

Codes of Conduct: whose interests do they serve ?

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2003

Le *Centre de réflexion sur l'action et les savoirs humanitaires* (CRASH) a été créé par Médecins sans frontières en 1999. Sa vocation : stimuler la réflexion critique sur les pratiques de l'association afin d'en améliorer l'action.

Le Crash réalise des études et analyses portant sur l'action de MSF dans son environnement immédiat. Elaborées à partir des cadres et de l'expérience de l'association, ces textes ne représentent pas la « ligne du parti » MSF, pas plus qu'ils ne cherchent à défendre une conception du « vrai humanitaire ». Leur ambition est au contraire de contribuer au débat sur les enjeux, contraintes, limites – et par conséquent dilemmes – de l'action humanitaire. Les critiques, remarques et suggestions sont plus que bienvenues, elles sont attendues.

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The Crash carries out in-depth studies and analyses of MSF's activities. This work is based on the framework and experience of the association. In no way, however, do these texts lay down the 'MSF party line', nor do they seek to defend the idea of 'true humanitarianism'. On the contrary, the objective is to contribute to debate on the challenges, constraints and limits –as well as the subsequent dilemmas- of humanitarian action. Any criticisms, remarks or suggestions are most welcome.

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In announcing last month that it would not provide further food aid to North Korea until the regime complies with the same distribution and monitoring standards used elsewhere in the world, the US Government appears – at least a face value – to be more concerned about knowing where its food goes in this Stalinist state than the humanitarian organisations charged with distributing it. Nobody, of course, is fooled by the humanitarian cloak draped around this decision because for the last seven years Washington has used food aid as a tool of its political strategy of engagement with Pyongyang, and the latest move follows too closely behind North Korea's decision to reactivate its nuclear development and missile export programs to be a coincidence. Nevertheless, it is sadly ironic for the aid organisations professing to relieve the suffering of the most vulnerable in North Korea that it is a donor government that is demanding respect of the 'humanitarian principles' to which the aid agencies in North Korea pledge adherence but never realise in practice. With all the attention paid in recent years to increasing the 'accountability' of aid organisations, it should logically have been the humanitarian agencies that refused to continue operating in a country which does not allow them even to assess who is the most vulnerable, let alone direct food towards them. In a bizarre reversal of roles, it is the humanitarian agencies that are accepting the wanton violation of humanitarian principles for the sake of facilitating diplomatic dialogue between North Korea and the outside world, and the global superpower that is demanding respect of humanitarian principles.

The aid program in North Korea clearly illustrates the limits of 'codes of conduct' in enhancing the accountability of aid organisations to the 'most vulnerable' they profess to assist. First, rather than promoting more ethical behaviour, the signing of adherence to a set of operating principles in North Korea has been self-serving in that it has provided aid agencies with the image of accountability required by donor governments, while actually concealing their inability to act responsibly. Every year since 1998, humanitarian organisations have voluntarily agreed to work according to certain principles, saying that they 'believe that only with adherence to these operating principles will we be able to work towards helping those in greatest need with accountable assistance'. Yet after seven years of operation, aid organisations are unable to satisfactorily meet even the first three conditions: a proper needs assessment; assurance that aid is reaching those most in need; and access for assessment, monitoring and evaluation. No needs assessment independent of the government is permitted, so aid officials only see what their escorts and translators want them to see. Given that the North Korean regime treats its citizens in accordance with their perceived loyalty to the regime, government guided tours do not include those considered 'hostile' to the regime. As the refugees in China clearly show, it is these segments of the population who are the 'most vulnerable' yet they have never received humanitarian assistance. Aid organisations cannot ensure that those who need food will receive it because it is the government that controls food distributions, and aid agencies are not allowed to adequately monitor or evaluate its impact. Monitoring visits require several days prior approval and are only to specified locations, and no unmonitored contact with the local population is permitted.

Yet every year the aid organisations renew their commitment to these fundamental principles as if signing were enough to guarantee that the hungry will be fed. Having the code of conduct is one thing; acting in accordance with it is another. Indeed, UN officials even consider that it would be a luxury to follow the rules it has set for itself. At a US Congressional Hearing earlier this year, John Powell, WFP Regional Director for Asia, said that 'WFP does not have the luxury of saying that it will leave because our minimum operational conditions are not met. We need to remain engaged

and persevere, and work towards achieving those conditions. They will not be met if we all simply pull out.' Why call them 'minimum operational conditions' when obviously they are not?

This brings us to the second shortcoming of codes of conduct illustrated well by the North Korean case: they can be an impediment to reflection rather than a stimulant. Aid organisations in North Korea discuss the principles they have set as if they were ends in themselves to achieve rather than a guide to assist in ensuring aid goes to those for whom it is intended. WFP officials, for example, claim that conditions are improving in North Korea because the number of counties to which WFP has 'access' has risen from 145 in 1998 to 163 today, which 'means that we can now reach more people who need help - about 85%'. But while these statistics show progress on paper, the fact that WFP is not allowed to employ Korean speakers on its staff or discuss freely with the population negates any real progress in the purpose of access – to talk with North Koreans about their situation, show them respect, and assist them to overcome the hardships they face. Common decency seems to have been lost in the need to appear to be following the rules.

Aid organisations should not need to see abuses of the principles they signed to realise that aid is not reaching those most in need, talking to refugees on the Sino-Korean border should suffice. Codes of conduct can serve as useful tools of discussion if they remain at that level and are used as such. But once they serve to bestow an image of responsible behaviour to that which is not, or become ends in themselves regardless of the overall context, they defy the purpose for which they were conceived.