

How is Oxfam being held accountable over the Haiti scandal?



The recent allegations against Oxfam employees in Haiti sparked a series of reports about misconduct within major charities, which in turn raised serious questions about accountability in the NGO sector. [Domenico Carolei](#) looks at whether the systems of accountability that apply to British NGOs and charities working in poor countries are adequate and comprehensive.

So far, 2018 seems to be a turbulent year for British charities. The [nomination of Baroness Tina Stowell](#) as new Chair of the Charity Commission has spread concerns within [components of organised civil society](#) over the lack of a politically neutral appointment, because of her longstanding parliamentary career as a member of the Conservative party. The former minister for civil society Rob Wilson has, in turn, [openly criticised](#) charities for being overtly pro-left, warning about the current process of ‘Corbynisation’ of the third-sector. More dramatically, an investigation carried out by the *Financial Times* [revealed](#) that hostesses were groped, sexually harassed and propositioned during a men-only fundraising dinner organised by the London-based charity the Presidents Club.



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But by far the most important development has been the scandal involving Oxfam’s alleged misconduct in Haiti, along with several similar cases that emerged in the aftermath. In February, *The Times* wrote that senior Oxfam staff in Haiti had allegedly paid earthquake survivors for sex in 2011, citing a confidential internal report by Oxfam, which referred to a ‘culture of impunity’ spread among aid workers. According to the newspaper, Oxfam did not tell other aid agencies about the misconduct of staff members, which allowed them to work elsewhere, and, similarly, it failed to report the abuse to the Haitian authorities. Further allegations of abuse and misconduct later spread to other charities, including [Save the Children](#) and Bono’s [One](#) charity.

Institutional accountability

The original scandal had an immediate impact on the multiple stakeholders to whom Oxfam should report its actions. By exercising its function of taking enforcement actions in case of charity malpractice, the Charity Commission has [opened a statutory inquiry](#) into Oxfam. Among the various external stakeholders, charity regulators hold associations accountable by exercising supervisory and investigative functions aimed at verifying compliance with charity law as well as by investigating wrongdoing within the sector. Institutional watchdogs and regulatory bodies may exercise a significant degree of accountability over charities by granting or revoking charity status, and by issuing disciplinary sanctions in cases of misconduct.

Financial accountability

Just like regulatory bodies, donors exercise considerable leverage and ability to call NGOs to account, because of their financial power. In general, big donors tend to shape the way in which projects are implemented on the ground by withdrawing funding if their expectations are not met. It is also empirically proven that scandals involving charities lead to low-stakeholder trust which, in turn, causes a decrease of donations. Indeed, the [BBC has reported](#) that more than 1,200 private donors cancelled their direct debits three days after the Oxfam's investigation was published by *The Times*. Marks & Spencer – a £16m donor for Oxfam since 2008 – will soon decide on withdrawing financial support. And the Duke of Edinburgh's Award is considering whether it should allow children to volunteer in Oxfam shops ([according to The Times](#)). Voluntary work is vitally important for a charity and any loss in that respect would negatively impact a charity's financial health. As for institutional donors, Oxfam could potentially lose [£29m of European Union funding](#). And last year it received £31.7m in UK government funding, which has also been put seriously at risk. Additionally, actress [Minnie Driver has stood down](#) from her role as a celebrity ambassador for Oxfam.

Peer accountability

Charities can also be held accountable, at sectoral level, by their peers. Peer pressure is often exercised to condemn negligent organisational behaviour, especially in the aftermath of a scandal. Public scandals can quite easily have adverse effects on the credibility of the entire third sector, even if allegations of misconduct concern a small number or even just one organisation. So, peer accountability is a strategically important means to preserve and restore the long term reputation of the sector. In this specific instance, BOND – the umbrella body for international aid NGOs – condemned in peremptory terms the behaviour of Oxfam employees. And the [National Council for Voluntary Organisations \(NCVO\) has emphasised](#) that 'more can and must be done' to minimise the risk of abuse taking place.

On a wider front, [ChristianAid](#) said that it had investigated two sexual misconduct cases last year: 'One investigation led to the dismissal of a staff member, while the other case resulted in disciplinary action.' In a similar vein, [ActionAid](#) emphasised its zero-tolerance policy on any form of sexual harassment. The Scottish aid charity the Scottish Catholic International Aid Fund also [insisted](#) it can be trusted, after it acknowledged two misconduct cases in Africa, which involved a volunteer from a local partner organisation and a junior staff member respectively.

Intra-organisational accountability

An internal dimension of the accountability process takes place at the organisational level among staff involved in the charity's governance and administration. The core expectation is that charities will learn from their mistakes and implement organisational changes so as to improve their future accountability performance. In the immediate aftermath of the report, two things happened at an organisational level. Firstly, Oxfam's deputy chief executive resigned and took full responsibility for the wrongdoing, admitting that Oxfam had failed to act adequately upon concerns that had been raised. Secondly, the NGO [announced a package of measures](#) to improve safeguards and organisational performance, including: a) staff induction and mandatory training to ensure staff learn more about organisational values and code of conduct; b) the establishment of a new, independent, external whistleblowing helpline for staff members; c) strengthening the vetting and recruitment of staff; d) a commitment to work with the rest of the sector to overcome legal difficulties, which have prevented NGOs from sharing intelligence amongst themselves.

Criminal accountability

Aside from these well-recognised dimension of accountability, there is also the potential criminal liability of those who allegedly perpetrated the abuse. To date, no criminal investigation has been launched and in theory, as a matter of territorial jurisdiction, sexual abuse should be prosecuted by Haitian authorities. However, Andrew MacLeod (former chief of operations of the UN Emergency Coordination Centre) has [clarified](#) that: 'if they [victims] were adults, perpetrators should be charged in front of the courts in Haiti because prostitution is illegal. If they are children, they should be charged in front of UK courts for breaking international sex tourism laws'. The UK International Development Secretary is to [meet](#) the National Crime Agency over the Oxfam scandal.

Oxfam is facing overlapping demands for accountability formulated by different stakeholders, each of which is exercising a pressure upon and within the organisation: donors, regulators, media, umbrella bodies, peers, volunteers, and Oxfam's employees and managers. The accountability narrative would be completed if the views of the victims are taken into account. For any NGO, surely it is its beneficiaries who represent the most important source of organisational legitimacy.

Note: An earlier version of this post appeared on the [University of Aberdeen's School of Law blog](#).

About the Author



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