

Master of Arts in Public Ethics

Thesis

- **Alan Gewirth and Gilles Paquet** -

Networking Ethics and Governance in Catastrophic Disaster Responses:

An Ethical Perspective on Governance in the Haiti 2010 Earthquake

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Introduction

0.1 Statement of the Problem

In the immediate aftermath of the Haiti 2010 Earthquake, the Haitian Government and the United Nations (UN) Mission in Haiti were literally crippled. Various after action reports on the humanitarian response indicate that there were problems with coordination, humanitarian leadership and accountability, which signals underlying problems concerning governance and ethics. Moreover, military forces played an important role providing humanitarian assistance to the severely devastated communities of Haiti, sometimes causing concern among the other humanitarian actors.

We are challenged to reflect on the role of governance in these situations, the ethical basis of intervention and the ethical dilemmas for all the actors. Gewirth's Principle of Generic Consistency and the "community of rights" provide a research framework that could help identify the ethical obligations and duties of the actors; however, Gewirth's "community of rights" is based on a concept of an established central, democratic government. Such a government was not in place in Haiti following the 2010 Earthquake yet Gewirthian rights and obligations still hold. Gilles Paquet's concept of distributed or networked governance is useful for examining this situation and possibly providing a basis to support the Gewirthian position on community. Taking into consideration these aspects, my research problem is twofold: First, could Gewirth's ethical perspective on community be supported by Paquet's view of distributed or networked governance vice a central government? Second, could this conceptual combination contribute positively to an improved governance system amongst the international community, governments and militaries in catastrophic disaster responses?

An examination of these questions will provide theorists, policy makers and practitioners with applied ethical considerations on these issues.

0.2 State of the Question

My research indicates that there has been little academic work in the field of ethics, disasters and governance and as such given my experience on the Government of Canada Interdepartmental Task Force on Natural Disasters Abroad and reflection on the Haiti 2010 Earthquake, I feel that this is an area which requires further research. In order to further my knowledge base, I will examine and reflect on key elements of Gewirth's and Paquet's works, and then deal with this conceptual combination to propose a model for improved governance in catastrophic disaster responses.

Gewirth in *The Community of Rights (CoR)* defines his Principle of Generic Consistency as: "Act in accord with the generic rights of your recipients as well as yourself (19)." The generic rights in this case are human rights that have "as their objects the necessary conditions of action and successful action in general and that all humans equally have these rights (Gewirth *CoR* 19)." From these principles, he derives the concept of the "community of rights":

A society whose government actively seeks to help fulfil the needs of its members, especially for those who are most vulnerable, for the freedom and well-being that are the necessary goods of human agency, when persons cannot attain this fulfillment by their own efforts. (*CoR* 5)

This entails both negative and positive rights and should enable all persons to become what he calls productive agents. Productive agents are those people who, within their own capabilities, become relatively self-sufficient with respect to their well-being. The concept of negative and positive rights is important because it applies beyond the single notion of the state. The "community of rights-bearers," thus have an obligation to provide for the development of

productive agency and the central government assumes a great role in providing the basis of the community.

Gilles Paquet in *Gouvernance-Une Invitation à la Subversion* discusses networked or distributed governance (25). Essentially, an organisation has knowledge distributed amongst the partners and uses a variety of contracts between them to ensure efficient coordination. Often these hierarchically or horizontally managed organizations have difficulty adapting to changing situations because of rigid internal structures and decision making processes. In complex and turbulent situations, networking enables cooperation that empowers actors to cut across normal lines of responsibility to increase collaboration.

These networked organizations are characterized by distributed governance and diffused responsibility and accountability. According to Paquet, moral contracts could resolve some of these diffusion issues (Paquet, *Gouvernance* 111). The moral contract is a non-binding arrangement where discussion and negotiations are possible without the formal constraints of law (the moral equivalent of a hand shake) (Paquet, *Gouvernance* 126). Negotiations within the moral contract can stall; however, they can be facilitated if the focus is kept on the oral, the specific, and the present, (the basis of practical philosophy) (Paquet, *Gouvernance* 126). Moral contracts would then permit flexible, reciprocal and interdependent mechanisms so that collaboration can materialize and solidify (Paquet, *Gouvernance* 126). I will argue that Paquet's concept of networked or distributive governance can be used to support Gewirth's "community of rights."

0.3 Methodology

I will frame the question by reviewing works on development and catastrophic disasters, examine the international response to the Haiti 2010 Earthquake and lessons observed and then

provide an overview of the humanitarian principles and key actors before proposing a conceptual combination that would contribute positively to an improved governance system amongst the international actors in catastrophic disaster responses.

In order to frame the problem, two other texts were considered: *The Ethics of Development* by Des Gasper and *Global Catastrophic Risk* edited by Nick Bostrom and Milan M. Cirkovic. The former provides a historical perspective on development ethics and compensates for a lack of academic literature on ethics and catastrophic disaster response. The latter text examines global catastrophic risks in several areas including nature. For the purpose of my thesis, the discussion on the taxonomy of catastrophic risk and how it influences decision making provides valuable background information to help describe the environment of catastrophic disasters. I define, in Chapter Two, a catastrophic disaster as one that affects (injured, killed or displaced) more than 10,000 people, overwhelms the capacity of the local and/or national governments, and requires a call for international assistance. I will limit my examination to the first sixty days of the initial response which I also define in Chapter Two as the relief phase.

Since the 2010 Haiti Earthquake, major international organizations have published various after action reports that provide a rich bed of literature that can be used to examine the humanitarian response. One report by the UN Office for the Coordination of Humanitarian Affairs (OCHA) published in January 2011 highlights several weaknesses including delays in forming and operationalizing elements of the cluster response system and little coordination or interaction with local government, NGOs and the local community (“Evaluation” 10). This indicates that a lack of application of the basic governance principles, their implementation and by extension a lack of ethical considerations in their actions.

0.4 Thesis Statement

My thesis is that Alan Gewirth's concept of the Principle of Generic Rights and the "community of rights" can be reconstructed on the basis of Gilles Paquet's concept of networked or distributed governance and developed into an ethical framework for improved governance amongst the international community, governments and militaries in catastrophic disaster responses.

0.5 Analytical Framework

The analytical framework will use a Gewirthian perspective with a focus on the Principle of Generic Consistency and the "community of rights" supported by Paquet's networked governance. Research on these perspectives coupled with my own professional military experiences as a member of the Government of Canada's Natural Disaster Abroad Task Force will provide insights to the areas of ethics and governance in these situations. Because of my professional experience with this task force, I will limit my research and subsequent qualitative analyses to material that is publically available. This would include academic literature, testimony before Government Committees and published after action reports of various governmental, non-governmental (NGO) and international organizations.

Key concepts that will be explored are the Gewirthian Principle of Generic Consistency and the "community of rights" and Paquet's views on governance, learning, accountability and leadership. My thesis will be limited to examining responses to catastrophic natural disasters and not other types of disasters or complex emergencies. Also, given that UN guidelines indicate that the use of military assets in any response should have a definite end date, I will examine the initial response phase for a period of up to sixty days following the catastrophic event.

0.6 Outline

Chapter One will examine Alan Gewirth's perspective of the Principle of Generic Consistency and the "community of rights." I will then present Gilles Paquet's views on governance and reconcile Paquet's moral contract with Gewirth's duties and obligations. All this to demonstrate that Paquet's Governance can support the "community of rights"

Chapter Two will set the scene and frame the problem by describing the catastrophic disaster situation in Haiti. It will examine the basis for humanitarian intervention and the ethics programs of the various actors involved. The taxonomy of a catastrophic natural disaster will be presented. After action reports from past disaster responses including the Indian Ocean Tsunami and Hurricanes Katrina and Rita will be discussed. These findings will be compared with those from the Haiti 2010 Earthquake and then I will provide some common lessons from these catastrophic natural disasters.

Chapter Three will highlight the principles and practices associated with providing humanitarian assistance and then examine the UN, Red Cross and select humanitarian organizations involved in the existing models of governance. Understanding that there is a healthy debate on the dilemma of the use of military assets for humanitarian assistance, I will examine the definition of military as a last resort in *The Use of Foreign Military and Civil Defence Assets in Disaster Relief - "Oslo Guidelines" (Oslo Guidelines)*. The issue of accountability will be re-examined in light of Paquet's concerns with diffused accountability in networks and the recurring problem of lack of accountability to the affected populations. The Government of Canada's approach to responding to natural disasters abroad will be highlighted and its lessons learned process examined. I will propose an ethical framework for improved governance amongst the civilian and military actors in catastrophic natural disaster response

situations. Finally, I will provide a summary of the key points of my thesis and conclude that Alan Gewirth's concept of the Principle of Generic Rights and the "community of rights" can be supported by Gilles Paquet's concept of networked or distributed governance and developed into an ethical framework for improved governance amongst the international community, governments and militaries in catastrophic disaster responses.

Chapter 1 – Building the Gewirthian “Community of Rights” on the Foundation of Paquet’s Networked Governance

This chapter provides the ethical theoretic framework and arguments for grounding Gewirth’s “community of rights” on Paquet’s networked governance. To do so, I will examine Gewirth’s Principle of Generic Consistency (PGC) and “community of rights.” I will then articulate Paquet’s governance approach, his concerns with responsibility and accountability and then explore his use of moral contracts. In the international context, Paquet’s moral contract will then be reconciled with Gewirth’s duties and obligations. Finally, I will conclude by shaping Paquet’s governance to support the “community of rights.”

1.1 The Principle of Generic Consistency (PGC)

Gewirth derives a supreme moral principle using a dialectically necessary method of argument in *Reason and Morality (R&M)* in 1978 and again in *The Community of Rights (CoR)* in 1996. This section will go over his arguments to arrive at the PGC using the latter book. In the first chapter of *Community of Rights (CoR)* Gewirth starts his argument with the justification of his focus on community: because some philosophers do not accept the view that the moral justification of economic and social policies and institutions when embodied in the state constitute the “community of rights” (1). He then discusses the concept of rights. In an adversarial approach to rights, the claiming of rights emphasizes the individual and stifles community, and when a person maintains ties with society, their rights are not required (*CoR* 2). Another less adversarial view is that community supports the justification of rights in that the rights-claim presupposes the existence of community and an understanding that it accepts the claims and rules that justify them; however Gewirth disputes this because the rights-claim does not justify the existence of community (*CoR* 2). He maintains that the adversarial relations between rights and community could be maintained if the community’s rights could be reduced to the

rights of individuals (*CoR* 3). Gewirth highlights that libertarians do give individuals primacy of rights; however they hold the view that support from government is unacceptable and morally wrong, preferring to rely on a free-market type of system where the individuals make contracts to obtain other rights (*CoR* 4).

The initial reconciliation of rights and community starts with a statement that the question of rights is one of human rights that all possess because they are human and are focused not only on one's individual interest but the interests and rights of others so that one becomes a subject (right-holder) or a respondent (duty-bearer) (Gewirth, *CoR* 6). The object of these rights is freedom and well-being within the context of successful human action (Gewirth, *CoR* 6). A recognition that one must respect the rights of others while at the same having his rights respected implies a mutual sharing of the benefits of rights and the burden of duties, which would then lead to social solidarity and hence a community (Gewirth, *CoR* 6). Two situations that Gewirth must deal with are: what if the person is only self-interested but does not really care about rights; and second, if a person accepts that he or she has rights but does not extend these rights to others they would reject the link between human rights and community (Gewirth, *CoR* 7, 8). But how does Gewirth present his arguments?

Gewirth claim-rights arguments proceed as follows:

“A has a right to X against B by virtue of Y (Gewirth, *CoR* 8).” The five elements involved are the subject or rights bearer (A), the right itself (X), the respondent or duty bearer (B), and the justifying basis (Y) (Gewirth, *CoR* 8-9). In order to advance his proof, he focuses on the context of human action as all moral precepts are related to action (Gewirth, *CoR* 13). He then provides two hypotheses, the first is voluntariness or freedom, the second is purposiveness or intentionality and from these flows the idea that one acts in order to succeed at one's purpose,

“...when purposiveness is extended to the general conditions for success, it becomes the more general feature of...well-being (Gewirth, *CoR* 13).” He then argues that freedom and well-being are necessary conditions of successful action (Gewirth, *CoR* 14). He then makes the link between well-being and community because being a member of a corroborative community helps achieve one’s aims more effectively and secondly, one can only fulfill one’s humanity within an association with other humans (Gewirth, *CoR* 15).

In order to illustrate Gewirth’s arguments, this section is heavily quoted from *The Community of Rights* pages 16 to 20.

He uses a dialectically necessary method to achieve his aims. This means that it is the opposite of assertoric (A is B, B is C therefore A is C) and that to arrive at conclusions, statements are made from the perspective of a purposive agent and are examined to see what they logically imply. It is dialectically necessary because the statements must be logically accepted by every agent because they are derived from the generic features of action.

He starts with two theses:

1. “...every agent logically must accept that he or she has rights to freedom and well-being...”
2. “...the agent logically must also accept that all other agents also have these rights equally with his or her own, so that in this way the existence of universal moral rights, and thus of human rights, must be accepted with the whole context of action or practice.”

The argument for the first thesis is as follows:

- (1) “I do X for end or purpose E.” This must be accepted by all agents for themselves.
- (2) “E is good.” The good in question need not be of the moral kind, but rather it provides some value added for the agent. Now since the agent is taking action because of freedom and well-being as the immediate necessary conditions, if he accepts (2) then he must accept (3).

- (3) "My freedom and well-being are necessary goods." Then the agent must accept what follows...
- (4) "I must have freedom and well-being." The 'must' in this case shows that the agent understands the conditions he needs to be able to act and to succeed. If the agent accepts (4) then he must also accept (5).
- (5) "I have rights to freedom and well-being." It is at this point that the normative concept of rights starts to gel although at this point it is not the moral conception. At this point, in order to argue that the agent must accept (5) on the basis of accepting (4), Gewirth examines the case of a rejection of (5). If the agent rejects (5) then he must reject (6) below because of a reciprocal relationship between claims-right and strict "oughts".
- (6) "All other persons ought at least to refrain from removing or interfering with my freedom and well-being." If he rejects this, he has to accept (7).
- (7) "Other persons may remove or interfere with my freedom and well-being." By accepting this, he must also accept (8).
- (8) "I may not have freedom and well-being." By accepting (8) he contradicts himself at point (4). Noting that all agents must accept (4), he must reject (8). Since (8) follows the denial of (5), every agent must reject the denial, so he must accept (5).

At this point Gewirth has proven the existence of prudential rights but not yet moral rights. The arguments to support his second thesis follows and will also demonstrate the transition from prudential to moral rights.

His arguments are based upon the logical principle of universalization: If P belongs to some subject S because S has a quality of Q, then it is logical to state that P belongs to all other subjects S that have Q. Thus if an agent holds that he has generic rights because he is a prospective agent, then it holds that prospective agents also hold these generic rights. Thus we have:

- (9) "I have rights to freedom and well-being because I am a prospective purposive agent." Gewirth then argues that an agent cannot not have accepted that he has generic rights; thus, on pain of contradiction, the prospective agent has generic rights. Thus he must accept (10).

(10) “All prospective purposeful agents have rights to freedom and well-being.” It is at this point that these rights become moral rights as the agent takes into account other persons in addition to himself. Thus we have the Principle of Generic Consistency at (11).

(11) “Act in accord with the generic rights of your recipients as well as yourself.”

Thus to this point, Gewirth has “...dialectically established that the human rights have as their objects the necessary conditions of action and successful action in general and that all humans equally have these rights (*CoR* 19).”

Gewirth compares the PGC to the Golden Rule, do unto others as you would have them do unto you, and argues that the PGC goes beyond this as it establishes moral limits based on generic rights on what should be done to the other person (*R&M* 169). The PGC removes an arbitrary element from the situation as it deals with that particular case at the level of the agent and provides a limitless guarantee of reciprocal fairness to both the agents and recipients (Gewirth, *R&M* 170). It is impartial in that the actions of an agent must be in agreement with the generic rights of all their participants, within the context of individuals and society as an association of persons who have a mutual respect for the key elements of each other’s freedom and well-being (Gewirth, *R&M* 169-170). What is needed is to establish the link between these human rights and his conciliation of rights and community (Gewirth, *CoR* 19).

1.2 “Community of Rights”

In *The Community of Rights*, Gewirth further examines the PGC, develops his sense of a “community of rights,” and presents several practical examples of how the PGC and the “community of rights” could be applied to the positive and negative rights of individuals (viii-ix). The first step is to establish the connection between rights and community. Gewirth generally agrees that negative rights involve “inaction” versus action for positive rights; but further argues that although negative rights do not necessarily require action, they are some

instances where actions by respondents are required in order to protect these negative rights (*CoR* 34-36).

Expanding on this concept of rights, Gewirth justifies the existence of positive rights, which he describes as those rights which are grounded on the basic principle of human rights that concern all human beings and that require certain action to be carried out by individuals or groups or social institutions (*CoR* 39). Gewirth maintains that each person has positive rights to freedom and well-being (*CoR* 39). Given this, he then argues that each person cannot deny that he/she has a positive right to the necessary goods of these rights and as such a duty exists for that person to provide for others when they need help and the agent is in a position to give it without comparable cost (Gewirth, *CoR* 39). Thus, for each right there is a corresponding duty and given the PGC, each person must respect the rights of others as well as having their rights respected so that the benefits of the rights and the burden of the duties must be mutually shared (Gewirth, *CoR* 6). Gewirth indicates that when two rights are in conflict, the right requiring the most urgent action is the one that takes precedence and "...the right to basic well-being takes precedence over other levels of well-being... (*CoR* 45-46)." The next section will examine the question of duties associated with these positive and negative rights.

Gewirth highlights three types of duties associated with these rights. The first are negative ones where the duties of inaction are supported by policy but do not require active intervention to prevent or rectify them, such as the right not to be harmed (Gewirth, *CoR* 35-36). The second is a mix of both negative and positive duties in that the recipients' right not to be harmed, but action is required, for example by a bystander or police, in order to stop an aggressor (Gewirth, *CoR* 36). Finally, positive duties, which are not prohibited by policy and are needed

for the positive development of freedom and well-being such as the right to education (Gewirth, *CoR* 36).

Gewirth also discusses the question of rights and consequences. Realizing that rights of freedom and well-being are paramount, he separates these from consequences, in effect to avoid a utilitarian-like evaluation of the consequences of a right, which he feels may override the right itself (Gewirth, *CoR* 37-38). This is important in order to maintain a principled view of rights.

Moreover, Gewirth considers the question of positive rights and humanitarian assistance. The first premise in his argument is that positive rights require that the recipients do everything possible within their power before seeking the help of others (*CoR* 42). The second premise is that well-being includes more than life, comprising such necessities such as food, adequate levels of health, clothing, shelter and other necessities (Gewirth, *CoR* 42-43). Moreover, people have a positive right to assistance if by their own efforts they cannot maintain the basics, while other persons can provide it out of their surplus (Gewirth, *CoR* 42-43). Inherent in the PGC is an understanding that each agent or recipient has both rights and duties, in the case of a recipient the right to receive the help, and in the case of the agent, the duty to help within his own capacities (Gewirth, *CoR* 43). At the same time, the recipient has the duty to work towards developing his own abilities to meet his basic needs within his own personal capacities without creating a dependence on the help of others (Gewirth, *CoR* 43). This, in effect, provides a moral underpinning of the provision of humanitarian assistance; however, from a practical perspective does not define the basic needs. This issue of what comprises those basic needs will be addressed in the section on the Sphere Project in Chapter Three.

Gewirth develops his concept of community and of rights and how they are brought together. His arguments for proving that positive rights are also grounded in the PGC follow

from his initial proof of the PGC and start with step 4 (Note that the steps for this proof are annotated with 'a' after each step). Again for ease of reading the following proof is from *The Community of Rights* pages 39 to 44.

(4a) "I must have freedom and well-being." Every agent must accept this as it demonstrates the agents desire to obtain what he needs and how to act with some chance of success. By accepting this, the agent must accept (5a).

(5a) "I have positive rights to freedom and well-being." If he rejects this because of the reciprocal relationship between positive duties and positive oughts he must then reject (6a).

(6a) "Other persons ought to help me to have freedom and well-being when I cannot have them by my own efforts." By rejecting this, he must accept (7a).

(7a) "Other persons may refrain from helping me to have freedom and well-being when I cannot have them by my own efforts." By accepting (7a), he must also accept (8a).

(8a) "I may not have freedom and well-being." This contradicts (4a) above. Because every agent must accept (4a), he must reject (8a). Since (8a) is subsequent to the denial of (5a), he must reject that denial and accept (5a), "I have positive rights to freedom and well-being."

Gewirth argues that rights are not reciprocal but rather are based on mutuality (*CoR* 41). Mutuality implies that agents belonging to humanity have certain positive rights (Gewirth, *CoR* 41, 76). When there is recognition by an agent that other prospective agents have the same positive rights as him and when the people realize that they have common needs that require fulfilling with the help of others, a sense of community occurs so, in effect, the rights and communities are brought together (Gewirth, *CoR* 41).

This sense of community and rights then is described by Gewirth as a "community of rights:"

A society whose government actively seeks to help fulfill the needs of its members, especially those who are most vulnerable, for the freedom and well-

being that are the necessary goods of human agency, when persons cannot attain this fulfillment by their own efforts. (*CoR* 5)

Here we can see Gewirth's emphasis on the role of government as well as the basis of the PGC including the generic rights of freedom and well-being. This community is supported by a democratic government and a liberal democratic society in which government policies should be justified on the basis of providing all prospective agents with the possibility of developing their own productive agency (Gewirth, *CoR* 5).

Furthermore, Gewirth argues that the PGC requires social institutions so that persons can be helped to become or come closer to being productive agents (*CoR* 43-44). Gewirth maintains that institutions should develop the recipients' independence by building on their own intrinsic capabilities thus avoiding dependency (*CoR* 43-44). This would in effect create a need for cooperation that is embodied in the concept of mutuality that is necessary for the "community of rights" (Gewirth, *CoR* 43-44).

Gewirth's arguments regarding the role of government and the state as the primary respondent in the "community of rights" follow these lines: First, the state must be the guarantor of the basic goods and opportunities as the reliance on charity may not be sufficient to ensure that the necessary funds are provided; second, the distribution of the benefits by the government must be equitable and impartial and not left to the discretion of the potential donors; and third, the duty to contribute to the better of the community through taxes must be equitably divided to all those who have the economic resources, in proportion to their capability to pay (*CoR* 59). Hence Gewirth's focus on the state as a guarantor of generic rights and the responsibility for wealth redistribution is congruent with a hierarchical model of governance.

Although Gewirth emphasizes the state's role within national boundaries, he does mention that these boundaries may be justifiably crossed such as in emergencies where food and

other assistance is required, and for the protection of the basic rights of freedom and well-being (*CoR* 58). Gewirth cites the example of the former Yugoslavia where it became a nation's duty to condemn these acts of intolerance and murder effectively requiring the "community of rights" to overstep its national boundaries in defence of the universality of human rights (*CoR* 60). As we have seen in Haiti or Libya, the PGC and the "community of rights" can transcend national boundaries with a duty to take action in defence of basic human rights.

According to Gewirth, the PGC is not only about respecting one's rights but also of having those rights of freedom and well-being mutually respected and protected because each human being is both the subject and respondent of these rights (*CoR* 75). The mutuality of these rights also implies and leads to corresponding duties to each other (Gewirth, *CoR* 76). This concept is also important for the individual's self-respect as one is both the subject and respondent of rights and must fulfill obligations to help other persons secure the basics because they both have corresponding rights which adds a level of moral consideration to their actions (Gewirth, *CoR* 79). Thus the mutuality of rights reinforces the moral requirement for government to enforce rights to ensure that all humans have the necessary goods to take action as part of "...a morally justified state as a community of rights" (Gewirth, *CoR* 79).

We have seen the basis of the PGC and the "community of rights" that underlies Gewirth's philosophical approach. As a model for intervention in catastrophic disaster situations, it provides for a hierarchical principled human rights approach; puts the onus on the state as the purveyor of these rights; provides for the moral justification of humanitarian intervention; and, places mutual obligations on the parties. Within his approach, he puts great emphasis on the central role of government as the purveyor of these rights. My question is: What if the role of this central government is so weakened that it cannot provide for the "community of rights?" Is

there some other form of government or governance that can replace it in order to provide the generic rights of a society?

1.3 Paquet's Governance Approach

To answer the previous question, I turn to Gilles Paquet's approach to governance. For Paquet and others, government is evolving into governance (Paquet, *Scheming* x; Keohane 213; Rosenau 121). Paquet, in the OECD publication, *Governance in the 21st Century*, argues the only workable governance scheme is a bottom-up approach by the strategic state and that collaborative governance is the basis for more effective governability (Paquet, "New Governance" 184). He argues that for a system to evolve, feedback processes from the society, economy and the state are required: his key conclusions are that knowledge and power are distributed; that there is not one omni-powerful entity; both state and non-state actors are becoming more important; and collaboration is what he calls the categorical imperative (Paquet, "New Governance" 187). Furthermore, according to Paquet, what is required is a strategic state that develops a new public philosophy and the mental flexibility to serve as a gyroscope in the learning process (Paquet, "New Governance" 190).

The strategic state must enable social learning which is defined as learning that focuses on continuous improvement by collating the collective knowledge and experiences of a group (Paquet, "New Governance" 189). For Paquet, the social learning cycle includes the collection of information, its analysis, and the formulation of relevant conclusions which results in new knowledge which is fed into the larger community, absorbed and eventually has an impact on the community (Paquet, "New Governance" 193). The state must accept its fundamental responsibilities to discover new ways to effect changes in a knowledge based and learning socio-economy (Paquet, "New Governance" 194). Within the context of complex advanced socio-

economies, the state must find new ways to change as it must be a broker, a facilitator and partner in participative planning (Paquet, “New Governance” 194). It must underscore the need for citizens to participate not because they have a right to, but also that they have an obligation to participate, an obligation which Paquet sees as an important element (Paquet, “New Governance” 194). This concept of obligations is congruent with Gewirth’s arguments that within the “community of rights”, the participants have obligations to participate whether it be as an agent or the recipient (Gewirth, *CoR* 39).

To achieve collaborative governance, Paquet sees the state as a catalyst in improving relationships, networks, and formal and informal regimes based upon two key elements (Paquet, “New Governance” 201). The first is subsidiarity which is the concept that the power to resolve a problem should be devolved to the lowest level possible with the function of the larger unit to facilitate and support this process (Paquet, “New Governance” 195). The second is a feedback loop designed to strengthen the “...cybernetic learning loop at the core of the refurbished state...” with a view to strengthening the participation of citizens in an implicit contract between the state and citizen (Paquet, “New Governance” 195). The learning relationships are based upon the heterogeneity of members so that the different perspectives stimulate learning and are based on a certain degree of trust within the community to maintain the learning environment (Paquet, “New Governance” 202). Networks and regimes are consensus building entities that create incentives, and which facilitate collective learning, understanding of conflicting data, and a social construction of an interpretative community (Paquet, “New Governance” 202). Paquet highlights the requirement for a new moral contract that stimulates networks of civic engagement, future collaboration and a sense of self within the context of a situation that creates collective benefits (Paquet, “New Governance” 203).

According to Paquet, the post-modern state is characterized by the need to engage with the public because of a public that demands more but is not willing to pay more taxes and of the increased complexity of public policy management that implies doing more with less (Paquet, *Gouvernance* 321). These changes have led to a post-modern state with two perspectives: the first is a state that has a supporting role (modest and subsidiary) vice a leading role; and, the second one is a strategic state that is the facilitator that looks after the organizational stability, development and resilience over the longer term (Paquet, *Gouvernance* 322).

Paquet describes what he calls two new strategies: the vulpine and the modular state. In a constantly changing environment, the vulpine state is one that is sensitive to the changes in the issues and can adapt its approach to solve problems by using innovative methods such as a task force model (Paquet, *Gouvernance* 323). This type of state would self-adapt to the situation, to its public and would result in a lightening of the management of public policy (Paquet, *Gouvernance* 323). The modularized state would be transformed from a strictly vertical model to a lightened more horizontal organization that would use networks based on transversal relationships (Paquet, *Gouvernance* 323). These changes give more power to the lower levels and are a motivational factor as it forces the actors to look more at the mission vice their specific functions (Paquet, *Gouvernance* 324).

Paquet in *Gouvernance – Une Initiation à la Subversion*, mentions that responsibility in a governance system becomes distributed and harder to determine because of the larger number of actors (111, 132). Paquet argues that moral contracts will ensure that responsibility is maintained by those involved in the governance process at the appropriate level and not by a superior power (*Gouvernance* 134). With responsibility in a network becoming more diffuse and accountability to a larger audience more complicated, ethics within this context becomes imprecise and the

notion of acceptable ethical conduct becomes extremely complex (Paquet, *Gouvernance* 134, 135).

Ethics in governance, according to Paquet, is a result of reflection on a particular situation and its context and given that each situation is different, it is extremely difficult to establish hard and fast rules (*Gouvernance* 136). In this context, continuous ethical learning is important: either through scandals which generally cause an abrupt type of learning; or more deliberately in the sense that there is a constant flow of information, experiences and reflection which leads to changes to the system and to ethics (Paquet, *Gouvernance* 138,139). The key is to have an ethical learning cycle given the social-economic construct or context that is based on dialogue, deliberation, a decision to act and a feedback mechanism (Paquet, *Gouvernance* 140, 141). For Paquet, the development of an ethical culture in a community is possible if we use both our moral imagination with healthy confrontation between different models, and the learning cycle (*Gouvernance* 147). Paquet's views are that public ethics must be based upon three focal points: a sense of decency for institutions not to humiliate the people; civility in the sense that the people do not humiliate each other; and efficiency that implies a sound use of resources to avoid waste (*Gouvernance* 156).

In *Crippling Epistemologies and Governance Failures – A Plea for Experimentalism*, Paquet argues that organizations suffer from unintelligent accountability which limits their actions in daily activities and prevents people from experimenting for fear of rocking the boat (104). Furthermore, no efforts have been taken to develop methods of intelligent accountability that would underpin greater responsibility, provide learning mechanisms and possibly lead organizations to greater effectiveness (Paquet, *Crippling* 104). He further explains that accountability refers to the need or obligation to “answer for the discharge of a duty or for

conduct” (*Crippling* 121) and that is based upon two premises: the first being the definition of an acceptable performance; and, second, the definition of acceptable terms or language for the actors in defending and justifying their actions (Day and Klein qtd in Paquet *Crippling* 122).

Ethics is a way of determining the fit between the standards defined by the burden of office and those that are dictated by the situation (Paquet, *Crippling* 122). He describes four characteristics of this context, known as complex adaptive systems, where the options for action and outcomes are unclear: First, the system is open and subject to influence from outside factors which implies an ability to adapt to and to manage its interdependence with the environment; second, the system must adapt to ensure a higher probability of well-being; third, an open and adaptive system must modify its technologies, processes and structures in order to respond effectively to changes in the environment; and finally, within this complex system, actors must be able to sense the patterns of inputs from the multiple sources, to analyze them and to convert them into changes in the internal structure (ensuring adaptability, survival, and well-being) (Paquet, *Crippling* 123-125). These characteristics underscore the importance of experimentation that would ensure coordination and integration in the system in a world where accountability is now 360 degrees (Paquet, *Crippling* 123 - 125).

Paquet furthers this discussion by proposing some minimum conditions of accountability that should ensure an adequate infrastructure not create false expectations and ensure that the actors are informed:

Clear rules and understanding as to who is responsible for what; balanced expectations and capacities; adequate authority and resources; adequate reporting mechanisms; reasonable review and adjustment mechanisms; appropriate transparency; and, full recognition that different accountability regimes are necessary, depending on the nature of the government’s role a master, partner or third party. (Paquet, *Crippling* 142)

One of the key mechanisms to overcome this diffused accountability should be the moral contract, a non-binding arrangement where discussion and negotiations are possible without the formal constraints of law (the moral equivalent of a hand shake) (Paquet, *Gouvernance* 126). It supports creating a sense of obligation and building relationships and its use implies the need for trust and ethics in this relationship (Paquet, *Gouvernance* 126). Negotiations within the moral contract can stall; however, progress can be made if they focus on the oral, the specific, the local and the present (Paquet, *Gouvernance* 127). The aim is to have in place moral contracts that permit flexible reciprocal and interdependent mechanisms (Paquet, *Gouvernance* 127).

Collier and Esteban describe the moral contract concept and ethical dimensions of freedom and creativity that participative governance present in communities of practice as the “ethical glue” (183-184). Paquet’s approach is similar to their viewpoint because the moral contract is something which binds the parties in an ambience of trust.

Arjoon argues that effective governance means sticking to a principled ethical approach and not just complying with the written rules (53). His risk-based approach involves essentially a combination of a rules-based and a principles-based approach: the principles involve the concepts of subsidiarity, solidarity and covenantal relationships (76). The important point here is that the use of an ethical approach based on subsidiarity implies an accrued participation of the actors at the lower levels.

Hence we can see several indications or trends: the recognition that the role of the state is evolving; that the discourse on government to governance is changing; the importance of a return to discussions on the moral bases and on the ethics of governance including the concepts of accountability and responsibility; the use of moral contracts as a basis for facilitating distributed governance; and, the absolute necessity for citizenship engagement.

1.4 Leadership

A recurring theme for Paquet is leadership and the role of the leader. He states that it is necessary to do away with the myth that someone is in charge and leadership in general and that the fixation on state centrality, centralization and leadership is going to have to change in public administration (*Scheming* 247, 248). For Paquet, distributed governance systems will be better accepted if this fixation with leadership is done away with (*Scheming* 98). There are a number of sources which argue that leadership is important whether it be at the supranational, national, and sub-national levels including regional or community levels. For example, a World Bank Report identifies the need to "...exercise essential leadership and follow-through needed to transform the essential aid relationship" (25). Kooiman argues that leaders as stimulators are of great importance within governance as they operate in complex systems using various types of interactions (66, 67). One of these involves leaders influencing actions and empowering those dealing with diversity and dynamic situations and is based on collaborative efforts to solve local community problems (Kooiman 67).

Batson has identified four types of moral leadership: to lead by legislation; by example; by encouraging critical reflection on moral issues; and, by influencing the factors that may motivate a person to act morally (197). He further develops four types of prosocial motivation: egoism – doing it for oneself; altruism – increasing the welfare of other individuals; collectivism – increasing the welfare of a group; and principalism – maintaining or defending some moral principle (199). Batson argues that a promising strategy for moral leadership is to orchestrate the motivations using different approaches to resolve a problem (212).

Hanson distinguishes between moral leadership and ethical leadership: an individual exercises moral leadership to accomplish a moral purpose (Mahatma Gandhi or Martin Luther

King Jr.) whereas an organization exercises ethical leadership to accomplish its primary objectives using ethical means (Hanson 291). For the purposes of this paper, the interpretation of leadership required in catastrophic disaster situations involves both moral and ethical leadership at the supranational, national or sub-national levels. Moral leadership is important in establishing and promoting the principled vision of humanitarian assistance whilst ethical leadership is critical for providing a framework for ethics in the practicalities of the provision of humanitarian assistance and the difficult dilemmas leaders and workers are confronted with. This discussion on ethical leadership will be revisited in the context of the proposed ethical framework for responses to catastrophic disasters in Chapter 3.

1.5 Reconciliation of Paquet's Moral Contract with Gewirth's Duties and Obligations

Paquet in *Gouvernance – Une Invitation à la Subversion* further divides the concept of the moral contract in two specific areas: internal moral contracts within the organization between superiors and subordinates; and external moral contracts between, in the context of public administration, public service employees and the general public (89). He argues that the moral contract can be used to overcome a prisoner's dilemma or the mutual mistrust that could occur between entities when these moral contracts are inexistent (*Gouvernance* 88). He further elaborates that governance should be based on power sharing moral contracts in order to avoid confrontation because if not, then confrontation will occur and in a Machiavellian response, power will overcome rationality (*Gouvernance* 165). Furthermore, within the evolving concept of distributed governance, the moral contracts constitute social trust capital; however, if there were no moral contracts, the fallback position would be one of the rule of law and litigation (Paquet, *Gouvernance* 170). When moral contracts are agreed to then the advantages are clarity in the establishment of mutual expectations, the rights and obligations of the parties, and the

parameters for respecting the rights and honouring the obligations (Paquet, *Gouvernance* 93, 170).

Paquet's moral contracts imply mutual trust. This concept of trust is congruent with Gewirth's views on promise keeping. Gewirth's duties and obligations within the "community of rights" and based on the PGC involve both positive and negative rights and are indicative of a respect for these rights: For example, the duty of an agent and, parallel to this, the duty of the recipient implies an interaction between the two in a context that involves mutual understanding without formalized arrangements and hence are implicitly moral contracts between the two parties. Gewirth epitomizes this in his concept of promise keeping, which he describes as an institution that generates a human right that is applicable to all respondents and subjects that has both a positive right with an associated positive duty to keep (*CoR* 70).

The key element that links Paquet's moral contract and Gewirth's duties and obligations is the concept of trust. For Paquet, the moral contract is underwritten by trust (Paquet, *Gouvernance* 93; *Scheming* 188). Implicit in this trust is an engagement to another person. This engagement, if the person is serious, is based on respect for both himself and the recipient. This self-respect of both parties implies an understanding and acceptance of the basic rights of the individuals. This respect then leads to certain positive duties and obligations; in this case the fulfillment of the engagement to other persons.

I now take this foundational thought on basic rights and build upon them using Gewirth's PGC which maintains that the generic rights of both agents and prospective agents must be respected. Hence if the basic rights are respected, then a sense of trust can be achieved. My hypothesis here is that the reliance on the PGC as the basis for negotiating moral contracts provides a solid foundation as it creates an environment of respect which leads to one of trust.

This trust reinforces the moral contract and creates duties and obligations. Thus from trust we now move to an area of discussion on the fulfilment of Gewirth's duties and obligations.

In order to explore this area of thought, I will use Gewirth's example of Norton who buys the last tractor in an area and Owens who needs a tractor (*R&M* 238-240). This particular case, illustrated with two scenarios, is situated around the concept of promise breaking and the generic rights of the individuals involved. Gewirth maintains that a promise increases the expectation of the "promisee" and puts an obligation on the "promiser" to fulfil the promise (*R&M* 238). In the first scenario, when Norton breaks his promise to Owens not to buy the last tractor in the area, Gewirth argues that this act is morally wrong because it reduces Owens' capacity for action (*R&M* 239). In the second scenario, because Norton made no such promise and bought the last tractor, there would be no moral wrong due to promise breaking; however, there could be a moral wrong due to a reduction of Owens' capacity for action and purpose-fulfillment. Gewirth argues that "...a person ought to be honourable and trustworthy, both as duty to himself and because of the bearing of such qualities on his general observance of the PGC" (*R&M* 239). The underlying PGC and the respect for the rights of freedom and well-being create duties for both respondents and recipients. Thus Gewirth's views on promise keeping which is based on the PGC are congruent with Paquet's concept of trust that underwrites the moral contract. This implies mutual duties and obligation in both.

1.6 Shaping Paquet's Governance to Support the "Community of Rights"

This section will start by discussing distributive networks and then provide some views for overcoming diffused accountability and responsibility from a Gewirthian perspective. Final arguments will demonstrate that Paquet's governance – distributed networks can support the "community of rights."

Grewal describes a network as a group of people related in a way that makes them capable of beneficial cooperation (127). It is based upon a set of standards or norms that provides for the relationships amongst the actors and could involve a shared norm or practice that improves and supports cooperation amongst the members within the context of network power (Grewal 130). It operates using formal consent or choice and not direct force and is situated within the environment of "...pervasive global interdependence" (Grewal 139). Relating this back to Paquet's distributed governance which involves multiple parties, the concept of subsidiarity and citizen participation, we can see that there are many common threads: cooperation of those interested; standards and norms; learning and diffused power.

Paquet suggests that a way of transforming governance is to use Rosenau's Möbius web-like type of governance that involves a mix of formal and informal structures and multi-directional processes that are overlapping at several levels and takes a form similar to a web (Paquet, *Scheming* 126; Paquet, "Many" 8; Rosenau 2).

Paquet suggests that a governance system should be based on several principles: the first being maximum participation of the people which also involves maximizing knowledge and thus leads to legitimacy of the cause and engagement to honour one's obligations; the second being one of transparency; the third one being subsidiarity; the fourth one is the principle of competition in that if there is more than one choice, then there will be a drive to become more efficient stimulated by rapid learning and hence innovation; and finally the principle of multi-stability, where the system as a whole is more stable if it is made up of smaller parts and, in the case of a shock or disruption, the sub-systems that are best suited to deal with the problem should take the appropriate action thus adjustments are made at lesser costs to the whole (Paquet, *Gouvernance* 167-168).

According to Paquet this type of distributed governance can be achieved by using several mechanisms. The first is a network, where dialogue is needed to create a sense of being part of the network, which in the ideal situation would permit a greater diversity in the voices and could lead to the emergence of norms or values (*Gouvernance* 169-173). The second is comprised of informal arrangements that come about when individuals and groups interact with moral contracts that generate confidence capital which in turn forms the basis of the collaborative networks (Paquet, *Gouvernance* 169-173). The third mechanism is the learning and reframing process in the context of a double loop learning system where learning involves a review of the ends and the means (Paquet, *Gouvernance* 169-173, *Crippling* xxi). The fourth mechanism involves the link between beliefs and actions and how, based on various interactions and including psycho-social interventions, they can either block progress or rather create the stimulus for the system to advance (Paquet, *Gouvernance* 169-173). Finally the fifth mechanism is one Paquet describes as a fail-safe one, where these mechanisms ensure that the governance network does not go off on the wrong track such as the definition of a simple majority model versus a consensus model or by the use of a constitution (*Gouvernance* 169-173).

Paquet argues that within a distributive governance network, no one is in charge as the concept of hierarchical leadership approach should be put aside and the concept modified so that the leader is now a facilitator of social learning based on communication (*Crippling* 177-178). Hence for Paquet collaborative governance is based on the "...premise that nobody is in charge and that only collaboration can generate effective coordination" and he calls for a governance regime that would ensure stewardship and would require a certain level of responsibility from the actors (*Scheming* 11, 100). Despite Paquet's arguments that no one is in charge in a distributed network, there is definitely a leadership role to be played at different levels. Given the

current context and interactions at different levels, opportunities for leadership exist, albeit with responsibility and accountability more diffuse and difficult to monitor.

Paquet suggests that in order to overcome this, an organization could focus on two specific areas of performance and conformance: performance in the sense that the governance system should be able to keep the system under control but also provide ways of improving itself in both its goals and the means to achieve them; and conformance in the sense that there should be adequate supervision, regulation and accountability to keep the organization going in the right direction (*Scheming* 78).

How would Gewirth overcome this diffused accountability and responsibility in a distributed governance system? First let us take a look at a few others to see what they suggest. In the words of Kofi Annan “values are what enable us to overcome those divisions...” (Paquet, *Scheming* xiii). Paquet would say that the governance system should be polycentric and asymmetric with each community proposing an accountability structure with performance indicators and learning objectives with both negotiated conventions and moral contracts (*Gouvernance* 179-181).

Gewirth, on the other hand, would likely approach this from a deeper morally based perspective: key to understanding Gewirth is his reliance on the PGC as the beacon that provides the guiding principles and the basic rights of freedom and well-being. The PGC creates mutuality based on the respect of the generic rights of both the respondent and the recipient. Furthermore, in the “community of rights”, Gewirth’s reliance on a central governmental entity reduces the possibility of diffused accountability. Notwithstanding, assuming that Gewirth accepted a distributed governance system based on the PGC within the “community of rights”, how would he deal with this? Gewirth is firm in his approach: that state must be the respondent of the

positive rights to welfare (*CoR* 94). He further delves into the concept of community and communitarian doctrine with “...its concern for social solidarity and mutuality of positive consideration among persons” (*CoR* 97) and argues that the community protects and fulfills these rights with the understanding that rights need community for them to be implemented and that community requires rights in order to justify its operations and actions (Gewirth *CoR* 97). Implicit in Gewirth’s arguments is the concept of diffused accountability and responsibility where the members of the community, including government, have both rights and duties; hence a certain level of responsibility commensurate with their particular position in the “community of rights”; thus ensuring a shared responsibility amongst the actors.

Given that Gewirth is a strong believer in the state which is the guarantor of the “community of rights,” what I want to do is to highlight some arguments that would justify Paquet’s form of distributed governance supporting Gewirth’s “community of rights”. Paquet’s arguments are that the state has not been doing a good job of government and must do a better job of governance (“New Governance” 195). To do this, he sees the state transforming its approach to one that is more subsidiary and vulpine in dealing with the people it serves. Paquet’s form of governance and the strategic state, in essence, is reflected in Gewirth’s “community of rights” and implicitly in the PGC. Gewirth’s “community of rights” is in effect a network or society that is based upon the mutuality between community and rights and a mutual respect for the rights and duties of the agents. Thus what Paquet argues for is an evolution from government to governance, reinforced by arguments from Grewal, Keohane, and Collier and Esteban using a distributed Möbius web-like form of governance. This form of governance is conducive to supporting Gewirth’s “community of rights” based upon the PGC.

If we examine the “community of rights” in terms of society, the responsibilities for fulfilling the basic rights of freedom and well-being are in effect distributed amongst the individuals and entities within the community and are based on a mutual respect amongst the agents. Hence, Paquet with his polycentric governance and emphasis on solving the problems at the lowest possible levels is, in fact, placing the burden of office as he calls it on a larger number of persons. In this context, each element in Paquet’s networked system could provide part of what Gewirth called “...effectuating the solidarity which is an essential part of community” (*CoR* 219).

Gewirth argues that the rights and community are mutually supportive, that the moral justification of policies and institutions, when embodied in the state or political society constitute the “community of rights” (*CoR* 1). Institutions, embodied in the political society, should be shaped by social political processes that Paquet calls collaborative governance (*Scheming* 251). He highlights that the citizens must take an active role in the governance within an “ethical corridor” (Paquet, *Scheming* 251). This “ethical corridor” is based on numerous conventions, moral contracts, norms and rules that define ethical legitimacy and propriety (Paquet, *Scheming* 252). Thus a collaborative governance system seeks to create the conditions to empower the political society writ large, as in community including citizens. Assuming greater participation of the actors within the community in governance, then there would be a commensurate increase in the realisation that the rights of freedom and well-being are being exercised and a greater sense of empowerment. Moreover, with this increased realization, there is in effect a greater operationalization of the PGC within the “community of rights” and as such, Paquet’s distributed governance could support Gewirth’s “community of rights.”

My next argument takes a different tack. What if the state does not want to be the guarantor of these rights? Who then becomes the guarantor of these basic rights in the “community of rights?” The answer to part of this question lies in Gewirth’s argumentation for the term “generic rights.” Building upon the UN Universal Declaration of Human Rights, he argues that the generic rights of freedom and well-being have a basis in the supranational entity, the UN which epitomizes a distributed network (*CoR* 29). If one accepts the Principle of Generic Rights then one must also contribute to the protection and attainment of these rights for those who are most vulnerable (Gewirth, *R&M* 240). Thus, in this case, a supranational or sub-national entity, such as the UN, could become the guarantor of these rights.

What happens when a government has the desire to be the purveyor of the rights but does not have the technical ability, or is faced with a situation that it is unable to guarantee those rights? What sort of entity or system could guarantee these rights? One solution could be that an entity becomes the guarantor of those rights, but rather, my argument is that we would see a web-like distributive network that would provide the necessary stimulation to provide for the basic rights of freedom and well-being like the missions in the former Yugoslavia in the 90’s (Gewirth, *CoR* 60).

Despite Paquet’s line of thinking that the state is less influential in this mode of globalized interaction, Keohane argues that even in the globalized world that is characterized by a network of interactions and networks, the state is an important actor, albeit not the only important actor, with influences from transnational corporations, international organizations and non-governmental organizations (NGOs) (202). Important in Keohane’s arguments is the underlying role of government which has changed into governance at the sub-national, national and supranational levels (202). Given that governance at different levels is a necessary element

in a particular situation, then consideration must be given to the scenario where the state as the government is no longer able to handle its role, and the networks, whether it is at the supranational or sub-national levels, have a moral obligation to intervene in order to guarantee basic rights. This approach is described by Keohane as one of networked minimalism within the context of globalism, as this describes the interactions among the players at the global level and minimalist in that governance at the supranational or global level will be accepted by the states only if the interventions in the state's autonomy and communities are justified in terms of cooperative results (204). Hence Paquet's view on governance with the strategic state, reinforced by Keohane's view on multilevel governance, and coupled with Grewal's arguments on standards provides a strong basis for supporting Gewirth's "community of rights" derived from the PGC.

1.7 Conclusion

I have examined Gewirth's proof of the PGC and the "community of rights." Paquet's distributed governance based on a Möbius web-like type of governance was highlighted. Given the increase in diffused responsibility and accountability Paquet's solution to mitigate this is by using a moral contract, essentially a moral handshake that builds trust amongst the actors. I have reconciled Paquet's moral contract with Gewirth's duties and obligations by arguing that Paquet's concept of trust that underwrites the moral contract is congruent with Gewirth's view on promise keeping which is based on the PGC. I then argued that Paquet's form of governance could support the "community of rights" in that his form of governance and the strategic state is reflected in Gewirth's "community of rights" and implicitly in the PGC. Gewirth's "community of rights" is in effect a network or society that is based upon the mutuality between community and rights and a mutual respect for the rights and duties of the agents.

The intent of the next Chapter is to provide the context of disaster responses and the Haiti Earthquake where the state was not able to be the purveyor of the generic rights.

Chapter 2 – The Haiti 2010 Earthquake – State of Play

This chapter will examine the basis for intervention in a disaster response scenario, the International Federation of Red Cross and Red Crescent Societies' (IFRC) perspective on International Disaster Response Law (IDRL) and the issue of humanitarian accountability. I will then focus on Government of Canada's legal basis for intervention in catastrophic disasters abroad by examining domestic law and crown prerogative. Both Canada's and the IFRC's latitude in decision making warrants a review of ethics; hence, I will examine the approaches to ethics of some key Government of Canada departments, the UN and the IFRC. I will provide a definition of a catastrophic disaster, the disaster response phases and then review select after actions reports and past lessons from the Indian Ocean Tsunami and Hurricanes Katrina and Rita. The final section will examine the responses of the Government of Haiti, the UN, other NGOs and Canada to the Haiti Earthquake. Clearly evident was a sense of solidarity with the Haitian people and an immense desire to help from the world but on what basis can the international community respond to a disaster in a sovereign state?

2.1 Basis for Intervention

2.1.1 International Disaster Response Law (IDRL)

The IFRC has developed guidelines for the regulation of international disaster relief. They define IDRL as a framework which encompasses "... a larger number of international instruments, including treaties, resolutions, guidelines, codes and models, designed to guide international relief operations (IFRC, "Legal Issues" 8)." Notwithstanding, it has several shortcomings in terms of applicability (countries have not ratified instruments) and of scope (some are limited to certain types of disasters or a functional area) (IFRC, "Legal Issues" 8).

An IFRC review of IDRL identifies gaps in terms of the accountability of the disaster response actors and in the interactions between the international actors, the government of the affected state and civil society (“Legal Issues” 16). One key element underlying any disaster response is that the affected state must request international assistance; however, it may be reluctant to make a request because of national pride, existing domestic legal framework or suspicion of the donor’s motivations (IFRC, “Legal Issues” 35, 90). A state can request international assistance bilaterally, through the UN system, or by simply indicating that it would “welcome” such assistance (IFRC, “Legal Issues” 92, 93). One of the most pressing regulatory questions is that of accountability of the disaster response actors (IFRC, “Legal Issues” 133).

2.1.2 Humanitarian Accountability

The Humanitarian Accountability Project (HAP) defines humanitarian accountability as:

...a process by which an organization involves stakeholders in decision-making. Stakeholders may be any group of people affected by or who affect an organization’s activities, whether ‘internal’ (staff, shareholders, members, national organizations, supporters) or ‘external’ (people in need, beneficiaries, other agencies, government authorities, donors). (“Report” 8)

HAP argues that the aid recipients are the principle client (“Report” 8). Reinforcing this, the Sphere Project recognizes that ultimate accountability is to those whom they try to help (“Sphere Handbook” 24). This approach is based on their Humanitarian Charter which is founded upon the fundamental principle of humanity (“Sphere Handbook” 20). Thus the Sphere document intricately links accountability to the principle of human rights and the principle of humanity.

For Gewirth, the PGC as the fundamental moral principle reinforces the mutuality of community and rights and supports the “community of rights” (*CoR* 19, 75). Gewirth’s view is that rights, either positive or negative, create duties both on the agent and the recipient (*CoR* 32,

35). Explicit in Gewirth's arguments is a mutual respect for the rights of others, while implicit is the need for a dialogue between the two to determine not only what the recipient is capable of doing but also his needs. This dialogue is explicit in the HAP definition of accountability. Thus the PGC provides a moral basis for accountability within the "community of rights" and is reinforced by the Sphere approach. The HAP definition encourages communication amongst the actors and hence could mitigate some of the problems Paquet anticipates with diffused accountability in a network.

It is evident that a state's intervention in a disaster response situation abroad is for the most part is non-binding as there are few legal obligations to do so. What is Canada's legal basis for intervening?

2.1.3 Canadian Legal Basis

The Department of Foreign Affairs and International Trade (DFAIT) Act states that the Minister of Foreign Affairs is responsible to the Parliament of Canada for external affairs, international cooperation and specifically the provision of assistance to developing countries (Justice s.10).

Canada's Financial Administration Act (FAA) recognizes the Canadian International Development Agency (CIDA) as a department and CIDA programme authority is embedded in the DFAIT Act and in annual appropriations (Justice, "FAA Schedule I.1"; CIDA, "DPR 2009-2010" 2). Although CIDA's mission is to help people living in poverty, CIDA does not have the mandate to channel humanitarian assistance to those countries that are considered not to be poor ("DPR 2010-2011" 2). In addition, despite the fact that CIDA reports to the Minister of International Cooperation and CIDA is recognized as a department, the Minister's responsibilities and CIDA's mandate and role are not legislated ("DFAIT Act"; OAG s.8.10).

Based on the above, Canada's legal basis to engage in developing countries is established in domestic law; however, the lack of clearly defined Minister of International Cooperation responsibilities raises governance concerns. Given that catastrophic disaster responses can also occur in developed nations, as we saw in the Japan Earthquake of March 2011, what is Canada's legal basis to intervene?

A review of the concept of crown prerogative provides some clues. Peter Hogg defines crown prerogative as "the powers and privileges accorded by the common law to the Crown (DND/JAG 1)." The Crown at the federal level is the Cabinet (either the whole or individual members including the Prime Minister) and it could govern activities such as war and peace, treaty making, and other acts of state in matters of foreign affairs (DND/JAG 3-13). Thus the Government of Canada's intervention in a catastrophic disaster response abroad is based on a multitude of factors: international law, practices and norms, domestic legislation and Canadian common law; however, given the multiple challenges with this basis for decision making, there is definitely an ethical dimension. What ethical basis does Canada have to ensure ethical decision making in government and the public service? What ethical basis does the international community have?

2.2 Ethics

This section will examine the Government of Canada's approach to ethics; discuss DFAIT's, CIDA's, and DND/CF's ethics programs as well as those of select international organizations and NGOs.

2.2.1 Government of Canada

The Government of Canada's approach to ethics is to develop legislative and codified frameworks for both federal elected officials and Public Service members. The Conflict of

Interest Act provides conflict of interest and post-employment rules for public office holders and strives to minimize conflict between public and private interests and to resolve them if they arise (Justice s3). The Conflict of Interest and Ethics Commissioner is empowered to determine what steps can be taken to avoid conflicts and if the Conflict of Interest Act has been contravened (Justice s3). Canada also has a Conflict of Interest Code for Members of the House of Commons. Amongst the 2800 elected officials subject to the Code or Act, the Ethics Commissioner found evidence of ethical wrongdoing in only two of fourteen cases (Ethics Commissioner, “Act Report”; “Code Report”; “Investigation”). For example, it was determined that political parties had gone too far in including their party logos on public funded cheques to support activities within their ridings (Ethics Commissioner, “Cheques”). From this we can see that Canada has both a legislated and codified approach to ethics for Government officials and that the Ethics Commissioner, who has the mandate to oversee both the Act and the Code, has a momentous job ahead.

The Public Service Commission Values and Ethics Code for the Public Service was tabled in Parliament in December 2011 (Canada TBS, “Code 2011”). The Code provides a list of democratic, professional, ethical and people values (Canada TBS, “Code 2011”). Sims highlights that a multifaceted long term approach to ethics is needed that includes improving leadership, rewarding ethical behaviour and providing ethical training (468). Rodriguez-Dominguez, Gallego-Alvarez and Garcia-Sanchez argue that ethics is a critical leadership role (198). Kernaghan states that “...to stand the test of time, vigorous and sustained efforts must be made to ensure that the content of the Code is reflected in the governance and decisions of the Public Service” (qtd in Canada TBS, “Special Calling” 34). Thus the Government of Canada should continue its work in promoting ethics, values and ethical leadership

2.2.2 DFAIT

The DFAIT ethical approach is embodied in the *Code of Conduct for Canadian Representatives Abroad* or the *Conduct Abroad Code* (DFAIT, “Code”). DFAIT’s ethics programme was formalized in 2005 with the creation of the Director of Ethics within the Office of the Inspector General and has two main functions: advisory and case management services, and increasing the values and ethics culture in the department (Canada TBS, “Report on Governance Structures” 12-14). In addition, principled approaches to elements of foreign policy are evident with references to Canadian values of democracy and human rights (DFAIT, “Foreign Policy”). In the case of international disaster response, Canada maintains respect for the principles of Good Humanitarian Donorship and other international principles related to disaster response (DFAIT, “Natural Disasters”).

2.2.3 CIDA

A search using the CIDA internet website search engine in the Fall of 2011 and again in March 2012 did not find an internal ethics programme. An Auditor General report indicates that CIDA has not established management processes to implement or monitor aid effectiveness; however, on a positive note, CIDA’s activity in the field of project selection and delivery appears to address the recipient countries’ needs (“2009 Fall Report” 31). Treasury Board’s 2010 Report on CIDA’s Management Accountability Framework (MAF) indicates that despite having an action plan for the development of a code of ethics, more efforts are required to determine the impacts of planned projects, to identify ethical risks and mitigation, and to strengthen leadership in the promotion of ethics. CIDA, in meeting the needs of its beneficiaries, implicitly demonstrates an ethical approach; however, an explicit ethical approach to their operations may actually improve their standing (Mangin 216).

2.2.4 DND and the CF

The DND and CF Defence Ethics Programme (DEP) is based upon a top-down normative value-based approach which provides guidance on what is desirable rather than providing a detailed listing of what to do or not to do: in effect stating the overall principles and values involved in the members fulfilling their obligations to Canada (“Fundamentals” 5). The Defence Integrity Framework identifies seven ethical processes: leadership, expectations, dialogue, ethical risks, training, improvement and decision-making (“Fundamentals” 24). The most important elements are leadership and expectations with the socializing of these in the Statement of Defence Ethics. This Statement includes a hierarchical listing of principles that respects humanity, society and the rule of law and lists six equal ethical obligations (Integrity, Loyalty, Courage, Honesty, Fairness and Responsibility) (DND, “Statement”).

The DEP maintains the primacy of the principle of “respect the dignity of all persons” (DND, “Fundamentals” 10). This respect for the basic rights of humans, the hierarchy of rights, and the sense of duty are the links to the PGC. The PGC with its respect for the generic rights of freedom and well-being also provides a model for ethical consideration: Gewirth describes well-being as having a hierarchy of three levels: basic, non-subtractive (not being lied to) and additive (education and/or self-esteem) (Gewirth, *CoR* 14). As such the DEP is consistent with Gewirth’s PGC with its hierarchy of rights within a “community of rights.”

2.2.5 International Organizations UN-OCHA

I will focus on one element of the UN System in the UN Secretariat, the Office of the Coordination of Humanitarian Affairs (OCHA). OCHA’s role is to provide a central coordination point for humanitarian actors to ensure a coherent response to emergencies, to

advocate for the rights of those in need, to promote preparedness and prevention, and to facilitate sustainable solutions (OCHA, “What we do”). OCHA promotes the humanitarian principles of humanity, neutrality, impartiality, and operational independence (“Humanitarian Principles”). These principles, although aimed at an external audience, are intrinsic to OCHA since it must work with other multiple actors and maintain its credibility as the lead coordinator for humanitarian response. Whilst there is no specific mention of code of ethics on the OCHA site, the ethical considerations and themes are ever-present in its publications.

OCHA in *The Use of Foreign Military and Civil Defence Assets in Disaster Relief - “Oslo Guidelines”* promotes civilian-military coordination to protect the humanitarian principles and the humanitarian operating space (“UN-CM Coord”). It contains non-binding guidance on the use, as a last resort, of foreign military assets in natural, technological and environmental emergencies (UN, *Oslo* 5). Within the *Oslo Guidelines*, the principle of humanity addresses human suffering where it occurs and reiterates that the dignity and rights of the affected persons must be respected (7). The principle of impartiality provides needs based assistance without discrimination to those that need it most (UN, *Oslo* 7). The principle of neutrality states that the assistance must be provided without adopting a controversial position based upon political, religious or ideological reasons (UN, *Oslo* 7). These three principles rejoin Gewirth’s concept of freedom and well-being in that these generic rights must be respected and are complementary to the PGC.

Gewirth’s approach is to provide assistance to those who need it and to provide them with ways to improve their lot. On neutrality, Gewirth would not condone an intervention based on political, religious or ideological reasons but he would condone a principled intervention when human rights are being abused. Thus OCHA has a principled approach to the coordination of the

provision of humanitarian assistance and a code of conduct that provides guidance to those involved in humanitarian assistance (OCHA, “Complex” 95). The codes are based upon three core principles of humanity, impartiality and neutrality which rejoin Gewirth’s PGC and the respect for the generic rights of freedom and well-being within a “community of rights”.

2.2.6 Non-Governmental Organizations-IFRC

“Civil society” is a concept that is a vague subject of much debate and according to Kooiman involves those entities found between the state and the market (162). Within this context of civil society, non-state actors such as non-governmental organizations are becoming increasingly recognized for their strength (Kooiman 162). What is important is the way in which NGOs interact with the other players in a specific domain (Kooiman 163) and as such a brief look at the ethics of an NGO such as the IFRC is warranted.

The IFRC “...is a global humanitarian organization, which coordinates and directs international assistance following natural and man-made disasters in non-conflict situations” (IFRC, “Who we are”). The IFRC annual *World Disasters Report (WDR)* in 2003 focused on ethics in humanitarian assistance in disaster and war situations and covers issues such as measuring the impact of humanitarian aid and the development of global and local networks.

The *WDR 2003* recognizes that humanitarian judgment is an art that involves active support for ethical principles, putting them into action, measuring their affects and reassessing the decision on a continual basis (7). Moreover, the IFRC recognizes the hazards of not using ethical principles and values such as the danger of excluding some beneficiaries and the wrong prioritization of relief (*WDR 2003* 12).

The *WDR 2003* states that humanitarian organizations should focus on governance and adopt a twin strategy of principled action and advocacy (38). Operationalization of humanitarian

principles would help to ensure that assessments are principle based; that ethical decision making is informed by real-time assessments and accountability monitoring; that these principles are known to both field workers and the vulnerable populations; and that best practices are considered (WDR 2003 38).

The IFRC has a code of conduct for its societies and other disaster relief actors that *The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* provides for standards of behaviour in disaster response situations (“Code” 1). It reflects several principles including the right for those in disaster situations to receive humanitarian assistance that meets basic needs without discrimination and for beneficiaries to be involved in the programmes (2-4). It also provides for a dual accountability to the donors and to the recipients (5). Thus the constant efforts by the IFRC in ethics, education and advocacy enable them to remain relevant and maintain a good reputation amongst the actors (Surjan and Shaw 565).

2.2.7 Development Ethics

A development ethicist, Denis Goulet, who like Gewirth, shares the view that the well-being of the poor should be considered and that solidarity between the rich and the poor is essential as the former have obligations to those who are worse off and the latter also have a responsibility to the other (Wilber and Dutt 10-11). Goulet argues that development is about attitudes, values, societal defined goals, and the determination of tolerable costs (Wilber and Dutt 11). Goulet’s approach focuses on efforts to have the recipients determine what development is for them (Wilber and Dutt 12).

Cortina, in an article on Goulet’s model for ethics, highlights that that people must be empowered to pursue their life projects and that the main task of development is to create better

conditions to sustain the life of the member societies (69). Cortina examines three ethical principles: the first is to treat people as ends and not means; the second is to ensure that the people are empowered to make decisions and plans for their lives; and the third is to ensure that the voices of the beneficiaries are heard and taken into consideration (69-70). Those in development have learned valuable lessons such as top-down decisions do not succeed in reducing poverty or inequality (Cortina 73). Evident in Goulet's discourse on development ethics is the concept of freedom and well-being. This is congruent with Gewirth's approach in the PGC and his "community of rights."

2.3 Taxonomy

The section will provide a broad overview of the definition of a catastrophic disaster, the phases of disasters and a summary of various after action reports from previous catastrophic disasters focusing on the areas of innovation (learning), leadership (coordination), and accountability. I will then highlight some Haiti lessons learned and use those to build a model for an ethical framework for improved governance in international disaster response that will be presented in the next chapter.

2.3.1 Defining Disaster

For the IFRC, a disaster is "a calamitous event resulting in loss of life, great human suffering and distress, and large-scale material damage" ("Code" 2). A similar definition by the UN is:

A serious disruption of the functioning of a community or a society involving widespread human, material, economic or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. (UN ISDR, "Terminology")

The Université Catholique de Louvain (UCL) in Brussels and the Centre for Research on the Epidemiology of Disasters (CRED) reports annually on disasters. For the CRED, a disaster is

an event that overextends local capacity, generates a request for external assistance and causes great damage and human suffering (UCL 7). To be included in their statistics, a disaster must have 10 or more people reported killed; 100 or more people reported affected; a declaration of a state of emergency; and a call for international assistance (UCL 7).

Gad-el-Hak in *Large-Scale Disasters*, uses the size of a geographic area affected coupled with the numbers of people displaced, tormented, injured or killed, where an enormous disaster affects 1000 to 10,000 persons and a gargantuan disaster affects more than 10,000 persons (7).

Drawing elements from the various definitions above, for the purposes of this paper, a catastrophic disaster response is one that affects (injured, killed or displaced) more than 10,000 people, overwhelms the capacity of the local and/or national governments, and requires a call for international assistance and as such, I will focus on rapid-onset catastrophic natural disasters outside of Canada such as hurricanes and earthquakes.

2.3.2 Disaster Response Phases

Elkholy and Gad-el-Hak identify three critical phases of the disaster response: preparedness, response and recovery (147). The preparedness phase deals with the preparations prior to the disaster; the response refers to the period immediately following the disaster and the recovery phase deals with the “prolonged period of adjustment or return to equilibrium that the community and individuals must go through” (Elkholy and Gad-el-Hak 147). The UN in the *Hyogo Framework for Action*, in addition to the preparedness phase, alludes to the relief phase and the transition to the rehabilitation and reconstruction phases following a disaster (ISDR, “Hyogo” 5; UNGA/46/182). Sharma identifies a disaster management cycle of four phases: preparedness and mitigation; response and relief; recovery and rehabilitation; and reconstruction and mitigation and include a temporal qualification for each phase respectively as follows:

approximately one week to 3 months; 3 to 6 months; 3 to 10 years and continuously for the latter phase (367, 369).

For the purposes of this paper, I define four distinct phases which include preparedness, relief (which includes the initial response to a catastrophe), recovery (which includes rehabilitation) and reconstruction phases. I will primarily focus on the relief phase as this is the most critical, difficult and challenging since information is lacking, networks may have not been established, the governance is in a state of flux and the use of military assets may be considered. Given this context, there is clearly a need to focus on ethics and governance in catastrophic situations.

2.3.3 After Action Reports

Common recurring themes from the Indian Ocean Tsunami and Hurricanes Katrina and Rita reports were the need for better innovation (learning), accountability (evaluation and involvement of beneficiaries) and leadership (coordination and governance). I will examine these and draw out some key points that can be included in the framework model in Chapter 3.

2.3.3.1 Innovation

The Tsunami Evaluation Coalition (TEC) report on the response to the 2004 Indian Ocean Earthquake and Tsunami highlights the need for innovation and learning from past experiences (34). It emphasizes the need for the various actors in the response system to determine which recommendations they would accept and to create a process to implement the recommendations to ensure that the lessons are truly lessons learned or in other words to institutionalize the learning process (TEC 34).

The UN International Agency Standing Committee (IASC) notes that human rights could have better been taken into account in the humanitarian responses to the earthquakes, floods and

tsunamis in the 2004/2005 timeframe (IASC, “Protecting” 6). The IASC calls for the establishment of effective monitoring mechanisms, benchmarks and indicators and an assessment whether humanitarian actions are being carried out in accordance with international human rights and humanitarian standards to uphold a human rights approach to their actions in the context of natural disaster responses (IASC, “Protecting” 9, 11).

The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP), which also played an important role in the facilitation of the TEC report, published in January 2010 *The State of the Humanitarian System: Assessing Performance and Progress – A Pilot Study*. The report’s aim was to establish a baseline for an evaluation of the humanitarian system, to define criteria for assessment of performance, and to provide for some new initiatives in policy and practice (9). The major findings of this report are that there have been improvements in coordination mechanisms, funding vehicles and assessment tools while at the same time, the weak areas were leadership and the system’s engagement with and accountability to the beneficiaries (ALNAP, “State” 9). When the recommendations of the TEC and IASC Reports are compared with those of the ALNAP *Pilot Study*, we can see that innovation has been weak and the learning cycle with respect to accountability, monitoring and evaluations has not been implemented and hence should be institutionalized.

2.3.3.2 Leadership

In a January 2010 ALNAP report, leadership in the NGO sector was seen as weak as there was “...not a forceful enough group of senior people running emergency responses in the big NGOs” (ALNAP, “State” 36). Kapucu, Arslan and Collins, in the response to Hurricanes Katrina and Rita, found that local responders demonstrated a faster response than did the federal or national level and that future research should include the leadership function of coordination

amongst these actors (222). Noting that the effectiveness of disaster response is based upon effective multi-organizational collaboration, the authors highlight the shift from government to governance (Kapucu, Arslan and Collins 224). They reinforce Smith's arguments that the network form of governance emphasizes "power-sharing between levels of government with no center of accumulated authority..." (qtd. in Kapucu, Arslan and Collins 228). According to Kapucu, Arslan and Collins, coordination among networks is critical and this can be facilitated by an understanding of the shared values (229).

According to Agranoff, a successful network is one that has as its foundation interdependency, trust and the sharing of the credit for success (qtd in Kapucu, Arslan and Collins 229). Kapucu, Arslan and Collins argue that the way to develop trust amongst the actors is by mutual learning and action within the network (229). Kapucu and van Wart argue that although coordination is critical amongst these networks, the trust amongst the entities is most difficult to achieve ("Making" 735). They also maintain that networking and partnering should be in place prior to a catastrophe so that the necessary team-building occurs rapidly at the appropriate level: system, organizational or at the local level ("Making" 735).

In the context of the Katrina response, the intergovernmental and interorganizational relations failed and impacted negatively on the response (Kapucu, Arslan and Collins 231; Farazmand 153). The complexity of any response is amplified by the number of responding entities: in the case of Katrina, some 580 organizations from the public, non-profit and private sectors (Kapucu, Arslan and Collins 232). They argue that the response to a catastrophic disaster is best approached in a cooperative manner combining resources and preventing duplication; however, the difficult part is actually achieving cooperation that should be based upon "a dynamic and network-centred approach" (Kapucu, Arslan and Collins 240-241). Farazmand

reinforces this position by developing an agile disaster response system that has the ability to use adaptive, collaborative, authoritative and participative models (158). Some of the key lessons identified by Farazmand, but not necessarily learned, are the need for strong leadership, a central command structure and that coordination is a critical function amongst the networks (155-156).

2.3.3.3 Accountability

Koliba, Zia and Mills identify shortcomings in different accountability frameworks in the networked governance systems that dealt with the response to Hurricane Katrina. For example, representative or bureaucratic accountability failed in that the different levels of government did not have the appropriate mechanisms in place to avoid the problems with the levees surrounding New Orleans (Koliba, Zia and Mills 215). Furthermore, professional accountability was seen as lacking because of a large turnover of staff at the Federal Emergency Management Agency (FEMA) prior to the disaster (Koliba, Zia and Mills 217). Collaborative accountability was seen as deficient given the lack of cooperation amongst the different agencies (Koliba, Zia and Mills 217). Koliba, Zia and Mills' conclusions identify the need to strike a balance between bureaucratic and collaborative accountability and to ensure that emergency management professionals are trained with cooperative management skills (217-218).

In the response to the Indian Ocean Tsunami, the TEC study found that there was an upward obsession for accountability to donors, the media and the public in donor countries while at the same time, downward and horizontal accountability was negatively impacted to the point where there was competition, duplication and waste (11). The TEC recommended in 2007 that "The international humanitarian community needs a fundamental reorientation from supplying aid to supporting and facilitating communities' own relief and recovery priorities..." which implies an improvement in accountability to the beneficiaries (22).

In the US response to Katrina, there was a central government apparatus, completely outside of the disaster area, that was incapable of meeting the challenges of this disaster (Coppola 80). What if the central government authority was severely handicapped, how would a country with an already weak central government respond?

2.4 Haiti Earthquake 2010

At 1653 hours, Haiti time, on Tuesday 12 January 2010, Haiti was devastated by a 7.0 earthquake with its epicentre located approximately 25 km west-southwest of Port au Prince in the Léogâne area (USGS). The earthquake at a relatively shallow depth of 13 kilometres, which amplifies the effects, literally shook the people of Haiti to their knees and resulted in over 200,000 deceased victims (USGS; OCHA “Haiti: One Year Later”). Over 97,000 buildings were destroyed in Port au Prince and the area of Southern Haiti (USGS). Léogâne was severely damaged as well as Jacmel in the southern part of Haiti. The UN force in Haiti lost approximately 100 personnel including the Head of Mission (the Special Representative of the Secretary General), his civilian Deputy, the Military Force Commander and the Acting Police Commissioner of Operations (UN MINUSTAH, “Earthquake”).

The central Government in Port au Prince was severely handicapped: the sea port disabled, the airport in Port au Prince knocked out of commission and cellular networks were severely impacted. President Preval of Haiti coordinated the response with limited cellular and eventually satellite telephone coverage. In addition to those killed, over 300,000 were injured and some 1.3 million persons were homeless (IHRC, “PDNA” 5), but Haiti was not alone at the time of the earthquake. This section will provide an account of the response to the Haiti Earthquake from the following perspectives: the Haitian Government, IASC, OCHA, IFRC, ALNAP and the Government of Canada.

2.4.1 The Government of Haiti's Response

The Haitian Government was literally paralyzed with most ministerial and public administration buildings destroyed (IHRC, "Action Plan" 7). In the early days, it was criticized by the press as the perception existed that there was no one in charge because President Preval was not seen in public due to numerous meetings with those entities willing to help (National Post). In another article, the results of an opinion poll of Haitian Americans some two weeks after the disaster indicate that approximately 60 % were dissatisfied with the Haitian Government's handling of the disaster (Voice of America). Following the Chilean Earthquake in February 2010, an article highlights Haiti's lack of preparedness in disaster risk reduction, and the lack of visibility of President Preval immediately following the earthquake (Time). The Special Representative to the Secretary General for Haiti, in a speech on 25 January 2010 urged the international community to remain committed to the relief and reconstruction efforts and for Haitians to take this opportunity to break Haiti's cycle of neglect and poor governance so that they can build a better Haiti (UN MINUSTAH, "Speech").

In March 2010, the Haitian Government published the *Action Plan for National Recovery and Development of Haiti-Immediate Key Initiatives for the Future*. It provides the long term vision of Haiti which includes "...a society in which people's basic needs are met by the leadership of a responsible unitary state that would guarantee the implementation of laws and the interests of the people (8)." The action plan is operationalized by the Post Disaster Needs Assessment (PDNA). The PDNA is a comprehensive document that provides key messages such as the need to prepare for the next hurricane season and to ensure disaster risk reduction is considered in the reconstruction process (IHRC, "PDNA" 9). Equally encouraging was the call

to respect basic human rights including those of vulnerable populations including women and children (IHRC, “PDNA” 37).

2.4.2 United Nations – Inter-Agency Standing Committee (IASC)

The IASC commissioned a real-time evaluation of the Haiti Earthquake response which captured lessons observed or identified and then fed them back into the decision making process in the field (Relief Web 56). Of the eleven recommendations some of the key ones include: first, talk to the people in Creole or in French to determine their needs and involve them in the solutions; second, manage the unintended side effects of providing help by examining areas of potential conflict (free medical or cash for work); third, improve coordination in order to deal with the large influx of relief entities and to resolve inter-cluster issues; and finally get the leadership right to ensure coordination with the military at the systems, operational and tactical levels (Relief Web 57-63, 39; UN ECOSOC 14, 16).

Other lessons observed were that the use of military entities to support relief efforts were not maximized as humanitarian actors struggled with compromising their principles by engaging too closely with the militaries and as a result coordination may have been weakened and the efficient use of resources may have been compromised (IASC, “Response” 2, 27; OCHA, “Evaluation” 10). The large number of actors that contributed to the relief efforts created coordination problems and it was not until some three weeks into the response that the UN reinforced its in-country response mechanisms thus creating a perception that there was a lack of dynamic leadership (IASC, “Response” 17; UN ECOSOC 13). The structure that was eventually adopted included the Humanitarian Country Team led by a Humanitarian Coordinator responsible for the overall humanitarian leadership in a crisis (IASC, “Response” 9). A Coordination Support Committee that brought together the UN agencies, donors, the US Military

and the Haitian Government was also created to conduct strategic level coordination within Haiti (IASC, “Response” 9, 17). A Joint Operations and Tasking Centre (JOTC) served as a clearing house for Cluster vetted requests for the use of military assets (IASC, “Response” 9). Overall, following a review of this document, the UN needs to reinforce its coordination and leadership framework for the provision of humanitarian assistance and develop a process for ensuring that the lessons identified become lessons learned (IASC, “Response” 29).

2.4.3 United Nations - Office for the Coordination of Humanitarian Affairs (OCHA)

OCHA’s role of coordinating humanitarian action in partnership with national and international actors was poorly done (“Evaluations” 70; “Synthesis” 13). The *2010 OCHA Annual Report (AR)* acknowledges that it took time to establish strategic level coordination because of the large number of relief actors (62). OCHA focused mostly on operational level coordination because of high personnel rotation while at the same time they were able to establish a Joint Operations Task Centre and assisted in the establishment of a NGO coordination-support office (*2010 AR* 62). Key lessons from 2010 include the need to improve its analysis and needs assessments, its role of inter-cluster coordination, and its ability to provide strong and predictable humanitarian leadership (OCHA, *2010 AR* 87; “Synthesis” 5, 13).

An IASC report on the cluster system in Haiti covering the period prior to the earthquake, indicates that although the system increased coordination amongst the UN and NGOs, it did not reach out to other stakeholders such as national NGOs, the Government and donors (“Cluster” 9). An independent evaluation of OCHA highlights problems in governance, the establishment of responsibilities at the strategic, operational and tactical levels and the associated coordination mechanisms (OCHA, “Evaluation” 10, 14, 67; IASC, “Real-time Evaluation” 39). In addition, there was no guidance from the political level on the link between the cluster and MINUSTAH

and inter-cluster coordination was weak; (IASC, “Cluster” 10, 11). Some clusters took about two to three weeks to become operational and had some issues with coordination with the local and national governments and accountability of the cluster leads to the Humanitarian Coordinator (OCHA, “Synthesis” 9-11). There was no military cluster as such despite some ad hoc compensating coordination mechanisms thus the use of available military resources could not be maximized (OCHA, “Synthesis” 8). Other mechanisms included a High-level Coordination Committee, a Coordination Support Committee, Project Management Coordination and a Joint Operations Tasking Centre (IASC, “Real-time Evaluation” 39).

2.4.4 NGOs - International Federation of Red Cross and Red Crescent Societies (IFRC)

The IFRC response was impressive with their deployment of some 21 emergency reaction units with 232 personnel from 16 national societies. The initial report indicates the need for increased partnerships and implied in this is cooperation with the militaries as two pictures in this Report show Red Cross workers working hand in hand with soldiers and sailors to unload supplies from boats (“Tragedy” 6, 7). There was recognition that the areas outside of Port au Prince were underserved, particularly Léogâne where there was some 80% of the infrastructure destroyed, and that “...effective coordination and operational structures will be sorely needed...” (IFRC, “Tragedy” 7). The IFRC connections with the local population were facilitated by its affiliation with the Haitian Red Cross (IFRC, “Tragedy” 10). Also reviewed were lessons from the 2004 Tsunami including the need for strong leadership; the importance of linking relief, recovery and development plans; that communities must be the focal point for the design, implementation and monitoring of programmes; and the need for partnerships with other aid and development organizations and the private sector (IFRC, “Tragedy” 13-14).

A second report highlights concerns with how to build community engagement in camps that are not established communities and how to interact with self-appointed community representatives (IFRC, “Sustaining” 18). The third report, published one year after the earthquake, highlights the continuing need for support from the Red Cross while encouraging local authorities to assume responsibility for their area of expertise (IFRC, “One-Year” 13, 16). For example, there was concern for the negative impact that provision of free emergency healthcare was having on the local providers; hence, planning for a transition to a support role was undertaken with the Haitian Red Cross and the Government (IFRC, “One-Year” 13, 16). Thus the IFRC, through its networks, demonstrated a rapid and coordinated principled response while recognizing the need for cooperation and consultation with the many actors.

2.4.5 NGOs - ALNAP

ALNAP in *Haiti Earthquake Response: Context Analysis* identifies some key issues following the earthquake such as leadership, coordination and civil-military coordination, and provides a draft framework for future evaluations of the disaster response (19). The report notes that the Government of Haiti’s initial response was slow but that they did permit timely passage of humanitarian aid (19). The international community’s lack of coordination with Haitian authorities and communities was likely caused by a number of factors including difficulties in getting access to cluster group meetings, linguistic challenges and lack of information available in French or Creole (ALNAP, “Context” 20). Haitian focus groups indicate the importance of local authorities being accountable and the need to work in partnership with the national government and the international community (ALNAP, “Context” 20). Noting that the cluster system was activated relatively quickly, there were some problems with the perception that strategic leadership was lacking (ALNAP, “Context” 20). Specifically the role of the

Humanitarian Coordinator/Resident Coordinator is criticized as the first Humanitarian Country Team meeting was held more than three weeks after the earthquake (ALNAP, “Context” 17).

The report highlights problems with civil-military cooperation and cites the example of an UNDAC team that could not use transport from the UN military force until MINUSTAH’s mandate was adjusted on 19 January 2010 (ALNAP, “Context” 22). Coordinating mechanisms such as the Joint Operations and Tasking Centre improved coordination amongst the militaries and the humanitarian actors (ALNAP, “Context” 22). Notwithstanding these coordination mechanisms, humanitarian organizations have different policies on the use of military assets which can at time prove problematic (ALNAP, “Context” 22).

In the year since the earthquake there have been approximately 45 evaluations by various international entities yet none have focussed on the Haitian Government or civil society (ALNAP, “Mapping” 6, 8). Some of the key findings from the evaluations include the quick mobilization of humanitarian assistance; however, this was hindered by a large number of inexperienced small NGOs, the lack of consultation with local authorities and civil society, and weak leadership in the humanitarian structures (ALNAP, “Mapping” 10). These evaluations were conducted without defined baseline humanitarian performance criteria (ALNAP, “Mapping” 10, 14). The key conclusions to improve accountability are to conduct targeted evaluations against humanitarian standards (IFRC Code of Conduct and/or the Sphere project), the need to listen to the local population and to explore partnerships with national authorities to evaluate national actors (ALNAP, “Mapping” 19-21).

2.4.6 The Government of Canada’s Response

Canada’s response to the Haiti Earthquake is well documented on the DFAIT website as numerous Canadian Government Departments and Agencies contributed to the efforts. DFAIT

coordinated Canada's response and diplomatic efforts to organize conferences and international fundraising efforts. CIDA managed the funds in the Haiti Earthquake Fund worth over \$400 million dollars. DND and the CF supported the efforts with over 2000 CF members. In addition numerous Canadian departments and agencies contributed to the relief efforts: Public Safety, the RCMP, Canada Border Services Agency, Citizenship and Immigration including those officials behind the scene in the Privy Council Office, Treasury Board Secretariat and Finance. Finally all those Canadian citizens who expressed solidarity with Haitians by donating funds to support the relief efforts should be recognized.

DFAIT, as the lead Government agency for response to natural disasters abroad, coordinated the whole of Government apparatus and were quickly able to deploy the DFAIT led Interdepartmental Strategic Support Team (ISST) on a CF aircraft along with the Disaster Assistance Response Team (DART) reconnaissance element which landed in Port au Prince within 20 hours of the earthquake and started the needs assessment (Parliament, 2010b, 9). Canada decided to deploy CF forces to Léogâne and Jacmel with a small contingent in Port au Prince based on the ISST reports and consultation with the Haitian Government (Parliament, 2010c, 5).

At the peak of CF operations, the assistance included some 2000 CF members including a Joint Task Force Headquarters, soldiers from the 3rd Battalion of the Royal 22^e Regiment and the DART. In addition, a CF Field Hospital with a surgical capability was deployed, a Royal Canadian Navy destroyer and frigate provided support. Strategic and tactical airlift included C-17 Globemaster, Airbus and Hercules aircraft and helicopters (DND, "HESTIA"; "Response"). The CF provided support for approximately 60 days until the last elements ceased operations in mid-March 2010 (DND, "Response").

2.4.7 Lessons Learned

The main lessons from the above disasters are focused on innovation, leadership, and accountability. What is disturbing is that some lessons observed in the Tsunami and Hurricanes Katrina and Rita were not yet “learned” in the response to the Haiti Earthquake. One major point for the different actors is to institutionalize their lessons learned process (TEC 34). That is to determine which lessons observed warrant attention, develop a plan to implement them, document them all within a system that is based upon a double loop feedback system that would examine both the means to achieve the goals and the goals (Paquet, *Gouvernance* 169-173).

Common in all cases was a lack of leadership at the different levels. Whether it be in the response to the Indian Ocean Tsunami, the 2005 Pakistan Earthquake, Hurricane Katrina or the Haiti Earthquake ineffective leadership was identified as a major constraint to effective humanitarian action (ALNAP, “Leadership” 4; Coppola 83). One ALNAP definition of leadership is “...an art, based as much on judgement and intuition as on pre-defined skills ...” where successful humanitarian leaders must have a strong values base (ALNAP, “Leadership” 6, 8). Furthermore, the context in which the leaders work is loosely described as a system as seen in the following quote:

To term the huge diversity of actors and networks a ‘system’ risks implying a degree of cohesion and uniformity of objectives that simply is not the case. Nevertheless, by virtue of their shared broad goals and underlying values, and their interdependence in field operations, there is a very real sense in which international humanitarian actors and their national counterparts involved in disaster management do comprise a system – albeit a loosely configured one. (Harvey et al., qtd in ALNAP, “Leadership” 11)

This loose system and the non-homogeneity of the actors indicate the need for a leader to have consensus building skills (ALNAP, “Leadership” 19). Leaders must be developed so that they can employ different approaches at different levels and they must be given sufficient space to

exercise their leadership (ALNAP, “Leadership” 60-64). Thus it is very important that the leadership skills of those managing disaster responses be developed.

OCHA’s coordination performance in the Indian Ocean Tsunami and again in Haiti was weak amongst the humanitarian actors and also with the militaries (TEC 14; ALNAP, “Context” 22; OCHA, AR 2010 87; OCHA, “Synthesis” 5, 13). OCHA should be encouraged to continue the evolution of the cluster system, build upon its successes and learn from its shortcomings in order to fulfill its mandate. Moreover, the militaries and humanitarian actors are going to have to increase their coordination efforts, at least to achieve an understanding of their respective roles (TEC 27). Consideration should be given to the addition of a military cluster to the UN cluster system in line with the *OSLO Guidelines*.

In the Indian Ocean Tsunami, Hurricane Katrina and the Haiti Earthquake responses a lack of accountability was seen. This includes not consulting the affected population and not involving them in the networks to ensure that the relief provided meets their needs (TEC 4; Koliba, Zia and Mills 210; UN ECOSOC 13). Hence what is needed is a realization that accountability also concerns the beneficiaries. Moreover, the humanitarian codes of conduct concerning beneficiary consultation need to be operationalized and put in practical terms for those practitioners.

2.5 Conclusion

In this chapter, I have examined the basis for intervention in disaster response and highlight that IDRL is in fact non-binding for the most part; hence, for Canada the legal basis for intervention is based on a mix of domestic and common law which leaves scope for ethical decision making. The Government of Canada has a legal and codified ethical framework for both elected and Public Service officials. Both DFAIT and DND have an institutionalized ethics

programme. CIDA has a firm understanding of ethics in their contributions; however, they should continue their efforts to institutionalize an ethics programme. Ethics are ever-present in both OCHA's and the IFRC's principled approach and codes of conduct.

A catastrophic disaster is one that affects (injured, killed or displaced) more than 10,000 people, overwhelms the capacity of the local and/or national governments and requires a call for international assistance. A review, focusing on the relief phase of rapid onset natural disasters, indicates that there are shortcomings in the areas of innovation (learning), leadership and accountability.

Weak leadership was evident on the part of Government officials in Katrina and the UN in Pakistan and Haiti. Understanding that the relief efforts were compounded by the large number of humanitarian entities, inter-cluster coordination could have been better and accountability to the affected people was poor. The use of military forces created tensions with the humanitarian community and this reduced the efficiency of the response. The next chapter will examine in detail the humanitarian principles, accountability, the Government of Canada's approach to managing disasters abroad and finally propose a theoretical framework for improved governance in catastrophic natural disaster response situations.

Chapter 3 – Model of an Ethical Framework for Improved Governance in International Disaster Response

The aim of this chapter is to provide a framework for improved governance in international catastrophic disaster responses. Section one will examine some humanitarian principles and link those to the PGC. Section two will highlight the UN, Red Cross and other networked systems with a view to providing an overview of the wide-ranging humanitarian networks. Section three will analyze accountability in the development and humanitarian spheres in order to draw attention to the work that has been done and more importantly, work that needs to be done. Section four on the Government of Canada approach to responding to a natural disaster abroad will suggest that although the system responds well, reporting on the lessons learned needs improvement. Section five will provide the ethical framework for improved governance amongst the actors in a networked catastrophic disaster response. I will provide a summary of each chapter and then conclude that a disaster response system based on the PGC coupled with constant communication and feedback in a Möbius web-like network will provide the international community with a robust framework to deal with catastrophic disasters.

3.1 Good Humanitarian Donorship Principles and Practices

The Good Humanitarian Donorship (GHD) Initiative, composed of NGOs and 37 countries including Canada and the United States, endorsed the *Principles and Good Practices of Humanitarian Donorship* in 2003 (GHD). The GHD *Principles* go beyond the IFRC *Code of Conduct* because they also refer to funding, management, standards, learning and accountability and also promote and support the UN's leadership role in coordinating humanitarian action while at the same time acknowledging the importance of the IFRC and NGOs in humanitarian action (GHD, "Principles").

The key principles include the saving of human lives; impartiality in that actions are needs-based; neutrality in that humanitarian action should favour neither side; and independence in that the humanitarian objectives are independent of any political, economic or military objectives (GHD, “Principles”). In addition, it supports initiatives that would promote learning, evaluations and hence increase accountability (GHD, “Principles”). The *GHD Principles* maintain that in disaster response military assets are to be used solely in conformity with international humanitarian law, principles, and guidelines and should recognize the lead role of humanitarian organizations (GHD, “Principles”). As such, the *GHD Principles* reinforce the principled approach and deal with three key previously identified challenge areas: leadership; innovation or learning; and accountability. These principles reflect uneasiness on the part of humanitarians on the use of military in humanitarian action in both disaster response and conflict situations (Holshek 103). This concern grew out of the use of aid in conflict and its potential negative impact (Anderson, *Do No Harm* 1).

3.1.1 “Do No Harm” Project

Mary Anderson’s *Do No Harm* was the fruit of a project originally called the Local Capacities for Peace Project which was run jointly by the Collaborative for Development Action, Inc. with NGOs, international donor agencies and the UN (vii). The general research question was focussed on how humanitarian or development assistance could be given in conflict situations that would enable those affected to disengage from the conflict in order to deal with the underlying problems of conflict (Anderson, *Do No Harm* 1). Although this book deals with conflict situations, there are several parallels that can be made in non-conflict situations where humanitarian aid is disbursed. For example, aid whether in a conflict situation or disaster relief scenario can help as well as do harm and the critical question is how can one do good without

undermining the strengths of the affected persons, creating dependency and allowing relief to be misused (Anderson, *Do No Harm* 2).

Cahill notes a tendency for actors to interchangeably use the terms human rights and humanitarian assistance which in effect confuses the ethical meanings and as such makes this a political discourse that is used for the “one minute sound bite” (*Pulse* 6). The same occurs with the terms “approach or guidelines” and “principle” as some humanitarians have described Anderson’s approach as a “principle of Do No Harm.” Anderson maintains that because aid can be harmful, we must be careful and strive to “Do No Harm” (2). Anderson’s original intent was to provide a framework for evaluating aid’s impact and develop a planning tool that assesses sources of tension, dividers, connectors and capacities for peace in conflict situations (OECD-DAC, “Principles”). Even Anderson is careful not to call it a principle but a tool in her work (“Options” 7). As such, the term principle it is often overused and should be meant to mean guideline (OECD-DAC, “Principles”). Thus the one-minute sound bite of “principle of Do No Harm” may ring well; however, the reality is that the term “Do No Harm” should be brought back to what Anderson originally intended: a tool to evaluate the effects of aid. If used properly, humanitarian actors should be conscious of the positive intended consequences and be prepared to mitigate the negative consequences of humanitarian action. In fact, humanitarians should examine the PGC and Gewirth’s views on positive and negative duties.

3.1.2 Positive and Negative Duties

Gewirth argues that we have both positive and negative duties towards those that need help (*CoR* 35-46). Blumenfeld explores this concept in a discussion on systems of positive and negative duties: maximalist, intermediary and minimalist (328). A maximalist system is one where both positive and negative duties have equal weight; an intermediate system is one where

both duties exists but negative duties are stronger than positive duties; and the minimalist system is one in which only negatives duties exists (Blumenfeld 328). Blumenfeld's view is that negative duties are stronger than positive ones (329) and as such the intermediate system is congruent with Gewirth's perspective on both negative and positive rights. This in effect leaves room for manoeuvre for humanitarian action so that the actors can decide, based on their perspectives, values and moral position on whether to provide aid and to balance it against its consequences and choose the best or least worst option in order not to induce harm (Goodhand 288).

Hence "Do No Harm" as an approach is valid as it respects a negative right not to be harmed and a positive right and duty to support those in need. At the same time, it is about evaluating the consequences of any humanitarian action, consulting with the potential recipients prior to, during and after the aid is delivered so that programs can be designed to meet the needs, implemented with positive intended consequences with an appreciation of the negative consequences with enough flexibility to mitigate those consequences. These rights and duties are consistent with Gewirth's arguments on the provision of assistance based on the PGC and respect the freedom and well-being of the agents and the recipients (*R&M* 218).

3.1.3 Cost Benefit Analysis

But how does an entity determine which is the most beneficial or least harmful? Schmidtz argues that a cost benefit analysis is required that provides for a framework for public discourse on an issue in a scenario that treats people as rights-bearers and provides some motivation to design proposals that promise benefits for all (Schmidtz 675). Posner argues that a cost benefit analysis is necessary: "...if there are measures beyond those being taken already that can reduce

the expected cost of asteroid damage [catastrophic natural disaster] at a lower cost, thus yielding a net benefit, the measure should be taken, or at least seriously considered (Posner 187).”

Posner examines cost benefit analysis and identifies why activities are not taken to prepare for a disaster. He argues that because politicians mandates are normally relatively short, the risk associated with a disaster happening in their tenure could be small and as such the risk of not taking action to mitigate disaster and thus the consequences on their careers is low (Posner 186-187). Moreover, given the competing interest for attention and thus of government funds, some risks are simply ignored or some countries are poor because of weak government and governance and cannot afford disaster reduction programmes (Posner 186-187).

Gaspar in *The Ethics of Development* discusses Bergers’ calculus of meaning or calculus of pain: Calculus of meaning deals with psychic costs while the calculus of pain implies physical costs (15). This means that when considering programmes for development or for disaster response, the costs, both physical and psychic, must be considered thus adding another dimension in making the hard choices (Gaspar 15).” Development ethics is about choices about values and strategies, so ethical considerations are important in the decision making process. Although there is a rich body of knowledge on development ethics it has not necessarily embraced by the development establishment (Schwenke 338). Unfortunately for philosophy and ethics in disasters, the body of literature appears to be less well established and like development ethics, the philosophers’ perspective is not necessarily recognized by those in disaster management (Zack, “Philosophy” 1-2; Zack, *Ethics* xiii), and could benefit from a Gewirthian perspective.

3.1.4 Humanitarian “Community of Rights”

Falk notes an improvement in the normative application of humanitarian assistance because of the rise of a human rights based approach and the ability of civil society to reshape the role of the state and thus create a climate of accountability (349, 354). Gewirth also recognizes the importance of civil society as an outcome of the “community of rights” as both community and rights are brought together because freedom and well-being are protected by the institutionalized framework of mutual assistance (*CoR* 350-351).

Thus would entail in the humanitarian “community of rights” action that is based on the PGC which promotes and protects the generic rights of freedom and well-being of those in need in a catastrophic disaster situation. Humanitarians have recognized the fundamental principle of humanity which is consistent with Gewirth’s understanding of humanity as it is incorporated within the PGC (*CoR* 81). The overuse of the term “principle of...” has crept into the political ethical language and dilutes the underlying principled human rights approach. This coupled with a political cost benefit analysis is dangerous; however, by reinforcing a rights based approach using the Gewirthian perspective of the PGC, understanding amongst the actors could likely be improved and hence suitable solutions found to those difficult ethical situations within the catastrophic disaster context.

3.2 The UN/Red Cross Systems and Select Humanitarian Networks

At the global level, the United Nations Charter promotes international efforts in reconciling humanitarian problems (IFRC, *Legal Issues* 33). The UN also has a key role in disaster response and finds its legal basis in its Charter and several UN resolutions.

3.2.1 UN Resolutions

The UNGA Resolution 46/182 of 19 December 1991 provides the basic humanitarian assistance framework with other resolutions calling for the strengthening of the coordination of humanitarian emergency assistance by the UN (OCHA, “Compilation” 1, 5, 15). Important elements include: the respect for the principles of humanity, neutrality and impartiality; the establishment of a high level position of the Emergency Relief Coordinator; and the creation of the office on the Inter-Agency Standing Committee (IASC) with the responsibility for the strategic level coordination of UN disaster response policy with the IFRC and other NGOs as required (UNGA 46/182).

The 2005 UNGA 60/125 and the 2010 UNGA 64/200 resolutions call upon states to implement the *Hyogo Declaration* and the *Hyogo Framework for Action (HFA) 2005-2015*. The *HFA* was developed to provide a disaster risk reduction strategy to reduce the effects of natural disasters and the UN International Strategy for Disaster Reduction (ISDR) office has the responsibility to oversee its implementation. The *HFA* has five major priorities:

1. Ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation;
2. Identify, assess, and monitor disaster risks and enhance early warning;
3. Use knowledge, innovation, and education to build a culture of safety and resilience at all levels;
4. Reduce the underlying risk factors;
5. Strengthen disaster preparedness for effective response at all levels. (UN ISDR “Hyogo”)

Some of the major recommendations of the Hyogo mid-term review were the need for better governance for the implementation of its framework at the national and international levels and better accountability mechanisms at all levels to measure progress in disaster risk reduction (UN ISDR, “Hyogo Review” 69-70).

According to an Overseas Development Institute (ODI) Report on needs assessments and decision-making in the humanitarian sector, there is no global system to do the triage of the various needs which would permit the establishment of priorities; however, the improvement of existing mechanisms such as the UN Consolidated Appeals Process (CAP) should be considered (ODI, “Needs” 8, 60, 63). According to OCHA, the CAP in 2009 included UN organizations and some 350 NGOs (OCHA, “Consolidated”). The ODI Report recognizes that it is a state’s responsibility to lead a response or at their request the UN can lead and that humanitarian organizations have a subordinate role to play (ODI, “Needs” 67). The UN then has a lead role to play both prior to and when requested, after a disaster. Improvements should continue to be made to strengthen its response capabilities.

3.2.2 Role of OCHA

As previously mentioned, one of OCHA’s roles is to provide a central operational level coordination point for humanitarian actors to ensure a coherent response to disasters (“What we do”). When a disaster happens and an international disaster response may be needed, OCHA has several options at its disposal. It can deploy a United Nations Disaster Assistance Coordination (UNDAC) team that can provide rapid needs assessment, set up the onsite operations coordination centre on behalf of the International Search and Rescue Advisory Group (INSARAG), and supports the authorities of the affected state and the UN Resident Coordinator in organizing international humanitarian assistance (OCHA, “UNDAC”). In addition, they have a field level role in civil-military coordination that aims to uphold the humanitarian principles and preserve the humanitarian space (OCHA, “Civil-Military Coordination”). Part of this coordination process is the development of guidelines concerning the use of military assets in humanitarian actions both in complex situations and in natural disaster response.

3.2.3 OSLO Guidelines

The Use of Foreign Military and Civil Defence Assets in Disaster Relief - “Oslo Guidelines” is a key document that provides non-binding guidance on the use of foreign military and civilian defence assets in natural, technological and environmental emergencies (UN, *Oslo* 5). One of the main concepts is the use of the military as a last resort. This implies that a government will not use the military in a disaster response abroad unless the military capabilities are unique, based on needs and of a time limited duration (UN, *Oslo* 4).

The use of military assets in the Haiti disaster response caused some concern amongst the international humanitarian actors and the lack of acceptance of the military even hindered coordination of the disaster response (UN IASC, “Real-time Evaluation” 8). A Stockholm International Peace Research Institute (SIPRI) study on the effectiveness of foreign military assets in natural disaster response, during the period 1997-2006, found that its use in the wake of natural disasters was effective (48). Despite the effectiveness of military forces, was the interpretation of the guidelines on the use of military a question of interpreting principles to the detriment of the beneficiaries? Gewirth would have said that the supreme moral principle or PGC and the right to well-being of the affected population overcome other guidelines such as the use of military as a last resort (*R&M* 64). Hence Gewirth’s approach, in careful consideration of the rights of freedom and well-being, provides us with the ability to make an ethical judgement and would permit the use of military assets.

3.2.4 Cluster System

The UN disaster response system, when deployed in a disaster affected country, uses the cluster system to create theme groupings of humanitarian actors that have similar concerns. First fielded in 2009 in Timor-Leste, it has proven to be a satisfactory means to enable coordination

(Coppola 9977). The clusters are formed when the national authorities are unable to ensure adequate coordination and could include: protection, camp coordination and management, water sanitation and hygiene, health, emergency shelter, nutrition, emergency telecommunications, logistics, early recovery, education and agriculture (Coppola 9949).

Given the problems experienced with the cluster system in previous disasters, there should be an institutionalized framework that recognizes the lead role of the affected nation or the UN and OCHA and that puts the UN authorities at the central point of coordination with the government authorities of the affected state and the beneficiaries. From this, the best solution is a networked structure of coordination that takes into account the different levels: at the tactical level the addition of a military cluster, at the operational level, a military entity that is able to deal with the issues at this level and at the strategic level a civilian led team of experts from the donating country composed of diplomatic, developmental, military and other actors mandated to tailor a response to the particular circumstances.

3.2.5 Red Cross

The Red Cross system is a well-developed network that engages at the political, strategic, operational and tactical levels. It uses a systems approach with its network of the International Federation of Red Cross and Red Crescent Societies (IFRC), National Red Cross or Red Crescent Societies and the International Committee of the Red Cross (“WDR 2010”). Key is their networked ability to engage at different levels in order to provide principled support to humanitarian action. For example, the IFRC at the strategic level regularly engages national governments and international organizations such as the UN and the North Atlantic Treaty Organization. Operationally, the IFRC is able, as it has done in Haiti, to rapidly deploy representatives that can engage with local authorities, with many of these approaches facilitated

by the local Red Cross or Red Crescent Society. The key theme of the *2010 World Disasters Report* is "...is to find new and concrete ways of engaging with local authorities and vulnerable communities to ensure that risk reduction is all encompassing and not simply focused on the obvious and on the post-disaster clean-up"(9). Thus the key challenge is establishing networks prior to the disaster: networks that include NGOs, governmental and military actors who may be charged with supporting disaster responses.

3.2.6 Asia-Pacific Civil-Military Centre of Excellence

The Asia-Pacific Civil-Military Centre of Excellence, supported by the Australian Government, published *Working Better Together: an NGO Perspective on Improving Australia's Coordination in Disaster Response* that provides an overview of ways to improve disaster response coordination. One of the themes from this report was to turn competition into coordination and to encourage a change in culture to one defined by greater collaboration and cooperation with more attention focused as a collective on advocacy, messaging and accountability in disaster and humanitarian response and to find mechanisms for managing the Australian NGO and Australian Government partnership (Australia 7, 8). In the case of the Australian response to the Haiti Earthquake, the fact that Australian NGOs were consulted and able to provide input into the Australian submission created a sense of common purpose and reflects a more successful effort to work together (Australia 26).

3.2.7 Policy Action Group on Emergency Response (PAGER)

In the Canadian context, CIDA supports the Policy Action Group on Emergency Response (PAGER) as an informal coalition of NGOs, CIDA and Foreign Affairs which has a specific aim "...to fill a perceived gap between operational realities and policy making, and to promote greater information sharing and co-ordination between agencies concerned with

humanitarian action (CIDA, “Project Browser”).” This group is an important venue to increase understanding between Government and NGOs. PAGER and the Government of Canada should encourage continued dialogue in this forum and include a military representative as a member with observer status thus reinforcing this Canadian based network.

My position is that humanitarians should engage the militaries to let them know what their positions are, and if they would work with militaries or not. The MSF Canada, which has historically kept its distance from militaries, held in December 2009, a first ever round table discussion between their organization, government officials involved in reconstruction and stabilization, academic institutes and the US and Canadian militaries (Coppock 1). The aim was to share the different positions of each group and so that when the actors are deployed in the same operating space, humanitarian or otherwise, there is at least a basic understanding of the MSF’s role and position of neutrality (Coppock 23). This theme was reinforced in a Global Humanitarian Platform Conference in 2010 where communication with militaries was encouraged in order to further the understanding of humanitarian concerns (GHP). It is now vital that NGOs engage militaries so that mutual understanding is achieved (Voice 15), without co-opting each other’s role. What must be done in consultation with the humanitarian community is to involve the military in the process so that they can be made aware of the concerns of the humanitarian communities.

3.2.8 The Sphere Project

The Sphere Project is a voluntary association of humanitarian actors, including the Canadian group PAGER and the IFRC, which aims “...to improve the quality of humanitarian assistance and the accountability of humanitarian actors to their constituents, donors and affected populations (“About Sphere”).” One of the Sphere Project’s keynote achievements is the *Sphere*

Handbook: Humanitarian Charter and Minimum Standards in Humanitarian Response which provides a recognized set of common principles and universal minimum standards (4). The Sphere Handbook is based upon a Humanitarian Charter, protection principles and core standards for the provision of humanitarian assistance with practical guidance on establishing the basic standards in areas such as water and sanitation, food, shelter, and health (1-7). The Sphere Project recognizes the responsibility of national governments to provide for the assistance to its population, but also recognizes the role of the UN and other humanitarian organizations to provide needs based help in consultation with and accountable to the affected population (*Sphere Handbook* 21, 24).

The Sphere Humanitarian Charter, based upon the moral principle of humanity, defines associated rights and duties: the right to life with dignity, the right to receive humanitarian assistance and the right to protection and security (*Sphere Handbook* 21). The right to life involves the duty to preserve life and not to withhold life-saving assistance and is based on dignity or respect for the values and beliefs of the individual (*Sphere Handbook* 22). The right to receive humanitarian assistance involves the right to adequate quantities of life's basics such as food, water, clothing, shelter and the necessities for good health, which must be provided impartially on a needs basis (*Sphere Handbook* 22). The right to protection and security is based on legal provision of both international law and on the legal obligations of states to protect those within their jurisdiction (*Sphere Handbook* 22). These principles are applied based on the understanding that the affected population is the central focus and that any aid given should minimize the negative effects on the community (*Sphere Handbook* 23). The Sphere Project recognizes this in its common principles, rights and duties and establishes the right to basic well-being in concrete terms with its minimum food, water, clothing, shelter and health standards.

What would Gewirth's view of these principles be? Gewirth would have been in agreement with the underlying rights and principles of the Sphere Humanitarian Charter. In effect these principles and rights epitomize the PGC or "...act in accord with the generic rights of your recipients as well as yourself" (*R&M* 135). These generic rights of freedom and well-being are in effect basic human rights that reflect humanity and its international manifestation, the UN Universal Declaration of Human Rights (Gewirth, *R&M* 169-170). The advantage of Gewirth is that he provides a hierarchical method of reflecting on the value of the different rights and the inherent positive or negative duties: "...the right to basic well-being takes precedence over other levels of well-being..." (Gewirth, *CoR* 45-46). There are many networks within the humanitarian community including the UN and Red Cross systems. In catastrophic disaster responses, these systems need to be broadened and become more inclusive of militaries in order to ensure that the humanitarian positions are known. A Gewirthian perspective on these networks provides us with a lens that enables one to see the importance of the generic rights of freedom and well-being and is congruent with the humanitarian focus on humanity. Using Gewirth's PGC provides us with a model to help determine which principles should prevail.

3.3 Accountability

This section will delve into the concept of accountability as this issue is a major concern for Paquet and one of the difficult problems with the provision of aid.

3.3.1 Organization for Economic Co-operation and Development (OECD)- Development Assistance Committee (DAC)

The OECD and in particular the DAC has been working the issue of accountability in development for several years. The *Paris Declaration on Aid Effectiveness* (2005) and the *Accra Agenda for Action* (2008) are the basis of discussion of this section. The *Paris Declaration* has partnership commitments in the areas of ownership, alignment, harmonisation, managing for

results and mutual accountability while the *Accra Accord* provides an agenda and a way forward to speed up the implementation of the declaration (OECD-DAC, “Accra Agenda” 15). One of the key issues was mutual accountability and in the Accra Agenda, it was recognized that transparency and accountability are essential elements in order to produce results (OECD-DAC, “Accra Agenda” 20). Some of the mechanisms that are being explored to improve transparency and accountability are peer reviews and partnering (OECD-DAC, “Accra Agenda” 20).

3.3.2 Mutual Accountability

The OECD provides the following definition of mutual accountability: “...a process by which partners hold one another responsible for the commitments that they have voluntarily made to each other” (OECD-DAC, “Mutual” 1). The process involves three major steps: a shared agenda, a framework for monitoring, and continuous dialogue and negotiation (OECD-DAC, “Mutual” 1). Droop et al suggest a conceptual collaborative framework for mutual responsibility and mutual accountability which involves building commitment, ownership and partnerships (OECD-DAC, “Study” 5). They also use accountability mechanisms such as reports on aid, and peer, mutual and independent reviews (OECD-DAC, “Study” 22). They suggest building a system that empowers the partner (recipient) countries with their own mechanisms, strengthens the evidence base through better information, and builds greater ownership (OECD-DAC, “Study” 29). Mutual accountability can also be used to mitigate the imbalances of the donor-recipient power relationship (OECD-DAC, “Study” 4, 5); however, because it is an emerging concept there is no specific mutual accountability process (OECD-DAC, “Mutual” 2). The lack of agreement and consensus on an accountability framework is disturbing and requires further research.

Paquet's solution to diffused accountability was to increase trust with a moral contract. We can see a similar emphasis on transparency in the Paris Declaration and Accra Agenda which in turn would lead to a manifestation of trust. Also, mutual accountability is described as "...a compact that aims to create a more balanced partnership between donors and recipient governments by binding members together through shared values and reciprocal commitments in a voluntary process (ODI, "Mutual" 6)." ODI identifies two critical elements of the need for trust and for greater coherence through strong leadership ("Mutual" 9).

In July 2009, a Sphere Project study identified at least eight entities that are working on quality and accountability including Coordination Sud and the Humanitarian Accountability Partnership (HAP). Taking into account Paquet's concerns on accountability, the following will recognize the work of two networks: that of a French NGO called Coordination Sud and of the HAP.

3.3.3 Coordination Sud

Coordination Sud in *Guide Synergie Qualité* provides an overview of what they envision as ethical humanitarian action; an explanation of effective governance; human resources and project management; and the role of the beneficiaries. One valid reflection on ethical decision making is: "...A decision-making process, based on an ethical approach, simultaneously incorporates the personal dimension of the subject, the values of the organisation and the analysis of the particular situation in which it is involved (Coordination Sud 14)."

The difficult part in any disaster response is to understand the relationship amongst these factors and to methodically analyze, decide, act and review the effects of an action. The *Guide Synergie Qualité* provides a model of governance based on a partnership approach where accountability is both upwards and to the beneficiaries (31). Their principled approach

emphasizes communication, defined responsibilities, reliable information, projection of the NGO values, and risk mitigation (Coordination Sud 31). They also present a model of intervention that operationalizes these approaches that is based upon project management techniques and evaluation which has as basic premises that the project must meet a specific need, have beneficiary participation and be accountable both up and down (Coordination Sud 202).

3.3.4 Humanitarian Accountability Project (HAP)

The HAP, comprised of 64 members, has a mandate to improve humanitarian accountability for those affected by disaster and has published *The 2010 HAP Standard in Accountability and Quality Management* (HAP, “About”; “Standard”). This standard defines accountability as: “... the means through which power is used responsibly...” and presents a model to assess, improve and recognize the accountability and quality of humanitarian programmes (HAP, “Standard” 1). Within this publication they provide for a user commitment that respects certain principles, the rights and needs of the people affected, international laws and a duty of care. This organization builds upon four basic principles of humanity, impartiality, neutrality, independence and adds six others: participation and informed consent, duty of care, witness, offer redress, transparency and complementarity (HAP, “Standard” 8). This document provides a list of requirements and suggested means of verification in the areas of commitment, staff competency, information sharing, participation, complaint handling, and continual learning (HAP, “Standard” 10-22).

The HAP 2010 Annual Report assesses the humanitarian system’s accountability standards and notes a range of efforts to improve accountability (9). There is a perception that “...shows a gradual improvement in the accountability deficit ... with accountability to intended

beneficiaries now perceived as being essentially on par with accountability to the general public and host governments (HAP, “2010 Report” 67).”

It notes that cluster accountability to the Humanitarian Coordinator was minimal in five of the six case studies including Haiti; something Paquet predicts in this loosely networked system (HAP, “2010 Report” 31). Worse yet, in the six case studies, there was no evidence of the clusters actively promoting participatory or community-based approaches (HAP, “2010 Report” 31). The report did provide some recommendations including facilitating the participation of national and local NGOs, strengthening their capacities and reinforcing the cluster by producing relevant standards (HAP, “2010 Report” 31). OCHA’s initiative to undertake pilot studies in Joint Humanitarian Impact Evaluation, one in disaster response and one in complex emergencies is seen as a positive step (HAP, “2010 Report” 40).

The HAP scrutinized 40 reports in ALNAP’s Evaluative Report Database for their consideration of accountability. They found that 71% interviewed participants from the affected population, 60% explicitly considered accountability to the intended beneficiaries and local communities, but there was only one that did a systematic assessment of accountability to beneficiaries (HAP, “2010 Report” 51-52). The work of Coordination Sud and that of the HAP project are manifestations of the humanitarian community’s efforts to increase its accountability, transparency, responsibility, efficiency and to develop a sense of trust. The key deductions from this are that accountability to the local population is starting to be considered; however, the process is not yet mature enough for systematic assessments and more research is required in this area. The UN as the lead coordinator of humanitarian action should assume a leadership role.

3.4 The Government of Canada's Approach to Natural Disasters Abroad

In *L'Action Humanitaire du Canada – Histoire, Concepts, Politiques et Pratiques de Terrain*, published in 2002, the Canadian Government is criticized for its method of responding to natural disasters abroad (Conoir and Verna). At that time, the lead department did not necessarily have the funds, access to other Government resources or the mandate to coordinate disaster responses abroad. The lead coordinating role has since then been assigned to DFAIT and in particular the Directorate of International Humanitarian Policy and Disaster Response (DFAIT, "Disaster").

Following the Rwandan crisis, the Department of National Defence and the Canadian Forces recognized that it did not have an internationally deployable dedicated disaster response capability and in 1994 created the Disaster Assistance Response Team or DART. It is rapidly deployed abroad and can provide basic medical care, potable water with its water production facilities, limited engineering support, and a command and control structure that provides for effective communications and coordination amongst the DART, the host nation and other agencies involved in the relief operations (DND, "Backgrounder"). It has been deployed several times over its existence with the latest deployment to support the Government of Canada relief efforts in Haiti in what was known as Operation HESTIA.

3.4.1 Lesson Learned Process

The DFAIT Director General of the Stabilization and Reconstruction Task Force Secretariat (START), responsible for the coordination of Canada's disaster response abroad, indicates in testimony to the Standing Committee on Foreign Affairs and International Development that lessons learned exercises are regularly undertaken in order to steadily improve Canada's disaster response capability (Parliament, 2010b 7). Although there is a lessons learned

process finding the public version of these Government of Canada consolidated lessons learned is a challenge.

A web search of the DFAIT website reveals a lessons learned document on the tsunami response and only two instances on Haiti. For Haiti, the first was an address by the Canadian Ambassador and Permanent Representative to the UN outlining four critical lessons: the need for a well-coordinated approach including improved cluster coordination; the need to address the issue of personnel surge capacity; the need to improve needs assessments; and encouraging the UN to strengthen its partnerships with host governments and to involve local actors in planning for and responses to disasters (DFAIT, “Permanent Mission”). The second, at the February 2011 Conference in Brussels on Haiti, DFAIT underscored similar lessons learned including that Canada’s established coordination mechanisms and structures work well; more flexibility is required in Canada’s response options; the importance of whole of government planning and training; and lessons similar to the UN in international coordination (DFAIT, “Perspectives”).

A search of the DND website found several articles on DND/CF lessons learned in Haiti. In particular the Royal Canadian Air Force published key lessons learned in its Air Force magazine. The Canadian Army published an Army lessons learned bulletin specifically on tactical lessons from Operation Hestia and held a civil-military seminar with representatives from other government departments and PAGER in March 2011 (DND, “Seminar”). The deployment of Foreign Affairs or CIDA officials to the tactical level to provide expert advice to the onsite military commanders was greatly appreciated according to the Land Component Commander of the CF Joint Task Force Haiti, (Parliament 2010b 7; 2010c 1). One of the techniques DND used to gather lessons learned was to deploy an officer with the sole

responsibility to gather lessons from the ongoing operation, something that other organizations should consider if not doing so already (DND, “Transcript”).

3.4.2 How Canada Responds to Natural Disasters Abroad

In the event of a significant natural disaster abroad, DFAIT would convene a meeting of a standing Interdepartmental Task Force that would include members of CIDA, the Privy Council Office (PCO), DND, Public Safety Canada, the Canadian Embassy or Embassies in the affected region and other departments as required (DFAIT, “Disaster”). The Task Force would gather information on the type and scope of the disaster, national government ability to cope including whether the affected state has asked for international assistance (specific help or items), the international community’s potential responses, and an initial evaluation of the damage and potential needs (shelter, water, food, medical) (DFAIT, “Disaster”). Based on the initial evaluation of the needs, Canada has several response options: provide assistance to international (UN or IFRC) appeals for funds; deployment of pre-identified technical experts; the deployment of international standard relief stocks managed by CIDA; and possibly Canadian Forces assets including but not limited to the DART (DFAIT, “Disaster”). As we have seen in Canada’s response to the Haiti Earthquake part of the protocol is the deployment of the Interdepartmental Strategic Support Team (ISST) and if the situation may warrant it, the deployment of the reconnaissance elements of the DART. Once the response is considered complete a lessons learned process would be initiated (DFAIT, “Disaster”). A good example of this lessons learned process follows.

3.4.3 United Kingdom (UK) Department for International Development (DFID)

The UK DFID commissioned an independent review of its humanitarian emergency response early in March 2011 and provided a Governmental response in June 2011. The review

provides seven lines of improvement including: improve leadership at the strategic, political and operational levels; innovate to become more efficient; and increase transparency and accountability (DFID, “Review” Foreword). The UK Government response indicates whether the Government accepted, partially accepted or rejected the recommendation and the justification or the way ahead. In this report, under the lines of operation of leadership, innovation and accountability the following recommendations were accepted by DFID:

Leadership: The Government will work with other donors to support the Inter-Agency Standing Committee (IASC) and the Emergency Relief Coordinator (ERC) in their efforts to improve humanitarian leadership at the strategic and operational levels. The Government will work with partners to improve skills and professionalism across the humanitarian sector.

Innovation: Make humanitarian research and innovation a core part of DFID research and evidence work.

Accountability: Make beneficiary accountability a core element of DFID’s humanitarian work. Invest more in measuring the UK Government’s impact and the impact of partners. Insist on “real time, real accountability” from our partners... Work with others to create an over-arching set of standards to assess beneficiary accountability. Encourage the spread of best practices in this area. (DFID, “Response” 12)

Canada’s method of responding to natural disasters abroad has been tested and met the challenge in Haiti. Canada should consider improving the reporting of its lessons learned so that the public, international community and humanitarians can have an opportunity to learn from their experiences. Now that I have discussed the various elements of a response to catastrophic disasters, what should the model look like?

3.5 Model of an Ethical Framework for Improved Governance in Catastrophic Natural Disaster Response Situations

The aim of this section is to develop a governance system that encompasses an ethical perspective, prones a human rights based approach supported by key humanitarian principles, is informed by the lessons learned from past disasters, respects the UN lead role in international

disaster coordination and accounts for the prerogative of a country to ask for international assistance.

3.5.1 Network

This system actually exists but has not been exploited to its full potential for a number of reasons that we have seen in the responses to recent catastrophic disasters. The model looks like a Möbius interconnected web network with the degree of connectedness varying from one of awareness to one of total collaboration. When a catastrophic disaster occurs, the networked web tightens up and focuses on that situation. The elements of the network then constitute a larger humanitarian “community of rights.”

3.5.2 Principles and Guidelines

In the coming together of this larger humanitarian “community of rights” the overarching moral principle should be that of the PGC. Humanitarian’s generally have a thorough understanding of a human rights based approach and humanitarian principles so that familiarization with Gewirth’s PGC and generic rights of freedom and well-being is a matter of continuing education. A common understanding of these generic rights and of the PGC would in effect create situations where individuals, groups, NGOs and states could respond to a catastrophic disaster based on the basic needs of the beneficiaries and the ability of the respondents to provide.

Gewirth in *The Separatist Thesis* argues that professionals should be subject to institutional rules and that these rules may require justifiable action by the direct application of the general principle of morality even to the point of infringing on moral rights (example of the judge condemning a criminal to prison) (300). Ultimately though, the professionals’ specific modes of operation must also conform to the PGC and as such, the autonomy of professional

ethics is limited and must respect the PGC (Gewirth, “Separatist” 300). Thus professionals within the humanitarian system should be subject to the same constraints and respect the PGC.

Rubenstein argues that the humanitarian system should be seen as an institution and that NGOs have a duty to see that it is just (526). Rubenstein quotes Fadlalla who argues that humanitarian actors cannot remain neutral as the provision of aid is politicized (530). Notwithstanding, NGOs have recognized this politicization and its effects outside of the humanitarian sphere (Rubenstein 530). Given the large number of humanitarian actors, the system can be seen as several different overlapping networks with the actors varying in size and responsibility (Rubenstein 532), hence reinforcing the Möbius web-like concept of the humanitarian disaster response system. Moreover a perspective on humanitarianism lends itself to the concept that aid recipients are moral agents capable of having moral responsibilities (Rubenstein 537) thus reinforcing Gewirth’s position that the beneficiaries could become agents of the PGC within the “community of rights.”

According to Walker, one of the drafters of the IFRC Code of Conduct, the code is still relevant in catastrophic disaster response situations and should continue its focus on accountability not only to the donors but to the beneficiaries as well; however, the only form of accountability envisioned was an international resolution that called for the agencies to register their support for the code (326-327). He argues that there are universal norms of humanity with associated values and rights and that it is the duty of the humanitarians to uphold these (332).

To date in this paper, several principles have been discussed in the context of UN Resolutions, the IFRC Code of Conduct, the Good Humanitarian Donorship Principles and the Sphere Project, but what should be the most critical one?

The primary humanitarian principle when dealing with catastrophic disaster response situations should be humanity or the concept that all human beings are borne free and equal in dignity and rights (*Sphere Handbook* 20). The *Sphere Handbook* endorses the primacy of the humanitarian imperative or that action should be taken to prevent and alleviate suffering and that nothing should override the principle of humanity (20). The IFRC *Code of Conduct* has the humanitarian imperative as the first item in its code. The other nine items in the IFRC code effectively operationalize the fulfillment of the first principle of humanity and aim to effectively ensure the impartiality of aid, the independence of the IFRC and NGOs and the dual accountability to both donors and beneficiaries (IFRC, “Code” 3-5). The UN General Assembly Resolution 46/182 provides for humanitarian principles of humanity, neutrality and impartiality and a number of other guiding principles (2). The Good Humanitarian Donorship project has seven general principles with the first principle being the respect of international humanitarian law, refugee law and human rights (GHD). Even the DND and CF concept of ethics is based upon the principle of respect the dignity of all persons which is based upon an ethical obligation to humanity (DND, “Fundamentals” 8). Thus there is general agreement that the overarching principle is the respect for humanity. The principle of humanity is reflected in Gewirth’s PGC because of its concern with freedom and well-being (*CoR* 81). The PGC establishes moral limits something which the principle of humanity does not; therefore, the PGC should be considered the supreme moral principle in catastrophic disaster response.

Humanitarians, as part of the humanitarian institution, are free to develop a set of “humanitarian” principles and guidelines. This is an important factor in providing for a principle-based approach to catastrophic disaster response. Thus when we consider the principles that we have seen, the humanitarian principles of humanity, neutrality and impartiality have traction in

the humanitarian world and thus should be respected. The operationalization of these principles in codes of conduct, in publications such as the Sphere Project, the Good Humanitarian Donorship Principles, or the Humanitarian Accountability Partnership is welcome and should provide the means for these various humanitarian actors to network and contribute to the development of the humanitarian cause. Notwithstanding, these principles and guidelines do not prepare humanitarian workers to face the ethical problems they may face in their day to day interactions. A study of ethics in disaster responses would help.

3.5.2.1 Ethics

Oliver highlights that in catastrophic disaster situations ethics will not provide one with the magic solution to a problem but that the process of ethical consideration of the moral issues, in a given situation and based upon moral factors, would lead to ethical judgements that are thoughtful and informed (61).

In an article on development ethics, Schwenke quotes Crocker who argues that "...a moral agent is a rational, dignified human being who enjoys the freedom to 'prioritize and coordinate their various inclinations, affiliations, and roles' (323)." Schwenke then goes on to state that a moral agent is capable of making informed choices and accepting the responsibility for the consequences that flow from their actions (323). Schwenke argues that human dignity is fundamental and development is a moral endeavour when combined with other aspects such as human care and compassion, the common good, participation, and safety and security (334). Thus the ethics of humanitarian response in catastrophic disaster situations is omnipresent and all-important.

Van Gigch highlights several ethical lapses in the Katrina response: failure of governance and the responsibilities of the different levels of government which were not

fulfilled; and an ethics of inequality where different races and economic status were treated differently (153-154). He notes as well that there is no ethics court and that ethical lapses should be noted, investigated and corrected by the courts of public opinion and ad-hoc censure (154). Hence he maintains that ethics in disaster response scenarios are important as the failure to provide disaster relief is a violation of the basic human rights and of the right to benefit from a system of efficient governance (156).

One way to operationalize ethics in disaster response is to use a model similar to the DND/CF model of ethical decision making that incorporates not only moral principles but provides us with a practical model that considers ethical principles, obligations, issues, facts, options, the risks, and the best option with due consideration to the situation and the care of others, with the understanding that the decider is both accountable and responsible for the decision (DND, “Statement”). This simplified process would permit an actor to consider ethical issues in catastrophic disaster situations. Furthermore de Waal argues that ethics brings elements of pragmatism to a situation without being relativistic while at the same time minimizing the “humanitarian tragedy” of causing cruelty in the constant struggle to reconcile principles with the practicalities on the ground (136).

Gewirth with the PGC provides an overarching rights based approach founded on freedom and well-being that within the “community of rights” entails both duties and obligations on the agent and the prospective agent. This coupled with an ethical decision making model provides the essence of any governance framework in catastrophic disaster response.

3.5.3 Overarching Framework

The overarching framework for a catastrophic disaster response is as follows: a rights based approach based on the concept of humanity as highlighted in the PGC that is

operationalized using policy documents, codes of conduct and guidelines; preparation for the next disaster starts now; someone is in charge; network, consult, and coordinate; be accountable and take responsibility for your actions; communicate; learn, reevaluate your goals and methods; and finally, repeat, often.

3.5.3.1 A Rights Based Approach

I have shown that a rights based approach based on the overarching concept of humanity derived from the PGC is valid in these situations and will give one the moral grounding to deal with any situation. A code of conduct based on ethical guidelines is a must. Basing it on Gewirth's generic rights of freedom and well-being within the "community of rights" and the IFRC *Code of Conduct* is an excellent way to operationalize the concept. Ethics is key. Having an ethical decision making model is important as it provides a basic framework for the average person to evaluate a situation.

3.5.3.2 Start Preparing for the Next Disaster, Now

The *Hyogo Framework for Action* in disaster preparedness puts into perspective the efforts of the international community and attempts to operationalize disaster preparedness by making it a national priority and institutionalizing it in government (6). This goes for all nations: Canada could suffer a major earthquake and must be ready for this eventuality. It has taken the initial steps in its National Platform on Disaster Risk Reduction and National Disaster Mitigation Strategy (Public Safety). Haiti, in the competition for scarce resources and expertise, needs significant help. The Asia Pacific Economic Cooperation (APEC) organization has succeeded in developing a disaster risk reduction plan and in a Ministerial Meeting in November 2011 reaffirmed its commitment to disaster risk reduction (APEC). The CEPREDENAC or the Coordination Centre for Natural Disaster Prevention Preparedness in Central America has also

published a policy document on regional disaster risk reduction (CEPREDNAC). All these efforts highlight the importance that the international community, regional organizations and some countries have put on disaster risk reduction.

3.5.3.3 Someone is in Charge

Despite Paquet's insistence that we should do away with words like leadership in a networked governance situation, others have constantly indicated that leadership is critical (Kooiman 67; Rhode 291). The leadership role of the UN and in particular OCHA is recognized in various UN resolutions (UNGA 46/182) and reemphasized in the *Principles and Good Practices of Humanitarian Donorship* (GHD). The national government's role in disaster risk reduction is emphasized; its role in disaster response is critical; and when they are unable to cope, they always have the option of asking for international assistance. Once this happens, international funding mechanisms can be used to provide immediate financial support to relief efforts. If the national government so requests, UN assistance in managing the response can be provided using the various means previously discussed: UNDAC teams, Humanitarian Coordinator, OCHA teams, activation of the cluster system to name a few. Whatever the situation, it is important that some entity take the lead.

Leadership would be enabled by using various techniques. For example, in the words of the CF Commander of the Land Component of the Joint Task Force Haiti, "Mission Command" as a premise for conducting operations is essential when you have such a situation:

"The commander expresses his intent, the purpose is well understood, and then you delegate the authority for the subordinate commanders to accomplish. Backed by formal training, through courses and exercises, you enable generations of junior and senior non-commissioned officers to make decisions rapidly (Parliament, 2010c)."

Similar to this, Oliver suggests that Management by Business Objectives is one way to develop common goals, choose courses of action and make decisions with a view to empowering workers and volunteers who have a clear indication of their roles, responsibilities and the objectives that need to be achieved (251-253). At the tactical level, the cluster system was set up relatively quickly but was criticized for not being in contact with the beneficiaries: Mission Command or Management by Business Objectives systems could be part of the solution at the tactical level. These approaches are going to have to be explored by the UN System.

According to Kakabadse, Korac-Kakabadse and Kouzmin, effective leadership is linked to ethics, connotes a code that conveys moral integrity and consistent values, and must be developed using various techniques including on-the-job experience and exercises to better prepare leaders to face ethical dilemmas (478). They offer that to build ethics into an organization, it is not just the code of ethics or education that improves ethical behaviour but a host of actions at the institutional level that when brought together leads to trust and provides for an ethical dimension (505).

With the change in the discourse and language from government to governance, Boyte highlights the need for an ethos of accountability, authority and responsibility in citizen based organizations and in democracy (544). Given that humanitarian organizations have made it a key statement in their various codes, principles or guidelines, how is the concept of accountability operationalized in the networked system? Koliba, Zia and Mills analyzed this problematic from democratic, market and administrative accountability perspectives and based on their study of the Katrina response they found: the accountability framework adopted would likely have to be a hybrid of the three types with a balance between bureaucratic and collaborative accountability structures; and that the collaborative management or leadership skills of the humanitarians would

have to be developed (218). This reflection on accountability, in a catastrophic disaster response with a severely weakened government, puts the onus on the UN system and OCHA specifically to reinforce their leadership role in coordination and accountability efforts.

3.5.3.4 Network, Consult, and Coordinate

There is already a network of humanitarians and disaster risk reduction and response specialists. What needs to be done is to increase consultation amongst the actors, whether it is on an international, regional, multilateral or bilateral basis. MSF made a great contribution to this networking by hosting the round table discussion in December 2009. Furthermore, the United States, Canada (including DFAIT, CIDA and CF Military members) and others participated in Exercise Fuerzas Aliadas Humanitarias, a disaster response exercise held in Trinidad and Tobago in April 2011 (Trinidad; DND “Renaissance”). The annual CF Exercise Ready Renaissance aims to give the DART members a wider understanding of the role of the National Defence Headquarters, DFAIT and CIDA in a disaster response abroad scenario (DND, “Renaissance”). Even the actors within the humanitarian system and those involved in international disaster response should not be meeting their counterparts for the first time once a disaster happens but rather should participate in events such as roundtable discussions, forums and exercises before the disasters strike.

Kapucu, Arslan and Collins argue that the best way to deal with catastrophic disaster response is by using a cooperative effort that combines resources and prevents duplication (240). They recognize that organizing such a networked response is “as difficult as the problems they are meant to address (240). Notwithstanding, their finally arguments indicate that what is required is “...a dynamic and network centred approach that has the flexibility to move resources

where and when they need to be (241). Such a system must be built on trust (Kapucu, Arslan and Collins 229; Kapucu and van Wart, “Emerging” 296, 304).

The UN and international humanitarian systems must capture the power of the existing networks. Doing so would eventually develop a certain understanding of the different actors and eventually, by working together even on the smallest project, would develop trust amongst the humanitarian actors and other interlocutors. For the international humanitarian community, collaborative governance is not only about the system of governance but also about “... the different modes of coordinating individual actions, or basic forms of social order” (Enders 379).

What would this networked governance system resemble? At the political strategic level, leadership needs to be provided from the affected nation or at their request by the UN. The political leadership could be exercised by the UN Headquarters in New York as was done in Haiti with the UN flash appeal and the UN Security Council Resolution calling for an increase in troop and police strength to support the relief and recovery efforts (UN Security Council, 2010). Leadership at the operational level, which I define as the level that takes the political strategic direction and transforms it into coherent instructions and guidance to the tactical level, could be vested in the UN Humanitarian Coordinator (HC). The HC, well trained in disaster response management and supported by a team of rapidly deployable specialists, could determine the immediate needs, coordinate those needs with available resources and provide the overarching priorities for humanitarian assistance. Supported by OCHA, the HC would then establish the coordination mechanisms at the operational level and provide a focal point for catastrophe wide, crosscutting issues that cannot be resolved by the tactical level. Participation at this level would include authorities from the affected nations and key players in the response. At the tactical level, building upon the remaining local resources and in consultation with local authorities,

OCHA would ensure cross-cluster coordination and monitor cluster activities. Clusters would be formed as required and if necessary would include a military cluster. Cluster leads would be empowered with the responsibility for coordinating and providing assistance in their particular sector in consultation with those affected.

3.5.3.5 Be Accountable and Take Responsibility for Your Actions

Paquet's concern with diffused accountability in a networked system has been echoed by the humanitarian system and its efforts to promote accountability. But how does one operationalize the IFRC Code of Conduct which calls for better accountability to the donors and to the beneficiaries? Efforts towards accountability could include such institutional action such as Canada's Official Development Assistance (ODA) Accountability Act (ODAAA) which promotes transparency in development assistance and calls on CIDA to consult with international organizations and civil society on its ODA orientations (CIDA, "ODAAA"). When considering that for Haiti over \$436 million in ODA was dispersed, an institutional approach to accountability is a must (CIDA, "Report 2010" 8; "Report 2011" 7).

The humanitarian community's journey to achieve accountability is slow and difficult; however, the one common element that could improve the humanitarian actor's accountability with both the donors and beneficiaries is better communication. Paraphrasing Paquet's words, we need to determine who is responsible for what, manage expectations with the capabilities available, provide adequate authority and resources, strive to achieve transparency, and have an understanding of the accountability mechanisms (*Crippling* 142). In order to overcome this diffused accountability, one of the key mechanisms, according to Paquet, should be the moral contract: a non-binding arrangement where discussion and negotiations are possible without the formal constraints of law (the moral equivalent of a hand shake) (*Gouvernance*, 126). This

approach is all the more needed in complex systems where chaos reigns at the outset of a catastrophic disaster and there is a need to make order from chaos by establishing communication with the other actors, creating an understanding of each other's responsibilities and then determining what is needed by consulting with the different interlocutors including the affected population. From a Gewirthian perspective, this question of accountability is entrenched in the PGC where it is based on a sense of responsibility for one's acts and a responsibility to the other prospective agent (Gewirth, *CoR* 76).

3.5.3.6 Communicate

This is the key to any disaster response. The different levels must establish communications with their counterparts in the network. From the various after action reports, we could see that communication was severely hampered with key actors killed and communication systems destroyed at the outset of the disaster. The affected communities' demonstrated resilience as damaged radio stations rapidly returned to broadcasting and the use of new media methods including SMS messages were successful (Wall and Chéry 14, 17). The established UN network was crippled and the Haitian Government, already weak, was brought to its knees. The pre-existing networks such as the cluster system at the tactical or delivery end of humanitarian aid quickly formed but there was something missing. One of the key elements missing was the means for inter-cluster communication and communication plans to the affected communities (Wall and Chéry 22).

3.5.3.7 Innovate

Within this framework, the important issue is to learn by reevaluating the goals and methods. Repeat, often. Like Paquet states, a double loop learning system is important as it provides feedback on both the method and the goals (*Gouvernance* 169-173). It is imperative

that the state uses feedback or learning mechanisms to better support distributed governance efforts.

3.6 Summary/Conclusion

The aim of this thesis is to improve disaster response. In Chapter One, I examined the ethical foundations and framework for grounding Alan Gewirth's "community of rights" on Gilles Paquet's networked governance. I reiterated Gewirth's arguments for the PGC and his definition of the "community of rights" and found that the use of a moral principle such as Gewirth's PGC provides a rich basis and solid foundation to build a networked disaster response system. The identification of the humanitarian principles within the PGC by the humanitarian actors should facilitate their acceptance of this principled approach. The establishment of the PGC and a subsequent discussion on rights and duties with an emphasis on positive rights and duties leads Gewirth to argue for a "community of rights" where both rights and community are brought together.

Following this, an examination of Paquet's governance approach showed that he calls upon the state to be more flexible and vulpine in a Möbius web-like network approach. The main principles in Paquet's approach are subsidiarity (solving the problems at the lowest level possible) and effective citizen feedback ("New Governance" 195). Although Paquet wants to do away with words such as leadership, I maintained that it is a necessary element in a networked system. From this perspective I support Paquet's arguments that the state must be a catalyst in the formation of relationships, networks and both formal and informal regimes ("New Governance" 201). In order to mitigate the effects of diffuse accountability and responsibility in a networked complex adaptive system, Paquet prones the use of the moral contract (*Gouvernance* 170).

According to Paquet, moral contracts can overcome mutual mistrust and thus constitute social trust capital (*Gouvernance* 170). Paquet's view on the moral contract compares to Gewirth's views on promise keeping and I argue that the moral contract creates obligations and duties, which within the context of the PGC are equivalent to promise keeping. Essentially Paquet's moral contract is underwritten by the concept of trust. Implicit in this trust is an engagement to another person. This engagement, if the person is serious, is based on respect for both himself and the recipient. This self-respect of both parties implies an understanding and acceptance of the basic rights of the individuals. This respect then leads to certain duties and obligations; in this case the fulfillment of the engagement to other persons. Thus if the mutual rights are respected a sense of trust can be achieved. This trust reinforces the moral contract and the duties and obligations. Gewirth said that "...a person ought to be honourable and trustworthy, both as duty to himself and because of the bearing of such qualities on his general observance of the PGC" (*R&M* 239); hence, Paquet's concept of trust, which underwrites the moral contract, is congruent with Gewirth's views on promise keeping which is based on the PGC and implies mutual duties and obligation in both.

I then argue that Paquet's view of distributed network can support the "community of rights." Paquet with his polycentric governance network and emphasis on solving the problems at the lowest possible levels is, in fact, placing the burden of office on a larger number of persons. In this context, each element can provide part of what Gewirth called "...effectuating the solidarity which is an essential part of community" (*CoR* 219). The collaborative governance system seeks to create conditions to empower the political society, writ large, and community including citizens. Assuming greater participation of the actors within the community, there would be a commensurate increase in the realisation that the rights of freedom and well-being

are being exercised and empowered. Moreover, with this increased realization, there is in effect a greater operationalization of the PGC within the “community of rights.” In the situation where there is no strong central authority, I argue that Paquet’s view on governance, reinforced by Keohane’s view on multilevel governance, and coupled with Grewal’s arguments on standards provides a strong basis for supporting Gewirth’s PGC derived “community of rights” (Paquet, *Gouvernance* 325; Keohane 202; Grewal 127, 130).

In Chapter Two, I provided background information on international disaster response law, Canada’s legal basis for intervention, the ethics involved from the perspectives of the Government of Canada, UN and select NGOs. The main point of this analysis was that there is no overarching legally binding mechanism for international disaster response. Intervention in a disaster response is based on a multitude of international instruments, legal documents, policies and guidelines and not all are binding. This situation, whether at the international, national or the humanitarian actor level, requires a solid ethical base in order to be able to deal with the difficult ethical situations that will arise in disaster responses.

When considering humanitarian accountability, I argued that the PGC provides a moral basis for accountability within the “community of rights” and implicitly it encourages communication amongst the actors and hence could mitigate some of the problems Paquet anticipates with diffused accountability in a network. A study of Canada’s legal basis indicates that because of domestic and common law, opportunities are abundant for ethical judgement. A review of ethics in Canada’s Government indicates a mix of legal and codified bases with DFAIT and DND having a code of ethics while work on CIDA’s code needs to continue.

For the purposes of this paper, I focussed on rapid-onset catastrophic natural disasters outside of Canada such as hurricanes and earthquakes and defined a catastrophic disaster as one

that affects (injured, killed or displaced) more than 10,000 people, overwhelms the capacity of the local and national governments, and requires a call for international assistance. I showed four distinct phases which include preparedness, relief (which includes the initial response to a catastrophe), the recovery phase (which includes rehabilitation) and the reconstruction phase and concentrated my research efforts on the first sixty days of the relief phase as this is the most challenging time in disaster response. A review of after action reports from past catastrophic disasters such as the Indian Ocean Tsunami and Hurricane Katrina highlighted issues with leadership which includes the function of coordination (in particular with the military), innovation and accountability (TEC 34; IASC, “Protecting” 6 -11; ALNAP, “State” 9; Kapucu, Arslan and Collins 231; Farazmand 153).

I then examined the response of some key actors to the Haiti 2010 Earthquake and noted a recurrence of the same issues from previous disasters: lack of innovation and the need for an institutionalized lessons learned process, the need for better leadership and coordination, and the need for improved accountability, in particular to the affected population (Paquet, *Gouvernance* 169-173; ALNAP, “Leadership” 4; Coppola 83; TEC 14; OCHA, “2010 Report” 87; OCHA, “Synthesis” 5, 13). From a strategic perspective, the role of the UN was likely fulfilled; however, it could have done more to reinforce OCHA in its leadership and coordination efforts at the operational level. There was also a general feeling that the affected population was not consulted as it should have been.

In Chapter 3, I examined the Good Humanitarian Donorship Principles and argued that these principles are consistent with Gewirth’s PGC, the rights of freedom and well-being within the “community of rights” and forms a humanitarian “community of rights”

A review of the UN, Red Cross and select humanitarian organizations highlighted well developed networks. OCHA as the lead disaster response must fulfill its mandate to provide a central coordination point for humanitarian actors. Within the context of a disaster response, the UN is going to have to carefully evaluate the leadership capacities of the individual it places in the Humanitarian Coordinator role and ensure that this person can work under extreme pressure in a chaotic situation. At the same time, the humanitarian system is going to have to ensure that it engages other actors such as the military and the affected peoples in order to determine their needs. The Red Cross system with its well established network of National Red Cross and Red Crescent societies is a model that could be used to do this.

The humanitarian principles of humanity, neutrality and impartiality in a disaster response were evaluated and found to be congruent with the PGC within a “community of rights.” The OECD-DAC, Coordination Sud, the Sphere Project and the Humanitarian Accountability Project (HAP) have developed products that provide guidance in humanitarian endeavours and accountability. A review of the Government of Canada’s response mechanism to natural disasters abroad indicates that it has a proven system that is capable of responding to catastrophic natural disasters abroad. The Government of Canada’s consolidated lessons from the Haiti response are not publically available on the internet; hence, more effort could be made to improve transparency in this regard.

I provided a theoretical model of an ethical framework for improved governance amongst the civilian and military actors in catastrophic disaster response situations. This model highlights that the norms and principles of governance should be based upon Gewirth’s PGC. The PGC provides an overarching rights based approach founded on freedom and well-being that entails,

within the networked “community of rights,” both duties and obligations on the agent and the beneficiary. This is the essence of any governance framework in catastrophic disaster response.

Using a Möbius-like system, any response to catastrophic disaster would encompass a networked approach to providing assistance. The humanitarian system, seen as just by its internal and external parties, would be able to respond in a principled manner that would ensure the primacy of the well-being of those affected. The previously established linkages, through round table discussions, seminars and exercises, would have reduced the initial barriers to communication and permitted these interlocutors to deal with the core issues at hand: ensuring that the disaster response was effective and efficient. This framework would encompass: a rights based approach based on the moral principle of humanity as seen in the PGC; operationalization of this approach using policy documents, codes of conduct and guidelines; preparation for the next disaster starts now; someone is in charge; network, consult, and coordinate; be accountable and take responsibility for your actions; communicate; learn, reevaluate your goals and methods; and finally, repeat, often.

The elements of the network in a specific disaster response should come together and form a “community of rights” based on the PGC, a human rights approach, humanitarian principles, and supported by the international community including the UN. The approach based on the PGC reinforces the humanitarian principles and would be operationalized through the use of policy documents, codes of conduct and guidelines. Preparation for the next disaster would start now. Once a disaster strikes, someone would be in charge (the state or if requested the UN). The pre-existing networks would become more robust and increased consultation and coordination would occur. The work of the NGOs, under a UN led initiative would have advanced their concept of accountability and this would be applied in an atmosphere where each

entity accepted and fulfilled its responsibilities. The ability to communicate would be facilitated by local means including the ability to speak to the affected population and for them to have their voices heard. The system would be backed up by a solid institutionalized learning process that would be conducive to reevaluating both the methods and goals. Finally, as the field of study in disaster management evolves and there is a greater realization of the philosophical and ethical underpinnings in disaster management, experts will continue to hone their skills by practicing their profession, often.

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