pragmatic is to acknowledge that there is a duty to act even when there is awareness that in some cases the guidelines and indicators cannot be adhered to. In these circumstances a contextual adaptation for the best possible outcome must be made. Clear examples can be found when responding to unexpected epidemics. In the case of cholera, there are specific guidelines on how to set up a cholera treatment unit. There have been cases when an epidemic appears out of season and because of resource constraints, a rapid response is implemented without initially meeting the guideline standards to ensure the objective of reduction of morbidity and mortality.

Another fundamental operational specificity is the action of *témoinage*, commonly known as witnessing and speaking out. The founders of MSF did not believe medical humanitarian aid should be a blind and dumb instrument. However, this action is often misunderstood as lobbying or advocacy. Furthermore, it has also been misrepresented as championing human rights and denouncing corruption and injustice wherever they exist (as stated in Fox, 2001: 281, quoting Alain Woodrow in *The Tablet*, 1999). For MSF, *témoinage* is about 'witnessing' and thereafter denunciation when breaches of International Humanitarian Law (IHL) or human rights or universal medical ethics have been witnessed and where basic humanitarian operational principles have been violated. The speaking-out phase is employed when humanitarian action can do no more, or when the action is fuelling the cause of the humanitarian crisis.

Other characteristics of MSF are that operational activities are undertaken with respect to the values of proximity, transparency and accountability. Guiding legal standards are those of international humanitarian law, the refugee conventions and human rights norms and law. Other key features are those of the spirit of volunteerism, associativeness, self-criticism and frequent internal debate and confrontation.

The question of 'homogenised humanitarianism'

The Sphere Project, with its Humanitarian Charter and the handbook of Minimum Standards has the dual purpose of increasing the effectiveness of humanitarian assistance and making humanitarian agencies more accountable. The Humanitarian Ombudsman Project was conceived as the means for airing grievances against NGOs

which fail to perform. The book was a result of more than two years of inter-agency collaboration and the standards covered for disaster assistance are: water supply and sanitation, nutrition, food aid, shelter and site planning and health services. A qualifier is given in the introduction to the handbook:

> While the Charter is a general statement of humanitarian principles, the Minimum Standards do not attempt to deal with the whole spectrum of humanitarian concerns or actions. First, they do not cover all the possible forms of humanitarian assistance. Second and more importantly, they do not deal with the larger issues of humanitarian protection.

MSF's original objections

Referring back to MSF's stereotype, for an organisation that tends to be confrontational to authority and fiercely independent, long-term commitment and close collaboration with a broad spectrum of NGOs and governmental authorities would be like wearing a hair-shirt. Furthermore, how MSF defines the quality of humanitarian action clearly goes beyond technical standards. Therefore, a project such as Sphere would automatically provoke debate and the decision not to remain involved was decided after internal debate with some dissension. Nevertheless, beyond any debate and the caricature of MSF, there were key concerns about the Sphere Project.

From the outset, MSF never objected to the idea of good quality technical standards, the problems rested with linking quality and accountability to technical standards. This can be exemplified by the hackneyed example — 'there are a sufficient number of wells but women are raped to collect water'. Even though there was an initial qualifier, there were major concerns were that this ambitious effort missed the key point of what contributes to death and suffering, that being the lack of protection for members of a vulnerable population. Furthermore, despite the statement in the Humanitarian Charter regarding acknowledgement of the responsibilities of states, in reality there was a possibility that the onus for being accountable would rest on the shoulders of NGOs, rather than the behaviour of states and state actors. Additionally, how does non-action of an NGO fit into the framework of accountability? This concept of non-action can be extrapolated to those of the political powers, who could use the idea of technical standards to mask their responsibilities. In an article by Pierre Perrin published by the ICRC, he sums up responsibilities regarding protection and accountability: 'The first responsibility of the humanitarian organisations is to bring their influence to bear on all the players to get them to assume their responsibilities to the victims and respect the rules governing the conduct of hostilities' (2002, 26).

The technical standards

Although there was a strong platform for reflection and discussion during the process of handbook design, once written as rules, the handbook did tend towards being prescriptive, leaving little room for contextual adaptation. Many of the defined technical standards, interventions and key indicators are minimalist and only applicable in an ideal refugee and displaced camp. These standards also assume unhindered access to an affected population and adequate resources. Furthermore, some of those standards are above and beyond what can be achievable in a hard emergency. One size

does not fit all and many contexts require innovative and adaptive programming. For some groups, the compulsion to adhere to the technical standards could lead to poor programming. It was also feared that the perfect would become the enemy of the good: inability to adhere to Minimum Standards could lead to inaction on the part of some agencies, or a preference to run relief programmes in order to achieve the highest possibilities of 'technical success'.

Principles and politics

Fiona Terry, the former director of research for MSF France, gave many aspects of the MSF critique in a previous publication for ODI (2000). The Humanitarian Charter and the codes of conduct do not provide a hierarchy of principles for when reconciliation of competing principles is called for. Sphere was said to have a misguided focus and risked reducing rather than expanding the scope for effective humanitarian action by focusing on the technical aspects. A stark case as an example is that a group of NGOs working in Khmer-controlled refugee camps that praised the efficiency with which the Khmer Rouge organised these camps (Terry, 2000: 20). Furthermore, considerations of the political context were lacking. By reducing the measure of success for response to humanitarian crises to the technical quantification and with the use of a humanitarian imperative as a mantra for triggering action, this would not allow for consideration for the fact that in some contexts, humanitarian assistance can kill not cure.

Beyond the political context there is the issue of the political powers. The adherence to Sphere standards as an institutionalised norm further opened the window of seeing NGOs as merely good technical providers and used as such by donors governments. By insisting on adherence to the technical standards as a prerequisite for funding, it would provide a mechanism through which donors could exert control over aid agencies. If the standards are not achievable — or even appropriate — this could give rise to donor compliance for non-action. Moreover, there has been an ongoing trend for governments to politicise humanitarian aid as much as it has done for development work. This trend affects an NGO's ability to be independent. As independence is seen to be a necessary condition for impartiality, the ability to deliver aid in a neutral and impartial manner would also be hampered.

Considering that Western political powers are the major donors, a tool such as Sphere also expanded the option for this sector of the international community to use humanitarian aid as the means 'to be seen' to have responded to a humanitarian crisis. As well as the donors being influential for either instigating an external political response or for applying pressure on political powers more directly implicated in a humanitarian crisis, the focus on the NGO being accountable would allow for abrogation of this responsibility. This again highlights the key concern regarding the lack of accountability of state actors.

The beneficiaries and accountability

Another measure of quality invoked by Sphere was that of participation by the beneficiaries. This is laudable but participation can be counter-productive in some contexts so how can it be used generically, even with nuance, to determine the quality of assistance? More often than not there are deep divisions, and participation at the level of programme design can and often does seriously hinder the delivery of neutral

and impartial assistance. It needs to be remembered that Sphere and the Humanitarian Ombudsman Project were a consequence of the Rwandan crisis in Zaire. In this specific context, those who were 'representative' of the population were the *genocidairés*. This shows the danger of some well-intended concepts.

With respect to the Humanitarian Ombudsman Project and the appointment of an ombudsman who would listen to the concern of beneficiaries, it was feared that this could be easily manipulated by powerful elements to oppose agencies that did not act in their interests. It would be unlikely that those suffering the most would be able to air grievances openly. This aspect of the whole initiative is seen to be hypocritical. This claim is made in light of placing the onus on victims to identify problems with humanitarian action, and would the absence of complaints signify all is well? Such a process would also shift responsibility on to the shoulders of the victims, whereby they become the duty-bearers (Terry, 2000: 21).

Sphere, MSF: a few years on

Over time, lessons have been learned and some of the criticisms raised by MSF and others have been taken into consideration in an effort help the project to evolve. This is particularly true for the fears about the inability to achieve the Minimum Standards leading to inaction. The training modules give participants grounding in interpretation of the Humanitarian Charter and the technical demands of the handbook for making contextual adaptation. The manual stipulates the need to interpret the standards within the specific context of each emergency. If the Minimum Standards are unattainable then humanitarian organisations must provide explanations for why this is so.

The jury is still out about the use and effectiveness of the Sphere Project, and its implementation has encountered some difficulties for meeting objectives. A case in point is that the handbook has been used more as a mere manual instead of guidelines that are just one part of the humanitarian response. A recent report from the Overseas Development Institute states that the objective of the project in its attempt to marry rights with assistance — to combine the moral and legal force of rights with the specificities of needs statements — appears not to be working. During field research for a needs assessment paper, the rights rationale underlying Sphere was not invoked at all by those interviewed, suggesting it is in danger of becoming a mere practice manual rather than an articulation of principle (Darcy and Hoffmann, 2003: 4).

The technical standards

Over time it has been observed that some fears expressed by MSF and others about the use of technical standards as a benchmark for accountability have been borne out. There is now clear rationale that although useful as guides, sometimes these standards clearly cannot or should not be used. As an example of the former, there has been plenty of experience that the standards are simply not achievable, either through lack of access or resources. In an evaluation of Sphere workshops in West Africa since mid-1999 by Oxfam, some participants regretted the lack of a focus on protection. Furthermore, there was scepticism as to how they could be applied on the ground (Mompoint, 2000: 13). More recently in Liberia, the population suffered from the deplorable violence and unambiguously suffered from a lack of protection during the

crisis in mid-2003; Sphere standards were clearly unattainable due to lack of access during the fierce fighting. Even after the worst of the conflict, a fleeing population overwhelmed Monrovia and standards for water and sanitation were not at all achievable outside assigned IDP camps. Despite the subsequent effort by NGOs, the quality achievable for the host population was below the Minimum Standards. To be able to reach these levels would have required a massive rehabilitation of the infrastructure.

Pertaining to when Sphere indicators should not be employed is when the impact on a whole population is analysed. Deviation from Sphere (and MSF) standards would have allowed for a more effective response to the famine in southern Sudan in 1998. In this case study (Griekspoor and Collins, 2001: 742), an analysis was performed of an MSF intervention in response to a malnutrition crisis, even though those involved were aware that it was unrealistic to implement according to Sphere standards. They stringently modified admission criteria to less than 60 per cent of weight for height (instead of 70 per cent). Recovery rates fell below the norm of 75 per cent. Had MSF deviated further from key indicators by admitting those that had more hope for recovery, they would have expanded their coverage and there would have been a better overall outcome for the affected population. It was concluded that adherence to indicators in the face of overwhelming need with insufficient resources could promote inappropriate planning. There needed to be a triage mechanism to find the balance between individual outcomes and overall coverage of a programme.

Principles and politics

With respect to the criticism about the lack of a hierarchy of principles and the possible adverse effects the highly technical approach to humanitarian assistance can generate, it is claimed that this can be solved by text analysis. In an article written by Hugo Slim, he argues that there are sections in the charter and handbook that allow for a more liberal interpretation of whether or not to provide assistance and that the humanitarian imperative is not a Kantian categorical imperative (2002). Although many NGO personnel have received formal training in Sphere standards, the charter and the code of conduct during implementation at the field level, it would be questionable if there were the ability to transfer sophisticated analysis on a consistent and effective basis.

The criticism about the misguided focus and the lack of emphasis about protection, respect for humanitarian principles and political considerations has found credence. The most publicised example of the fear of negative effects being borne out lies in Asia. No level of technical excellence would have resolved the fact that violations of humanitarian principles in North Korea made conditions impossible for international aid organisations. The majority of those in need in North Korea were denied assistance from humanitarian agencies by the authorities. The aid was used by the ruling powers to feed the regime and the population continued to suffer.

For fear of the donors using Sphere as a tool for NGO manipulation and to be public service contractors, donors do expect NGOs to use Sphere standards as the point of reference for the success of the project. However, as to how much Sphere is used to exert control is not readily quantifiable. This issue is muddied by the other politicisation trends for using NGOs as foreign policy tools coupled with the fact that some NGOs are more than willing to undertake subcontracting.

The beneficiaries and accountability

At this point, there is no clear and unambiguous evidence about the impacts at the field level about the relationship between the beneficiaries, accountability and the Sphere Project.[7] The Humanitarian Ombudsman Project, which sought to redress original concerns from beneficiaries, has evolved into HAPi as a body for self-regulation. However, it still absolves both the local authorities and the international community for people's welfare by shifting the focus and responsibility for a population's welfare on to NGOs. Specifically for the case of Angola, donor governments and many NGOs failed to act to an inarguable need. No one has been held accountable for this non-action (Grien et al., 2003).

Sphere and MSF in 2003

In 2002 (and confirmed in 2003) the position of MSF has been stated as: 'The Executive Committee of MSF, at a meeting on 11 October 2002, decided that MSF will not be involved with Sphere because MSF believes that that answer to the problem Sphere tries to tackle is political and not technical'.[8]

This does not mean that MSF is against Sphere as a means to specify guidelines for better quality standards but the key objections remain unchanged for the overall project. There are enough factors for MSF to re-affirm the decision not to participate further, and in 2003 to date there are no strong indicators that would lead a change of position. There is acknowledgement and appreciation that the Sphere Project certainly improved awareness among NGOs about humanitarian action and the need to strive for good technical standards. What remains under dispute is the question of accountability.

In his article, Van Brabant states that the elevation of the principle of independence to that of a sacred cow, whereby every external critical look at NGO performance is treated as a violation, risks becoming seen as an excuse to evade accountability (2000: 25). This raises the question of how does MSF make itself accountable? The answer remains linked to another ongoing debate: for what are we accountable? However, many concerns regarding accountability are met by MSF.

For the aspect of financial accountability with reference to standards demanded by donors, MSF complies. For private funds, as well as national law and maintenance of transparency, there are many internal checks and balances to ensure responsibility and accountability. For technical standards are designed, evaluated and reformulated in conjunction with international organisations such as WHO, the Pasteur Institute and other international bodies as well as using internal expertise. There is ongoing review of staff recruitment and as an average in field operations over 60 per cent of the personnel are qualified medical professionals.[9] For external examination and the possibility for peer review, MSF is an active participant in the Steering Committee for Humanitarian Relief (SCHR).

For the aspect of the quality and accountability of humanitarian action, the repeated reference to independence is not a method for evasion. It is paramount that there is the ability to protect aid until it reaches the victims. This is dependent on the necessary condition humanitarian space being those of:

- Unrestricted access and an independent assessment of needs.

- There must be control over the distribution of aid, which must first be brought to those who need it most.
- There must be freedom to engage in dialogue with people in need.

Referring back to the statement by Pierre Perrin, to be accountable means more than the delivery of quality technical standards; under IHL it also means a to apply pressure on the political powers to be accountable. Under IHL it means as well that there is the duty to act and to take risks to protect and assist victims of violence.

The criticism by MSF and others was parodied in an editorial for the ICVA newsletter in June 2001 titled 'McSphere': Franchising Humanitarian Aid (Van Schenkenburg, 2001). A scenario is given whereby in 2010 humanitarian aid is commercialised, the private sector will supply mass relief, civilians will undertake the soft-sector programmes and military will undertake the majority of activities in insecure situations. Those who objected to Sphere will be silenced by the donor governments. Unfortunately, in 2003 there is evidence to suggest that this is not such a wild fantasy.

The concern that Sphere could be a tool for manipulation of NGOs by donor governments in 2003 has now been sidelined by the fact that politicisation of aid is now unambiguous. Moreover, there is also the drive to mainstream all those who respond to a humanitarian situation to behave in a fashion that meets a common political objective, usually cited as the laudable one of peace-building. This means a consequentialist approach for a hoped-for political good at the cost of immediate needs as in the case of Angola (Grien et al., 2003).

This trend is underpinned by the use of a coherent approach to respond to humanitarian crises. That is by means of a UN integrated response, incorporation of developmental and rights-based approaches through the NGOs, the military being incorporated as 'humanitarian' actors, donors becoming quasi-operational and more 'coordination, accountability and efficiency' leading to a congested arena for trying to deliver humanitarian assistance. It is also the result of the new security agenda post-11 September. It has been clearly stated by the US that NGOs are seen to be a part of the response to the global war on terror. Humanitarian obligations have not changed since 11 September but in the conflicts where the US and its allies are overtly involved, humanitarian space has been reduced. This has been to the point that all Western actors in Iraq are being tarred with the same brush. That is, even the truly independent NGOs are seen as part of the Coalition.

Another growing concern in 2003 and for the future is how the medical context has also evolved to a level needing a global response. This refers to infectious diseases such as tuberculosis, drug-resistant malaria and specifically, HIV/AIDS, which is now seen as a medical priority with social, political and economic consequences. There must be technical standards for appropriate medical response, but the implementation of these standards is constrained by lack of access to affordable medicines, the lack of infrastructure to deliver the medicines, global economic interests and the lack of committed political will.

To conclude on a point of reflection, there is what is termed as 'Red Queen' theory. This is more about genetics but has been extrapolated to other disciplines, including social sciences (Ridley, 1993). It stems from the Red Queen in Lewis Carroll's *Alice Through The Looking Glass*. The Red Queen kept running faster and faster but the more she ran, the more she stayed in the same place as the landscape kept moving as well. In the context of 2003, we are all running faster but either staying in

the same place or maybe even slipping backwards. In the world of humanitarian action, there is as much complexity and confusion in 2003 as there was in the mid-1990s. This complexity and confusion, giving rise to new challenges, is where MSF's energies must lie in order to respond more effectively to humanitarian emergencies.

Notes

1. A letter signed by several French agencies citing their objections to Sphere.
2. UK government's definition.
3. Terms attributed to the author David Reiff.
4. As stated by Salama et al., 2001.
5. Examples can be found in Terry, 2002 and in Braughman, 2001.
6. Examples include: guides to cholera epidemics, vaccination campaigns against measles, refugee health, clinical guidelines for medical intervention, essential drug guidelines, nutritional guidelines, water and sanitation, hospital waste management, treatment for victims of sexual gender-based violence.
7. This aspect was subject to discussion during a workshop in London, November 2003. It was generally agreed that actual impacts were unclear.
8. Stated in a letter to the field by Rafa Vila San Juan, MSF Secretary-General, 25 March 2003.
9. Doctors, nurses, technicians and paramedics.

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Address for correspondence: Programmes Unit, Médecins Sans Frontières UK, 3rd Floor, 67-74 Saffron Hill, Lonsdon, EC1N 8QX, UK. E-mail: <<jacqui.TONG@london.msf.org>>