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► **To cite this version:**

Wolf-Dieter Eberwein. The UN Reform of the Humanitarian System. International Studies Association, Annual Conference, Feb 2008, San Francisco, États-Unis. halshs-00382552

HAL Id: halshs-00382552

<https://shs.hal.science/halshs-00382552>

Submitted on 8 May 2009

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The UN Reform of the Humanitarian System

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Abstract

To analyze the reform of the humanitarian system of the UN raises the issue how this universal organization defines its role and how its members support it in implementing its humanitarian mandate. Ignoring the context of that reform which began very early, in 1992, would nevertheless simply overestimate its relevance respectively underestimate the importance of what have been called the two other pillars of the international humanitarian system, the Red Cross/Red Crescent Movement (RC) on the one hand, the international nongovernmental organizations (INGO) on the other. First an outline of the constitutive elements of the international humanitarian system will be described, followed by a short elaboration of the humanitarian principles (norms). The actors and issues characterizing the humanitarian system today will then be addressed before describing and analyzing the reform if not reforms of the UN humanitarian system. The fundamental change took place after the publication of the Humanitarian Response Review in 2005 (Adolfini et al., 2005) claiming a central coordination role for the UN. One of the central issues is whether such a top down-strategy of coordination intended to improve simultaneously the performance of the system at large, cover majors gaps in relief aid, improve upward (donors) and downward (beneficiaries) accountability and, finally, improve the capacity building of humanitarian actors in the South can achieve all simultaneously all of these objectives.

The paper is a first draft of the ongoing research on the reform of the humanitarian system. As such it is work in progress and therefore still fraught with several shortcomings, one being its underdeveloped theoretical foundations. Therefore it is not to be cited without the explicit permission of the author.

Prepared for the Panel Humanitarianism and Peacekeeping: Lessons Learned I, ISA 49th
Annual Convention, San Francisco, March 26-29, 2008

Introduction

In the broader sense by humanitarian aid is usually the term used to characterize any activity whereby people do to help others in a situation of need. That activity is regulated nationally in terms of charity laws and the like. The French term of “solidarity” is much more precise in that respect. In the more narrow sense humanitarian aid is narrowly circumscribed as emergency relief aid. One can distinguish two types of emergencies: those created by natural disasters such as the Tsunami, to take the most extreme case, and those due to armed conflicts. Natural disasters are primarily under the responsibility of the state where the disaster occurred. In that case relief is the starting point for the reconstruction of the community concerned. Relief in the case of armed conflicts, in contrast, is regulated by international law with the Geneva Conventions from 1949 and the two additional Protocols from 1977 at its core. This law protects the non combatants and establishes a right of humanitarian organizations to assist the victims.

The UN system is part of the larger humanitarian system. This is why limiting the analysis to the UN system only miss relevant aspects both from a theoretical as well as a practical perspective. In a first step the context, i.e. the humanitarian system in which the UN system is operating will be described after the clarification humanitarian aid means. The major issues the humanitarian action is faced with will then be identified. Before focusing on the UN reform process as such the various reform activities that have been undertaken by the different actors in the preceding years will be discussed. The focus will then be the major UN reform process of the humanitarian segment within the UN which was launched after the publication of the Humanitarian Response Review (Adolfini et al., 2005). The then Undersecretary General and head of the Office for Humanitarian Coordination, Jan Egeland, had taken this initiative in order to strengthen its role which at least some understood as imposing the UN as the central coordinator and “provider of last resort”. In the final part a number of theoretical issues will be raised concerning the problem of coordination, the core objective of the reform process.

Contextualizing the UN Reform Process: The International Humanitarian System

The problem of humanitarian aid concerns these two dimensions of emergency relief. That the UN is concerned is immediately obvious: given the role of the UN to preserve peace respectively to enforce the organization is mandated to take on this strategic political function. In that sense the UN is a party with specific interests in a conflict. The part of the UN mandated with a humanitarian role is, must on the other hand comply with the principle of impartiality as far as the beneficiaries are concerned, complying with International Humanitarian Law (IHL). That is, the political role and the humanitarian roles are incompatible unless they can be kept separate.

If the UN were the only humanitarian actor in the international system, reconciling these two roles might still be difficult enough. But this is not the case. In operational terms one can speak of three pillars of the humanitarian system: the Red Cross/Red Crescent Movement

composed of its 186 national societies, the International Federation of the Red Cross and the International Committee of the Red Cross; the UN system with its central players such as UNICEF, the World Food Program (WFP), the High Commissioner for Refugees (UNHCR) or the Office for the Coordination of Humanitarian Affairs (OCHA)¹; and finally there is the whole group of international nongovernmental actors (INGOs) that delivers according to some estimates between 50 and 70 percent of the emergency relief aid. If each of these pillars were in and by itself homogenous and hierarchically structured, the reform issue could be defined in terms of a management problem: how to best coordinate, direct and control the emergency relief activities globally as well as in the field.

There are, however additional actors, primarily the states which come in two partially overlapping roles: as donors and as the principals of the respective UN agencies as well as the UN at large. The states/donors have a double function: on the one hand it is their responsibility to finance emergency relief activities where in the case of armed conflict that responsibility is defined by the Geneva Conventions (protection and assistance). On the other they have the responsibility to guarantee that emergency relief aid can actually reach those most in need: access to the victims and respect for what has been called the humanitarian space.

As far as the RC is concerned this large network is relatively independent from the other two pillars with the clear set of principles the Movement has adopted in 1965². The INGOs finance their interventions either through national contributions by the governments, private donations, the funding through the European Office Community Humanitarian Office (ECHO) of the European Union but also through subcontracts from UN agencies. The UN system in turn depends primarily on voluntary contributions from the states either to the Consolidated Appeals or the Central Emergency Response Fund (CERF). This automatically imposes constraints to the UN Reform in this particular domain³.

Yet the material dimension of the humanitarian system is not the only relevant one. Humanitarian action is based upon a political choice grounded in strategic interests but also related to the obligations states have made by ratifying the Geneva Conventions and other conventions being part of the laws of war, which is IHL. That emergency relief should be related to recovery activities is uncontested. It is also clear that peace making activities are necessary beginning prior to but also during emergencies. The contested issue is whether emergency relief aid is an end by itself (saving lives) or whether it should also be used to win the "hearts and souls" as a component of a counterinsurgency approach. In that sense emergency relief is at least theoretically a small but relevant component of international order. During the Cold War the law of war was largely ignored as the UN Charter had banned

¹ The UN system will be described in greater detail below

² See Jean Pictet (1979) who wrote the commentary for the principles

³ It should be mentioned that there are additional funding instruments such as the flash appeals or the common funds as well.

war as a legitimate means of conflict resolution. In away, humanitarian law acknowledging from the start that war would still continue to be a reality, its aim is not to fight for peace, but instead to limit the damage caused by armed conflicts. In other words, its only aim is to what has been called “humanizing war”. After the end of the Cold war, however, with the resurgence of the notion of “just war” meaning in practical terms military intervention, the situation has changed. IHL has in principle regained in importance. It should be recalled that one of the major changes of IHL was the Fourth Geneva Convention protecting the civilian population, a consequence of the Second World War.

Notwithstanding the legal set of rules and principles enshrined in IHL neither states nor armed groups (liberation movements for example) have ever complied unconditionally with these norms. As Legro (1997:42) has shown the respect or violation of the law of war is the outcome of a complex decision-making process based on three aspects: specificity, durability and concordance. This does imply that norms have to be contextualized taking into account the different actors and their interpretations. With the end of the Cold War humanitarian action has gained in importance for two different reasons. First, there was an awareness of the increasing number of armed conflicts and complex emergencies due to state failures. This went hand in hand with the expansion in the numbers of INGOs and the considerable expansion of the budget lines for emergency relief aid. Second, the political ambition of parts of the international community to engage in conflict prevention and democratization became a central issue. Nation-building moved up on the international political agenda.

This definitely had consequences for the role of humanitarian agencies. Two complementing trends emerged: on the one hand to consider emergency relief aid as an instrument in the overall process. The EU formulated this policy conceptually in terms of LRRD, the Linking Relief, Rehabilitation, and Development. A number of INGOs on the other hand, expanded their mission statements as to include these objectives. By linking emergency relief with other objectives made the humanitarian community vulnerable to the politicization process of humanitarian aid which distracted from its goal of saving lives based upon the humanitarian principles.

This politicization process, as Nick Stockton (2004:30) has argued, went even further by including the humanitarian agencies in peace making activities. He characterizes this new phase as one of *Realpolitik, of insurrection and humanitarian solidarity*. Next to the diversion of their proper political role states used their humanitarian engagement to divert from their abstinence of political action, particularly after the disaster in Somalia. The 9/11 event, however, represented a decisive new turn. The US government explicitly reinterpreted IHL to legitimize its violation of some of its principles. In practical term the frontiers between the military and the humanitarians became porous. Humanitarian agencies were considered as part of the political strategy to enforce peace and rebuild states, Afghanistan and Iraq being examples of that. The concept of “embedded humanitarianism” was not coined by chance in the more recent period.

The term neutrality which is a core humanitarian principle that is part of the Code of Conduct the Red Cross/Red Crescent Movement created and which has been signed by more than 300 agencies (also some states) may be the source of confusion. The political relevance of humanitarian action is enshrined in the principles of neutrality next to impartiality are principles in order to guarantee the humanitarians access to the victims under the protection of humanitarian for assistance purposes. This is the very core of humanitarian action. If neutrality is given up as a guiding principle this means not only to distinguish between good and bad victims so to speak, but also to become potentially a party to the conflict (naturally on the good side). By making humanitarian aid an instrument for whatever purposes other than the one to save lives transcends the border between political responsibilities and activities on the one hand, humanitarian action on the other. To sum up this very brief description of the politicization trend embedding humanitarians in an overall security driven strategy has definitely raised the danger that this partial order is systematically undermined, an order that has been created more than 150 years ago.

First Reforms

On the political side very early, in 1992, the UN had reacted to the changed international environment with the creation of the Department of Humanitarian Affairs, the Interagency Standing Committee, and the Coordinator of Humanitarian Affairs. At the same time the Consolidated Appeals Process saw the light. This change goes back to Resolution 46/182 of the General Assembly in 1991. The resolution emphasized the proper role of humanitarian action in conformity with IHL. In 1997 a second major change occurred by giving greater visibility if not weight to the UN coordinator. DHA was renamed into OCHA with at its head the Undersecretary for Humanitarian Affairs, the Emergency Relief Coordinator (RC). In the field, if necessary the role of the Humanitarian Coordinator (HC), usually the UNDP Resident Coordinator, was established. In some cases the HCs could also be delegated besides the RC in place. In extreme situations the Secretary General could even designate a Special Representative to coordinate the UN operations in the field. The EU created its own agency, ECHO, in the early nineties giving it a five year period to demonstrate its usefulness. After that period ECHO was established indefinitely. Today, it is the biggest donor. Only in 2007, initiated by the German Presidency the EU approved the Humanitarian Consensus which defines precisely the humanitarian strategy of the EU⁴.

On the donor side, late though, only in 2003, the initiative Good Humanitarian Donorship, was created by a number of the most important ones (among others the USA, the UK, the Nordic countries). This goes back to the fact that a number of emergencies were simply

⁴ The European Consensus on Humanitarian Aid was approved by Council on 19 November and the European Parliament on 29 November and has been signed by the Presidents of the Commission, Council and European Parliament on 18 December 2007.

forgotten, others were underfunded. In other words, humanitarian funding followed the pattern of a supply driven system rather than being demand driven.

The humanitarian organizations themselves were also active in drawing the conclusions of a number of disasters concerning their own behavior. First, the RC Code of Conduct was drafted. Any agency could commit itself to respect on a voluntary basis the humanitarian principles. In retrospect, this being at first sight positive move, represented a mixed blessing according, among others, to Peter Walker (2005). The problem was and is that the line between natural disasters and armed conflict were blurred. The former are first of all within the responsibility of the respective government where political directives are the core for the rehabilitation and development. In the latter case assistance and protection are the objectives including the specific role of the ICRC mandated by international law to play a central role.

The humanitarian disaster in Rwanda followed by the first major evaluation of humanitarian action had consequences in that the SPHERE project was launched, an initiative that resulted in the formulation of specific standards for emergency relief activities (i.e. how much space in a camp for persons, how many latrines etc.). This approach was heavily criticized by some as being technical and thereby giving the direction for a more managerial approach. At the same time another initiative was created including both governmental and nongovernmental actors, the Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP). Based on the first major evaluation of the humanitarian disaster in Rwanda evaluation was considered as a major tool to learn from past activities. Evaluation nowadays is firmly established as a procedure. Evaluation helps to institutionalize at least upward accountability. The more recent initiative is the so-called HAP-I project, the Humanitarian Accountability Partnership International, striving to make humanitarian action accountable to the beneficiaries themselves: the people whose lives are at risk due to armed conflict or other calamitous events. This issue to involve the beneficiaries in the various relief programs has increasingly gained prominence, at least in terms of the discussion among the various humanitarian agencies. The professionalization of the humanitarians also evolved leading to the creation of a number of specialized organizations such as Bioforce for example in Lyon, France.

The overall recurring themes in the various evaluations were related to these activities: a lack of coordination leading to duplications in the field, a sub-optimal allocation of resources, if not of waste, insufficient funding, and a lack of accountability. Lack of coordination is primarily understood as relating to the agencies in the field or at the headquarters but could as well be extended to include the donors, each of them having their own funding priorities. Duplications in the field meaning that the competition among NGOs and others especially in some cases such as the Tsunami where overfunding is real, leads each of them to spend beyond the actual needs. This includes as well the lack of professionalism in a number of cases. Insufficient funding relates not only to the discrepancy

between the needs and the supply, but also to the relative imbalance between various emergencies given the available resources.

The UN Humanitarian Reform: An Overview

Undersecretary General Jan Egeland launched his initiative by ordering a major evaluation of the humanitarian system, its functions and dysfunctions. That report, the Humanitarian Response Review-was published in 2005 and set the UN-Agenda for the reform process that is fully underway. Egeland (2008:51) has defined the major shortcomings of the present system which go far beyond the objectives of the Humanitarian Response Review but which may nevertheless serve as the background of what he intended to achieve:

- Calling for a fundamental reorientation of the international community from supplying aid to supporting and facilitating communities' own relief and recovery priorities;
- The need for increasing disaster response capacities, improving the linkages and coherence among them and others from the disaster affected countries;
- The necessity to establish an accreditation and certification system to distinguish agencies working to a professional standard;
- Demanding an impartial, more flexible and transparent funding system aligned with the Good Humanitarian Donorship Principles.

This is clearly a very comprehensive plea for reform pointing the finger to the overall weaknesses of the present system. It is against this general background that one has to place the overall humanitarian reform process. Since the Agenda for Peace the UN has begun with a whole series of reforms, some of them relating to the internal structures and functioning, some related to the increasing involvement of the UN in peace keeping, peacemaking and peace building activities but also in the humanitarian domain. The major components of the humanitarian reform are listed in Table 1 which can be found in the appendix.

Not listed in table 1 is the Brahimi report which did not analyze in depth the proper role of humanitarian action, but mentioned it only as one element of peace related activities. Quite different were the suggestions from the High Level Panel Report on Threats, Challenges and Change, emphasizing the need to improve the humanitarian system with particular reference to civilian protection as well as disaster preparedness and mitigation⁵. Two additional components outside of the UN but central for its humanitarian mission was the Good Humanitarian Donorship Initiative and the Common Funds. The former was launched 2003 in Oslo. Its members (the member states of the Development Assistant Committee and the EU) committed themselves to better respect the needs in their funding decisions (see ALNAP, 2006). The Common Funding is another reform instrument, again one

⁵ This was reiterated in the World Summit Outcome Document, "In Larger Freedom", 2005

that the donors themselves control. This is additional money available to finance specific needs besides the other funds available where the decision, depending on the particular type of model used, is taken by the HC.

Much more complex are the integrated missions, at least from the humanitarian perspective. As the name indicates integrated missions are *“defined as an instrument with which the UN seeks to help countries in the transition from war to lasting peace, or address a similar complex situation that requires a system-wider UN response through subsuming various actors and approaches within an overall political-strategic crisis management framework”* (Eide et al., 2005)⁶. The idea as such may be relevant yet this kind of structure combining humanitarians, the military and developmental agencies is problematic at least from the humanitarian point of view. This issue will be further elaborated below.

Benchmarking is another aspect some of the major donor (i.e. Scandinavia, the UK or the USA) have called for in order to give them some guidance in allocating resources and evaluate their impact is another domain. The research team commissioned to develop a set of indicators has just been published (Hidalgo, López-Claros, 2007: 10). The Development Assistance Research Associates propose a set of 25 qualitative and 31 quantitative indicators (p. 10) which they then use to compute a combined index (p. 17), the humanitarian response index. According to some NGO representatives that proposal has caused some forceful critique from some of the donors⁷.

Two instruments have also been further developed, the Central Emergency Response Fund (CERF) replacing the old Central Emergency Relief Fund. The latter was a reserve of 50 million dollars used for loans to finance a bottleneck in funding. The former is planned to reach 500 million dollars used for the same purpose but given away as grants. The CERF is at the disposal of the HC in the field. Only UN agencies can apply for grants at this point. The other instrument are the Consolidated Appeals Process (CAP) based on the jointly agreed requests for the financing of the estimated humanitarian needs for the fiscal year. The CAP by now also includes the requests made by some NGOs just for oversight, but the latter are not funded through the CAP.

As this short overview shows the UN humanitarian sector and beyond is indeed a domain in full development and adaptation. Thus far a new set of instruments or accompanying institutional changes have been described. It is now time to focus on the central issue of the reform that has been initiated by the HRR.

The UN Humanitarian Reform: The Humanitarian Response Review

⁶ Italics in the original.

⁷ Interviews in Geneva and Paris in February and March 2008. At least some of the indicators are effectively subject to the critique from a purely methodological point of view. This issue will not be elaborated further in this paper.

The reform process that Egeland initiated addressed two issues, the issue of coordination on the one hand, improving the overall performance of humanitarian action on the other. It seems that there were at least two underlying assumptions:

1. Central coordination will improve the overall humanitarian performance, and
2. The UN was to be established as the central coordinating institution.

There may also have been an implicit third assumption:

3. Centralizing coordination will redirect at least some of the bilateral funding of the donors having convinced that of the need for greater efforts that could only be achieved multilaterally.

Before addressing these issues, however, a short overview of that report is necessary. What are the core problems and what are the solutions to be envisaged? This evaluation report was planned to assess the humanitarian response capacities of the UN, the NGOs, the Red Cross/Red Crescent Movement and other key humanitarian actors including the International Organization for Migration (IOM), map the gaps and make recommendations to assess them” (HRR, 2005: 8). What the review finally managed was to analyze in depth the UN pillar of the global humanitarian system. The extensive set of findings can be summarized as follows:

- Gaps: The identification of a number of well-known long-standing gaps, in particular in the domain of protection, water and sanitation, camp management, food aid, nutrition and livelihoods, logistics, emergency telecommunications, and reintegration and recovery;
- Human Resources: there are shortcomings in managerial capacities, shortage of qualified personnel available when needed, limited training, insufficient surge capacities. These are all factors affecting the performance;
- Coordination: this activity is limited between the three different systems; within the UN system coordination depends too much on the personal qualities and diplomatic skills of the Resident Coordinator/ HC. The concept of the Integrated Missions does not sufficiently take into account humanitarian concerns. The IASC, the inter-agency coordination group of the UN humanitarian organizations, does not give a satisfactory representation of the nongovernmental pillar.
- Normative aspects: both advocacy and accountability were considered to be insufficient (HRR, 2005: 8-11)⁸.

The HRR is clearly a core element of the overall reform process. One of the consequences was the decision by the IASC to impose the cluster approach. “Clusters mean functionally defined sectors each of them having one UN agency designated as the cluster leads, that is

⁸ Permanent guests are : InterAction and ICVA and the SCR next to the ICRC and the International Federation of the Red Cross/Red Crescent Societies

responsible for coordinating the activities of all the actors active in that specific domain. The cluster approach replaced the existing sectoral approach, the functional alternative to the latter defined in geographic terms. The IASC Working Group identified in the latter half of 2005 nine clusters, and cluster lead agencies “many more than the original ‘gap’ sectors identified by the HRR)... DRC, Uganda, Liberia and Somalia were selected in consultation with HCs, and in the meantime the cluster approach applied in Pakistan in October 2005...” (Stoddard et al., 2007:8). The approach was applied in Lebanon and Mozambique. More recently the cluster system is also rolled out in Zimbabwe, Ecuador, Ivory Coast and Tajikistan. In the evaluation report of the cluster approach eleven clusters are listed. That figure has at a point gone even up to 14. A special case was the RC. The IFRC was willing to take over the cluster lead for emergency shelter in the case of natural disasters. This decision raised the accountability issue. The IFRC could not be under the direction of the UN being a major pillar within the Red Cross/Red Crescent Movement. A Memorandum of Understanding between the UN and the IFRC clarified the issue in that the latter would not be cluster lead but rather act as coordinator⁹.

The cluster system is a two-level system consisting of the global clusters on the one hand, field clusters on the other. Irrespective of the resistance of the NGO community a considerable number of NGOs have joined the global clusters. The number of participants which includes NGOs, varies considerably, with 35 partners for the nutrition cluster as the upper figure, the education cluster counting six partners (Stoddard et al., 2007). There is no information at our disposal as to the participation of NGOs and other actors at the field level.

The ERC, Egeland, assumed that the NGOs would happily accept the guidance of the UN at the global level, and work under the directives of the cluster lead (= coordinator) at the field level. In his speech to the DAC/OECD in April 2006 he was even more explicit by stating that “we have to insist that NGOs coordinate with the UN and that we in the UN treat NGOs as equals” (Egeland, 2006). This was anything but the case. The response was the creation of the Global Humanitarian Platform established in 2006, including 40 leaders of NGOs, UN humanitarian agencies, and the Red Cross/Red Crescent Movement. The centralizing move by the UN that did not seem to be based upon partnership was cause enough to fuel critique if not opposition. The Platform includes both a steering committee and a working group to work out details on the relationship between the UN and the other two pillars. The first result has been the finalization of principles of partnership, released at the annual conference in July 2007. These are equality, transparency, a result-oriented approach, responsibility and complementarity (see tab. 2 in the annex). The Global Humanitarian Platform also implemented an Action Plan for the years 2007-2009 focusing on the dissemination of the partnership principles, a communication strategy, the setting up of

⁹ This was the case for the first time during the earth quake in Indonesia in the area of Djogjakarta in 2006, an experience which worked out extremely well. The author was part of the evaluation team assessing the performance of this particular cluster in 2007.

humanitarian partnership country teams, and the monitoring of the application of the partnership principles.

Without going into the details of the process a first evaluation of the reform will be undertaken based on a few theoretical reflections and several evaluation reports that have been published thus far. This includes the IASC as the central element of the governance structure, the clusters as well as the CERF A first evaluation of the reform.

The Reform: The Evaluation

Theoretical Issues

As this paper is primarily a descriptive analysis – which certainly is a serious shortcoming – only a few theoretical issues can be addressed. At the center of the argument is the process of intra- and inter-organizational adaptation. Coordination is a strategy for functionally interdependent actors to agree about policies, principles and even a distribution of tasks which can go as far as undertaking joint ventures. Coordination is located somewhere on a continuum which ranges from information about the activities of interdependent actors, to activities based on a consensually agreed upon working strategy. Interdependence means that the actors or agencies are working in the same issue area (i.e. emergency relief). By consensus we start from the assumption that each of the agencies that are or can coordinate their activities, are more or less independent in relation to one another.

In the humanitarian issue area the relative independence of each of the agencies involved is given. This means that it is not possible to impose directives to the various actors. Compliance enforcement is at best limited when mutual dependence is present. In the humanitarian domain the UN agencies have to rely on NGOs for their operations in the field whereas the NGOs depend to some extent on the UN to finance their projects even though the percentage of income through the UN does not seem to be that important (ICVA, 2006). Coordination in this area is therefore difficult given that the actors are not embedded in a hierarchical structure. This is true both for the UN pillar as well as the other two. This renders consensus in a way inevitable for an efficient coordination structure.

A second aspect is relevant with respect to coordination. One can put it in simple terms: should form follow function or function follow form? In the first case one could speak of a *problem centered coordination concept*, in the second case one could speak of a *structural concept* of coordination. The problem centered approach identifies the proper level of coordination which could be both at the global level or the country or field level. The institutional devices would then be determined accordingly. The structural approach, in contrast, simplifying again, is based on some kind of managerial ideal, which assumes that the institutional arrangements have to be imposed from the top down. If the function follows form approach is chosen, a necessary condition is that the domain to be coordinated

is relatively homogenous, that is that first, the properties of the specific situations (i.e. complex emergencies) are relatively homogenous, and second, that the distance between the central decision making unit and the operational level is relatively short. If, in contrast, form follows, that means that the structural setting is adapted to a given situation. In this case the assumption would be that the specific situations (complex emergencies) are heterogeneous on the one hand, and that the distance between the central decision making unit and the operational level is relatively long.

The next analytical distinction concerns the proper specification of coordination itself: is it a loose form of interaction that consists in the exchange of information allowing each of the parties involved to adjust (or not) its own action plans which is one extreme of the continuum? The structure of the issue area is therefore structured horizontally (the equivalent to an anarchic structure as realist and neorealist conceptualizations suggest.). The other extreme would be a situation where the coordination unit (a person or group of persons) finally takes the decision who will be doing what, possibly how. Such a situation presupposes that the coordination unit has the decision power, the power to control what the different agencies are doing, and if necessary apply sanctions when the individual agencies do not comply with the agreed upon directives. Hierarchy is a prerequisite.

Disregarding the two other pillars the UN pillar is clearly not structured hierarchically. The central decision making body is the IASC consisting of the different UN humanitarian agencies. It can only decide consensually. The ERC himself, the central UN HC, has also limited power to enforce existing rules, procedures and operations. This raises the issue what the critical variables could be determining the inter agency cooperation or coordination. Eberwein/Schemeil (2008) identified three core variables furthering or preventing cooperation: power, expertise, legitimacy. The willingness to cooperate is a function of the combination of these three factors¹⁰. Depending on the particular combination of these factors will the individual agencies abstain from any form of cooperation/coordination either by remaining within their particular domain of expertise or trying to expand their domain of competence (the World Bank being such a case). The form cooperation may take will depend on the power and legitimacy of the individual agencies which can either agree to join forces on an equal footing or through imposition. Yet the problem remains that none of these intergovernmental agencies is fully autonomous. Their primary allegiance is to their principals, the states. Unless the states finally agree and support the agency's agenda, they may run into difficulties. The humanitarian agencies all depend on their support of their principals for the simple reason that their respective operational budgets are voluntary contributions and, in addition, that the donors/states can determine the purposes for which the money has to be spent.

¹⁰ In this provisional version I cannot elaborate this issue which is a major gap in research. The following remarks illustrate some of the complexities of this problem.

If these arguments are plausible, that would indicate the difficulties UN humanitarian coordination is faced with. Thus, in a next step a summary of the recent evaluation reports concerning the IASC, the Cluster approach, and the CERF will be summarized before assessing in a first cut the problems and prospects of UN coordination.

The Inter Agency Standing Committee IASC

The Inter Agency Standing Committee is one of the center pieces of the humanitarian reform. It includes all the UN humanitarian agencies, the World Bank and IOM as intergovernmental organizations and, as guests, two of the major NGO networks, ICVA and InterAction, the latter a US network, the ICRC and the IFRC. Already in the early IASC evaluation (Jones/Stoddard, 2003: v) the core issues relating to this institution were clearly identified as tension between predictability and flexibility /adaptation, between deepening and broadening (of its composition), inclusiveness in consultative process and decisiveness in decision-making response to crises, and – finally – the tension between a headquarters-based policy work and field-based operational work. The HRR (Adolfini et al., 2005:48) called for the strengthening its mandate, structure and membership at the headquarters level but also establishing its functional presence and effectiveness in the field. Even though IASC generic Terms of Reference for Cluster Leads at the Country Level have been approved, their implementation is still not completed.

The Cluster System

The cluster system consists of a complex structure in that it consists of two levels: the global level and the field level. In the latter case a further subdivision is possible by establishing sub-clusters. The global level's function is to identify and train a number of individuals for their coordination role. In addition, the global level clusters are engaged in preparedness and surge capacity building. At the field level the same holds in terms of preparedness and response capacity to emergent crises.

Originally the number of clusters was set at nine. In reality, however, up to 14 clusters were established, with WHO and FAO also claiming their special clusters as lead agencies. Not really consistent from the beginning was the establishment of the early recovery cluster, the argument being that it is rather transversal in the first place. One core issue is that through the CAP for the financing of the cluster system (for 2006 and 2007 the donors the total sum requested was 101.1 million US\$, the actual amount given was 47.1 million US\$¹¹) used primarily for the capacity building of the individual UN agencies).

Even though the theoretical possibility exists that NGOs either function as co-lead or leader of a cluster, such arrangements were only decided in one case. The clusters are

¹¹ This figure does not include, among others, funds for sub-cluster leads or focal point agencies. That is to say that the actual sum disbursed by the donors is higher. See Stoddard et al., 2007

responsible to the HC, which in most cases is the double-hatted Resident Coordinator, a UNDP official having no or little experience in the domain of emergency relief. In theory there is upward accountability of the cluster leads to the HC, it is unclear whether a representative of a UN agency such as UNHCR can legally be accountable to the HC, not to speak of NGOs. In the case of the RC this is effectively excluded in the Memorandum of Understanding between the IFRC and OCHA with respect to its coordinator role for the emergency cluster in natural disasters.

The declared ambition of being provider of last resort (POLR) has thus far not been clarified to any extent. Whereas the notion of gap filling was relatively clear the POLR function is certainly plausible yet unless further clarified in the future of symbolic rather than practical value. In the field, as the case of Mozambique revealed there are still problems with the liaison and coordination with the state agencies in place. In that specific case the lack of knowledge of the HC did at least in the beginning lead to duplications (see ActionAid, 2007). In general, the conclusion one can draw is that this kind of system is relatively fragile in that, up to this point, given the absence of clear directives that the system is highly dependent on the cluster lead, the person in charge, the same being the case for the HC¹². Whereas the partnership principles advocated by the GHP is still not reality, UN agencies considering NGOs as subcontractors rather than as partners. But a learning process seems to be under way. The inclusion of so-called local NGOs in contrast is still declared intention but not practiced in reality¹³.

The Central Emergency Response Fund CERF

Even it may be trivial to state that funding is the precondition for emergency relief, how funding takes place is indeed anything but trivial. Funding for emergencies is only to roughly 50 percent channeled through the UN. The UN requests its funding to a great extent through the CAP. NGOs may also submit their requests to the annual CAP to give a better overview of the demand side. They cannot, however, be funded by the CAP. The new CERF, however, allows for this the HC deciding about the allocation of that emergency fund on the basis of the proposals made by the cluster leads. There are other funding mechanisms which will not be given further consideration.

This indirect access of NGOs to the CERF has one flaw, as Save the Children (2007:7) remarked in a position paper, that this increases the overhead costs from seven percent (direct funding of the NGO from the donor up to 13.5 percent (when the money is channeled through the CERF and allocated by a UN agency). This means that by funding NGOs through the CERF roughly additional ten percent of the allocations are eaten up by overhead costs.

¹² This is one of the findings of the evaluation of emergency shelter cluster coordinated by the IFRC in Djogjakarta. The author was a member of the evaluation team.

¹³ Language is one practical barrier, ability of local partners to delegate representatives to the time-consuming meetings etc.

According to the evaluation report (Faure et al., 2007). One major finding is that the instrument was attractive enough for the donors to allocate 582 million 20 US\$ (March 2006-September 2007). Designed for the financing of life saving activities this criterion is in need of clarification as prevention and recovery activities have been funded as well. This may be due to the fact that there are no criteria how the funding relates to humanitarian principles. Not fully clarified either are the responsibilities and accountabilities of the field and global levels. It seems that the disbursement of the funds allocated takes a long time (up to six months in a particular case (see among others Oxfam International, 2007).

The Reform: Evaluating the Evaluations – A first Assessment

The foregone analysis has only touched upon the surface of the overall reform process of the UN, which has consequences direct and indirect consequences of the humanitarian segment, particularly the UN Country Teams and the Integrated Missions. In particular the latter have implications for the humanitarians. As clusters the UN agencies have to operate under the humanitarian principles (in armed conflicts respectively complex emergencies) that are as neutral and impartial. If they are part of integrated missions this may compromise these principles as they are partial and operating under a clear political mandate.

The more limited focus at the humanitarian reform dimension, however, reveals a number of complex theoretical and practical issues. The strategy adopted by the head of OCHA is one that is close to what has been called a structural approach, a top-down strategy setting up a complex formal structure. This has had implications for the functions that have been enumerated, ranging from preparedness to the quick deployment of relief agencies in the field. What seems to be clear is that a kind of management approach is implicit in the reform strategy which intends not only to improve the delivery of emergency relief aid but also coordination. The assumption being that coordination will contribute to that end. This may be true at the abstract level in reality however coordination requires some kind of control and sanctions mechanisms which in turn implies a minimum of hierarchy.

First: at the top there is no hierarchical structure but a horizontal one including the ERC, the IASC and the global clusters. That is consensus is a necessary requisite for the system to function effectively and efficiently both in terms of participation and decision-making.

Second: the same holds for the field level where the action is taking place including the cluster lead and the HC as coordinators. Again, the functioning at that level depends on the willingness of the concerned actors to participate as well as their ability to reach consensus

Therefore the way the present system is structure depends to a large degree on the specific persons in the coordinating roles (the ERC, the HCs and the cluster leaders).

In addition, the evolution of the system suggests, more systematic research being evidently necessary to substantiate the argument, that the reform process has increased to

some degree the bureaucratization process at the global level by the investments in the capacities of the organizations included. This explains the attraction of some UN agencies to get involved in the cluster system such as WHO or FAO, agencies having neither the experience nor the necessary resources to engage at the field level in coordination activities. The cluster approach allowed them nevertheless to integrate in that system. The financing of the system has also contributed to strengthen the individual role of the cluster leads which at least in the past have not acted exclusively as coordinators but also as partisans of their own organization.

The tendency of bureaucratization has thus far is not necessarily increasing the speed of reaction which was a major objective of the reform; this is true for the CERF in particular. This then raises the issue to what extent the cost-benefit relation has improved. This is not the case if the donors will channel an increasing proportion of their funds through the UN system. The direct consequence is the increased proportion of overhead costs. That has as well consequences specifically for the NGOs. The operational capacities of the UN agencies being limited, they have to rely on NGOs. If the UN at large is providing an increasing amount of funds for emergency relief aid that means that the NGOs may increasingly become subcontractors their direct sources of funding decreasing accordingly. This may be one of the consequences difficult to assess at this point.

What the present system thus far has been unable to resolve are three issues that are on the agenda. First, there is the issue of efficiency through benchmarking which allows for a better assessment of needs and performance. This would only contribute to increase the UN respectively donor control, i.e. upward accountability. That at the same time might be counterproductive for downward accountability. The latter issue is probably part of symbolic politics but not an operational criterion. Depending on the demand the present system has its limits with respect to its operational capacities. This is especially true for the NGOs that run into a competition dilemma in the case of new emergencies. Their capacities are limited due to the fact that hardly any funding is available to invest in human resources. This means that in the longer run the process of oligopolization according to the principle “survival of the fittest = biggest” will prevail. The question the will be whether the few big organizations such as Oxfam, World Vision or Médecins sans Frontières will be able to compete for the scare human resources available therefore making the UN dependent on them. This issue is evidently not only one of efficiency (are NGOs more efficient in terms of the cost/performance relation) but also on normative considerations: what is the proper role of civil society actors in emergency relief?.

Preliminary Conclusions

Whether the actual reform process will in the longer run contribute to achieve the declared objectives is difficult to say. What can be said with certainty is that the present system will stay. How it will finally be adapted in order to achieve the objectives is open.

What is very likely is that its evolution will in the end depend to a great extent of the willingness and the capacity of the donors/states to improve the emergency relief objectives of assistance and protection grounded in the normative humanitarian order that has evolved since Henry Dunant created the Red Cross. It will also depend to the extent that the humanitarian actors themselves will contribute to enhance the role of the so-called local actors. This is to say: how to transform the still Western dominated system of humanitarian aid into a truly global system.

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Aprendix

Table 1: Overview of the major humanitarian reforms

Initiative	Details/intent	Process and progress
Expanded Central Emergency Response Fund (CERF)	<p>Adds a grant element to existing CERF mechanism. Aim is to generate \$500m annually in advance, un-earmarked funds through public and private contributions to be allocated as needed to UN agencies by the UN Emergency Response Coordinator.</p> <ul style="list-style-type: none"> • \$450m grant facility, replenished through voluntary contributions • \$50m revolving loan facility (safeguarded from previous CERF facility) • two-thirds of the CERF for rapid disbursement (up to \$30m per crisis) • one-third for 'neglected crises' • an Advisory Group of 8 contributors and 4 experts to provide oversight. 	<p>Proposal put before ECOSOC in July 2005. ECOSOC adopted a resolution calling on member states to improve the CERF by adding a grant facility.</p> <p>Implementation requires a UN General Assembly resolution. Set to be debated in the General Assembly in November 2005.</p> <p>Donor support: UK, Netherlands, Luxembourg, Sweden, Ireland, Switzerland, Norway; \$187 million pledged at time of writing.</p>
Common funding at country level	<p>Multi-donor up-front funding, linked to the CHAP/country strategic workplan. Three models proposed – common fund, allocation model and consultative model. Under each model, the Humanitarian Coordinator has varying degrees of influence over funds disbursement – from decision-making authority to influence through bilateral consultations according to priorities identified in the CHAP/workplan.</p>	<p>UK proposal with some donor support. To be trialled in Sudan and in the DRC in 2006, dependent on 60% of donor funds being channelled through one of the three models proposed.</p>
Benchmarking	<p>To develop consensus on definitions and collective use of a core set of indicators (malnutrition and mortality and coverage of core services) to inform prioritisation and enable more accurate tracking of the speed and scale of response, and to better inform resource allocation.</p>	<p>UK proposal. Attempts to build on the SMART process.</p> <p>Advisory Group comprising Sphere members, UN agencies, SCHR, ICVA, NGOs. UK (DFID) is supporting WHO and OCHA-led process to identify how these data might be gathered and analysed routinely. Proposals to be submitted to the IASC in January 2006.</p>
Good Humanitarian Donorship Initiative	<p>22 donors (DAC + EC) committed to a set of principles and good practice for humanitarian action. Includes efforts to agree common indicators of donor performance in timely and flexible financing according to need, reporting requirements and peer review for humanitarian response.</p>	<p>UK government current chair of the GHD initiative. Informal working groups on sectoral issues meet in Geneva on an <i>ad hoc</i> basis.</p>
Humanitarian Response Review (independent study commissioned by the ERC)	<p>Identified systemic capacity deficiencies in protection, camp management, emergency shelter, watsan, nutrition and feeding, logistics and emergency telecommunications, and reintegration and recovery.</p> <p>Recommendations resulted in IASC proposal for 'cluster leads' for sectors:</p> <ul style="list-style-type: none"> UNICEF – watsan, nutrition IFRC – shelter in natural disasters UNHCR – shelter and camp management in conflict situations, protection WHO – health WFP – logistics UNDP – early recovery 	<p>IASC Principals developing implementation plans by December 2005.</p> <p>IASC Principals have agreed to set preparedness targets for 2–3 new emergencies in 2006, and trial the cluster system in three ongoing emergencies in 2006.</p>

Continued next page

Table 1: Overview of the major humanitarian reforms (cont.)

Initiative	Details/intent	Process and progress
Report on Integrated Missions (Independent study commissioned by OCHA and DPKO)	<p>Integrated structures supported as the most appropriate for large complex missions, while acknowledging that the level of integration should be context-specific. Regarding the role of humanitarian coordination, key recommendations included:</p> <ul style="list-style-type: none"> • continued double-hatting of the HC as a DSRSG (sometimes also as Resident Coordinator) • where peacekeeping activities contradict agreed procedures to protect humanitarian space, the HC should resolve the matter by referral to the SRSG, and if necessary UN HQ • reference to humanitarian principles should be strengthened in UNSC mission mandates • HC offices should be physically separated from the mission • force commanders should consult and agree priorities for quick-impact projects with the HC. 	Subject to ongoing ECHA deliberations.
Broader UN reform: <ul style="list-style-type: none"> • High Level Panel Report on Threats Challenges and Change (HLP) • In Larger Freedom (ILF) 	<p>The HLP was an independently commissioned report for the Secretary-General, and ILF was his response to it in the lead-up to the World Summit in September 2005. Recommendations largely concerned the international peace and security architecture, and measures to strengthen the coherence and effectiveness of the UN system in the face of security threats, including the institution of an intergovernmental Peacebuilding Commission and Peacebuilding Support Office within the UN Secretariat.</p> <p>Both recommended improvements to aspects of the humanitarian system and issues of humanitarian concern, including the protection of civilians and disaster preparedness and mitigation.</p>	<p>2005 World Summit Outcome Document outlined various commitments, including a decision to institute a Peacebuilding Commission and Peacebuilding Support Office (to be operational by December 2005); strengthening the UN country presence and its ability to ensure humanitarian access; improving the CERF; and a declaration of preparedness to 'take collective action, in a timely and decisive manner, through the Security Council [if peaceful means are insufficient] if national authorities are manifestly failing to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity'. The General Assembly is to continue deliberations on the 'responsibility to protect'.</p>

Source: *The currency of humanitarian reform*. HPG Briefing Note, Overseas Development Institute (ODI), London. November, pp. 2-3

Table 2 Principles of Partnership

Endorsed by the Global Humanitarian Platform, 12 July 2007

• **Equality**

Equality requires mutual respect between members of the partnership irrespective of size and power. The participants must respect each other's mandates, obligations and independence and recognize each other's constraints and commitments. Mutual respect must not preclude organizations from engaging in constructive dissent.

• **Transparency**

Transparency is achieved through dialogue (on equal footing), with an emphasis on early consultations and early sharing of information. Communications and transparency, including financial transparency, increase the level of trust among organizations.

• **Result-oriented approach**

Effective humanitarian action must be reality-based and action-oriented. This requires result-oriented coordination based on effective capabilities and concrete operational capacities.

• **Responsibility**

Humanitarian organizations have an ethical obligation to each other to accomplish their tasks responsibly, with integrity and in a relevant and appropriate way. They must make sure they commit to activities only when they have the means, competencies, skills, and capacity to deliver on their commitments. Decisive and robust prevention of abuses committed by humanitarians must also be a constant effort.

• **Complementarity**

The diversity of the humanitarian community is an asset if we build on our comparative advantages and complement each other's contributions. Local capacity is one of the main assets to enhance and on which to build. Whenever possible, humanitarian organizations should strive to make it an integral part in emergency response. Language and cultural barriers must be overcome.