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### **Acronyms**

<b>DHA</b>	Department of Humanitarian Affairs
<b>DPA</b>	Department of Political Affairs
<b>DPKO</b>	Department of Peace-keeping Operations
<b>ERC</b>	Emergency Relief Coordinator
<b>FAO</b>	Food and Agriculture Organization of the United Nations
<b>HC</b>	Humanitarian Coordinator
<b>IASC</b>	Inter-Agency Standing Committee
<b>ICRC</b>	International Committee of the Red Cross
<b>ICVA</b>	International Council of Voluntary Agencies
<b>JIU</b>	Joint Inspection Unit
<b>NGO</b>	Non-Governmental Organization
<b>RC</b>	Resident Coordinator
<b>SRSG</b>	Special Representative of the Secretary-General
<b>UNAMIR</b>	United Nations Assistance Mission in Rwanda
<b>UNDP</b>	United Nations Development Programme
<b>UNDRO</b>	United Nations Disaster Relief Coordinator
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNICEF</b>	United Nations Children's Fund
<b>UNOSOM</b>	United Nations Operations for Somalia
<b>UNREO</b>	United Nations Relief Emergency Office
<b>UNRRA</b>	United Nations Relief and Rehabilitation Administration
<b>UNTAG</b>	United Nations Transitional Group for Namibia
<b>WFP</b>	World Food Programme
<b>WHO</b>	World Health Organization

## **EXECUTIVE SUMMARY, CONCLUSIONS AND RECOMMENDATIONS**

The increasing number of conflicts, both internal and international, requiring humanitarian assistance and protection of civilians has made the tasks of the United Nations more difficult and complex, challenging its Charter and principles. Consequently, it has become essential for the Organization to ensure that relevant departments and entities of the System involved have a clear understanding of their roles and responsibilities. In order to respond to these complex problems, the United Nations has put forward three major instruments namely, preventive diplomacy, peacemaking and peace-keeping. All these activities are carried out in conjunction with humanitarian assistance programmes which include also peace-building.

The objective of this report is to analyse existing and proposed mandates of the different humanitarian agencies and of the social and humanitarian departments of the United Nations Secretariat to ensure that these mandates are appropriate and applicable, to the extent possible, during complex emergency operations. The report also focuses on the relationship between humanitarian assistance and peace-keeping operators and recommends ways and means of harmonizing their work. The mechanisms for cooperation and coordination both at headquarters and field levels and among the different actors have been reviewed in detail with the aim of improving their effectiveness. The security and safety of United Nations field personnel have also been considered and suggestions made for improvement of the relevant policy.

The information and documentation used in the analysis and recommendations were provided by the organizations concerned, and field trips to Mozambique, Rwanda and Kenya where a plurality of United Nations activities were transferred from Somalia. The Inspector is convinced that further efforts are necessary to improve the existing potentialities of the United Nations to contribute to peace and international security through the promotion of social, economic and humanitarian progress.

The assistance and cooperation of different departments and organizations both at headquarters and the field during the course of the investigation were extremely useful and highly appreciated. The Inspector wishes to point out, however, that the report cannot reflect all views expressed by United Nations organizations. The document is rather an effort at synthesis and harmonization of sometimes divergent positions which it would be impossible to reflect integrally; constraint on the length of JIU reports is also a factor.

### **RECOMMENDATION 1**

The functions and responsibilities of the DHA in complex emergencies has evolved during the past few years. However, since its creation by the General Assembly in 1991, guidelines have been insufficient in defining the new roles of the Department, to clarify its mandate, to steer interaction vis-à-vis DPA and DPKO. The Secretary-General has the responsibility of issuing operational guidelines. A

Secretary-General's Bulletin should be issued defining clearly the evolving functions and services of the DHA both at headquarters and at the field level.

## RECOMMENDATION 2

The roles of humanitarian assistance operators have been extended to accommodate the impact of conflict situations resulting from intra-state and international conflicts. In complex emergencies, civilians on all sides and at all times must be protected and assisted by the United Nations and its humanitarian agencies based on the principles of humanity, impartiality and neutrality which need to be respected by all.

## RECOMMENDATION 3

The Secretary-General's "Agenda for Peace" and its Supplement, have provided mechanisms for maintaining international peace and security through preventive diplomacy, peacemaking, peace-keeping and peace-building. Negotiations with all parties to avoid conflicts, contain and/or solve them is one of the least costly and most effective means of achieving the aims of the United Nations. In order to maximize the impact of the strategies, the Secretary-General should strengthen and privilege the channel of "negotiations". This can best be achieved by refining the mechanism for analytical research of the roots and causes, including historical and anthropological backgrounds, of political, social and economic crises, especially in cases of the parties concerned being reluctant to accept peaceful solutions. Humanitarian diplomacy can play a useful role in this context as an impartial and neutral persuader.

## RECOMMENDATION 4

The increasing number of complex emergencies and the involvement of the United Nations in humanitarian and peace-keeping operations have raised the interest not only of the traditional operational partners of the United Nations and NGOs, but also of research and academic institutions and universities. The participation of NGOs in complex emergencies has proved essential for United Nations relief activities. The involvement of different institutions has also opened a new avenue for a flow of ideas from organizations not part of the United Nations structure, but nevertheless genuinely concerned. To encourage this development:

- (a) NGOs: the Inter-Agency Standing Committee should involve selected NGOs working in relief and rehabilitation sectors at the planning stage of the operations. A guideline to this effect should be issued by the IASC specifying the criteria and conditions of involvement.
- (b) Academic Institutions: there should be a continuous exchange of information-sharing between identified institutions and universities and the appropriate departments and entities of the United Nations on how effective responses can be developed to complex emergencies.

## RECOMMENDATION 5

The relationship between United Nations humanitarian assistance operators and peace-keeping forces fully emerged when the number of complex emergencies increased. This relationship is working at Headquarters level due to the efforts of the heads of the three departments, DPA, DPKO and DHA who are trying to set up a coordination mechanism. The plan, however, does not take into sufficient consideration of the role of the agencies at the field level despite their extensive experience and wide knowledge of different complex emergencies. There are uncertainties at the leadership level of the operation, attributable to the difference between political and humanitarian objectives.

In order to improve co-operation and co-ordination among the different components involved:

- (a) Clear lines of responsibility should be established by the Secretary-General and in conformity with the will of Member States, for DHA, DPKO and DPA.
- (b) A restricted Humanitarian Task Force including no more than three humanitarian agencies to be decided by the Inter-Agency Standing Committee should be established under the auspices of DHA with the following tasks:
  - (i) to participate in the planning of peace-keeping operations with DHA, DPKO and DPA;
  - (ii) to inform the Security Council through DHA on the background for strategies and operations.

## RECOMMENDATION 6. Human Rights

The respect and protection of human rights in complex emergencies have not so far been satisfactorily assured despite the existing international instruments. In order that the High Commissioner and the Centre for Human Rights are enabled to carry out their responsibilities:

- (a) a human rights structure should be envisaged within the office of the Humanitarian Coordinator at the field level;
- (b) an information network between humanitarian agencies and DPKO should be established.
- (c) all peace-keeping operations to be undertaken by the United Nations should have a human rights component.

(d) the High Commissioner for Human Rights should be a member of the restricted Humanitarian Task Force.

#### **RECOMMENDATION 7. Coordination**

In complex emergency operations, the activities of DPA, DPKO, DHA, human rights issues and NGOs are becoming more and more interdependent and interlinked. These entities and departments are directly or indirectly responsible for the implementation of the decisions of the Security Council. The following suggestions seem, therefore, appropriate:

(a) **Headquarters**: At Headquarters level, the initiative taken by DHA along with other humanitarian agencies, DPKO and DPA to set-up a coordination mechanism should be pursued and formalized. Once the effort is finalized, the relevant document should become a constitutional framework for cooperation at Headquarters level in complex emergencies.

(b) **Field**: At the field level, the following chain of command and hierarchy should be followed:

(i) The Special Representative of the Secretary-General (SRSG), in accordance with his mandate, should provide overall leadership, coordinate and harmonize political, military and humanitarian operations.

(ii) The United Nations Force Commander, the Humanitarian Coordinator and the representative of the High Commissioner for Human Rights should report to SRSG without prejudice to their respective mandates and internal procedures vis-à-vis their headquarters.

#### **RECOMMENDATION 8. Humanitarian Coordinator**

At the field level, the task of presiding over humanitarian activities should be assigned to the Humanitarian Coordinator (HC). DHA should establish a revised profile of the HC in consultation with the IASC. The HC should report to DHA on humanitarian affairs through the SRSG .

The task of the HC could be assigned to the UNDP Resident Coordinator because of his mandate in early warning, responsibility for United Nations staff security, chief of the Disaster Management Team. The candidate proposed by UNDP should have the required professional capability. If that is not the case, the HC should be chosen in consultation between DHA and IASC.

## **RECOMMENDATION 9**

Member States should consider the possibility of putting additional resources at the disposal of DHA to strengthen its structure and improve its capabilities.

## **RECOMMENDATION 10**

The safety and security of United Nations personnel involved in the different peace-keeping operations has become one of the primary concerns of the international community and, in particular, of the United Nations. The General Assembly and the Security Council have passed several resolutions to this effect. At its forty-ninth session, the General Assembly approved a resolution on the "Convention of the Safety of United Nations and Associated Personnel", which provides for wider protection of those who are concerned in complex emergencies in relation to the United Nations organizations.

The Inspector recommends that Member States proceed expeditiously to ratify the convention. The Secretary-General could report to the General Assembly on the state of the ratification and on the successive implementation of the convention.

## **RECOMMENDATION 11**

The primary purpose for establishing national volunteers, known as "White Helmets" is to use fully the national potential of countries in providing support for humanitarian relief, rehabilitation and technical cooperation for development activities. The Inspector suggests that the possibility could be considered of expanding the role of the "White Helmets"; to provide with their unarmed presence a deterrent and a symbolic protective cover in their working relationship with humanitarian operators.

## **INTRODUCTION**

### **Investigation of the relationship between humanitarian assistance and Peace-keeping Operations**

1. Since the end of the cold war and while a breakthrough for democracy was made, civil strife, ethnic, and religious conflicts continue in different regions of the world. The United Nations system is active both in the promotion of democracy and peace. Within this tradition and wide framework, new challenges have developed which the United Nations is called upon to face. One of them, scarcely known and practised (not mentioned in the Charter) is the use of United Nations forces to protect humanitarian operations on a wide scale, and the phenomenon has reached new proportions recently. The relationship between peace-keeping forces and humanitarian assistance is one of the major concerns of the United Nations system organizations and Member States. Non-governmental organizations, research workers and academic institutions are also involved.

2. In his address to the Foreign Policy Association, New York, in 1993, the Under-Secretary-General for Humanitarian Affairs stated: "two powerful currents, the movement towards democracy and the unleashing of historic animosities and ethnic tensions, are shaping the environment of the post-cold war world. We are constantly reminded of the strength of these forces. We have now entered a period where international peace and stability are directly linked to healing deep ethnic, political and cultural rifts and achieving social justice within countries".<sup>1</sup>

3. In some countries, the conflicts in which the United Nations is expected to serve as a peacemaker began during the cold war and are still going on. In others, civil wars have claimed, and continue to claim, millions of lives. Refugees and internally displaced people in some of these countries place incalculable cost on the international community. Lack of essential social services, food and shelter in all of these countries contribute to complex emergency situations whereby peace-keeping and humanitarian operations are simultaneously performed by United Nations system personnel.

4. The present JIU study, proposed by UNICEF and welcomed by other humanitarian assistance organizations and UNDP, seeks to analyze the different problems involved in complex emergencies. The Inter-Agency Standing Committee (IASC) defined complex emergency as follows: "a humanitarian crisis in a country, region or society where there is a total or considerable breakdown of authority resulting from internal conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing United Nations country programme".<sup>2</sup> The study is different in scope and content from another JIU study under preparation entitled "Involvement of the United Nations System in Providing and Coordinating Humanitarian Assistance". This latter study focuses mainly on the role, mechanism and framework necessary for an effective United Nations response to emergency humanitarian situations. The present study on the other hand examines joint efforts by the humanitarian assistance agencies and the Department of Peace-keeping Operations. It reviews



critically the guidelines issued in the light of recent developments and new challenges. The study also examines the framework provided by the Secretary-General in his "Agenda for Peace" and its Supplement, the concepts of preventive diplomacy, peacemaking, peace-keeping and peace-building as related to humanitarian activities.

5. A further aim of the study is to explore the possibility and feasibility of reviewing and formulating rules of conduct (guidelines) for agencies participating in complex situations, keeping in mind their competence, priorities, the new demands on peace-keeping and humanitarian assistance and the danger it involves, the respect for the principles of independence, neutrality and impartiality in international and internal conflicts. The protection and security of United Nations personnel will also be addressed.

6. Humanitarian assistance extended beyond the conflict period, involving rehabilitation, peace-building, and a return to normality is a further area requiring a new relationship with peace-keeping for more effective operations by the United Nations system.

7. The following chapters analyze, the background of humanitarian and peace-keeping operations, the need for improved coordination among the United Nations agencies providing assistance in complex emergency situations and the necessity of protecting humanitarian operators in the field.

# I. HUMANITARIAN ASSISTANCE IN THE UNITED NATIONS SYSTEM RE-EXAMINED IN THE LIGHT OF GENERAL ASSEMBLY RESOLUTION 46/182

8. The humanitarian agencies and bodies which are first in line when it comes to humanitarian assistance during complex emergencies are UNHCR, UNICEF, WFP, FAO, WHO and UNDP. In the past, they have acted efficiently and meritoriously in an autonomous and independent manner, but in a very different context. The globalization of the United Nations was still remote. A turning point, to face the radical changes of international scenarios in complex emergencies, necessitated a coordinating mechanism.

9. During the last few years, United Nations humanitarian agencies have been confronted with civil wars and other conflicts which fell under the existing international conventions such as the 1949 Geneva Conventions and the two Protocols of 1977. These legal instruments stipulate the right of civilian populations to receive humanitarian assistance during armed conflicts. It is the duty of the parties involved in the conflict to comply with international obligations. The political situation has changed dramatically since the end of the cold war and has disrupted pre-existing international structures. As stated by the Secretary-General in the Supplement to an Agenda for Peace, para. 10 "... so many of today's conflicts are within States rather than between States... As a result there has been a rash of wars within newly independent States, often of a religious or ethnic character and often involving unusual violence and cruelty. The end of the cold war seems also to have contributed to an outbreak of such wars in Africa".<sup>3</sup> These situations make the task of humanitarian assistance operators complex, unrewarding and at times risky.

10. The role of the United Nations peace-keeping force thus becomes even more crucial as humanitarian assistance personnel require protection and cooperation in carrying out their tasks ensuring that humanitarian assistance reaches a targeted civilian population. This adds new dimensions to the responsibilities of the United Nations, its humanitarian personnel and peace-keeping operators and requires the integration of efforts during complex emergencies. The United Nations High Commissioner for Refugees, in her opening address to the Princeton University Conference held on 22-23 October 1993, emphasized the difficulty by asking: "How long and how far can a humanitarian institution go in assisting and saving the victims, without damaging its image, credibility and principles and the self respect of its staff in the face of manipulation, blackmail, abuse, humiliation and murder?"<sup>4</sup> The international community must find an answer to this question.

11. Wars and conflicts generate more need for assistance. But the protection of civilian populations and meeting their needs can only be achieved in an environment of relative peace and security. When the nature of the operations change, the traditional mandates of the humanitarian agencies have to adjust accordingly. The priority is always to save lives by using any available means. The procedures and strategies on how to do this are instrumental to these targets.

The Under-Secretary-General for Peace-Keeping Operations put these questions in their proper perspective when he stated at the Princeton University Conference that "The very nature of peace-keeping operations involves, in a way, trying to make order out of chaos .... In the midst of raging wars, there is no such thing as immaculate intervention; peace-keeping and humanitarian activities are inevitably messy and fraught with dangerous pitfalls".<sup>5</sup> One may add that the international community is seriously engaged in finding appropriate answers to the question on how to make these operations less messy, less risky and more effective.

12. The general consensus among the humanitarian organizations is that the basic principles contained in General Assembly Resolution 46/182, para .2 of the Annex stating that: "Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality"<sup>6</sup> must be respected. These principles, however, need to be rethought in the light of the particular case of peace-keeping operations.

13. An attempt to define the notion of humanitarian assistance and the criteria that must govern its provision may contribute to the clarification of the issues dealt with in the report. Humanitarian assistance finds its raison-d'être in the universally recognized principle that every human being has a right to life with all its implications; a right that justifies the action of the international community for its defence. Humanitarian assistance puts the individual at the centre when he is the victim of a violation of that fundamental right as the beneficiary of protection. The right to life linked to humanitarian assistance needs to include a package of rights which finds its political, economic, social definition in the pertinent international conventions constituting the "corpus" of the international humanitarian and human rights law. Based on this background, the criteria defining the humanitarian assistance can be identified as follows:

14. Autonomy is seen not only as the absence of outside interference, but also refers to the specific competencies and mandates of each agency, entity, and humanitarian actors; mandates that must be carried out without restrictions. The United Nations system autonomy cannot be abused to deny the necessity of coordination, the implications of which are examined in the course of this investigation. For non-governmental organizations such as the International Committee of the Red Cross, autonomy has an even wider implication.

15. Impartiality is a sine qua non to remedy a conflict situation by carrying out humanitarian assistance. The more impartial the dispensers of aid, the more realistic are the chances of success. Impartiality includes contacting the parties to the conflict and making pragmatic arrangements as necessary. This is an effective deterrent against the risk of being accused of partiality.

16. Neutrality is freedom from politicization of the intervention, an indispensable ingredient for any successful humanitarian initiative. In complex situations, the possibilities of interference do exist and have in fact affected the result of some operations. It should be added that neutrality is not restricted to humanitarian assistance operators. It applies equally to peace-keeping and when the principle of neutrality is violated the operation is jeopardized and United Nations personnel exposed to danger.

17. Examining the above redefined principles of humanitarian and peace-keeping operations in different scenarios will be the object of the next chapter.

## II. UNITED NATIONS INSTRUMENTS FOR COMPLEX EMERGENCIES RELEVANT TO THE MANDATES OF HUMANITARIAN ORGANIZATIONS

18. The various instruments the United Nations uses to help prevent, control and resolve inter-State and intra-State conflicts are: preventive diplomacy, peacemaking, peace-keeping and peace-building. All these measures have been clearly defined by the "Agenda for Peace" as follows:

19. Preventive Diplomacy "is action to prevent disputes from arising between parties, to prevent existing disputes from escalating into conflicts and to limit the spread of the latter when they occur".<sup>7</sup> Preventive diplomacy offers the best opportunity to carry out humanitarian actions with full respect for the principles from which they are drawn. It makes the political environment less turbulent and, if possible, stable, with the presence, on the ground, of humanitarian personnel who can ease diplomatic intervention and be instrumental in the prevention of, or even delaying, the escalation of disputes. The provision of emergency aid, potentially inherent in humanitarian assistance, can help to diffuse explosive situations. Without direct political involvement, humanitarian operations can serve as useful information sources including early warning, in order to develop a global approach for the benefit of diplomatic negotiators.

20. Peacemaking "is action to bring hostile parties to agreement, essentially through such peaceful means as those foreseen in Chapter VI of the Charter of the United Nations".<sup>8</sup> Next to preventive diplomacy, peacemaking creates the ambience favourable to humanitarian operations. This environment is one of reconciliation. Peacemaking, diplomacy and relief programmes can follow parallel tracks without reciprocal interference. It is at this juncture that perhaps humanitarian diplomacy can display the best of its potentialities. Humanitarian initiatives are likely to open the door to support political initiatives by establishing a more receptive climate. Negotiations which otherwise may be difficult can be conducted under the humanitarian umbrella. The Mozambique experience, where the negotiating forum was provided by a humanitarian organization, has contributed to the feasibility of such operations. Peacemaking and humanitarian diplomacy can, therefore, prepare the ground for subsequent political initiatives.

21. Humanitarian assistance and peace-making can mutually benefit, provided the mandates of each are strictly observed. In any case, humanitarian assistance should never be used as a leverage for political objectives in complex emergencies.

22. In the case of Mozambique, the Inspector has verified that this approach has been very useful in co-ordinating United Nations actions on the ground as well as at Headquarters. The lesson to be drawn is that in complex operations consideration of humanitarian assistance from the outset is necessary and that early planning and coordination at all levels are essential to avoid confusion of roles and negative interference.

23. Peace-keeping "is the deployment of a United Nations presence in the field, hitherto with the consent of all the parties concerned normally involving United Nations military and/or police personnel and frequently civilians as well. Peace-keeping is a technique that expands the possibilities for both the prevention of conflict and the making of peace".<sup>9</sup> Peace-keeping operations involve monitoring of truce arrangements, cease-fires, preparation of electoral processes and protective overseeing of humanitarian assistance operators. It is a situation in which the military peace-keepers and the humanitarian operators act according to their respective roles. In some instances, the humanitarian actors are in place before United Nations military personnel, an advantage affording prior knowledge of the local situation for laying the groundwork for the operations. The presence of the military as a deterrent against resumption of hostilities also benefits indirectly the delivery of humanitarian aid.

24. It may happen that respect of the principles on which peace-keeping is based becomes difficult. In certain circumstances, namely in Somalia and Bosnia and Herzegovina, to protect the humanitarian mission and the civilians it was requested that additional mandates be given to authorize the use of force. The consequence was that peace-keeping shifted towards peace-enforcement with an inherent confusion of roles. The humanitarian actors were caught in the middle of this contradiction. The prevailing tendency is that similar occurrences should be avoided. As stated by the Secretary-General in the "Supplement of the Agenda for Peace": "to blur the distinction between the two can undermine the viability of the peace-keeping operation and endanger its personnel". They are not "adjacent points on a continuum, permitting easy transition from one to the other".<sup>10</sup> The military intervention should be strictly limited to the time necessary to allow the resumption of humanitarian relief. With a reasonable margin of security, the political, military and humanitarian components should resume their original roles and mandates. The reality is not always as simple: when even a degree of insecurity remains, the involvement of military escorts for protection becomes a likely option. But the prevailing view shared by a number of humanitarian entities, including non-governmental organizations, is that recourse to military escorts should be the exception rather than the rule and must be strictly temporary.

25. Peace-building is a scenario that requires exploration. A number of United Nations activities can be deployed in that context, linked with the aftermath of a conflict emergency, its gradual phasing out, to be replaced by initiatives aimed at bringing a country back to normality through the return to civil life as well as social and economic development. A variety of programmes, funds, offices and agencies within their respective mandates in economic, social, humanitarian and human rights sectors can find a wide range of possibilities. The protection of United Nations civilian personnel may be needed. As the peace-keepers move out, some skeleton protective structure could be left behind, but under United Nations civilian supervision. An alternative solution could be offered by an extension of the range of actions of voluntary corps established to strengthen the humanitarian and relief assistance as foreseen by General Assembly Resolution 49/59 of 9 December

1994. These volunteers identified as "White Helmets" could be assigned, in addition to their original task, to the unarmed protection of humanitarian personnel. Recourse to United Nations guards, already successfully experienced in Iraq, may be taken into consideration for possible involvement in peace-building operations.

### III. THE ROLE OF UNITED NATIONS HUMANITARIAN ORGANIZATIONS IN COMPLEX EMERGENCY OPERATIONS

26. Until the beginning of 1990 responsibilities connected with peace-keeping were not prominent in the mandates of humanitarian organizations. As a result of the increased frequency of such operations, working relationships at the policy-making and implementation levels were such that the integration of the humanitarian, political and peace-keeping operations became a necessity for maintaining peace and security. The participation in humanitarian assistance by the United Nations system relief agencies under the umbrella of the United Nations Department of Humanitarian Affairs (UN/DHA) thus came into the picture. The Under-Secretary-General for Humanitarian Affairs in his statement to the Policy Association in 1993, New York, made the point that: "The United Nations cannot be reduced to a provider of law and order, nor can it simply be a distributor of food and blankets, or supervise elections and then leave a country".<sup>11</sup> It is with this background that DHA was established replacing the United Nations Disaster Relief Coordinator (UNDRO) whose mandate did not include complex emergencies. (see Chapter IV on DHA.)

27. Recently, DPKO, DPA and DHA have worked out guidelines to define their respective roles in a better way and improve cooperation. It is a welcome initiative and deserves to be encouraged. The draft paper, however, is not clear as to how and at what stage the humanitarian agencies will be involved in peace-keeping operations.

28. The United Nations humanitarian organizations have expressed to the Inspector the wish to participate fully in the peacemaking process from the planning to the operational stages. They felt that they should not be drawn into the programme as an afterthought. The agencies believed that, because of their presence in the countries before conflicts start, they are better equipped to know the political, economic and social factors that come into play and thus can contribute to the planning and implementation of the operations. As most of them are also likely to stay after the operations have ended, their involvement will assist in post conflict activities.

29. Traditionally, humanitarian bodies are the first in line of complex emergency situations: UNHCR, in the protection of refugees; WFP, in the distribution of food aid to victims; UNICEF, in providing special care for women and children caught in the conflicts; and WHO, in health care (providing vaccinations and assistance in the prevention of contagious diseases). The involvement of FAO comes, in most cases, immediately after the complex emergency situation is over. It is involved in the distribution of seed for the affected population to normalize the food production process. UNDP is involved as the main coordinator at the field level of all United Nations development activities including humanitarian assistance.



30. This JIU study, therefore, examines how efficiently and effectively each organization can carry out its function in complex situations and indicates how these efforts can reinforce the United Nations peace-making process. The study also seeks responses to the new challenges facing humanitarian assistance providers in effective peacemaking and prevention of conflicts.

31. The degree of involvement of each of the agencies is explained in the following paragraphs with specific reference to the subject matter under consideration.

32. The United Nations High Commissioner for Refugees (UNHCR): is a primary organization whose mandates are related to the United Nations peace-keeping operations. The civilian population is directly or indirectly affected by internal or external conflicts and may take refuge in neighbouring countries. UNHCR's main responsibility is to provide protection and assistance to these refugees and internally displaced persons.

33. UNHCR's operations respond to urgent appeals for assistance by the international community. Its traditional mandate is "to ensure protection of the refugees and ensure that the necessary assistance reaches them in time". UNHCR also has responsibility for co-ordinating the response of the United Nations system to emergency situations by direct involvement in alleviating the impact of conflicts.

34. The United Nations Children's Fund (UNICEF): For a considerable number of years, its activities were devoted to assisting governments in building their capacities to raise the living standards of women and children and improve their well being. As the frequency of civil wars and other types of armed conflicts increased, more involvement of the international community and particularly the United Nations system, was required. It became necessary, therefore, for UNICEF to extend its mandates to include the provision of assistance to victims of conflicts in complex emergency situations.

35. UNICEF's participation in complex emergency relief efforts includes assessing needs and meeting requirements, working in common with other United Nations system organizations. In addition, UNICEF participates in the formulation of consolidated inter-agency appeals. The Organization is, therefore, fully involved in planning responses to complex emergency situations including concrete actions to be taken and to ensure effective responses by participating agencies.

36. As one of the operational agencies in the field and as an instigator in formulating consolidated appeals by the United Nations system for humanitarian relief assistance, UNICEF is in the front line in seeking effective solutions to the problems of coordination and cooperation between humanitarian assistance and peace-keeping operations.

37. The World Food Programme (WFP): The political and economic changes which have occurred since the end of the cold war have had a fundamental impact on the conduct of WFP's humanitarian activities. Its basic mandate has been

expanded to meet the new realities of complex emergencies. Emergency food relief assistance during civil wars or other conflicts is one of the main ways of sustaining those population in need of assistance. WFP food delivery has become the focal point of the United Nations system's humanitarian assistance operations and peace-building efforts, and its role has emerged as particularly relevant. Even for countries with the prospect of returning to peace and normal conditions, food aid will continue to be required to sustain refugees, displaced persons and the war-affected population until such time as reconstruction and development programmes are put in place.

38. In carrying out its evolving role, WFP postulates the full co-operation of its partners in peace-keeping operations. Effective delivery of humanitarian assistance may require the escorting of food convoys. With the proliferation of complex emergency situations, WFP sees its tasks more linked to peace-keeping and peacemaking operations than hitherto.

39. The Food and Agriculture Organization of the United Nations (FAO): its direct involvement in complex emergencies is specific. Its contributions to United Nations humanitarian efforts are related to early warning, assessment of needs, rehabilitation and prevention. The Organization tries to ensure that emergency relief efforts are accompanied by long-term development measures and the establishment of the indigenous productive capabilities of the affected population.

40. Because of the very technical nature of its programme, FAO cannot be in the front line of complex emergency operations. But through participation in the Inter-Agency Standing Committee (IASC), FAO has to some degree been involved in complex emergencies.

41. The World Health Organization (WHO): In 1989 WHO established the Division of Emergency Relief Operations which, since its creation, has been strengthened to handle disaster preparedness and to respond to complex emergencies. During 1991, the Organization took steps to strengthen emergency preparedness in several countries. It took part in joint emergency operations in countries affected by civil wars with UNHCR and UNICEF, and provided inter-agency humanitarian assistance.

42. As a member of the IASC, it participates not only in the efforts of the United Nations system in natural disaster situations, but is increasingly involved in complex emergencies. Through its regionally decentralized system of operations WHO is more effective in reaching and assisting war and other complex emergency victims. As a consequence, WHO expects to be more closely associated with other humanitarian agencies for the duration of such complex situations.

43. The United Nations Development Programme (UNDP) is the major financing organization of the United Nations system. Although not a relief and emergency agency, it maintains its role of co-ordination and support of the United Nations system in countries which are affected by complex emergencies. In some countries, UNDP Resident Coordinators have served as Special Representatives of

the Secretary-General during complex emergencies. One of the main responsibilities of UNDP in this connection is to ensure the continuation of development programmes by the agencies as the circumstances allow. With the present trend, whereby humanitarian assistance is taking the limelight, UNDP is looking into its mandates and searching for ways and means of allowing development activities to continue during complex emergencies. Such continuation of development programmes is bound to progress and be fully operational when peace-keeping operations are replaced by rehabilitation activities.

#### **Human rights in complex emergencies**

44. The United Nations is mandated by Article 1 of the Charter to promote respect for human rights, including social and economic rights. The same Article entrusts to the Organization the solution of humanitarian problems, and the settlement of international disputes in conformity with international law. There is, therefore, a direct link between humanitarian assistance, protection of human rights and keeping international peace and security.

45. As a result of the increased number of conflict situations serious violations of human rights have occurred. In such instances, the Secretary-General stipulates that "one requirement for solutions to these problems lies in commitment to human rights with a special sensitivity to those of minorities, whether ethnic, religious, social or linguistic". To quote a recent example of implementation of this policy, the High Commissioner for Human Rights was mandated to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component (E/CN.4/Sub.2/1994/39, para. 4).

46. The General Assembly, through its resolution 48/141 of December 1993, created for the first time the post of a High Commissioner for Human Rights. The High Commissioner is entrusted, among other things, to "function within the framework of the Charter of the United Nations, the Universal Declaration of Human Rights, other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in recognition that, in the framework of the purposes and principles of the Charter, the promotion and protection of all human rights is a legitimate concern of the international community".<sup>12</sup> The High Commissioner is given the responsibility of coordinating human rights promotion and protection activities throughout the United Nations system and reports to the General Assembly.

47. Since its creation, the office of the High Commissioner has taken measures to establish structures and programmes together with the Centre for Human Rights. In the absence of adequate support, the High Commissioner's office is occasionally assisted logistically in the field by DPKO.

48. In order to respond more quickly and efficiently to complex emergencies, the High Commissioner has appealed to Member States for resources both human and material. The appeal has started to give some positive, though insufficient results. It is the wish of the Inspector that the plans to set-up adequate structures to be used when needed at the field level be rapidly fulfilled.

49. As concerns have been expressed that respect for human rights must be a component of all humanitarian actions, the High Commissioner should be involved more extensively at the preliminary stage within the existing mechanism of alert and monitoring of complex situations where violations of human rights are likely to occur.

50. The humanitarian agencies are accorded the functions of watchdog in the field of human rights and have carried them out from time to time. They have done so despite many difficulties. It has to be noted, in fact, that the issues related to human rights have political implications and need to be dealt with separately from the problems of humanitarian assistance.

51. The United Nations is also called upon to adopt measures to assist war-torn countries to establish judicial systems whereby those who violated human rights will be brought to justice. This is essential to make the peace and reconciliation processes feasible and lasting. In both political negotiations and peace-keeping operations, the Organization has the responsibility for ensuring the defence of human rights and now has a new instrument at its disposal.

52. The above considerations show the importance of the protection of human rights in complex emergencies. The High Commissioner has to be given the possibility to act quickly and efficiently during the course of the entire operation. The link between human rights and humanitarian assistance is clear. The special character of his mandate must be kept in the forefront and taken into account in dealing with the problem of coordination.

53. In order to fill the structural gaps the High Commissioner for Human Rights within available financial resources and in cooperation with the Centre for Human Rights should speed up the organization of its own headquarters and field structures with a sound information mechanism to avoid the present transitional arrangement of dependency on the components of emergencies operations, especially DPKO, for logistic support. The Inspector recommends that the High Commissioner for Human Rights be given adequate resources to enable him to perform his mission fully. In this connection, a revolving fund and/or a trust fund offers possibilities worth of exploration. The resident humanitarian coordinator, would appear to be more apt to provide assistance and support when the field structure is inadequate.

#### Concluding remarks

54. An analysis of the roles of humanitarian operators and the frequent fast changes they are asked to face in complex emergencies poses the problem of

harmonization of their activities with the other components of peace-keeping operations in all their diversity and requirements. Neutrality and impartiality are the foundations of their missions. The same principles form the pillar of United Nations peace-keeping which assures its viability. The problem is, therefore, mainly one of coordination, interaction and understanding of the respective responsibilities and competence. The most suitable way must be found to channel the respective potentialities towards the same target or purpose, coupled with the necessary flexibility; each emergency having its own characteristics, requires different kinds of ingredients and involves the parties at different levels of responsibility.

**The role of the International Committee of the Red Cross (ICRC), other Non-governmental Organizations (NGOs) and Research Institutions in complex emergencies**

55. ICRC is the first on the scene of internal and external conflicts so as to provide protection and assistance to victims. The main factor which enables the Organization to carry out its tasks is its mandate to provide assistance to all parties involved in conflicts. In implementing humanitarian assistance operations, neutrality and humanity are the keys which allow the accomplishment of its missions. These principles have gained ICRC world wide confidence and credibility.

56. ICRC tackles complex emergencies together with governments and opposition groups in the presence and/or absence of political agreements among the parties. The collapse of a State and the replacement with a de facto authority is not an impediment or obstacle to providing humanitarian assistance.

57. Cooperation at the field level with United Nations organizations is done on a pragmatic basis. Depending on the type of activity and agreement concluded with the specific organization, some co-operation may be wider than others. Cooperation with WFP involves extensive consultation in relation to relief interventions during complex emergencies. In Rwanda, WFP and ICRC concluded a geographical division of responsibilities for relief feeding. In Somalia, ICRC has continued to maintain a staff presence in conflict situations where and when the United Nations has been unable to do so. Arrangements with WFP have allowed ICRC to distribute relief food as long as conflict situations persisted.

58. ICRC is reluctant to accept armed protection if not strictly needed and mutually agreed because it is considered counter productive. The use of local police forces, where available, is preferred in all instances. As military involvement may give rise to a confusion of roles, ICRC is convinced that its emblem, being universally recognized, offers the best effective guarantee to the fulfilment of humanitarian missions in observance of the principles of neutrality and humanity. The dissemination among United Nations peace-keepers of the basic principles, international conventions and protocols governing the activities of the ICRC is considered essential to the full understanding of its role.

59. NGOs, Research and Academic Institutions: Collaboration by United Nations humanitarian agencies with NGOs, both international and national, in complex emergencies is extensive. The JIU report, Working with NGO's (JIU/REP/93/I, General Assembly document A/49/122/Add.1 and E/1994/44/Add.1), states that "NGO's have carried out humanitarian relief efforts in foreign countries sporadically for over 200 years. Following World War II, these programmes grew more systematic and continuous, and during the 1980s, they became very large-scale media, logistics, and field operations in which NGO and United Nations system representatives work courageously in very difficult circumstances to help relieve desperate human suffering".<sup>13</sup>

60. The relationship between United Nations agencies and NGOs has been effective mostly because of the ability of the latter to act speedily, and because they have already established programmes in the areas concerned before the emergency. In consideration of these factors, United Nations organizations, such as UNHCR, UNICEF and WFP are intensifying their working relationships with NGOs. In most cases, United Nations organizations sub-contract the delivery of relief goods to NGOs. In addition to distribution and monitoring, NGOs are also playing an increasing role in joint assessment of relief needs and in planning of relief interventions. Much of this collaboration takes place at the field level based on locally agreed arrangements.

61. Like United Nations humanitarian organizations, NGOs also have to adapt their traditional humanitarian relief effort to the new realities of United Nations activities. Their involvement in the protection of human rights is particularly significant.

62. Whilst the participation of NGOs in complex emergencies is at the operational level, the contribution of research institutions and universities has been at the policy-making level. The conference organized by Princeton University, co-sponsored by UNHCR, the International Peace Academy and the Woodrow Wilson School of Public and International Affairs, is one such forum which has provided valuable input. At this conference, heads of United Nations humanitarian and peace-keeping operations intervened on the topic of "How to link humanitarian action and peace-keeping operations" and encouraged the humanitarian and peace-keeping forces to work together, thus complementing each others' mandates.

63. The involvement of different institutions and academicians in the discussion of the role of the United Nations has several advantages: it helps the United Nations to tap new resources on how to deal with the fast-growing task of complex emergencies; it provides United Nations policy makers with an opportunity to explore problems related to implementing their mandates; it presents outside perspectives and different views to international public opinion and to decision makers, enabling them to be better informed about the dimension of world problems as well as the efforts of the United Nations to solve them. The Inspector, therefore, fully supports and encourages the interaction with selected research institutions and universities and the exchange of information on a regular basis.