

**INTER-AGENCY STANDING COMMITTEE  
PRINCIPALS' MEETING**

**11 December 2003  
10.00 – 13.00 hrs  
Palais des Nations, Geneva  
Room XI**

**Agenda Item 3:  
Discussion on the Role of and Endorsement of Terms of Reference for Humanitarian  
Coordinators, with focus on Internally Displaced Persons**

**Background paper prepared by UNHCR**

**Circulated: 2 December 2003**

Much work and discussion have taken place with the aim of drafting and finalising the Terms of Reference of the Humanitarian Coordinators. The document that is the outcome of joint efforts should next be adopted at the IASC Principals' meeting on 11 December 2003. While this will be an important document that should be a key reference point for all Humanitarian Coordinators, it is at the same time very much a reflection of practices and developments in the past. In fact, during our discussions a number of policy issues emerged that require the agreement of the IASC Principals and that should complement the result of the technical working group. Below, a number of draft conclusions are offered that the IASC Principals are invited to conclude upon, after which the Chair of the IASC is invited to bring it to the attention of the Secretary-General.

**- Draft Conclusions -**

**I. IDPs**

- The challenge of IDPs needs to be addressed through a collaborative approach. However, in order to be effective, this collaborative approach requires leadership on the ground.
- It is therefore agreed that the highest United Nations official on the ground is held accountable for exerting this overall leadership. In practice, this means the SRSG, if there is one. If there is no SRSG, it should be the Resident Coordinator. Depending on the state and nature of the challenges and the presence of the humanitarian family in a particular country, there will be a Humanitarian Coordinator. This Humanitarian Coordinator, however, has to be seen as *assisting* the SRSG or the Resident Coordinator. In other words, the IDP leadership function is to be mandated to the Humanitarian Coordinator if he/she is present.
- The Humanitarian Coordinators are to present their respective plans of action to the Emergency Relief Coordinator in order to allow him to check its contents with the IASC Principals, the ECHA core group in particular. At his/her discretion, the Emergency

*1 December 2003*

Relief Coordinator may convene a meeting if he deems it appropriate, in order to propose amendments to the proposed plans of action when and if considered necessary.

- The Humanitarian Coordinator (or UN Country Team) is to base his/her action plan on a thorough assessment of the activities being undertaken by the various agencies as derives from their mandate and mission in a particular context or situation. In the case of UNHCR, this would involve its activities concerning refugees and returnees; in the case of UNICEF or WFP, their activities concerning women and children or food issues respectively.
- In post-conflict situations, the Humanitarian Coordinator should consult UNHCR about its capacity to, in areas of return of refugees, handle *returning IDPs* as well. In other words, when it comes to returns (preparation, information, monitoring, facilitation including intervening with the authorities at all levels), UNHCR should bear prime responsibility for organising the return of IDPs in the same way as it does for refugees. However, this would relate only to IDPs in areas of return “as standard”. If the Humanitarian Coordinator wants UNHCR to do more it should be upon his/her request [the HC and greenlighted by the ERC].
- The Humanitarian Coordinator, in practising the collaborative approach, makes use of the respective expertise and implementing capabilities of the IASC members in that particular country. The Humanitarian Coordinator does not instruct agencies but builds on their activities and on that basis, tries to find solutions for possible remaining gaps.
- OCHA’s field presence, in connection with IDP and other complex emergencies, is fully dedicated to the support of the Humanitarian Coordinator system and to the implementation by the Coordinator of his/her Terms of Reference. The Coordinator is accountable for the efficient management of the OCHA field staff in accordance with these objectives. By the same token, the OCHA field staff in complex emergencies should be designated as the “Office of the Humanitarian Coordinator” and should understand their role as such.

## **II. Transition**

- In recent years, progress has been made in regard of transition. Particular reference is made to the conclusion of the working group on transition chaired by Carol Bellamy. As long as a Humanitarian Coordinator is present, the handover of coordination functions needs to be submitted by him/her, on behalf of the UN Country Team and in collaboration with [the head of] OCHA and [the head of] DGO.
- Here also, in order to practise the collaborative approach effectively, leadership on the ground is required. Accountability of leadership is always a key element. Given the importance of transition (sustainable peace) leadership has to be exerted by the highest official of the UN in a particular country. Again, this is the SRSG, if there is one. If there is no SRSG, it should be the Resident Coordinator. Depending on the state and nature of the challenges and the presence of the humanitarian family in a particular country, there will be a Humanitarian Coordinator. This Humanitarian Coordinator, however, has to be seen as *assisting* the SRSG or the Resident Coordinator. In other words, the IDP

leadership function is to be mandated to the Humanitarian Coordinator if he/she is present.

- The Chair of the UNDG and of ECHA need to consult each other to determine whether the Humanitarian Coordinator, mandated by the Resident Coordinator, will have the necessary staff, to be provided by OCHA, to fulfill this role.
- When it comes to practising this leadership role in transition, the IASC should conclude that the recommendations of the transition group need to be implemented; this includes the collaborative 4Rs concept.

### **III. Protection in complex emergencies**

- The various responsibilities of the different agencies and their accountability under their respective mandates are the starting point and must remain the centrepiece.
- The implementation of protection-related assistance activities is not the exclusive mandate of one single agency.
- The implementation of such activities therefore requires a collaborative approach. However, in practising protection on the ground, formally in the same systematic as described above in my first two points, it is key to build protection on legal regimes: the Geneva Conventions (ICRC), the UDHR (HCHR), the international refugee protection instruments at the centre of which is the Refugee Convention (UNHCR) and the Convention on the rights of the child (UNICEF). These legal regimes and their corresponding agencies play an important role here and carry with them a resulting authority. The “highest”/most senior UN (IASC) official on the ground can benefit from and rely on the protection role and expertise of these more “specialised” protection agencies and their principals. Only “if necessary” (as written in the Terms of Reference of the Humanitarian Coordinators) will the Coordinators have to fulfill an advocacy role in relation to the authorities in the protection areas covered by these agencies.
- The delivery of protection-related assistance by agencies is also provided through a much broader effort involving many agencies and NGOs.
- The task of the Humanitarian Coordinator is to identify gaps in terms of mandates and/or the capacity to implement them. Emphasis should be placed on achieving complementarity between the core protection responsibilities in the different agencies and the delivery of protection-related assistance requiring a collaborative approach.
- The Humanitarian Coordinator may have to be supported by OCHA staff or staff on secondment from the protection agencies in order to address any “protection” gaps (either in terms of mandates or the delivery of protection-related assistance activities). The mechanics of this, however, will have to be decided per country by the highest official of the UN in the country.
- This is needed because not only the humanitarian and development dimension but also the political (DPA) and the peace-keeping (DPKO) dimensions are relevant for an

optimal positioning of the protection (human rights) dimension within the country-team structure.