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**Terms of Reference (ToR) of Humanitarian Coordinator: Issue Paper on Revision of
ToR**

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1. Introduction

In November 2001, following discussions held on the subject during the February 2001 meeting of the IASC Working Group (IASC WG) and in the margins of the 2001 Humanitarian Coordinators Retreat, the IASC WG decided that the Terms of Reference (TOR) for the Humanitarian Coordinator (HC) would be revised. The IASC Secretariat was mandated with carrying out consultations with HCs and to prepare an initial draft, which would be subsequently reviewed by a small group comprised of WFP, UNICEF, UNDP, UNHCR, WHO, FAO, and SCHR.

This paper, based on a review of a number of recent documents on the subject of coordination and on interviews with some key informants, aims at providing an outline of the main issues of concern to this debate.

It is proposed that, after in-house OCHA circulation and clearance, this issue paper be circulated among a small number of experienced Humanitarian Coordinators and Heads of OCHA country Offices for comments. A first, “official” draft, incorporating these comments, could then be circulated to IASC members towards the end of May, as background paper for the IASC Working Group in June. At the June IASC WG, agencies could come back officially with comments and suggestions. Based on these comments, a draft of the revised TOR could be prepared during the summer months in close consultation with a small group of interested agencies. The revised draft TOR could then be presented at the IASC WG in September.

2. One dilemma: “System issues” vs. “TOR issues”

Some of the most important issues identified during the preparatory work for this paper seem to be related much more to the “system” of humanitarian coordination arrangements than to the TOR for the HC. In particular, a number of voices - not exclusively outside the United Nations - have expressed strong reservations on the policy of having the functions of Resident and Humanitarian Coordinator covered by the same person. Critics of this arrangement point to the difficulty, for an individual who is mandated, as Resident Coordinator, to build and maintain close relationship with the host Government, to fully represent the interests of the victims and of the humanitarian community in certain situations. The same critics highlight the fact that a strong “development orientation” on the part of some RCs may end up being detrimental in situations marked by acute emergency. At the opposite end of the spectrum, some UNDP country offices have also complained about the lack of attention paid to long-term concerns by some Humanitarian Coordinators, “distracted” by emergency issues. The advocates of the “joint functions” approach, on the other hand, insist that it is the best in terms of assuring a complete integration between developmental and emergency response aspects. They do not deny the merit of some of the arguments of the critics, but maintain that the solution to the problem consists in improving the selection and training of the HCs and in providing adequate support (for instance through the appointment of a deputy Resident Representative for UNDP and/or of the Head of OCHA Field Office as deputy Humanitarian Coordinator).

This debate, admittedly, is mostly theoretical. The agencies of the United Nations system, and, at least officially, the IASC are solidly behind the merging of the two functions whenever possible. Moreover, the recent developments in the general policy orientation of the UN, particularly following the Brahimi report, point to an even greater integration of the various functions performed by the organization. The Resident Coordinator system is most unlikely to remain unaffected by this overall policy shift.

These are not sufficient reasons, however, not to take into account some of the problems identified by both critics and advocates of the “joint functions” and some of the solutions proposed to address them when setting out to revise the TOR for the HC.

3. The “local IASC”

There is a sense that the existing TOR have an excessive focus on the responsibilities of the HC in leading the UN Disaster Management Team (UNDMT) and therefore do not reflect adequately the spirit of Resolution 46/182 in terms of inclusiveness of important actors in the coordination mechanisms. In saying that “For purposes of dealing with the complex emergency in question, the regular DMT will usually be expanded to include other relevant entities, such as NGOs involved in related relief efforts”, the existing TOR do not do justice to the complexity and inclusiveness of the field coordination arrangements that actually already exists in most complex emergencies. The HC is expected to (and already does in most cases) exercise leadership over the entire humanitarian community, as embodied in the IASC, and not just over an “expanded DMT”. As recommended by the HCs during their annual Retreat in November 2001, the revised TOR could therefore usefully refer to the creation of a “local IASC” at field level, which would be inclusive of the members of the UNDMT, representatives from the Red Cross Movement, most (if not all) the operational NGOs, and the International Organisation for Migrations and the World Bank when present in the country.

4. Protection

The existing TOR give the HC the responsibility of serving as a “focal point for the humanitarian community for ensuring the protection of humanitarian mandates in conflict situations”. This approach to a most crucial function of the HC is perceived as somewhat limited, in as much as:

- a) The HC should not only strive to ensure the protection of the humanitarian mandates (i.e. upholding humanitarian principles, negotiating access to victims and safety for humanitarian workers). He/she should strive to ensure the protection of the actual *victims*, both in *conflict* and *non-conflict* situations.
- b) In this sense, and in keeping with the increasingly adopted *rights-based-approach* to humanitarian action, the HC should become the coordinator of the protection activities of the members of the “local IASC” (in particular UNHCR, OHCHR, UNICEF and ICRC) *over and above* his/her responsibilities for coordinating actual humanitarian assistance.

5. IDPs

Responsibilities of the HC *vis-a-vis* Internally Displaced Persons are another instance in which the existing TOR do not take into account major development in humanitarian policy of the recent years. The existing TOR give the HC the generic responsibility to “monitor and facilitate UN humanitarian assistance to special population groups (e.g. internally displaced persons, demobilized soldiers, etc.)...”.

In 1999, after considerable debate and policy development work, the IASC adopted a Policy on the Protection for IDPs, crucially emphasizing that it constitutes a shared responsibility of all humanitarian/development agencies. This new approach not only renders the concept of “UN assistance” obsolete, but places a whole lot of new and detailed responsibilities on the shoulders of the HC.

The IASC reaffirms that the HC is responsible “for assessing the situation and, where necessary, establishing institutional arrangements for addressing the needs of the war-affected population. For this purpose, he/she consults with the UN Country Team as well as with national and local authorities. He/she ensures that the Country Team develops, and adheres to, a joint plan for responding to the needs of internally displaced persons, which integrates measures for assistance and protection. The plan also clearly identifies the agreed division of responsibilities among governmental bodies; international agencies and NGOs based on their respective comparative advantage and capacity. Where appropriate, the plan may provide for the appointment of a lead agency for internally displaced persons. The HC presents the joint plan developed by the Country Team to the Emergency Relief Coordinator and through him/her to the IASC. The Emergency Relief Coordinator reviews the proposed plan, recommends it to the IASC. The Emergency Relief Coordinator and the IASC keep under constant review the institutional arrangements in countries faced by crises of internal displacement, in order to make sure that they remain adequate.”

6. Gender

The TOR for the HC should include mention to another area in which considerable progress has been made in the development of humanitarian policy. In May 1999, the IASC endorsed a Policy on Mainstreaming Gender in Humanitarian Response. Through this policy, IASC members committed to formulate specific strategies for ensuring that gender issues are brought into the mainstream of their activities. The priority areas identified in the IASC policy (assessment and strategic planning for humanitarian crisis; the consolidated appeals process; principled approach to emergencies; and participation of women in the planning, designing and monitoring of all aspects of emergency programs) fall squarely among the responsibilities of the HC at field level.

7. Human Rights

The interface between human rights and humanitarian action remains one of the most sensitive areas in the context of a complex emergency. Humanitarians find themselves cornered between the moral and legal obligation to report/denounce violations of human rights and the risk of tarnishing relationships with the parties to the conflict, up to the extreme consequences of being expelled from the country, physically assaulted or anyway limited in their capacity to provide assistance.

The HC is, in this respect, in a particularly sensitive position. On one hand, his/her direct link to the top of the government (and, in some cases, to the leadership of rebel groups) represents a fundamental component of his/her leadership position. On the other hand, as the main advocate of the concerns of the humanitarian community, and as the “guardian” of the protection of the victims, the HC has a particularly strong obligation not to leave violations of human rights go unnoticed.

The revised TOR for the HC could usefully outline the HC's responsibilities in this field and provide guidance on the relationship and division of labor between the HC and the Human Rights component of the Country Team. Policy background for this issue can be found in the work of the IASC Reference Group on Human Rights and Humanitarian Action.

8. Relationship with Special Representatives of the Secretary-General (SRSG) and with military/political components of the UN

The existing TOR give the HC the responsibility of “Facilitating communications, and ensuring overall coordination, between the UN and other humanitarian aid agencies on the one hand and the relevant components of bilateral military forces and/or those of UN Department of Peacekeeping Operations when such forces are present, including promoting resolution of matters of joint concern to the humanitarian aid agencies.”

It is felt that the revised TOR should substantially expand on the subject, by firstly incorporating the substance of the Secretary-General’s Note of Guidance on Relations between SRSG, RC and HC, and secondly by addressing some key concerns regarding how humanitarian issues are handled in political negotiations.

The Note of guidance identifies three different situations, i.e. cases where the UN establishes an interim administration or deploys a multidimensional peace mission to implement a comprehensive peace agreement, other cases where there is a UN peace mission, and cases in which the Secretary General’s representative or envoy is non-resident. Arrangements for the relationship between HC and SRSG are spelled out for all three situations.

Furthermore, some HCs have brought in the past to the attention of the IASC the fact that humanitarian assistance may have been used as a “bargaining tool” in the course of political negotiations carried out by political authorities of the UN. Primarily concerned with progress on the negotiating table, and not necessarily fully aware of the impartiality and neutrality humanitarian imperatives, SRSGs and other negotiators may offer humanitarian assistance to selected groups of population in return for political concessions by the warring parties. The HC could be assigned the role of “guardian” of humanitarian principles in these situations: whilst he/she could not, as per the Note of Guidance, intervene directly in the negotiations or officially with the SRSG, the HC could be given the responsibility of promptly reporting these instances to the IASC, for it (and, in particular, the ERC) to take the issue up within the UN Secretariat.

9. “Development” responsibilities

One of the solutions to the problems outlined under section 2 and relating to the joint responsibilities of Resident and Humanitarian Coordinator is to provide adequate support for the diverse functions that the HC is expected to perform. It has been suggested, for instance, that when a Resident Coordinator is appointed as Humanitarian Coordinator as well, his/her responsibilities concerning oversight and coordination of development programmes be transferred to a Deputy Resident Coordinator, to be appointed from the staff of the UNDP country office.

10. Relationship with OCHA field offices

The HC’s relationship with the OCHA country office is a crucial one. On one side, the OCHA office is expected to perform a fundamental role in helping the HC to discharge his/her coordination function and to further contribute to minimise the problems deriving from the “accumulation of responsibilities”. On the other, it must be clear that the HC is expected to be a strong “presence” in the OCHA office and to provide managerial supervision. The existing TOR are practically silent on this issue, and the revised ones could usefully spell out in some details the HC’s expected engagement *vis-à-vis* the OCHA country office.

11. “Consent” vs. “request”

In case of a sudden-onset humanitarian emergency, it has been pointed out that the HC has the responsibility to support a typically development-oriented Country Team in making a marked shift in their modality of dealing with the host Government as far as the conception and implementation of humanitarian programmes are concerned. The need for immediate action and - possibly - political considerations make it so that emergency programmes are conceived and executed on the basis of an independent assessment of the needs and often *with the informed consent* rather than *at the request* of the host government.

12. Humanitarian accountability

The existing TOR give the HC the responsibility to ensure that “effective evaluations of the overall relief effort, especially the coordination aspects, are undertaken, the lessons to be learned clearly identified, and appropriate follow-up actions be taken”. This section could be revised/expanded to reflect current policy developments in the area of the “quality” of the humanitarian assistance. In the spirit of the current debate on humanitarian accountability, new responsibilities could include not a “policing” or enforcement role, but rather a general oversight and reporting role concerning agencies’ compliance with codes of conduct and minimum standards.

13. Transition

The “gap” between relief and development has been acknowledged for years, yet it remains a persistent and frustrating problem. Neither agencies nor donors have made the necessary adjustments to bridge this gap. The UN system is attempting to address this problem: after a consultative process that included working papers and field missions, the IASC Reference Group on Post Conflict Reintegration produced a useful Final Report and Field Guidelines.

The existing TOR address the responsibilities of the HC in helping “bridging the gap”, but they do so in a rather generic way: “Cooperating with entities responsible for planning and implementation of rehabilitation and development activities to ensure that rehabilitation actions begin as soon as they become feasible (which will often be simultaneous with relief efforts), and that relief actions are planned and undertaken with the perspective of their longer-term impacts.”

The revised TOR could usefully include the most important elements emerged during the policy development process on this subject.

14. Demining and disarmament/demobilization/reintegration (DDR)

When no other, “high level” (SRSG/Civilian Administration) arrangements are present, HCs could be given the responsibility of reaching agreement on division of labour concerning demining, disarmament and demobilization activities.

15. Advocacy

The HC speaks on behalf of the victims and of the humanitarian community not only in his/her dealings with the host Government and, as relevant, with the parties to a conflict, but with policy makers, donors and with the public opinion at large. The HC’s responsibility of engaging in advocacy activities, through a variety of channels not limited to local and international media, should be specified in the revised TOR.

16. Information management

Collecting and disseminating timely, accurate, detailed, reliable and up-to-date information on the humanitarian situation and on the relief/recovery efforts is one of the most (possibly *the* most) crucial activities that lead to coordination among such diverse partners as those forming the humanitarian community. The HC's responsibility of discharging this function efficiently and effectively should be mentioned in the revised TOR. The revised TOR could also usefully outline what kind of support the HC should be able to count upon, mainly but not exclusively from OCHA, for this task.

17. Performance indicators

The following factors have been drawn from a number of evaluations and lesson reviews that have reviewed the effectiveness of coordination provided by OCHA. It may be useful to use these factors as a sort of "checklist", to see to what extent the existing TOR for the HC reflect them, and to consider some of the for possible inclusion in the revised TOR.

Key Performance Indicators for Effective Leadership

- HC is fully engaged and complying with his/her terms of reference
- Coordination structures set and fully functional
- Efficient leadership support services provided by the OCHA office
- Decentralization and delegation to appropriate levels
- CAP contains clear strategy, objectives and prioritization
- CHAP, CAP finished on-time and endorsed by all participating agencies
- Needs and concerns of the vulnerable advocated at country and international level
- Avoidance of competition with donors, NGOs, other actors
- Avoidance of agency competition

Key Performance Indicators for Human Resource Effectiveness

- skilled and experienced support staff employed
- low staff turnover – consistency maintained
- HC and key staff with prior emergency experience and/or especially trained
- Clear structures and reporting lines implemented
- Coordination performed by full-time experts with no vested institutional interests

Key Performance Indicators for Response Effectiveness:

- Effective advance planning carried out
- Contingency planning implemented efficiently
- Fast response time

Key Performance Indicators for Institutional Effectiveness (inter-agency):

- Collective commitment to focus on the vulnerable rather than agency interests
- Incentives to coordinate clearly recognized by all actors
- Coordinated approach to resource mobilization implemented
- Technical expertise and agencies objectives shared
- MoUs established formalizing relationships and responsibilities (in longer-term operations)
- Inter-agency relationships built over time (institutionalized rather than personalized)
- Clear structures and reporting lines established
- Regular briefings and coordination meetings held
- Effective coordination with military (where relevant) established and maintained

First background document: ToR of HC