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2005 ECOSOC Humanitarian Affairs Segment: The Architecture of Humanitarian Decision-making in the United Nations

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I. BACKGROUND

In terms of humanitarian issues, the three key decision-making bodies, within the United Nations, are the General Assembly, the Security Council and the Economic and Social Council. Each of these bodies, comprising representatives of Member States, initiates, drafts and implements a variety of resolutions each year, many of which, either directly or indirectly, relate to humanitarian affairs. However, there are general concerns regarding the overall approach to and structure of humanitarian resolutions, which highlights the need for more interaction and coordination among these legislative bodies to ensure that UN resolutions are developed, implemented and followed up in a more coherent and coordinated manner. While there have been initiatives to enhance the interaction between the General Assembly, the Security Council and ECOSOC, there is still room for improvements to avoid overlaps in mandates, duplications in efforts and gaps and inconsistencies in action and response.

The purpose of this paper is to review the respective roles of the UN bodies in relation to humanitarian affairs. The intention is to examine the need for enhanced coordination and to identify potential opportunities to encourage more dialogue and generate greater synergies in the UN system when formulating humanitarian resolutions.

GENERAL ASSEMBLY (GA)

The GA, comprising all Member States, is the UN's main deliberative organ. Under the provisions of the UN Charter, the GA debates and adopts resolutions on general principles of cooperation in the maintenance of international peace and security, including disarmament and the regulation of armaments. The GA can also debate any issues brought up by Member States or non-members that relate to international peace and security. In doing so, the GA can make recommendations to either the state(s) concerned and/or refer the issue to the Security Council for deliberation and further action. The GA can also draw the attention of the Security Council to any situation that it feels may endanger international peace and security.

Through its resolutions, the GA can initiate studies and make recommendations for the purpose of:

- Promoting international cooperation in the political field and encouraging the progressive development of international law and its codification.
- Promoting international cooperation in the economic, social and cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all.

The GA receives both annual and special reports from the Security Council on the measures that the Council has decided upon or taken to maintain peace and security. In addition to its regular annual session, the GA can also meet for special sessions at the request of the Secretary-General or a majority of Member States.

As part of the Secretariat, the Office for the Coordination of Humanitarian Affairs (OCHA) is accountable, through the Secretary-General, to provide Member States with annual updates on humanitarian assistance. Working primarily through GA agenda item entitled, *"Strengthening the Coordination of Humanitarian and Disaster Relief Assistance of the United Nations including Special Economic Assistance,"* OCHA collaborates with its humanitarian partners to ensure that the SG reports to Member States on the UN's humanitarian activities. In order to fulfill this responsibility, OCHA drafts comprehensive, annual reports on system-wide humanitarian response to natural disasters and complex emergencies, country-specific reports on humanitarian activities, updates on specific humanitarian mechanisms and tools (such as the International Search and Rescue Advisory Group) and contributes to UNSECOORD's reports on staff security. Once the GA considers these reports, it may adopt resolutions and ask the Member States, the Secretary-General or specific audiences (e.g. the humanitarian community) to follow up on its recommendations.

ECONOMIC & SOCIAL COUNCIL (ECOSOC)

The Economic and Social Council, a subsidiary of the GA, serves as the central forum for the discussion and formulation of policy recommendations on international economic and social issues.

GA Resolution 46/182 requires that the Secretary-General update Member States annually on humanitarian assistance through ECOSOC. In 1998, ECOSOC began convening the Humanitarian Affairs Segment as part of its annual meeting to discuss issues of humanitarian concern. Each year, OCHA works with the humanitarian agencies, members of the Inter-Agency Standing Committee and UN field offices to prepare the Secretary General's report to ECOSOC. As part of the Humanitarian Affairs Segment, OCHA also convenes heads of agencies, humanitarian coordinators or other humanitarian actors to lead panel discussions around humanitarian themes and country-specific issues.

UN SECURITY COUNCIL (SC)

The Security Council considers all issues that relate to potential or real threats to international peace and security. Its decisions are considered as international law and therefore binding for all Member States.

In recent years, the SC has taken an increasing interest in addressing also humanitarian implications of crises. The UN Secretariat (mostly OCHA) regularly briefs the SC on humanitarian issues so that they are considered alongside political, peacekeeping and security concerns.

II. THE NATURE OF HUMANITARIAN RESOLUTIONS

Recent humanitarian resolutions passed by the different UN bodies (see attached matrix)[1] can be broadly grouped under the following basic categories:

- Strengthening of coordination of humanitarian response for both complex emergencies and natural disasters. (GA & ECOSOC)

- Country specific issues. (GA & SC)

- Thematic issues (including protection of civilians in armed conflict, gender, children affected by armed conflict, prevention of sexual exploitation and abuse). (GA, SC & ECOSOC)

- Refugees and displaced persons. (GA)

- Special assistance to Palestine and Palestine Refugees. (GA)

- Special assistance to Chernobyl. (GA)

- Support for specific mechanisms such as International Strategy on Disaster Reduction (ISDR) and International Search and Rescue Advisory Group (INSARAG). (GA)

- Staff security (together with UNSECOORD). (GA, ECOSOC & SC)

The plethora of resolutions that have been passed by the three legislative bodies of the UN have undeniably led to humanitarian action and response both at the policy level, e.g., with the creation of OCHA or other specific mechanisms such as INSARAG, and at the field level, e.g., with the establishment of integrated missions that have encouraged greater coherence and joint planning among UN entities. Resolutions on particular thematic issues have also led to specific action on the ground, e.g., new operating and reporting standards regarding sexual exploitation and abuse, or the enhanced monitoring and reporting for the protection of civilians in conflicts, and in particular for children.

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[1] This list of resolutions in this matrix covers major policy resolutions and principal resolutions of the last five years - it is not exhaustive. The matrix simply seeks to provide a basic overview of the nature, extent and frequency of humanitarian resolutions, which are passed by the UN each year.

Generally, the humanitarian agenda, as articulated in intergovernmental resolutions, is determined by the evolution of events (political events, crises, natural disasters) or formulated by Member States. As a consequence, there tends to be little systematic approach to the development and initiation of thematic or country-specific resolutions.

While most humanitarian issues are of common concern, and many have become standard items on the humanitarian agenda, there is no formal mechanism that ensures systematic and comprehensive consideration and response to such issues. Informal working groups have been established, such as the Member States Support Group on Protection of Civilians, to advance the discussion and action on specific topics. Such groups can be critical in developing thinking among Member States and within the UN system, engendering consensus and developing common positions on specific issues. However, they tend to be *ad hoc* and are often time bound, set-up to support a particular issue, but not necessarily maintained to ensure appropriate implementation and follow-up.

III. REFLECTIONS ON THE FUNCTIONALITY OF DECISION MAKING BODIES

As most of the GA resolutions are initiated by Member States, there is a tendency for resolutions to be country specific and, therefore, often not necessarily comprehensive in terms of addressing some of the broader more encompassing humanitarian issues. In addition, the specificity of many of the country-focused resolutions can also lead to inconsistencies in approach and response to similar issues in different countries/contexts. There are also examples of resolutions where humanitarian, transition and development issues are blurred and may therefore not necessarily be considered under the agenda item most appropriate to the issue. It is recognized that the GA could benefit from a more strategic approach, whereby efforts are made to streamline resolutions that focus on more global policy issues. In addition, to ensure that policy is appropriately translated into practice, resolutions could be more action-oriented and greater attention has to be given to the implementation of the decisions.

In contrast, the ECOSOC humanitarian segment tends to deal with larger policy issues. OCHA, as mandated by GA resolution 46/182, reports to Member States through ECOSOC and therefore takes it very seriously as a key body for defining humanitarian policy and determining its annual scope of work. On the part of Member States, closer and continued follow-up of resolutions would ensure better and more effective implementation.

While the Security Council is principally concerned with international peace and security, it has, in recent years, become an increasingly important body to advance also the humanitarian agenda, most specifically in the area of protection of civilians in armed conflict. In addition, with the advent of integrated missions, humanitarian issues are often now equally positioned on the Council's agenda with peace and security. Therefore, efforts are made to ensure coherence between the political, peacekeeping, humanitarian and development branches, so that responses of these various elements are mutually supportive in bringing about peace and stability to crises. The Security Council is, and should be, used as an important channel to ensure that humanitarian issues are considered alongside the political and security aspects of crises. In Darfur, for example, the Security Council has been critical in ensuring that

the humanitarian dimension of the situation in Sudan is given proper priority and focus. While this is welcome, there is a need to ensure that the work of SC complements and reinforces the work of ECOSsOC and the GA.

IV. ADVANCING THE HUMANITARIAN AGENDA

In reviewing the functionality of the various forums of the UN and its decision-making mechanisms, the following questions should be addressed:

- How can we ensure a more strategic approach to the initiation, drafting and introduction of humanitarian resolutions?
- How can we make more strategic use of the different decision-making bodies?
- How can we ensure the implementation of resolutions?
- How can we ensure more systematic follow-up of resolutions?

Prepared by: OCHA, November 2004