

Normative decisions of key governing bodies of
funds, programmes and specialized agencies
of the United Nations System in
humanitarian assistance

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INTRODUCTION

1. In 2008, the Office for the Coordination of Humanitarian Affairs (OCHA) commissioned a study on the legislative developments since the adoption of the General Assembly Resolution 46/182. The study undertook a comprehensive review of relevant decisions pertaining to humanitarian assistance taken by the General Assembly, the Security Council and the Economic and Social Council (ECOSOC) since 1992.

2. The study was first presented to Member State delegates in New York in June 2009. It was then launched to a wider audience, including UN and other humanitarian agencies, during an ECOSOC side event in Geneva in July 2009. The study generated significant interest among both Member States and UN entities. During the ECOSOC side event, it was suggested that OCHA could consider broadening the study to include a review of intergovernmental decisions guiding the work of operational UN humanitarian agencies, funds and programmes. This current study, with the financial support of the Swiss Government, is undertaken in pursuance to this request.

3. The study focuses primarily on six key agencies, funds and programmes of the UN system which have mandates pertaining to humanitarian assistance, listed as the original members of the Inter-Agency Standing Committee (IASC): the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Refugees (UNHCR), the World Food Programme (WFP), the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). These agencies, funds and programmes are also among the top recipients of the UN Central Emergency Response Fund (CERF) funds and at the same time are the top six UN entities, requesting funds through the Consolidated Appeals Process (CAP).

4. On the peripheral, the study also reviews relevant decisions pertaining to the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Population Fund (UNFPA) and the United Nations Human Settlements Programme (UN-HABITAT), which together with the previous six, make up the current nine full UN members of the IASC decisions taken by its governing body relating to humanitarian assistance.

5. In line with the work undertaken in 2008, the current project also endeavors to prepare three similar products: a matrix, a reference guide and an analysis.

6. The matrix is a compilation of the executive decisions pertaining to humanitarian assistance taken by the governing bodies of key United Nations agencies, funds and programmes with a mandate in humanitarian assistance. For easy comparison and cross-reference, the matrix will be presented around the thematic issues used in the study of 2008, with additional themes pertaining to the core mandates of these entities.

7. On the basis of the matrix, the consultants' team prepared a concise reference guide that provides a succinct overview of relevant decisions adopted by the intergovernmental bodies of these key UN funds, programmes, and agencies pertaining to humanitarian assistance. The reference guide has two parts. The first part presents the original mandates pertaining to humanitarian assistance of each agency, fund and programme and goes on to provide a succinct overview of relevant subsequent intergovernmental decisions relating to each entity. The second part is a compilation of decisions of the intergovernmental bodies on the fifteen thematic issues identified in the 2009 study. The presentation of these decisions are organized along the following:

- Overarching principles, policies and guidelines
- Dispositions addressed to Member States
- Dispositions addressed to the United Nations and the humanitarian system in general
- Dispositions addressed to each agency, fund or programme in particular.

8. Similar to the reference guide prepared in 2008, the intention is to prepare the reference guide in such a way that could be useful for OCHA staff, particularly those in the field, to ensure that their work is better informed by these legislative decisions. The reference guide could also serve as a tool for their interaction with humanitarian partners for more informed humanitarian coordination.

II. METHODOLOGY

9. The consultants' team first undertook a literature review, focusing on the intergovernmental structure of the UN system in the humanitarian field, the evolution of the mandate of the key funds, programmes and agencies, and the intergovernmental decisions adopted by relevant intergovernmental bodies. The team also reviewed the key humanitarian policy papers prepared by the secretariats of these entities, particularly those that were subsequently presented to their governing bodies for information or action. The team also studied the strategic plans and programme budgets of these entities to appreciate the translation of mandates into strategies and programmes for implementation at the operational level.

10. In addition to the literature review, the team also conducted interviews with a variety of selected stakeholders, including senior staff of the funds, programmes and agencies. The team also benefited from the insights of a selected number of government representatives who have been involved in the work of these funds, programmes and agencies, particularly in the intergovernmental processes. The team also met with relevant OCHA staff, particularly those involved in the humanitarian reform implementation and the IASC process in order to understand better of the relationship between policy development at the intergovernmental and inter-agency levels, as well as the impact of the humanitarian reform on the evolution of the mandates of the funds, programmes and agencies.

11. The matrix aims to be comprehensive and includes all relevant decisions of the governing bodies of the key funds, programmes and agencies of the UN system relating to humanitarian assistance. It also includes relevant decisions of the General Assembly and the Economic and Social Council in the context of their consideration of their reports. The matrix is simply excerpts of relevant decisions and contains almost exclusively direct quotations.

12. The reference guide on the other hand is an attempt to provide a clear and concise overview of the mandate of the key UN organizations as well as the decisions of their governing bodies pertaining to humanitarian assistance. Selectivity is therefore unavoidable. While every effort has been made to use or adhere to the exact language of the intergovernmental bodies in the preparation of the guide, there are instances where editing was needed to ensure consistency in format and presentation. In all cases, the reference guide was prepared with due respect to the original intent and spirit of the relevant intergovernmental decisions that inform it.

II. THE STRUCTURE AND MANDATE OF ORGANIZATIONS OF THE UN SYSTEM INVOLVED IN HUMANITARIAN ASSISTANCE

13. While the General Assembly, the Security Council, and the Economic and Social Council are intergovernmental bodies established in accordance with the Charter of the United Nations when it was founded in 1944, other organizations were established over time with specific objectives and purposes. Some were established to serve time-limited functions but have evolved into permanent entities. Over time, the UN system has expanded into a large network of organizations, posing challenges of consistency in policies and coordination in field operations.

14. In the humanitarian field, the provision of humanitarian assistance has grown tremendously in the last two decades and the involvement of organizations of the UN system in such activities have also evolved in number, scope and depth. It is important to understand the overall mandate of these organizations, their governing structure and their relationship with the General Assembly and the Economic and Social Council in order to appreciate their role in the legislative development of humanitarian policies.

15. Among the six key organizations of the UN system involved in humanitarian assistance, FAO and WHO are specialized agencies. They have their own intergovernmental bodies that set policies relating to their work and approve their programmes and budgets. They have their own Assemblies that enjoy universal participation. The FAO Assembly has currently 193 members while the World Health Assembly has a membership of 191. Both Assemblies have been vested with authority to take decisions pertaining to these agencies without references to the UN General Assembly. Their relationships with the United Nations are governed by

the relationship agreements between them and the United Nations. While Articles 58, 62 and 63 of the Charters stipulated that the United Nations should make recommendations for the co-ordination of the policies and activities of specialized agencies with respect to international, economic, social, cultural, educational, health and related matters, the relationship agreements between the UN and these agencies stated that the implementation of these recommendations are subject to consultation between the UN and their organizations.

16. On the other hand, UNHCR, UNICEF, and UNDP are subsidiary bodies of the General Assembly and the ECOSOC established to implement their policies, while WFP was established jointly by the United Nations and FAO, reporting each year to the FAO Council and the ECOSOC.

17. While the engagement of the governing bodies in the articulation of policy relating to humanitarian assistance varies widely from one organization to another, the function of management oversight, including strategic planning and budget review and approval are common to all these bodies. It is in the context of the latter that these governing bodies are engaged consistently in the work of these organizations in the humanitarian field, particularly in translating general mandate into specific corporate objectives and programme activities.

18. Among the six key organizations covered in this study, UNHCR is the only one that has an exclusive humanitarian mandate while the others have dual development and humanitarian mandates, and UNDP has primarily a development mandate. The agenda and deliberations of their governing bodies reflect this fact, with greater emphasis on the traditional role of these organizations in the development field. Recent years have however seen greater resources provided to these organizations for humanitarian related activities. While some governing bodies have paid increasing attention to these activities, not all of them have adjusted their deliberations accordingly

19. The work of UNHCR is governed by its Statute, whereby the High commissioner "shall follow the policy directives given him by the General Assembly or the Economic and Social Council". The Executive Committee of UNHCR was established as a subsidiary organ of the General Assembly to advise the High Commissioner in the exercise of his/her functions, advice on international protection, and to review and approve UNHCR programmes and budgets. The Executive Committee is open to the participation of any member states and is currently made up of 78 members. All key donors and developing countries are already members of the Committee. The reports of the High Commissioner and of the Executive Committee are submitted annually to the General Assembly for consideration and action. It should be noted that the General Assembly adopted by consensus each year an omnibus resolution on the work of UNHCR and endorsed, inter alia, the recommendations of the Executive Committee. This practice has enabled the Executive Committee to contribute in a very substantive way in the policy formulation relating to the core mandate of UNHCR, in spite of its formal mandate to advice the High Commissioner as mentioned.

20. WFP was established jointly by the UN and FAO in 1962 as a voluntarily funded programme, with a dual mandate in development and humanitarian assistance. Its Executive Board is responsible for providing intergovernmental support and policy direction to and supervision of the activities of WFP in accordance with the overall policy guidance of the UN General Assembly and the FAO Conference. The Executive Board of WFP is composed of 36 members and reports annually to the ECOSOC and the FAO Council. While the ECOSOC has a tradition of taking note of the report of the Executive Board each year, the FAO Council commented on a number of occasions on issues such as the safety and security of WFP staff. When WFP was first established, eighty per cent of the resources made available to the programme were allocated to supporting development activities. Today, ninety percent of its resources are devoted to humanitarian related activities, covering disaster reduction, preparedness, response and recovery. While there is a gradual increase in the deliberations of the Executive Board on the activities of WFP in humanitarian assistance, the Board today still devote considerable amount of time and attention to WFP's development related activities, including the transition from humanitarian to development.

21. UNICEF was established by the General Assembly in 1946 to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. Its Executive Board, together with that of UNDP, was reconstituted by the Assembly in 1994. The main functions of the Executive Board include the implementation of policies of the Assembly and management oversight over the work of UNICEF. The Executive Board has 36 members and reports annually to the Economic and Social Council. Resources provided to UNICEF for humanitarian assistance have increased steadily in recent years, constituting approximately 45% of overall contributions received.

22. UNDP is primarily a development programme. Just as UNICEF, the Executive Board of UNDP was reconstituted in 1994 with 36 members and has identical terms of reference as UNICEF's Board. UNDP Executive Board focuses primarily on development activities, while the General Assembly in the context of its triennial policy review of operational activities for development also addresses humanitarian assistance from the development perspective. Resources made available to UNDP from donors for disaster prevention, reduction and preparedness, as well as for early recovery have increased steadily in recent years.

23. WHO, being a specialized agency, has its own governance structure. The World Health Assembly, meeting once a year in May, is the supreme decision-making body for WHO. Its main function is to determine the policies of WHO. It also appoints the Director General, supervises the financial policies of the Organization, and reviews and approves the proposed programme budget. WHO also has an Executive Board whose main functions are to give effect to the decisions and policies of the Health Assembly, to advise it and generally to facilitate its work. In many ways, the relationship between the Executive Board and the Health Assembly is similar to the relationship between the Governing Boards of UNICEF and UNDP and the UN

General Assembly. Resources made available to WHO for humanitarian assistance have increased steadily in recent years. The Health Assembly has likewise been increasingly involved in deliberating and deciding on the role and activities of WHO in humanitarian assistance. In 2005 and 2008 it adopted comprehensive resolutions that covered not only the role and activities of WHO in disaster reduction, preparedness, response and recovery, but also addressed the key humanitarian issues similar to those considered by the UN General Assembly.

24. FAO, being the other specialized agency, also has its own governance structure. The FAO Conference determines the policy and approves the budget of the Organization. It makes recommendations concerning questions relating to food and agriculture to Member States for consideration and implementation. FAO also has a Council to assist the Conference in discharging its function. In this regard, the Conference may delegate to the Council such power it may determine appropriate. Since 1994, FAO has experienced a steady decline in the overall resources made available to it. Between 1994 and 2005, its total financial resources (net of special funds for emergencies) declined in real terms by 31 percent and its total staff complement fell by 25 percent. In contrast, resources available to FAO for humanitarian assistance have increased rapidly in recent years, accounting for approximately 50% of voluntary contributions received for field activities. The Assembly and Council however have not been engaged in deliberating humanitarian policy issues other than the role and activities of FAO in the context of the recent Strategic framework and medium term plan.

IV. HUMANITARIAN ISSUES ADDRESSED BY THE GOVERNING BODIES OF THESE ORGANIZATIONS

25. There is great diversity in the engagement of the governing bodies in addressing the humanitarian aspects of the mandate and work of the funds, programmes and agencies addressed in this review. Such diversity is due to the different mandates of these organizations, the tradition and established practice of their governing bodies, the expertise of delegations that attend meetings of these governing bodies, and the role played by the secretariats in engaging these bodies in addressing humanitarian policy issues.

26. Other than UNHCR that is a humanitarian organization from the day it was established, and WFP as an organization with dual development and humanitarian mandate, others were established primarily as development organizations. By and large, the agenda and the expertise of government representatives attending meetings of these bodies reflect more the original mandate of these organizations, and have not changed much even though resources going to humanitarian assistance have been increasing steadily in recent years.

27. Adjustments did come in some instances at the initiative of Member States. In other instances, the secretariats played a catalytic role to engage their governing bodies in the consideration of policy issues relating to their activities in humanitarian assistance.

28. In interviews, it has been repeatedly pointed out by these organizations that their field offices are the ones that request and benefit most from policy guidance on different issues and challenges they faced in providing humanitarian assistance. Many of those challenges are common to all humanitarian organizations, such as access and safety and security of staff. Others are particular to their own core mandate, be that pertains to emergency food aid or refugees. All of these organizations have been responding to such demand by articulating guidance notes either by themselves, or with partner organizations. In doing so, they tried to take into account the work of the General Assembly, the Inter-Agency Standing Committee, and the experiences and policies works of other humanitarian organizations. Many of them have submitted their work to their governing bodies for information or consideration and endorsement. In the case of UNHCR, the secretariat considers the engagement and support of the Executive Committee as strategically critical for the fulfillment of its mandate in the protection and assistance of refugees. This may explain the long held tradition of the substantive involvement of the Executive Committee in articulating substantive conclusions, particularly relating to protection of refugees, since its inception.

29. It should be noted that the organizations covered in these review are located in New York, Geneva, and Rome. Among them, Geneva benefited most in terms of the presence of representatives of Member States that have considerable experiences and expertise in humanitarian assistance, partly due also to the presence of ICRC and IFRC in addition to UNHCR. This may explain in part the substantive decisions of the World Health Assembly on the work of WHO in humanitarian assistance even though the WHA meetings are covered mainly by health experts. In Rome, meetings are primarily attended by governmental representatives with agriculture and development expertise. In New York, meetings of UNICEF and UNDP are attended primarily by development expert representatives of their missions in New York or from capitals.

30. While the mandate of these organizations and their governing bodies may differ, there is one main function that is common to all governing bodies, namely the review and approval of the strategic plans, programmes and budget of these organizations. It is in this context that the overall objectives, strategies and activities to be undertaken by these organizations in humanitarian assistance are considered, commented and approved by their respective governing bodies. Through these planning and programming tools and processes, the humanitarian mandates of these organizations are elaborated, evolved, and at times expanded over time.

31. While the scope and depth of the involvements of these governing bodies in humanitarian discussions still varies greatly, overall there has been an upward trend in their engagement, particularly in the last ten years.

32. The following review tried to capture the main gist of the involvement of these organizations in humanitarian policy formulation and how their decisions relate to that of the General Assembly and ECOSOC of the United Nations. It should be noted

that in addition to the decisions of their governing bodies, the General Assembly in its triennial comprehensive policy review of operational activities for development, also provide overall policy guidance relating to the work of these organizations in disaster reduction, early recovery and transition to development.

UNHCR

33. The Executive Committee of UNHCR has a long tradition of engagement in deliberating and reaching conclusions on policy issues related to humanitarian assistance. Between 1975 and 2008 the Executive Committee reached 108 conclusions on topics directly related to the core mandate of UNHCR and humanitarian assistance.

34. With a fully humanitarian mandate, UNHCR Executive Committee has benefited from good and active participation of representatives experienced in the humanitarian field. In comparison with other UN Headquarters, Governments tend to send their senior humanitarian experts to Geneva to cover the activities of UNHCR and ICRC.

35. In addition, UNHCR has a long-standing tradition to engage the Executive Committee strategically in the promotion of the protection and assistance of refugees, and related humanitarian issues. UNHCR systematically identifies and analyses protection and assistance gaps and challenges and present them to the Executive Committee for consideration and action. Such engagement begins with informal consultations on the preparation of policy papers, to be followed by the drafting of possible decisions. This consultative and participatory process results always in the Executive Committee adopting its conclusions by consensus. Members of the Executive Committee also consult and negotiate in Geneva the draft omnibus resolution that the General Assembly adopts each year on the reports of the High Commissioner and the Executive Committee. Due mainly to such preparations and the consensus recommendations of the Executive, the General Assembly has also adopted its omnibus resolutions UNHCR by consensus.

36. In substance, the Executive Committee has adopted an impressive array of conclusions relating to the core mandate of UNHCR, covering the whole spectrum of issues relating to protection of and assistance to refugees, returnees, and Stateless persons. Over the years, it has also addressed extensively on issues relating to internally displaced persons, given the fact that the causes of displacement for IDPs and refugees are similar. The Executive Committee also has extensive decisions on the main humanitarian themes addressed by the General Assembly and the Economic and Social Council, such as humanitarian principles, access, internal displacement, protection, and the safety and security of humanitarian personnel. Languages used are by and large very similar to that of the Assembly and ECOSOC. In some instances, languages are specific and detail. On humanitarian access, for example, the Executive Committee over the years has stressed the need for safe, rapid, timely, free, unimpeded, and unhindered access. On humanitarian principles, the Executive Committee has consistently highlighted the importance of refugees

and human rights laws and the Geneva Convention and its protocols and the responsibility of States to uphold such laws. The need to work closely with ICRC is also emphasized. On protection, the Executive Committee highlights the primary responsibilities of States and parties to conflicts, and articulates not only the protection requirements of refugees, but also of vulnerable groups such as children, women, and the IDPs.

37. On humanitarian reform, the Executive Committee welcomed UNHCR in taking cluster lead role in protection, emergency shelter and internal displaced persons. The Committee reiterated that the role of UNHCR with internal displaced persons should be based on criteria specified by the General Assembly and should not undermine its mandate for refugees and the institution of asylum.

World Food Programme (WFP)

38. While WFP has a dual mandate in development and humanitarian assistance, its field activities has gradually shifted over the years from development to humanitarian assistance, its Executive Board does not have a tradition or practice to engage extensively in the deliberation and decisions on humanitarian issues as in the case of the Executive Committee of UNHCR. The Executive Committee however has over the years addressed a whole spectrum of humanitarian issues presented to it by the WFP secretariat. The Executive Committee at the same time is actively engaged in the strategic planning and programming of the work of WFP, which has an increasing important and dominant humanitarian dimension.

39. Since 2000, WFP secretariat has prepared and submitted to the Executive Committee more than ten policy papers either for its information or action. The topics of these papers covered the whole spectrum of humanitarian issues and challenges faced by the international humanitarian community over those years and are very similar to the themes addressed by the General Assembly and the Economic and Social Council. These papers were prepared in response to the request for policy guidance from the field or in some cases at the request of the Executive Committee. Topics addressed include thematic issues such as humanitarian principles, humanitarian access and its implication for WFP, safety and security of humanitarian personnel, and humanitarian-military relations in humanitarian assistance. WFP also elaborated policies relating to preparedness, disaster risk reduction, transition from relief to development, gender and WFP exit strategy from emergencies. In preparing different policy papers as mentioned above, WFP consistently draws on the decisions of the General Assembly as well as common guidelines drawn up by the IASC. There is great degree of consistency in the content of WFP policy papers with the policies as laid down by the General Assembly and ECOSOC.

40. The Executive Board in most instances took note of these policy papers and requested the WFP Secretariat to incorporate them into an annual "Consolidated

Framework of WFP policies”. Over the years, this compendium of WFP policies has evolved into a very comprehensive document that serves as an excellent reference for WFP staff as well as for members of the Executive Committee.

41. It should be noted that the WFP secretariat systematically consults member states in the preparations of these policy papers, taking into account their comments in finalizing them before submission to the Executive Board. Members of the Board are also invited to address any questions related to those papers to the WFP Secretariat.

42. At its First Regular Session of 2009, the Executive Board requested the Secretariat to prepare a document on WFP’s role in the humanitarian system as it has evolved since the humanitarian response review in 2006. In the policy paper submitted in 2010, WFP highlighted its active involvement in the humanitarian cluster system through serving as the cluster leads of the logistics and emergency telecommunications clusters, and its participation in the other clusters. It also highlighted that while a global food cluster was not established, the IASC reaffirmed WFP’s global lead of the food sector in the humanitarian context.

43. The report of WFP Executive Board is submitted annually to ECOSOC and the Council of the Food and Agriculture Organization. While ECOSOC annually takes note of the report of the Executive Board, the FAO Council approves the report and on two occasions commented on security of WFP staff and supported efforts aiming at improving safety and security of humanitarian personnel.

United Nation’s Children Fund (UNICEF)

44. Partly due to the fact that the Executive Board of UNICEF was set up to implement the policies of the General Assembly, the Executive Board of UNICEF has not been as engaged in the deliberation and articulation of policies relating to UNICEF’s role and activities in humanitarian assistance. The fact that the General Assembly and the Economic and Social Council address each year humanitarian issues that are relevant to UNICEF and the recent inclusion of the humanitarian dimension in the Assembly’s triennial policy review of operational activities for development may account for the relatively limited direct engagement of the UNICEF Executive Board.

45. In the context of UNICEF’s Medium-Term Strategic Plan for 2006-2015, the Board has reviewed a number of policy papers that are also applicable to the work of UNICEF in the humanitarian field. These papers include UNICEF strategies in: child protection; education; health and nutrition; water, sanitation and hygiene; and post-crisis transition strategies. These documents defines the role of UNICEF, the applicable guiding principles, the activities to be implemented as well as the approach, the partnership and the role of the Fund within the Inter Agency Standing Committee. These papers were noted or welcomed by the Board in 2005.

46. In addition, the Executive Director of UNICEF presented to the Board in 2004 a policy paper entitled “Core Commitments for Children in Emergencies” (CCC), a global framework for humanitarian action for children, to be undertaken by UNICEF and its partners. The CCC outlined the main guiding principles for UNICEF action in humanitarian assistance, including: (i) Children in the midst of armed conflict and natural disasters such as drought, floods and earthquakes have the same needs and rights as children in stable countries and (ii) UNICEF’s response will recognize the priority of humanitarian action while assuring safe access to affected populations and safety and security of staff and assets. In 2010, UNICEF prepared an updated CCC to take in account the experienced gained in the intervening years. The new CCC made an explicit commitment to disaster reduction and preparedness and highlighted also UNICEF role as the cluster leads for nutrition, water and sanitation as well as emergency education.

47. In relation to the topic of protection of civilians, the Executive Board welcomed the consensus adoption by the General Assembly in 2000 of the Convention on the Rights of the Child as a mean to prevent the involvement of children in armed conflicts and to ensure the protection of children from sale, prostitution and pornography.

World Health Organization (WHO)

48. The World Health Assembly has been actively engaged in deliberating and deciding on humanitarian issues in recent years, particularly those pertaining to the role and activities of WHO. It adopted in 2005 a comprehensive resolution on health action in crises and disasters, in 2006 a resolution on emergency preparedness and response, and in 2008 a resolution on climate change and health. These substantive resolutions were preceded by resolutions adopted in 1993 and 2002 relating to the protection of health and medical services in armed conflicts. Taken together, these resolutions presented a very comprehensive articulation of the Assembly policy views relating to the whole spectrum of humanitarian issues relating to health, and to humanitarian assistance in general.

49. On humanitarian principles, the Assembly reaffirmed the need to promote and ensure respect for the principles and rules of international humanitarian law, and guided in this respect by the relevant provisions of the Geneva Conventions of 1949 and their Additional Protocols of 1977. On protection of civilians and access, the Assembly urged Member States to ensure that all affected populations, including displaced persons, have equitable access to essential health care, focusing on saving those whose lives are endangered and sustaining the lives of those who have survived, and paying particular attention to the specific needs of women and children, older people, and persons with acute physical and psychological trauma, communicable diseases, chronic illnesses, or disability. It also requested Member States to pay particular attention to gender-based violence as an increasing concern during crises, and to provide support to those affected. On security and safety of

humanitarian personnel, the Assembly called on all parties to armed conflicts fully to adhere to and implement the applicable rules of international humanitarian law protecting civilians and combatants who are *hors de combat* as well as medical, nursing and other health and humanitarian personnel. On emergency preparedness, the Assembly expressed its concern that preparedness in many countries is weak and urged Member States to strengthen the capacity of their health systems through adequate preventive measures, preparedness, timely response and management of natural disaster. It also requested the Director-General of WHO to provide the necessary technical guidance and support to Member States for building their health-sector emergency preparedness and response programmes at national and local levels, including a focus on strengthening community preparedness and resilience.

50. It should be noted that the WHA adopts each year a resolution relating to health conditions in the occupied Palestinian territory.

Food and Agriculture Organization (FAO)

51. While FAO has become increasingly involved in humanitarian assistance with approximately 50% of voluntary contributions received for field activities earmarked for humanitarian assistance, the deliberations of its Assembly and Council continue with a primarily normative and development focus. Other than the current Strategic Framework and its corresponding the medium term plan and programme budget, the FAO Assembly and Council have not had any deliberations and decisions on humanitarian policy issues.

52. Within the Strategic Framework for 2010-2019, one out of ten strategic objectives endorsed by the FAO Assembly is humanitarian, namely Objective I entitled “improved preparedness for and effective response to, food and agricultural threats and emergencies”. The endorsement of this Strategic Framework together with the medium term plan to implement this Framework constitutes the support for FAO active engagement in humanitarian assistance, covering the whole spectrum of activities from disaster reduction and preparedness, to emergency response and recovery.

53. In the meantime, the FAO Secretariat has drawn up guidelines of the agricultural cluster as well as in refining methodology for post-disaster needs assessment of food and agriculture requirements, as well as crop and food supply assessment for countries facing widespread food insecurity. It has also developed an Integrated Food Security and Humanitarian Phase Classification Scheme with a view to determine the severity of a crisis and the implications for humanitarian response. As regards activities in the transition phase, FAO Conference has directed the Director-General to take steps to implement the recommendations of the Triennial Comprehensive Policy Reviews undertaken by the General Assembly.

54. It should be noted that the FAO Assembly, as mentioned earlier, did express its concern about the safety and security of humanitarian personnel in the context of the report of the Executive Board of WFP.

CONCLUDING REFLECTIONS

55. The review of the legislative development of the governing bodies of the six key organizations in humanitarian assistance has clearly shown great diversity in their involvement and in the manner they address humanitarian policy issues. By and large, they have all benefitted from the engagements of their respective governing bodies in addressing their role and activities in humanitarian assistance. Such benefits range from advocacy and support for their core mandate, the confirmation, elaboration and extension of their humanitarian role, as well as the provision of policy guidance to their operations, particularly in the field.

56. There is obvious need for policy support and operational guidance in light of the emerging challenges faced by humanitarian organizations in the last two decades. Some of the challenges that humanitarian organizations faced are specific to their core mandate, but many are common to the humanitarian community as a whole. These challenges are compounded by the steady increase in magnitude, scope and complexities of humanitarian disasters and emergencies. This requirement is reinforced by the substantial increase in financial resources needed and made available for humanitarian assistance over the years with corresponding demand for greater professionalism and accountability.

57. Intergovernmental bodies of the six organizations under review engage in humanitarian discussion in different ways. The Executive Committee of UNHCR has the longest tradition and has engaged directly in the deliberations of humanitarian issues every year. Such deliberations have resulted in a substantial amount of decisions, covering practically all humanitarian issues and challenges. WFP Executive Board has also been steadily involved in addressing humanitarian issues, mostly on the basis of policy papers prepared by the WFP secretariat. Nevertheless, the totality of issues that have been addressed are quite impressive and are now well documented in a compendium of WFP policy in humanitarian assistance that is updated and made available to member states and staff. The World Health Assembly has been actively involved since 2005 through a number of comprehensive resolutions covering the whole spectrum of issues relating to humanitarian assistance and the role of WHO. UNICEF, UNDP and FAO involve their respective governing bodies primarily through the discussions of their strategic plans and budgets. On a number of occasions, UNICEF and UNDP prepared papers articulating their role and strategy in humanitarian assistance, and the key principles that informed their activities. The most recent example is UNICEF policy paper entitled “the Core Commitments for Children in humanitarian action” submitted to its Governing Board in 2010.

58. In spite of the differences among these organizations in terms of the engagement of their governing bodies in addressing humanitarian issues, there has been a steady increase in such engagement in the last five years. Major disasters such as the Tsunami of 2004 and the Haiti Earthquake of 2010 have clearly moved humanitarian assistance high on the agenda of the international community, a move shared by both developed and developing countries. In increasing instances, member states have taken the initiative to put humanitarian assistance on the agenda of these intergovernmental bodies. Their decisions reflected not only the need for effective humanitarian response, but also the importance Member States attached to disaster reduction and preparedness, and early recovery support. The need of a holistic approach to disaster management, encompassing disaster preparedness, response and recovery, with capacity building at the local and national levels as an integral part of such an approach is also well reflected in the policy papers prepared by these organizations. This trend is consistent with the decisions of the General Assembly and the Economic and Social Council.

59. The humanitarian reform of 2005 and its subsequent implementation by these organizations have also attracted attention and support from their respective governing bodies. Their roles, particularly in the implementation of the cluster approach, are well reflected in their corporate strategic planning documents and some have even succeeded to secure resources from their governing bodies in the discharge of their newly defined functions, including cluster lead responsibilities. After five years of experiences of reform implementation, the cluster approach is no longer seen merely as a gap filling measure, but is accepted as a way humanitarian assistance is being organized, managed and financed. WFP, which has been maintaining that food is a sector and not a cluster, is poised to recommend together with FAO that food security become a cluster like the others. This augurs well for the efforts to transform the humanitarian reform into a more structured and accountable way of providing humanitarian assistance. At the same time, many practitioners have continued to highlight the important need of the engagement and ownership of the disaster affected countries in the reform implementation. Some have even suggested that building capacity of and partnership with the disaster prone countries should be high on the agenda of the next humanitarian reform.

60. The engagement of these governing bodies in support of their respective organizations in the humanitarian reform is in sharp contrast to the difficulties encountered by the General Assembly and the Economic and Social Council in making reference to the humanitarian reform in their decisions. A number of developing countries continued to maintain that since their governments have primary responsibility for humanitarian assistance, they should be consulted if not fully involved in the humanitarian reform process. Some also maintained that reform of the international humanitarian system should in principle be overseen by the General Assembly. This dichotomy of approaches reflects to a large extent the general perception of developing countries that the General Assembly is a policy making body that they participate on an equal basis, while the funds and programmes as well as specialized agencies are entities that provide technical

support and assistance to their countries. They therefore tend to support efforts to strengthen the role and capacities of these funds, programmes and agencies.

61. The way these funds, programmes and agencies work with their governing bodies may also account for the consistent support that they have received from them. In general, they have a tradition and practice of informing and engaging members of their governing bodies in the preparation of their corporate strategies and budgets, as well as policy papers before their finalization and submission. They are also proactive in assisting these governing bodies in articulating their decisions, including presenting possible draft conclusions in their reports. These consultative arrangements clearly smooth the decision making process and enhance the ownership of Member States of the outcome.

62. The review has found a great degree of consistency between the policy decisions of the General Assembly and that of the governing bodies of these organizations. This is quite understandable since the secretariats of these organizations have drawn heavily on the decisions of the UN General Assembly as well as the deliberations and conclusions of the IASC. Since many of the decisions of these governing bodies are taken in the specific context of the core mandate of the organizations, these decisions complement well those of the General Assembly.

63. At the same time, a review of the themes and the timing of their considerations by the governing bodies of these organizations have also clearly shown the important role of the General Assembly in addressing humanitarian issues and challenges that are of concerns to all humanitarian organizations. Given the technical and sectoral mandates of these organizations, the decisions of the General Assembly have provided and should continue to provide a common framework for these organizations to articulate policies and operational guidelines specific to their own mandate and requirements, be that related to food assistance or health.

64. The General Assembly can also benefit from the experiences and expertise of these organizations. Over the years, these organizations have acquired considerable institutional experiences and expertise on humanitarian assistance relating to their own mandate. This is the case both at the secretariat as well as at the intergovernmental levels. The General Assembly could consider ways to draw more systematically on their technical expertise and institutional perspective and experiences in addressing humanitarian issues in the future.

65. Although two years have passed since the review of UN legislative development on humanitarian assistance, the challenges faced by the international humanitarian community that were identified then have not changed. The current review has only underlined the importance to address such challenges. The key areas identified then for greater intergovernmental attention also remain valid. The extreme weather fluctuations and increased frequency of natural disasters, together with the recent experiences of UN assistance have only reinforced the urgency to reflect on the key challenges identified therein, namely (i) how best to build partnership with disaster prone countries in disaster management that encompasses capacity

building for preparedness and response; (ii) how to ensure principled humanitarian action and accountability with the proliferation of humanitarian actors, including the military, the private sector, and faith-based organizations; (iii) how to operate in high risk environment, and (iv) re-examine the use of military in humanitarian assistance in light of recent experiences such as the Haiti earthquake and the Afghanistan operations.

64. The implementation of the humanitarian reform has reinforced the importance of the meaningful partnership with disaster prone countries. It has also highlighted the importance of simultaneous progress in the three inter-related areas of cluster approach, humanitarian financing and humanitarian coordination. Much progress has been made so far in the implementation of the cluster approach and humanitarian financing, while humanitarian coordination, including programming and coordination tools such as joint needs assessment, would benefit from more timely implementation. The support of OCHA and IASC in this regard is of critical importance.

65. The need for periodic reflections on the changing environment and challenges of humanitarian assistance also continues to be relevant. It may also be useful for the Economic and Social Council to consider an in-depth review of humanitarian assistance every five years on the basis of an analysis of the state of the humanitarian world prepared by the Secretary-General, drawing on the expertise and experience of the international humanitarian community as a whole.

66. With the twentieth anniversary of the adoption of GA resolution 46/182 coming up in 2011, it would be most appropriate for the General Assembly with the support of the Economic and Social Council to undertake such a reflection.