



## Earth, wind and fire

### A review of UNHCR's role in recent natural disasters

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# 1. Executive summary and recommendations

As part of the follow-up to the *Humanitarian Response Review* which took place in 2005 under the leadership of the United Nations Emergency Relief Coordinator (ERC), and in the shadow of the international community's response to Darfur, a Cluster Approach was introduced to ensure a more timely, predictable, effective and accountable international response to humanitarian emergencies, mainly through identifying and filling gaps in leadership and strengthening response by building partnerships.

Until recently, UNHCR's participation in the Cluster Approach has mainly focused on *conflict-related* internal displacements. With a growing appreciation of protection issues associated with natural disasters, and given the dissatisfaction with the current system of designating the Protection Cluster Lead at the country level, the High Commissioner has now proposed that UNHCR play a more predictable role in displacements arising from natural disasters.

This involvement would build on UNHCR's related, extensive experience in dealing with situations of conflict-related internal displacement over the last five years. The protection issues associated with natural disasters are, in many ways, comparable to those associated with conflict-related displacement.

It is generally recognized that the existing arrangements established for the designation of the Lead Agency for the Protection Cluster at the country-level to respond to natural disasters as provided for in the 2006 Inter-Agency Standing Committee (IASC) *Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response* have proven to be dysfunctional.

In the context of greater awareness by the international community of the likelihood of an increase in the number and intensity of sudden-onset natural disasters, and because of a better appreciation of the protection needs of those affected by such disasters, there is now growing pressure for the IASC and the three designated core-protection agencies (UNHCR, UNICEF, OHCHR) to redress this generally perceived weakness.

Thus, against the backdrop of these developments, the High Commissioner in his Opening Statement to the 60<sup>th</sup> Session of the Executive Committee made a proposal for UNHCR to assume a more predictable role as Protection Lead at the country-level in natural disasters. This role, in fact, is in line with the provisions of the key 2006 IASC Guidance Note: "To enhance predictability, where possible sector lead arrangements at the country level should be in line with the lead agency arrangements at the global level.

This principle should, however, be applied flexibly, taking into consideration the capacities and strengths of humanitarian organizations already operating in the country or region concerned." Moreover, UNHCR as Global Cluster Lead for Protection already has certain responsibilities for the protection of those affected by natural disasters, not least of all obligations arising from the principle of "provider of last resort."

The recently drafted Standard Operational Procedures (SOPs) for the designation of the Protection Cluster Lead at the country-level take into account UNHCR's responsibilities as Global Cluster Lead. This draft, elaborated under the auspices of the Protection Cluster Working Group by the three protection-mandated agencies, with the participation of OCHA and the Office of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, was tabled at the IASC Working Group Meeting in April 2010.

For the three UN agencies involved, it is considered to be more of a clarification of existing policy rather than a new policy. For others in the IASC Working Group, especially the NGOs, and in the light of the Protection Cluster's performance in the 2010 Haiti Earthquake, they wanted a more fundamental review of the Lead Agency designation. It will be recalled that in a recent study of the international response to the Haiti Earthquake, Refugees International has proposed that in future natural disasters involving significant displacement, UNHCR should be the Lead of the Protection Cluster at the country-level.

The SOPs, in their present draft form, are intended to more expeditiously assure that the protection needs of those affected by a natural disaster are taken care of. It should be noted that neither the High Commissioner's offer to EXCOM, nor the draft SOPs mean that UNHCR will automatically be the Lead of the Protection Cluster at the country-level in every future natural disaster. The SOPs provide a range of options for the Cluster Leadership role.

Although they are oriented to UNHCR assuming such a role in specific circumstances, they do not lock UNHCR into this role. Their merit lies in designating the Lead Agency in a more prompt manner than is currently the case.

Today, UNHCR is engaged in some twenty IDP operations related to conflict situations as Lead of the Protection Cluster and in eight of these it exercises the Lead Role for Emergency Shelter and in five a similar role for Camp Coordination and Camp Management (CCCM). Funding patterns of UNHCR, as a whole, would suggest that the Office's increased involvement in IDP situations has not been to its financial detriment.

In terms of the Office's primary responsibility for refugees, it is recognized that there are still capacity gaps in the Office's performance. But these relate to specific issues (asylum-migration, urban refugees, and protracted refugee situations) which call for particular refugee protection officer profiles. It would be hard to argue that a further involvement in IDP situations would be to the detriment of UNHCR's work in these other areas.

Addressing these gaps calls for separate initiatives (currently under consideration), and these require different protection capacities to those required for IDP situations, especially for coordinating and leading the Protection Cluster at the country level.

Given the complexity of the range of protection challenges presented by natural disaster situations, many of which are comparable to those that characterize displacements resulting from natural disasters, it could be argued that UNHCR is well placed to assume a more predictable role at the country-level for leading the Protection Cluster in natural disasters. The recent audit by the Office of Internal Oversight Services (OIOS) of UNHCR's work as Cluster Lead for the Global

Protection Cluster, Camp Coordination and Camp Management, and Emergency Shelter for IDP situations resulting from conflict situations has been generally positive in regard to UNHCR's work to date.

While this may be the case, this rapid review is not meant to argue for, or to defend an operational involvement of UNHCR in displacements resulting from natural disasters, in particular as Lead of the Protection Cluster at the country level, but rather to look at the implications of such involvement for its mandated work with refugees, and a range of other issues, in particular the costs of such involvement.

Since 2005 when the IASC Cluster Approach was adopted, UNHCR's interest in, and involvement with, natural disasters has been relatively modest. Where there has been involvement, it has been dictated by safeguarding an already existing operational space for its work with refugees (South Asia Earthquake, October 2005), or by a calculated expectation that such an involvement might favourably influence a government's attitude towards UNHCR's involvement in other protection-related situations in the country (Philippines/Mindanao).

The new approach of the High Commissioner to protection in natural disasters would redress the shortcomings of UNHCR's operational involvement in natural disasters to date which, for the most part, can only be described as an involvement by exception. Hence, where it did materialize, this involvement was limited, hesitant and relatively slow (Annexes 2 and 3). If there is any lesson to emerge from this rapid review, it is that hesitation is hazardous, especially for resourcing a particular involvement.

If one looks at the GLIDE (GLobal IDentifier number) data-base, or EM-DAT of the Centre for Research on the Epidemiology of Disasters, one can see the alarming frequency of sudden-onset natural disasters. Of the fifty-eight (58) natural disasters considered in this study over the period 2005-2010, most of which were the subject of a coordinated international response and of an Flash Appeal sponsored by the Office for the Coordination of Humanitarian Affairs (OCHA) (see Annex 2), UNHCR chose to be involved in only eighteen (18) (Annex 3).

Of this number, UNHCR had an operational involvement in thirteen (13), and in a further 5, its involvement took some other form (donation of tents etc.). In talking of decision-making processes, one can distinguish between the broad, strategic, institutional decisions in regard to UNHCR's involvement with internal displacement in natural disaster situations; and decisions on particular interventions.

The latter can only be understood in the light of the former strategic choices of UNHCR, and up until the High Commissioner's Statement to the 2009 Executive Committee, there has been practically no institutional "appetite" for involvement in natural disasters. The international community's focus on climate change and natural disasters has changed that, and, it would appear, so have institutional considerations about UNHCR's future role as *the* protection agency.

An earlier study undertaken by UNHCR as to the decision-making processes leading up to the Office's involvement in IDP conflict-related situations found that although there were criteria governing UNHCR's involvement in such IDP situations, the use of these policy criteria in decision-making for an operational involvement with an IDP caseload was uncertain, inconsistent and unpredictable. The key determining

element for such involvement was a decision of the High Commissioner, presupposing an invitation from the affected country and the Secretary-General (or the United Nations Emergency Relief Coordinator).

Furthermore, and allowing for the slow, developing nature of most of the IDP situations studied, it is not surprising that the study found no consistency in the timing of UNHCR's intervention. UNHCR's relations with other agencies and NGOs involved in the same IDP operations were often strained because of the unpredictability of UNHCR's involvement.

As regards the present study, the evidence for decision-making processes for UNHCR to become involved or not to be involved in natural disasters on a relatively small number of occasions is limited, as there was no clear policy about a UNHCR predictable involvement in natural disasters. Now, the High Commissioner proposes to change that, by making a more predictable commitment by the Office to be Lead of the Protection Cluster at the country level in natural disasters.

UNHCR's involvement in a number of major natural disasters (e.g. Indian Ocean Cyclone/Tsunami (December 2004), the South Asia Earthquake (October 2005), and the Myanmar Tropical Cyclone *Nargis* (May 2008)) has been well funded. In many other instances, however, the funding pattern has been less positive. The hesitant and delayed nature of UNHCR's involvement in many natural disasters has had negative results in terms of resource mobilization.

By way of example, the UNHCR components in the Flash Appeals for the Philippines Hurricanes (2009) and the Haiti Earthquake (2010) had received no contributions by 13 April 2010. On 14 April, UNHCR issued its own Appeal for Haiti. It has recently received a contribution (USA) of \$3.8 million.

If UNHCR misses an initial Flash Appeal (which was the case in regard to the Flash Appeals for the Philippines and Haiti), and given the linkage between Rapid Response Grants under CERF and Flash Appeals, then the chances of UNHCR resourcing involvements in sudden-impact disasters are reduced significantly.

Given the systemic linkages between UNDAC disaster assessments, CERF Rapid Response Grants and Flash Appeals, UNHCR should give serious consideration to becoming an integral member of UNDAC teams, along with OCHA, UNDP, UNICEF, WFP and WHO. To ensure a holistic response by the international community in a natural disaster, it is important that there be a protection component in UNDAC assessments.

Moreover, UNHCR should also seek to be part of UNDAC's disaster risk reduction activities, thereby facilitating a government's appreciation of the importance of protection as an integral component of a disaster risk assessment and contingency planning, in particular that of profiling affected populations to ascertain the most vulnerable.

This lack of involvement in UNDAC Teams could partly explain UNHCR's dwindling share of CERF grants since it was introduced in 2006. In the past, UNHCR has premised its involvement in IDP conflict-related operations on availability of resources. In the case of sudden-onset disasters, the logic of involvement has now

been reversed: if one is not involved from the start, resources will follow only with difficulty.

To date, the resourcing of the Protection Cluster through Flash Appeals and CAPs has not been overly successful. In 2009, the Protection/Human Rights/Rule of Law Cluster only accounted for 3.5 % (\$388 million) of total Global Humanitarian Contributions received under appeals sponsored by OCHA. Similarly, under CERF, the same cluster only had received 1.6 % (\$212 million) of grants made.

As Annex 3 shows, UNHCR protection projects under the Flash Appeals have received quite uneven responses: the Benin (13.05.05) and Yemen Appeals (28.11.08) were funded at 100 per cent; the other appeals for Philippines (08.10.09), Somalia (05.12.06) and Uganda (21.09.07), as at 13 May 2010, have got a nil response.

Since the inception of the Cluster Approach in 2006, UNHCR, while mainstreaming its IDP activities, has taken steps to ensure that resources dedicated for refugee activities are kept separate from those for IDP activities, and that the latter activities do not detract from the Office's primary obligation towards refugees. The recently introduced new budget structure with a Fourth Pillar reserved for IDP projects ensures that these positive steps are even further safeguarded.

However, one serious negative consequence of the lack of contributions for UNHCR's limited involvement in natural disasters to date has been the growing reliance of UNHCR on transfers from the Operational Reserve for funding operations in the Philippines (2009 Hurricanes) and Haiti (2010 Earthquake). Although these transfers have been made in accord with UNHCR's Financial Rules, they nevertheless would appear not to be consistent with the philosophy of the new budget structure, especially as regards the reasons for having a separate Pillar Four.

It will be recalled that the proposed amendments to the Financial Rules (EC/60/SC/CRP.24) would have allowed such transfers *pending receipt of funds from appeals*. Even if these amendments had been accepted, there would still be a problem in that the contributions from the envisaged appeals have not eventuated.

In the case of Haiti, there have now been transfers from the Operational Reserve totalling some \$2.9 million. In the case of the Philippine Hurricanes, UNHCR has had to also rely on the Operational Reserve to keep the operations going; to date, it has received \$ 1.2 million from the Operational Reserve. The issue of the use of the Operational Reserve for activities under Pillar Four of the UNHCR budget needs to be revisited.

The costs of delivering protection are directly related to an agency's concept of protection and the range of activities envisaged to give effect to it. Underlying this study is a human-rights based understanding of protection which grew out of the consultations led by ICRC in 2001 and adopted by the IASC: "Protection" comprises "all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian law and refugee law)."

There has been considerable discussion of the concept of protection in the context of the Cluster's work, as each of the three agencies with a core protection mandate has its own specific focus, and as a consequence related notions of what activities

contribute to effective protection. Similarly, the range of other actors working in the Protection Cluster means that the type of protection activities making up this Cluster in a Flash Appeal can be quite diverse.

Furthermore, differences of understanding can develop among all these actors because of the so-called “humanitarian dilemma”, namely differing attitudes on the part of those in a Cluster to working with UN peacekeeping operations and functioning within integrated missions.

The issue is also raised in the recent IASC-sponsored *Cluster Approach Evaluation Phase 2*. Most importantly, there should be a shared appreciation of the need for a broad, comprehensive, but operationally-oriented concept of protection by the three key potential Cluster Leads, so as to ensure coherence of approach should any of the three agencies be called upon to assume the Cluster Lead role in the Field.

A Cluster Lead has to ensure that all facets of protection are covered in a coherent fashion in any given situation; this approach to protection is more than the sum of the contributions of participating agencies working in a particular Cluster-coordinated operation.

The costing of UNHCR’s involvement in natural disasters up until now, not to mention the hypothetical costing of those that it chose not to be involved in, has been particularly difficult, given the wide range of variables and the difficulty of accessing information. To obtain a broad appreciation of what are the cost implications of any move by UNHCR to play a more predictable involvement in natural disasters, five scenarios were studied.

The first relates to an intervention by UNHCR limited to the provision of Non-Food Items (NFIs). The second scenario focuses on an intervention where UNHCR’s involvement is limited to the Protection Cluster. Here the concrete case of the Philippines Hurricanes was studied (2009). This choice of the Philippines was also dictated by the fact that UNHCR saw this as a prototype of future such interventions in natural disasters.

The third scenario was a more generic calculation for a hypothetical intervention of UNHCR as Protection Cluster Lead in any natural disaster; this concluded that any such involvement for a 6 month period would cost in the order of \$1 million.

The fourth and fifth scenarios looked at the concrete interventions in Myanmar (2008) and Haiti (2010) as examples of a more general involvement in natural disasters, either with responsibility for particular Clusters (Myanmar) or without having a lead role in relation to any sector (Haiti). This latter operation was chosen as the UN response has been somewhat criticized and, on the basis of the UN performance to date in the Protection Cluster, some have called for UNHCR to be the lead agency in any future natural disaster involving significant displacement.

A recent UNHCR appeal in support of its work in Haiti and the neighbouring Dominican Republic has been budgeted at \$12.5 million. To sum up, there is no one cost for each type of UNHCR’s involvements in natural disasters, as there are so many variables. One of the new, recurring features of recent involvements is the inclusion of Quick Impact Projects (QIPs) whose number and contents (and costs) vary from operation to operation. Other obvious factors influencing costs are: the

number of beneficiaries targeted; the presence of a reasonably-sized UNHCR Office in the country affected; and the proximity of UNHCR warehouses with available non-food items (NFIs).

Related to the costs of intervention is the question of the duration of a given operation. The work of the PCWG at the country-level, like that of all clusters, should be time-limited on the basis of the preliminary needs assessment. The work of the Cluster needs to be seen in the context of the ongoing work of the UN Country Team (UNCT) and various coordinating frameworks, such as United Nations Development Assistance Framework (UNDAF), and be focused on protection issues arising from the natural disaster and not long-standing ones aggravated by the natural disaster; the latter are important but should be the focus of the ongoing work programme of the relevant UN members of the UNCT.

For this reason, it would seem that the normal timeframe for the Protection Cluster's work in a given natural disaster should initially be planned for 6 months. The IASC needs to establish guidelines for the winding up of clusters, and for ensuring that Strategic Operational Frameworks for each Cluster in a given operation include an exit strategy. Otherwise, one will be confronted with open-ended engagements similar to protracted refugee situations.

Partnerships are essential for effective protection delivery, be it in refugee or IDP situations. The key partner is the State with which rests the primary responsibility for protection, especially in IDP situations. Cluster interventions when called for by a State should primarily be about enhancing support to national structures. This is why the Protection Cluster might better be described as the Protection *Support* Cluster. A key actor at the country level for the effectiveness of the work of the Protection Support Cluster is the Resident Coordinator (RC)/Humanitarian Coordinator (HC). Often, many of the issues identified by the Protection Cluster are such that they need an input by a range of clusters which only the HC can assure.

This leadership has not been forthcoming in some situations, for example, the Haiti Earthquake response. Moreover, reading between the lines of various situation reports on Haiti, having an experienced agency like UNHCR working in support of other Cluster Leads, such as in the Shelter and Camp Coordination and Camp Management sectors in a natural disaster situation, is not without its challenges.

Furthermore, there needs to be close cooperation between all the Clusters in a given operation, especially between the Shelter, CCCM and Education Clusters. In regard to the last mentioned cluster, evacuation centres are invariably set up in schools. The return to normal life as expressed in schooling is often complicated by the use of school facilities for emergency accommodation. Above all, the leadership of the various clusters needs to be in the hands of experienced agency staff, and the rules for the functioning of the various clusters, especially the determination of who may participate in their work, should be looked into.

As with the Indian Ocean Tsunami, the recent Haiti Earthquake has seen an influx of "NGOs" of dubious standing. The presence of some 150 people in a coordination meeting of the Protection Cluster, as is the case in Haiti, is not a recipe for success. On the other hand, the role of civil society is central. There has not been the best use of local NGOs in the Haiti response; there needs to be a better interface between the international community and civil society.

The protection needs that present themselves in a natural disaster situation are not dissimilar to those found in refugee or IDP conflict-related situations: risk of sexual and gender-based violence (SGBV) due to overcrowding in evacuation centres; unequal access to relief; unaccompanied and separated children; lack of a system to identify and assist persons with special needs; limited information and consultation of communities on relief and rehabilitation measures; loss of personal identification documents; loss of housing and land for irregular slum dwellers with no avenues for compensation.

A valuable source of information on protection challenges associated with natural disasters is the end of mission reports of *ProCap* secondees. One key area of protection concern relates to the status of those who cross an international border during a natural disaster; there is a “normative” gap in their regard that should be addressed.

Although in particular instances it may be difficult to show a relationship between climate change and the natural disaster, the current focus on climate change and resulting likely displacement of populations has raised a range of issues related to so-called “climate refugees” or “environmental refugees”. These are issues on which UNHCR, with the support of the international community, should be able to provide leadership, especially in regard to any “protection gaps”.

The move by UNHCR to become more predictably involved in natural disasters will not just require some changes in policy and procedures; there is a need for further enhancement to UNHCR’s emergency response capacity. UNHCR has rightly prided itself on the speed and effectiveness of its response-time to crises, but as this study shows, it has missed being part of the initial Flash Appeals in a number of recent natural disasters. Natural disasters will require a further gearing up, as the first response in the form of the UNDAC team is within a time frame of 24 hours.

As has been noted above, unless protection becomes an integral part of the initial UNDAC assessment, the relevant projects do not find their way into the first Flash Appeal and it is then hard to recover lost ground in terms of initial donor and CERF contributions. Moreover, given overall limited resources, the issue of prioritization of assistance for those affected in natural disasters becomes essential, and in this context, profiling of IDPs in natural disaster contexts, and registration of those in evacuation and relocation centres, are not just a management issue but a protection issue.

UNHCR’s recognized competence and experience in profiling and registration should be put at the disposition of a country’s natural disaster response mechanisms. It is in this perspective that UNHCR should seek to become part of the UNDAC. It should also seek to ensure that through the IASC, issues related to profiling of IDPs become the recognized responsibility of Protection Cluster Working Group (PCWG).

By way of conclusion, and as already noted, that there is a growing expectation that UNHCR could bring, in virtue of the experience it has gained in its leadership of the Protection Cluster for conflict-related displacements, a welcome contribution to addressing the present dysfunctional state of the international humanitarian community’s response mechanism for meeting the protection needs of those affected by natural disasters.

The proposed new SOPs for designating the Cluster Lead for Protection in the Field are a relatively risk-free mechanism for UNHCR to pace and assess its proposed commitment. Besides, in committing to lead the Protection Cluster at the country-level (albeit not necessarily in every instance), there are not the same resource implications as for refugee situations where UNHCR, in virtue of its mandate, is responsible for delivering a range of basic services and activities consistent with its holistic concept of protection. But as seen from the above, there are serious questions about funding this new proposed involvement.

While it is true to say that the budget provisions relating to projects under Pillar Four ensure that EXCOM has ultimate control over the degree of involvement in IDP situations in general, and in particular those related to natural disasters, the unrestricted recourse to the Operational Reserve (although limited to \$10 million for a given operation in any financial year) undermines such controls. It is for this reason that any significant involvement of UNHCR in natural disaster-related IDP situations should be a regular subject of reporting in the document on programmes and funding presented to each session of the Standing Committee.

The proposed further involvement of UNHCR in IDP situations, namely in a more predictable engagement in displacements related to natural disasters, is consistent with UNHCR's protection work with IDPs to date (though not formally grounded in the Convention or the Statute of the Office), and a natural progression from its role as lead of the Global Protection Cluster.

The question has been raised about the possible impact of this further protection engagement on the Office's work with refugees, especially as UNHCR has recognized that there are protection capacity issues (urban refugees, asylum/migration and protracted refugee situations) still to be addressed by the Office.

This question need not call for an "either/or" response. Given the differing protection staff profiles required for these distinct types of work, and the fact that the appeal documents for the IDP natural disaster operations have in-built, budgeted staffing components, it would be difficult to argue that the proposed further involvement in IDP situations would directly impact on the Office's work with refugees. On the other hand, this new type of protection engagement must not be allowed to distract the Office from addressing the recognized refugee protection capacity gaps in the areas already identified, and currently being addressed.

It is suggested that any further involvement in this new type of IDP operations by UNHCR should take place in an incremental manner with an involvement in 2010 limited initially to a specified number of natural disasters. Such a cautious approach (not dissimilar to the choice of the limited number of IDP conflict-related IDP pilot operations in 2006) would not necessarily be at variance with the draft SOPs under consideration, nor the High Commissioner's proposal to EXCOM. Nor does it jeopardize the need for greater clarity and speed in designating the Lead Agency of the Protection Cluster at the country level.

It does imply, however, that the other two protection-mandated agencies will also need to develop, along the lines of the UNICEF study considered below, their capacity to coordinate and deliver a comprehensive form of protection in an operationally effective manner in natural disaster situations.

The Executive Committee needs to bring greater clarity to its response to the High Commissioner's proposal to become more engaged in natural disaster situations. Hopefully, this study may help in this regard. UNHCR's performance vis-à-vis conflict-related IDP situations in the last five years, the Office's current steps to improve its capacity to address refugee-related protection issues, and the general financial state of the Office which has benefited from its recent involvement in IDP operations, are all considerations which should improve the comfort level of the EXCOM in responding to the High Commissioner's initiative.

On the other hand, as this study has shown, there are a range of issues that require the engagement of EXCOM in elaborating, in partnership with the High Commissioner, the details regarding how the Office can respond to this possible new commitment, including its financial, administrative and operational implications, without prejudice to its core mandate for refugee protection and assistance.

The High Commissioner, in the light of the likely significant demands flowing from any UNHCR involvement in natural disasters, may need to review the staffing implications of such involvement; as a minimum, two parts of UNHCR Headquarters will require strengthening, namely the Emergency Preparedness and Response Section (EPRS), and the second pillar in the revised DIP structure which will be dealing with the Protection Cluster. It is suggested that each of these be strengthened by the creation of two posts at the P-4 level.

This study has mainly been based on a review of relevant documents and interviews with relevant UNHCR staff; it has benefited particularly from mission reports on UNHCR's involvement in recent natural disasters, and from the IASC evaluations (first and second) of the Cluster Approach.

### **The review's recommendations**

1. If UNHCR intends to be part of a response to a natural disaster, and to resource it effectively, it must ensure that it is part of the first Flash Appeal normally issued within 7 days of a natural disaster (see paragraphs 25, 26 of study).
2. UNHCR should consider being an integral part of the United Nations Disaster Assessment and Coordination (UNDAC) teams, thereby ensuring that protection considerations, including profiling of IDPs, is an integral part of the international community's response to natural disasters from the outset, as well as ensuring that related projects are included in Flash Appeals and are considered for funding under Rapid Response Grants under CERF (see paragraphs 27-29 of study).
3. The resourcing of UNHCR's role in specific natural disasters needs to be addressed:
  - (i) the continuing use of the Operational Reserve in the case of operations that have failed to receive funds in response to Flash Appeals or UNHCR's own appeals needs urgent review;
  - (ii) the Financial Rules need to be supplemented by internal administrative and financial directives to ensure that the logic of the creation of the Pillar Four is not circumvented by recourse to the Operational Reserve (see paragraphs 35-38 of study).

4. UNHCR should work, in the context of the IASC, for a more detailed elaboration on how the Humanitarian Coordinator may better support the work of the Protection Cluster at the country level (see paragraph 84 of study).

5. In establishing policy and guidelines for its involvement as Cluster Lead in the Protection Cluster at the country level, UNHCR should look at the question of the duration of the Cluster's work in the context of the ongoing work of other humanitarian and development coordinating mechanisms in relation to human rights e.g. UNDAF (United Nations Development Strategy) (see paragraphs 85-88 of study)..

6. UNHCR should urge the IASC to develop relevant guidance for winding down clusters at the country level, and for the inclusion of exit strategies in Strategic Operational Frameworks (see paragraphs 85-88 of study). .

7. The High Commissioner, while continuing his policy of mainstreaming the work of IDPs may, in the light of the likely significant demands flowing from UNHCR's involvement in natural disasters, need to review the staffing implications of such involvement; as a minimum, two parts of UNHCR Headquarters may require strengthening, namely the EPRS, and the second pillar in the revised DIP structure which will be dealing with the Protection Cluster.



## 2. The review

1. As part of the follow-up to the *Humanitarian Response Review*<sup>1</sup> which took place in 2005 under the leadership of the United Nations Emergency Relief Coordinator (ERC), and in the shadow of the international community's response to Darfur, a Cluster Approach was introduced to ensure a more timely, predictable, effective and accountable international response to humanitarian emergencies, mainly through identifying and filling gaps in leadership and strengthening response by building partnerships. Currently, there are eleven designated sectors or areas of activity where the Cluster Approach is applied.

2. UNHCR is the Lead of the Global Protection Cluster. At the country level, however, in particular disaster situations or in complex emergencies without significant displacement, the three core protection-mandated agencies, namely UNHCR, UNICEF and OHCHR, are expected to consult closely, under the leadership of the Humanitarian Coordinator (HC) or Resident Coordinator (RC), with a view to designating the lead for the Protection Cluster. However, even now, and consistent with the IASC 2006 Guidance Note on the introduction of the Cluster Approach,<sup>2</sup> UNHCR as Global Cluster Lead for Protection already has a range of responsibilities vis-à-vis natural disasters.<sup>3</sup>

3. The present way of proceeding with the designation of the Protection Cluster Lead at the country level in situations of natural disaster has been shown to be dysfunctional. Moreover, it has been noted that:

[u]nfortunately, the number of natural disasters, combined with the magnitude of the responsibility and resources required to take the lead role, has led to reluctance to commit to taking the lead. The problem remains unresolved at this time, but we suspect that as awareness of the importance of protection in natural disaster grows, there will be an increasing demand for a more predictable form of support from the UN in assisting governments to meet protection needs - especially when governments are unable or unwilling to meet their protection responsibilities. The rationale for applying the Cluster Approach to situations of armed conflict also applies to natural disasters: people affected by natural disasters deserve

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<sup>1</sup> See: <http://www.reliefweb.int/library/documents/2005/ocha-gen-02sep.pdf>

<sup>2</sup> IASC *Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response*, 24 November 2006, p. 4.

<sup>3</sup> An internal UNHCR Draft Concept Note on *UNHCR's Role in the Protection Cluster in Natural Disasters* states: "The Global Protection Cluster includes protection in natural disasters within its remit, as well as the protection of all affected populations (including host communities and populations at risk of displacement), thus bringing these groups within the purview of UNHCR as the global cluster lead agency. Under the terms of the Cluster Approach, the Office is also the "provider of last resort" for the three clusters it leads. As the global cluster lead agency for protection, the Office can be called upon to coordinate and deliver protection activities in operations where other actors are unwilling or unable to undertake this function, including in natural disasters", para. 14, version November 2009 consulted.

predictable and accountable leadership in all sectors, including protection.<sup>4</sup>

4. It is in this context that the offer made by the High Commissioner for Refugees, António Guterres, at the 60<sup>th</sup> Session of the Executive Committee of UNHCR (2009) for UNHCR to play a greater role at the country-level as Lead Agency for the Protection Cluster needs to be seen. Draft Standard Operation Procedures (SOPs) to ensure greater predictability in this area were inconclusively considered at the Meeting of the IASC Working Group in April 2010.<sup>5</sup>

5. The recently drafted Standard Operational Procedures (SOPs) for the designation of the Protection Cluster Lead at the country-level take into account UNHCR's responsibilities as Global Cluster Lead. This draft elaborated by the three protection-mandated agencies, with the participation of OCHA and the Office of the Representative of the Secretary-General for the Human Rights of Internally Displaced Persons, under the auspices of the Protection Cluster Working Group was tabled at the IASC Working Group Meeting in April 2010.

6. For the three UN agencies involved, it is considered to be more of a clarification of existing policy rather than a new policy. For others in the IASC Working Group, especially the NGOs, and in the light of the Protection Cluster's performance in the 2010 Haiti Earthquake, they wanted a more fundamental review of the Lead Agency designation. It will be recalled that in a recent study of the international response to the Haiti Earthquake, Refugees International has proposed that in future natural disasters involving significant displacement, UNHCR should be the Lead of the Protection Cluster at the country-level.

7. The SOPs, in their present draft form, are intended to more expeditiously assure that the protection needs of those affected by a natural disaster are taken care of. It should be noted that neither the High Commissioner's offer to EXCOM, nor the draft SOPs mean that UNHCR will automatically be the Lead of the Protection Cluster at the country-level in every future natural disaster. The SOPs provide a range of options for the Cluster Leadership role.

8. Although they are oriented to UNHCR assuming such a role in specific circumstances, they do not lock UNHCR into this role. Their merit lies in designating the Lead Agency in a more prompt manner than is currently the case. This willingness of UNHCR to assume a more predictable role has been welcomed by Walter Kälin, the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons: "International mechanisms to protect internally displaced persons in situations of natural disasters are often not effective due to lack of understanding, knowledge and the capacity to address threats arising in disaster settings.

9. OHCHR, UNHCR and UNICEF are still struggling to develop the capacity on the ground to match the commitment to leading on protection in disaster settings that they assumed during the course of the 2005 humanitarian reform initiative. The Representative therefore welcomes the expressed commitment of UNHCR to fill this

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<sup>4</sup> Ferris, E. and D. Paul, *Protection in Natural Disasters*, p. 35.

<sup>5</sup> See paras. 91-96 below.

gap within the IASC framework and in consultation with UNICEF and OHCHR, and hopes that its capacities will be enhanced accordingly.”<sup>6</sup>

10. What the High Commissioner is proposing in his offer to EXCOM is consistent with the 2006 IASC Guidance Note which stated in its Annex 1 (which deals with country-level arrangements for each sector to have a clearly designated Lead) that: “[t]o enhance predictability, where possible this should be in line with the lead agency arrangements at the global level.”

11. Moreover, the Standard Operational Procedures (SOP) for the designation of the Protection Lead Agency at the Country Level, referred to above (and which will be considered in detail below), should be seen as a clarification of the policy contained in the 2006 IASC *Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response*. Their approval and implementation will facilitate the more expeditious designation of the Protection Cluster Lead Agency, thereby improving the protection of those affected by natural disaster and the mobilization of resources by the agency concerned to coordinate the delivery of this protection.

12. At the 2005 session of EXCOM, UNHCR’s involvement in the cluster approach was considered, including its role as the Lead of the Global Protection Cluster (and implicitly its implications at the country level as described in footnote 4 above). The 2005 General Conclusion on International Protection reads:

The Executive Committee [...]

Notes with interest the results of the Humanitarian Response Review and welcomes the proposals made by the Secretary General and United Nations General Assembly to strengthen the United Nations humanitarian system; takes note also of deliberations by the Inter-Agency Standing Committee aimed at following up on the outcomes of the response review and to bring about greater consistency in the response to humanitarian emergencies; encourages UNHCR to continue to explore the feasibility of taking on coordination responsibilities for clusters related to internally displaced persons’ protection, camp management and shelter in conflict situations as part of a broader United Nations coordination effort in support of United Nations humanitarian coordinators, with a view towards ensuring a more effective, predictable, and timely response to humanitarian crises, including a system of accountability; looks forward to elaborating in partnership with UNHCR the details regarding how, without prejudice to its core mandate for refugee protection and assistance, UNHCR can respond to these commitments including on financial, administrative and operational implications.<sup>7</sup>

13. Many of the issues discussed in the Informal Consultative Meeting in September 2005 and reflected in the above EXCOM Conclusion are comparable to

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<sup>6</sup> Report of the Representative of the Secretary-General on the Human Rights of Internally Displaced Persons, Walter Kälin (A/HRC/13/21 of 5 January 2010) to the UN Human Rights Council, para 61.

<sup>7</sup> Report of the Fifty-Sixth Session of the Executive Committee of the High Commissioner’s Programme, *General Conclusion on International Protection* (A/AC.96/1021), para. 20, p.11.

those facing the Office today as it considers the implications of a further more predictable involvement as the Protection Cluster Lead in natural disasters at the country level.

14. Even though it could be argued that this move is merely the logical next step in giving effect to an aspect of UNHCR's role as Global Protection Cluster Lead, it would be important, for a range of reasons, not least the mobilization of resources, for the Office to seek the support of the Executive Committee in elaborating how, without prejudice to UNHCR's core mandate for refugee protection and assistance, the Office can give effect to this new commitment, including its financial, administrative and operational implications. The Executive Committee needs to bring greater clarity to its response to the High Commissioner's proposal to become more engaged in natural disaster situations.

## Issues

15. This study, in accord with its Terms of Reference,<sup>8</sup> will look principally at a range of questions relating to UNHCR's involvement in natural disasters to date, and its capacity to fulfill this lead role at the country level, if not always then, at least, in a more predictable manner. It will seek to ascertain the resource implications (both financial and human) and, more especially, the impact that such a role might have on UNHCR's primary statutory obligation to refugees.

16. Related to the issue of resources is the concept of protection envisaged for IDPs in natural disaster situations, as the scope of the protection activities, be it in terms of their nature, beneficiaries and duration of proposed projects, have cost implications. In this context, the study will look at the nature of the "broader" protection concept<sup>9</sup> applicable to natural disasters, and show that this concept of protection, while it has its specificities, is close to the protection concept applicable to refugee situations and IDP conflict-related situations.

17. This review of UNHCR's proposed lead role in the Protection Cluster at the Country Level is similar to that done by UNICEF in 2008.<sup>10</sup> In spite of the fact that UNICEF had played a Cluster Lead role (or a shared Lead role) at the country level on some 20 occasions, the study concluded that: "A decision for UNICEF to systematically accept leadership of the protection cluster in natural disasters is not viable. On the one hand, it would go against the expectations of its partners and contradict the long-term strategy of the protection cluster."<sup>11</sup> On the other, it would

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<sup>8</sup> See Annex 1.

<sup>9</sup> As the word suggests, this is a relative concept and was used in a comparable UNICEF study (*Should UNICEF take on leadership of protection clusters in natural disasters?* External Assessment of the implications for UNICEF, 9 May 2008, by Jurg Montani, Pia Vraalsen; special advisers: Mehr Khan, Nigel Fischer, s.l.) to indicate a concept of protection broader than that of applying in its normal women and children projects. The Strategic Framework for the Protection Cluster Working Group (PCWG) also talks of a common vision of protection with one of its outcomes being: "Protection; human rights; child protection; prevention of and response to gender-based violence; rule of law; housing land and property and mine action concerns and activities are integrated as key components of a common protection vision and response whilst preserving their distinctions and different objectives".

<sup>10</sup> *Should UNICEF, op. cit.*

<sup>11</sup> This reference to the long-term strategy of the Protection Cluster may be a reference to its Strategic Framework 2009-2011. In this document, it is stated that: "2.1 UNICEF and OHCHR in their role and capacity as protection-mandated agencies have made specific commitments to lead the protection response in natural disasters and other situations where UNHCR is unable to lead or is constrained by

exceed UNICEF's capacity and, considering the increasing number and severity of natural disasters, risk to create an imbalance between its programmatic commitment to its core mandate and its contribution to the humanitarian reform."<sup>12</sup>

18. While UNHCR's experience as Cluster Lead for Protection in natural disasters in the same period was much more limited than UNICEF's (see Annex 2 of Report), UNHCR did assume, in the same period, the Lead role of the Protection Cluster for forced human displacements, such that currently it has this role in some 20 IDP operations.<sup>13</sup> It should be noted that the typology of such conflict-related displacements and the related protection issues are comparable to, and, in many instances, more complex and challenging than those arising from a natural disaster.

19. While this line of argument might commend UNHCR as the logical Lead Agency at the country level for the Protection Cluster in natural disasters, an important consideration must be the resource implications, especially in those situations where UNHCR does not already have a reasonable-sized Field presence; and as mentioned above, what will be the effect of this broader involvement with IDPs on UNHCR's capacity and ability to deal with its primary-mandated caseload of refugees?

### **Patterns of involvement**

20. If one looks at the GLIDE (GLObal IDentifier number) data-base,<sup>14</sup> or EM-DAT<sup>15</sup> of the Centre for Research on the Epidemiology of Disasters, one can see the alarming frequency of sudden-onset natural disasters. Of the fifty-eight natural disasters considered in this study over the period 2005-2010 (Annex 2), UNHCR chose to be involved in only 18 of these (Annex 3). The fifty-eight disasters were mainly made up of those to which there was a coordinated response by the international community, and which were the subject of an OCHA Flash Appeal. Annex 2 sets out in detail which of these responses had a Protection Cluster and which agency had the Lead role. Annex 3 looks more closely at UNHCR's role in the 18 natural disasters in which it chose to play some part; it studies its involvement in terms of type of response, timeliness, and costs (human and financial).

21. To talk about a pattern of UNHCR involvement in natural disasters could suggest that there was an underlying and consistent logic determining UNHCR's limited engagement to date in natural disasters. Rather, what one observes is that although UNHCR's involvement has been unpredictable, there is nevertheless a

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its mandate to lead. Standard Operating Procedures have been established to make sure leadership and coordination mechanisms are established for the protection of all persons displaced as a result of, or affected by, disasters as well as for populations/persons facing acute protection needs that require an international response (even if no displacement has occurred)."<sup>16</sup> This text, as well as the 2009 Work Plan (see 4.1 of same), were drafted prior to more recent developments that saw new draft SOPs giving a more predictable leadership in natural disasters to UNHCR. These recent SOPs are discussed later in this study.

<sup>12</sup> Op. cit., 8.

<sup>13</sup> UNHCR's Global Appeal 2010 (p. 47) lists these 20 operations; the list does not include the ongoing lead protection role for the natural disaster related to the Philippine typhoons in September and October 2009.

<sup>14</sup> <http://www.glidenumber.net/glide/public/about.jsp>

<sup>15</sup> <http://www.cred.be>

justifiable rationale for the particular instances of involvement. The following types of involvement summarize UNHCR's interventions to date in natural disasters:

- A humanitarian imperative to do something, together with the rest of the UN, in the face of a massive disaster (Indian Ocean Tsunami; Haiti Earthquake 2010);
- Support to an affected refugee caseload (Tindouf, Algeria; Dadaab floods, Kenya);
- Gesture of international solidarity (Katrina Hurricane; China Earthquake);
- Intervention primarily motivated by humanitarian concerns, but with an additional, unstated strategic objective of hopefully facilitating (through good will generated with Government) UNHCR's work with an existing caseload (Myanmar), or its possible future involvement in an IDP caseload (Philippines/Mindanao).

There are obvious overlaps between these types of interventions, and a certain subjective, interpretative element in trying to ascertain UNHCR's motives in the absence of a consistent pattern of operational engagement based on a clear policy and related decision making process. This is particularly the case in regard to the fourth type of intervention; nevertheless, the High Commissioner, in the context of the Government of the Philippines recent invitation to UNHCR to be involved in Mindanao, has noted<sup>16</sup> a potential synergy between UNHCR's involvement in natural disasters and related protection issues.

22. If one compares the tables at Annexes 2 and 3, one sees the selective nature of UNHCR's involvement in natural disasters to date.

### **Decision-making processes**

23. In talking of decision-making processes, one can distinguish between the broad, strategic, institutional decisions in regard to UNHCR's involvement with internal displacement in natural disaster situations; and decisions on particular interventions. The latter can only be understood in the light of the former strategic choices of UNHCR, and up until the High Commissioner's Statement to the 2009 Executive Committee, there has been practically no institutional orientation towards protection issues related to natural disasters.

24. In introducing the Cluster Approach to UNHCR staff in 2006, the High Commissioner made it clear where UNHCR's focus would be: "UNHCR has accepted to be the cluster lead for internally displaced persons during conflict-generated emergencies in three areas: protection, emergency shelter and camp coordination/camp management."<sup>17</sup> This message of the High Commissioner, for reasons of clarity of presentation, did not go into the finer points deriving from UNHCR's role as lead of the Global Cluster Approach for Protection.

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<sup>16</sup> Senior Management Committee, 1 April 2010.

<sup>17</sup> *UNHCR Involvement with New IDP situations* (IOM/035-FOM/035/2006).

25. As the IASC Guidance Note on *Using the Cluster Approach to Strengthen Humanitarian Response* of 24 November 2006 pointed out: “UNHCR is the lead of the global Protection Cluster. However, at the country level in disaster situations or in complex emergencies without significant displacement, the three core protection-mandated agencies (UNHCR, UNICEF and OHCHR) will consult closely and, under the overall leadership of the HC/RC, agree which of the three will assume the role of Lead for protection.”<sup>18</sup>

26. Given the not insignificant challenges that UNHCR faced in 2006 in a fuller engagement with conflict-related IDPs, it is perhaps understandable that UNHCR should have chosen an incremental approach to its work in the area of internal displacement. In 2006 when the Cluster Approach came into effect, UNHCR’s focus was on conflict-related displacements: it opted to pass over its responsibilities in natural disasters flowing from its role as Global Cluster Lead for Protection.

27. The clear message of the directive of the High Commissioner was that UNHCR was to become a key agency (and, although not stated, *the* UN focal point) for issues related to forced human displacement: “I want to outline and implement a new mission for UNHCR which will move us to become a key agency for forced displacement. We must become a predictable, reliable partner and ally of the international community as it seeks to find solutions to the problems of IDPs. Our standards of protection and assistance should not differentiate between the rights of refugees, returnees and IDPs.”

28. Displacement arising from natural disasters was not a priority for UNHCR in 2006. The goal was to mainstream IDPs who had been displaced by conflict into UNHCR’s operations, policies and procedures. UNHCR has largely achieved this as evidenced in the Global Strategic Objectives 2010-2011, and the fact that UNHCR is today Protection Cluster Lead in 20 situations, and is playing the Lead role in eight of these for Camp Coordination and Camp Management and five for the Emergency Shelter Cluster.

29. The recent audit by the Office of Internal Oversight Services (OIOS) of UNHCR’s work as Cluster Lead for the Global Protection Cluster, Camp Coordination and Camp Management, and Emergency Shelter for IDP situations resulting from conflict situations has been generally positive in regard to UNHCR’s work to date.<sup>19</sup>

30. In the light of its experience with IDPs in conflict situations, its enhanced capacities in the areas of protection-delivery (bolstered also by stand-by arrangements) and against the backdrop of greater awareness of the growing frequency and intensity of natural disasters resulting from climate change, UNHCR has now decided to focus on other aspects of Global Cluster Lead for Protection, namely protection in natural disaster situations.

31. There are a number of possible reasons for this: greater appreciation, within the context of broader discussion of climate change, of protection issues associated with displacements resulting from natural disasters; a recognition that the procedures

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<sup>18</sup> *Op. cit.*, p. 4.

<sup>19</sup> Draft Audit Report (AR 2009/160/04) of 18 February 2010.

envisaged for designating the Protection Cluster Lead at the country-level are not working; and institutional strategic choices.

32. The High Commissioner on a number of occasions has spoken of displacements arising from natural disasters and their growing incidence as a result of climate change.<sup>20</sup> Similarly, as noted in the Report of the Special Representative for Internal Displacement, “Natural disasters displace more people than any other cause but their displacement tends to be shorter than conflict or violence-related displacement.<sup>21</sup> The effects of climate change are likely to further increase the numbers of the disaster displaced.<sup>22</sup>

33. Not only is climate change expected to increase the magnitude and frequency of sudden-onset disasters such as storms or flooding, but it is also likely to exacerbate slow-onset disasters, including droughts, desertification, and rising sea levels, that also force people to move.<sup>23</sup> As a result of the effects of climate change, between 50 and 250 million people may move by the middle of the century on a permanent or temporary basis.<sup>24</sup> Many of them will move voluntarily as part of adaptation strategies of families and communities, yet others will have no other choice but to leave their homes. Most of these displaced will stay within their country as internally displaced persons.”<sup>25</sup>

34. The second reason for the current attention being given to protection issues associated with natural disasters is that the decision-making process envisaged under the Cluster Approach for the designation of the Protection Lead at the country level is generally recognized as not delivering the intended predictability or a timely decision.

35. As noted, the cluster leadership in natural disasters should be agreed on a case by case basis between UNHCR, UNICEF and OHCHR. “In practice, this determination process is rarely based on a tripartite discussion, [as] UNHCR interprets its commitment in an excessively restrictive manner and OHCHR is rarely in a position to lead a cluster. This has led to UNICEF taking on the lead almost exclusively...”<sup>26</sup>

36. Thirdly, there would seem to be institutional considerations in UNHCR’s more recent interest in natural disasters. As the High Commissioner stated when he explained to UNHCR staff the new Cluster Approach:

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<sup>20</sup> “*People on the Move: The Challenges of Displacement in the 21st Century*”, IRC-UK Annual Lecture, 16 June 2008 Royal Geographical Society, London.

<sup>21</sup> According to the Internal Displacement Monitoring Centre (IDMC)/Office for the Coordination of Humanitarian Affairs (OCHA), *Monitoring Disaster Displacement in the Context of Climate Change* (September 2009), at least 36 million people were displaced by sudden-onset natural disasters which occurred in 2008, compared to 4.6 million who were newly internally displaced during the same year as a result of conflict and violence.

<sup>22</sup> See A/64/214.

<sup>23</sup> See Intergovernmental Panel on Climate Change (IPCC), Fourth Assessment Report, Climate Change 2007, available at <http://www.ipcc.ch/ipccreports/assessments-reports.htm>.

<sup>24</sup> The first IPCC assessment report (1990) noted that the greatest single impact of climate change might be on human migration and estimated that by 2050, 190 million people could be displaced by climate change-related phenomena, such as desertification, increasing water scarcity, and floods and storms. Most recent studies refer to estimates for the same period of 200 million (Stern Review 2006) and 250 million (Christian Aid (2007), Human tide: the real migration crisis)

<sup>25</sup> Kälin, op. cit., para. 41.

<sup>26</sup> Should UNICEF, op. cit., p. 5.

The challenges of internal displacement are many and will continue to occupy a substantial place in the agenda of the United Nations in general and of UNHCR in particular. We shall remain actively engaged in this issue, so as to fulfill the mission I have outlined for UNHCR, which I believe to be a necessary and logical direction for the Organization in the current context of UN reform. We must re-orient some of our policies and actions to fulfill these new responsibilities under the cluster leadership approach and meet the challenge. I am confident, however, that with the years of expertise we have developed in administering refugee and IDP programmes, our field presence and the confidence of our partners, be they hosting States or donors, we can contribute positively and significantly to durable solutions for internally displaced persons.

37. Now, in the context of the UN focus on climate change, UNHCR's willingness to be more active in relation to the protection challenges of those displaced by natural disasters, although a logical development of what was already agreed on the respective roles of agencies within the Cluster Approach, needs to be also seen as a way of ensuring the Organization's enduring relevance in the face of other forms of displacement that have their own protection challenges.

### **Particular engagements**

38. The decision-making processes in respect of the relatively small number of instances where UNHCR became involved in natural disasters in the period 2005 to the present are not easily reconstructed. There are, however, enough elements to reconstitute the salient considerations.

39. As a general observation, one can say that the findings of an earlier study<sup>27</sup> on UNHCR's decision-making processes for involvement in conflict-related IDP situations are largely applicable to our present enquiry. This study focused on the circumstances leading to UNHCR's involvement in eight conflict-related IDP situations in the period 1990-2003. It found that although there were criteria<sup>28</sup> governing UNHCR's involvement in such IDP situations, the use of these policy criteria in decision-making for an operational involvement with an IDP caseload [was] uncertain, inconsistent and unpredictable.

40. The key determining element for such involvement was a decision of the High Commissioner. Furthermore, and allowing for the slow, developing nature of most of the IDP situations studied, it is not surprising that the study found no consistency in the timing of UNHCR's intervention. UNHCR's relations with other agencies and NGOs involved in the same IDP operations were often strained because of the unpredictability of UNHCR's involvement.

41. As regards the present study, the evidence for decision-making processes for UNHCR to become involved or not to be involved in natural disasters on a relatively

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<sup>27</sup> Vanessa Mattar and Paul White, Consistent and predictable response to IDPs: A review of UNHCR's decision-making processes (EPAU/2005/2, March 2005).

<sup>28</sup> UNHCR's Role with Internally Displaced (IOM/FOM/33/93 of 28 April 1993); IOM/FOM/87/97 of 12 December 1997; Position Paper of 6 March 2000, Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees.

small number of occasions is limited as there was no clear policy about a UNHCR predictable involvement in natural disasters. If there was a policy, it could be described as involvement by way of exception.

### **Funding of the Protection Cluster**

42. UNHCR's involvement in a number of major natural disasters (e.g. Indian Ocean Cyclone/Tsunami (December 2004), the South Asia Earthquake (October 2005), and the Myanmar Tropical Cyclone *Nargis* (May 2008)) has been well funded. In many other instances, however, the funding pattern has been less positive. As noted above, the hesitant approach to involvement in natural disasters has had negative consequences for the resourcing of those operations where UNHCR chose to be involved. Overall, the resourcing of the Protection Cluster through Flash Appeals and CAPs has not been overly successful.

43. In 2009, the Cluster Protection/Human rights/Rule of Law only accounted for 3.5% (\$388 million) of total Global Humanitarian Contributions received under OCHA-sponsored appeals. Similarly, under CERF, the same Cluster only had received 1.6 % (\$212 million) of Grants made. As Annex 2 shows, as at 13 May 2010, UNHCR projects under the Flash Appeals have received quite uneven responses: the Benin (13.05.05) and Yemen Appeals (28.11.08) were 100 per cent funded; the other appeals for Philippines (08.10.09), Somalia (05.12.06) and Uganda (21.09.07) got a nil response.

44. The concern is that while UNHCR's involvement is ostensibly being discussed under the Protection Cluster only, it would be realistic to look at its engagement in natural disasters as more open-ended. This should give grounds for concern. A good example of this is UNHCR's engagement in Haiti. The revised OCHA Flash appeal had two UNHCR projects amounting to \$1.7 million.

45. As of 14 April when UNHCR announced an Appeal for \$12.5 million, the previous two projects now subsumed under the new appeal had received nothing. This separate subsequent Appeal has occasioned negative comments from other agencies as it is interpreted as UNHCR maneuvering for some sort of take-over of the Protection Cluster in Haiti; in reality, the Office is simply trying to make up for the resources lost, because of its indecisiveness and other factors, at the time that the first flash appeal was issued. An important lesson here is that where a project is not included in the first Flash Appeal (as distinct from a Revised Flash Appeal), the chances of funding diminish accordingly.

- Recommendation 1: If UNHCR intends to be part of a response to a natural disaster, and to resource it effectively, it must ensure that it is part of the first Flash Appeal normally issued within 7 days of a natural disaster.

### **UNDAC**

46. It is in this perspective that UNHCR should seek to become part of the UNDAC mechanisms. The United Nations Disaster Assessment and Coordination (UNDAC) team is a stand-by team of disaster management professionals who are nominated and funded by member governments, OCHA, UNDP and operational humanitarian UN Agencies such as WFP, UNICEF and WHO.

47. One of the key findings of the present study is that if UNHCR is not part of the first version of the Flash Appeal which is issued within 7 days of a natural disaster, then prospects of success of appeals for funds in subsequent revisions of the Flash Appeal are very limited. A good example of this is the Philippines 2009 Hurricane Appeal where UNHCR's projects related to the Protection Cluster have received no funds. This finding also applies to applications for CERF RR grants related to natural disasters.

48. Moreover, for UNHCR as a possible Protection Cluster Lead in a natural disaster to be sure of a smooth entry and acceptance by an affected State, it should ensure that protection cross-cutting concerns are already integrated into national disaster-preparedness plans through UNDAC Disaster Response Preparedness Missions conducted for vulnerable States. This preliminary work in the elaboration of national disaster-preparedness plans would pave the way for a smoother intervention should a disaster occur.

- Recommendation 2: UNHCR should consider being an integral part of the United Nations Disaster Assessment and Coordination (UNDAC) teams, thereby ensuring that protection considerations, including profiling of IDPs, is an integral part of the international community's response to natural disasters from the outset, as well as ensuring that related projects are included in Flash Appeals and are considered for funding under Rapid Response Grants under CERF.

### **CERF (Central Emergency Response Fund)**

49. Since its approval by the General Assembly in December 2005, the CERF has become a primary source of funds for sudden-onset emergencies. These grants are closely tied to the prioritization of needs as established by the OCHA-managed Flash Appeal. Agencies cannot submit proposals directly to the Emergency Relief Coordinator (ERC); they must be supported by the HC/RC and be part of the Flash Appeal (although the Grant can be made before the Flash Appeal is finalized (normally within 7 days of a sudden-onset disaster).

50. This study has been somewhat surprised by the number of times UNHCR's needs have not appeared in the first Flash Appeal, but in a revised one (e.g. Philippines 2009 Hurricanes; Haiti 2010 Earthquake). As noted above, so far there has been a nil response to UNHCR's needs under these two Appeals.

51. Since the inception of CERF, UNHCR's share of CERF overall grants (covering both Rapid Response (RR) and Under-Funded Emergencies (UFE) has been modest compared to other agencies.

2006: UNHCR: 13.6 % (WFP: 41.68%; UNICEF: 22.75%)

2007: UNHCR: 10.71 % (WFP: 32.24%; UNICEF: 24.26%)

2008: UNHCR: 10.7 % (WFP: 38.19%; UNICEF: 23.86%)

2009: UNHCR: 9.38 % (WFP: 38.13%; UNICEF: 29.13%)

52. In regard to the various Clusters/Sectors, in the period 1 March 2006<sup>29</sup> to 2 April 2010, the Protection Cluster activities have received 3.52% of funds granted under CERF (Shelter and NFIs: 8.4%; CCCM: 0.36%). There are a range of reasons why Protection is at the eighth place in the overall share of CERF funds. In a number of instances the Protection Cluster did not appear in an initial Flash Appeal.

53. UNHCR, in its draft *Concept Note on UNHCR's Involvement in the Protection Cluster in Natural Disasters*, has suggested that the absence of a Protection Cluster in an emergency has been due to a range of other factors: (a) the lack of a clearly pre-determined agency to examine the protection issues from the onset of the disaster; (b) a lack of awareness of what the actual protection challenges are or could be; (c) a sentiment that protection issues may complicate relationships with the government; and (d) lack of capacity to respond to protection needs on the ground. The new SOPs for the designation of the Protection Cluster Lead Agency at the country level has as an integral component an assessment of the need for a Protection Cluster. One reason for the relatively modest funding of protection needs under CERF has been partly the failure on the part of the HC/RC and the Humanitarian Country Team (HCT) to see protection as a priority at the time of drawing up the Flash Appeal.

54. The RR component of CERF aims to:

- promote early action and response
  - for sudden-onset emergencies or crises, both natural disasters and complex emergencies;<sup>30</sup>
  - rapid deteriorations of existing complex emergencies.
- enhance response to time-critical requirements
  - to respond to slow-onset natural disasters
  - to provide time-critical funds to prevent escalation, reduce impact and costs.

As seen by the data collected for this study, UNHCR's response to sudden-onset disasters has been often indecisive, and invariably only after the first Flash Appeal.

### **Operational Reserve**

55. One serious negative consequence of the lack of contributions for UNHCR's limited involvement in natural disasters to date has been the growing reliance of UNHCR on transfers from the Operational Reserve for funding operations as observed in the cases of the Philippines Hurricanes (2009) and of the Haiti Earthquake (2010).

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<sup>29</sup> The date when CERF became operational.

<sup>30</sup> A complex emergency is defined as: a humanitarian crisis in a country, region or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single agency and /or the ongoing UN country program" (IASC December 1994).

56. The proposed revision to the Financial Rules presented in the document (EC/60/SC/CRP.24 of 24 August 2009) had suggested that the Operational Reserve could be used in relation to IDP situations for:

- (c) initial activities, pending receipt of funds from appeals, under the Pillar 3-Global Reintegration Projects and the Pillar 4-Global Internally Displaced Person Projects.

These changes were not acceptable to the ACABQ, not because of some reservations about their intrinsic merits, but because the ACABQ wants UNHCR to accept the harmonized and common UN Financial Regulations and Rules currently being elaborated.

57. The text of the Financial Rules eventually promulgated reverted to the former wording on the Operational Reserve:

- (a) provide assistance to refugees, returnees, and displaced and stateless persons for whom there is no provision in the programmes and projects approved by the Executive Committee;

58. Although the transfers in question have been made in accord with UNHCR's Financial Rules, they nevertheless would appear not to be consistent with the philosophy of the new budget structure, especially the reasons for having a separate Pillar Four. Moreover, even if these amendments had been accepted, there would still be a problem in that the contributions from the envisaged appeals have not eventuated.<sup>31</sup>

59. In the case of Haiti, there have now been transfers from the Operational Reserve totalling some \$2.9 million. In the case of the Philippines Hurricanes UNHCR has had to also rely on the Operational Reserve to keep the operations going; to date, it has received \$1.2 million from the Operational Reserve. The issue of the use of the Operational Reserve for activities under Pillar Four of the UNHCR budget needs to be revisited.

- Recommendation 3: The resourcing of UNHCR's role in specific natural disasters needs to be addressed:
  - (i) the continuing use of the Operational Reserve in the case of operations that have failed to receive funds in response to Flash Appeals or UNHCR's own appeals needs urgent review;
  - (ii) the Financial Rules need to be supplemented by internal administrative and financial directives to ensure that the logic of the creation of the Pillar Four is not circumvented by recourse to the Operational Reserve.<sup>32</sup>

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<sup>31</sup> There has been a contribution from the USA to UNHCR's own Haiti Appeal of 14 April 2010 of \$ 3.8 million. The High Commissioner has indicated that, in time, when more contributions come in, the Regional Bureau will have to repay the transfer from the Operational Reserve.

<sup>32</sup> There is no way that UNHCR is going to be allowed by the ACABQ to have in future its own Financial Rules; hence the recourse to internal administrative and financial regulations.

60. Before one looks at the costs of protection, more particularly as Lead of the Global Cluster at the country-level, it would be useful to look at the concept of protection as this directly has implications for the cost of Protection.

### **Concept of protection**

61. The *Humanitarian Response Review* referred to above, noted in relation to protection that “as a sector, protection requires special and urgent attention [. . .]. A complicating element is that the differing perceptions of roles and responsibilities often confuse discussions on the issues.”<sup>33</sup> Some five years later, the second evaluation of the Cluster Approach that grew out of the Humanitarian Response Review has made a similar observation, stating that in the case of protection, important humanitarian actors have adopted different and conflicting definitions of and modes of action (ranging from advocacy to military intervention) concerning protection due to differences in their mandates and experiences. As a result, they disagree on which issues the Protection Cluster should deal with.

62. Despite efforts to clarify the definition, for example in the cluster terms of reference, the question remains controversial and clusters at country and local level return to the debate of what is protection over and over again.<sup>34</sup> One of the main areas of tension in the work of the Protection Cluster in the Field is the relation of protection actors to peacekeeping forces and in the context of integrated missions.

63. A recent study has noted that “there has been progress on defining and operationalizing the evolving humanitarian concept of protection and coordinating protection activities between humanitarian actors. However, gaps remain in policy coherence, understanding roles and responsibilities and coordination between humanitarian actors and the civilian and military components of peacekeeping missions responsible for protection.”<sup>35</sup>

64. While some in UNHCR would be dismissive of such supposed difficulties over the concept of protection, a glance at any Flash Appeal document would show just how broad the concept is, even in comparison to the comprehensive notion of protection as used by UNHCR.

65. UNHCR does not see international protection as something abstract or purely legal; it is something that is quite operational. It is something oriented to results and involves a whole spectrum of complementary activities embracing both policy and operational concerns and carried out in co-operation with States and other partners, with the goal of enhancing respect for the rights of refugees and resolving their problems.

66. Protection is first and foremost about direct protection delivery in the field. Assistance oriented towards protection outcomes plays a valuable part in facilitating

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<sup>33</sup> *Humanitarian Response Review*, OCHA, 2005, p. 9, para. 13.

<sup>34</sup> This statement found in the *Cluster Approach Evaluation Phase 2: Synthesis Report – Zero Draft* by the u.r.d. Groupe and GPPI, Berlin-Plaisians, March 8, 2010, will need to be controlled against the final text of the evaluation study as it is taken from a Zero draft version.

<sup>35</sup> Holt, V., G. Taylor and M. Kelly, *Protecting Civilians in the context of UN Peacekeeping Operations*, advance copy, November 2009, United Nations, DPKO-OCHA, New York.

protection delivery.<sup>36</sup> As noted by the AHC (Protection): “There is no mysticism in the notion [of operationalizing protection]. [...] It is also a participatory, bottom-up process, as there can be no effective protection without listening, responding to, and engaging with, the beneficiaries, in close partnership with States, NGO and IGO partners. It is also a rights-based process that most effectively proceeds within a framework of clearly articulated rights and responsibilities, in full respect for the rule of law. Finally, operationalising protection depends fundamentally on consensus-building amongst the primary actors, States, about the problems and how to do what needs to be done. UNHCR is, in this regard, a catalyst and facilitator. It is not though a substitute for State action.”<sup>37</sup>

67. In relation to IDPs, UNHCR has elaborated a whole range of protection activities,<sup>38</sup> many of them comparable to activities to ensure the protection of refugees. UNHCR’s protection experience in refugee and (conflict) IDP settings means that it could bring to natural disaster situations a holistic, cross-cutting view of vulnerability and risks. In the end, however, all such activities, be they for refugees or internally displaced persons, are in support of the State on whom rests the primary obligation to ensure protection.

68. This is why the draft first Article of a possible *Convention on the Protection of Persons in the Event of Disasters*,<sup>39</sup> focuses on the State. It reads:

“The present draft articles apply to the protection of persons in the event of disasters, in order for States to ensure the realization of the rights of persons in such an event, by providing an adequate and effective response to their needs in all phases of a disaster.”

69. In view of the State’s primary responsibility to protect, the question may be raised as to whether the form of assistance provided by the international community through the Protection Cluster might not be more adequately described as *Protection Support*. Such a description might more readily facilitate the entry of a UN agency or UNHCR, should it assume a more predictable role as Cluster Lead at the country level, into the sovereign territory of a State should the State so wish. It will be noted that the draft Article 1 with its reference to *States* [being able] *to ensure the realization of the rights of persons*, reflects a rights-based approach.

70. Similarly, in the Inter-Agency Standing Committee (IASC) *Operational Guidelines on Protecting Persons in Natural Disasters* adopted in June 2006, there is a similar perspective. The definition of protection adopted by the Inter-Agency Standing Committee is one that is comprehensive and rights-based in that it covers “all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian law and refugee law). Human rights and humanitarian actors

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<sup>36</sup> Feller, E. and A. Klug, “Refugee, United Nations High Commissioner for Refugees”, paras. 58, 86, in the *Max Planck Encyclopedia of Public International Law*, consulted at [www.mpepil.com](http://www.mpepil.com)

<sup>37</sup> *Ibidem*.

<sup>38</sup> IOM/077-FOM/075/2001 of 21 Sept. 2001, annex 1, paras. 32-40.

<sup>39</sup> International Law Commission, *Second Report on the Protection of Persons in the Event of Disasters* by Eduardo Valencia-Ospina, Special Rapporteur, A/CN.4/615 of 7 May, 2009.

shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender".<sup>40</sup>

71. This concept of protection is, in turn, derived from a multi-year (1996-2000) consultative process of the International Committee of the Red Cross to determine professional standards to strengthen protection in war.<sup>41</sup> While the focus in this definition is rights-based, this does not preclude a consideration of the needs of the persons requiring protection. "There is no stark opposition between needs and a rights-based approach to the protection of persons in the event of disasters. On the contrary, a reasonable, holistic approach to the topic seems to require that both rights and needs enter the equation, complementing each other when appropriate".<sup>42</sup>

72. As pointed out by the UNICEF study,<sup>43</sup> while the IASC definition of protection on the one hand is very broad and gives little concrete direction for its operational implementation, on the other, it represents a solid commitment to a rights-based approach to protection. The *Operational Guidelines* and the associated *Field Manual* are seen as representing the most comprehensive, practical and operational framework to date to identify the protection challenges which a Protection Cluster at the country level may need to address.

73. A related, key publication of the Protection Cluster Working Group (PCWG) is the *Handbook for the Protection of Internally Displaced* which was provisionally released in December 2007<sup>44</sup> and, after field testing, is about to be released in definitive form. An Annex to this Handbook addresses a range of issue deriving from natural disasters.

74. A further document of significance for giving effect to the definition of protection is the IDLO publication *International Law and Standards Applicable in Natural Disaster Situations*,<sup>45</sup> which builds on the premise of the Operational Guidelines that: "Human rights are the legal underpinning of all humanitarian work pertaining to natural disasters. There is no other legal framework to guide such activities, especially in areas where there is no armed conflict. If humanitarian assistance is not based on a human rights framework, it risks having too narrow a

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<sup>40</sup> IASC, *Protecting Persons Affected by Natural Disasters: IASC Operational Guidelines on Human Rights and Natural Disasters*, Brookings - Bern Project on Internal Displacement, 2006, available: [http://www.brookings.edu/projects/idp/2006\\_naturaldisasters.aspx](http://www.brookings.edu/projects/idp/2006_naturaldisasters.aspx).

The Brookings - Bern Project on Internal Displacement also developed a draft manual to complement and help operationalize the *Operational Guidelines* :

[http://www.brookings.edu/reports/2008/spring\\_natural\\_disasters.aspx](http://www.brookings.edu/reports/2008/spring_natural_disasters.aspx).

<sup>41</sup> S. Giossi Caverzasio (ed.), *Strengthening Protection in War: A Search for Professional Standards: Summary of Discussions among Human Rights and Humanitarian Organizations*, Workshops at the ICRC, 1996-2000, ICRC, Geneva, 2001, p. 19.

<sup>42</sup> International Law Commission, *Second Report on the Protection of Persons in the Event of Disasters* by Eduardo Valencia-Ospina, Special Rapporteur, A/CN.4/615 of 7 May, 2009.

<sup>43</sup> *Should UNICEF, op. cit.*.

<sup>44</sup> This Handbook may be consulted in its provisional form at:

[http://www.humanitarianreform.org/humanitarianreform/Portals/1/cluster%20approach%20page/clusters%20pages/Protection/Protection%20Handbook/IDP%20Handbook\\_Complete\\_FINAL%20Jan%2008.pdf](http://www.humanitarianreform.org/humanitarianreform/Portals/1/cluster%20approach%20page/clusters%20pages/Protection/Protection%20Handbook/IDP%20Handbook_Complete_FINAL%20Jan%2008.pdf)

<sup>45</sup> Harper, Erica (ed.), *International Law and Standards Applicable in Natural Disaster Situations*, IDLO, Rome, 2009.

focus, and cannot integrate all the basic needs of the victims into a holistic planning process.”<sup>46</sup>

75. The Terms of Reference for this study has asked that emerging protection concerns related to natural disasters be identified. While UNHCR’s experience with natural disasters is not that extensive, UNHCR has begun to draw together the specific protection challenges that arise in the wake of a natural disaster.<sup>47</sup> Among the challenges noted are the following

- Risk of SGBV due to overcrowding in evacuation centres;
- Unequal access to relief;
- Unaccompanied and separated children;
- Lack of a system to identify and assist persons with special needs;
- Limited information and consultation of communities on relief and rehabilitation measures;
- Loss of personal identification documents;
- Loss of housing and land for irregular slum dwellers with no avenues for compensation.

76. Another valuable source of information on protection challenges associated with natural disasters is the end of mission reports of *ProCap* secondees.<sup>48</sup>

77. One key area of concern relates to the status of those who cross an international border as a result of a natural disaster. Their situation is comparable to those who are sometimes referred to as “environmental refugees” or “climate refugees”, although in certain instances, it may be difficult to prove a relationship between a natural disaster and climate change. There is considerable debate as to how to handle the question of so-called “climate-refugees”.

78. It has been pointed out that this debate “illustrates a fundamental challenge to international legal policy, namely whether new mechanisms and institutions are needed to deal with potential population displacement caused by climate change, or whether the current international legal system is capable of producing evolving legal norms that can fill gaps and solve major legal problems.

79. Out of this debate, two things seem clear: first, the term ‘climate refugee’ is good for raising public consciousness, but it has no legal meaning whatsoever, and its use does not currently help to advance protection mechanisms that might be provided for displaced persons fleeing environmental degradation – climate induced or not. And, secondly, because international law does not include this potential group of people within its existing definitions, and is unlikely to for some time,

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<sup>46</sup> Inter-Agency Standing Committee, Operational Guidelines on Human Rights and Natural Disasters: Protecting Persons Affected by Natural Disaster, 9.

<sup>47</sup> Zapater, J., End of Mission Report. Typhoon Situation in the Philippines, 7 Oct.-8 Nov., 2009; End of Mission Report. Earthquake Situation in Haiti, 15 February, 2010 – 13 March, 2010.

<sup>48</sup> See <http://ocha.unog.ch/ProCapOnline/index.aspx?module=viewpage&pageid=events>

solutions may have to be found outside the current international legal framework.”<sup>49</sup> This is an issue that UNHCR, with the support of the international community, could profitably address in the context of the 60<sup>th</sup> anniversary of the Refugee Convention in 2011.

80. This discussion on the concept of protection is of direct relevance to this study in that the nature of protection envisaged in the context of natural disasters, and the related scope and objectives of protection activities planned, will impact on the costs, both human and financial, that UNHCR will have to shoulder should it assume, at times, the Protection Cluster Lead at the country-level in the wake of a natural disaster.

### **The cost of protection**

81. The cost of protection has been a subject that UNHCR has grappled with since the first tentative steps to introduce results-based budgets. Considerable progress has been made in this area with the introduction of UNHCR’s results-based management systems tool (*Focus*), as is evidenced in UNHCR’s Biennial Programme Budget 2010-2011 (A/AC.96/1068 of 17 September 2009) and UNHCR’s Global Appeal 2010-2011.

82. The cost of protection depends on one’s concept of protection and the range of activities intended to give effect to it. Thus, the range of protection activities flowing from a comprehensive and *operational* concept of protection and which are considered as contributing to what constitutes effective protection, will be more costly than those activities associated with mainly *monitoring*, advocacy and capacity building in relation to a State’s discharge of its responsibilities vis-à-vis the realization of the human rights of persons under its jurisdiction.

83. In discussing the cost of protection, one has to distinguish between UNHCR’s work for refugees and for internally displaced persons, and the further distinction between those internal displacements resulting from conflict situations and those generated by sudden-onset natural disasters.

84. In the case of refugees for whom UNHCR has a unique mandate, the cost of effective protection involves not only such things as ensuring a favourable protection environment, fair protection processes and documentation, security from violence and exploitation<sup>50</sup> etc., but also a range of basic needs and essential services (except provision of basic food which is provided by WFP in accord with a bi-lateral MOU) necessary to ensure a real and comprehensive protection e.g. health, sanitation, shelter, education etc.

85. In the case of internally displaced (either by conflict or natural disaster), and as a result of the Cluster Approach introduced in 2006, the provision of protection activities is delineated from those related to basic needs and essential services (e.g. food, health, education, shelter) which are provided by the respective Cluster Leads.

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<sup>49</sup> See Ben Glahn, 'Climate refugees'? Addressing the international legal gaps at: <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=B51C02C1-3C27-4AE3-B4C4-7E350EB0F442>; 'Climate refugees'? Addressing the international legal gaps - Part II at: <http://www.ibanet.org/Article/Detail.aspx?ArticleUid=3E9DB1B0-659E-432B-8EB9-C9AEEA53E4F6>

<sup>50</sup> In UNHCR’s budget these are referred to as Rights Groups (nine in number) which are thematic groupings of objectives representing the areas of impact in UNHCR’s operations.

86. At the time of the introduction of the Cluster Approach, the High Commissioner decided to mainstream IDPs into UNHCR's operations and budgets, while ensuring that resources meant for refugees were not deflected to IDPs. This was mainly achieved by creating self-contained Supplementary Programmes and Supplementary Budgets for IDPs.<sup>51</sup> With the introduction of the new budget structure with its Four Pillars (Global Refugee Programme; Global Stateless Programme; Global Reintegration Projects; Global IDP Projects), this same objective of "fire-walling" and containing IDP costs within Pillar Four has been further institutionalized.

87. Like any neat system, the resourcing of IDP projects has its compromises and approximations, for example in the allocation of time/costs of officers dealing with both refugee and IDP caseloads; furthermore, the costs of some key positions dealing with the IDP clusters are covered under Pillar One. More problematic is the use of resources available under the Operational Reserve for Pillar Four. While operationally justifiable e.g. to start up an IDP activity while awaiting earmarked resources, such transfers (as distinct from allocations) from the Operational Reserve, if not repaid in the course of a Programme Year, could be seen by some as a diversion of resources from refugee activities to IDP activities.<sup>52</sup>

88. This study has been asked to quantify the funding, human and other UNHCR resources that were devoted to natural disasters, both for those operations in which UNHCR chose to be involved, and those others in which it was not involved. To keep this aspect of the study in some proportion to the time available for the overall review, the question of ascertaining costs of involvement in natural disasters by UNHCR has been approached in a differentiated manner.

89. By way of introduction, it is necessary to make the following observations. Looking at UNHCR's involvement in natural disasters in the past, given the nature of UNHCR's budget in general, and Supplementary Programmes in particular, expenditure could only be incurred to the extent that funds were available. Budgets were not necessarily resourced to the amounts indicated. The same could be said of the new budget structure in general, and in particular of the IDP projects to be currently found under Pillar Four.

90. Hence, in a sense, it is somewhat of limited value to attempt to estimate the likely costs of those natural disasters that UNHCR chose not to be involved in. Even if one set out to construct a likely budget, this budget itself would bear no necessary relationship to the expenditure that might have been incurred, except that it would be indicative of the level beyond which the project could not have gone in incurring expenditure. For UNHCR, budgets are indicative of needs and do not correlate with either the availability or allocation of resources.

91. Given that expenditure incurred on natural disasters has been, and will continue to be circumscribed by the availability of funds, then the level of involvement of UNHCR's engagement in such operations is determined ultimately

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<sup>51</sup> Prior to the introduction of the so-called Unified Budget in January 2000, the same objective was assured by a series of Special Programmes distinct from General Programmes.

<sup>52</sup> This depends on the position of governments. Some make un-earmarked contributions to UNHCR's budget across all four pillars thereby allowing those funds to be used for the Operational Reserve, and potentially for IDP operations.

by donors. The Financial Rules governing Pillar Four also mean that each specific project has its own self-contained funding dynamic – funds can't be moved arbitrarily from one IDP project to the other. If funds are not available for a given project, then activities related to it and budgeted for, cannot be implemented. The only other sources of funds would be the CERF or UNHCR's Operational Reserve.<sup>53</sup>

92. The new budget structure offers the best guarantee that UNHCR's proposed, more extensive involvement in natural disasters can be contained by the donors, and ultimately by the country affected by a natural disaster which must request assistance. In this way, there are some controls in place to limit UNHCR's involvement in natural disasters so that it does not risk distracting UNHCR from its primary mandated case-load, namely refugees.

93. Even allowing for the guarantees provided by UNHCR's new budget structure, it should be noted that there are aspects of it that do not allow for a precise costing of UNHCR's involvement in natural disasters, or rather, do allow, if one is prepared to spend an inordinate amount of time in calculating it. One has already mentioned that a not insignificant portion of time of the work of some officers budgeted for under Pillar One is spent on activities directly related to natural disasters (Pillar Four). The same could be said of a key training tool, the Workshop on Emergency Management (WEM); given that training for response to natural disasters is integrated into WEM, what proportion of these WEM costs should be attributed to UNHCR's involvement in natural disasters.<sup>54</sup>

94. Similarly, how should one handle the costing of those human resources made available to UNHCR through stand-by arrangements (SURGE, NRC etc.) or through inter-agency programmes (*ProCap*, *GenCap*)? Furthermore, an increasingly common operational element in budgets for UNHCR's response to natural disasters are QIPs. The unit cost of these varies enormously: QIPs (and operational support costs) in the Philippines budget are costed at \$342,000; in the Haiti budget the amount is \$7.3 million.

95. On the other hand, the components of specific projects, e.g. Philippines, Haiti, are clearly identifiable and the related costs known. One notable thing in these projects is the relatively high cost of the ABOD<sup>55</sup> compared to operations, as

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<sup>53</sup> There might appear here to be a slight anomaly in that un-earmarked funds may be used for Pillars Three and Four of the UNHCR Budget. However, these funds are coming from donors who have agreed to have their un-earmarked contributions cover activities under all pillars of the budget. From an operational viewpoint, and as already noted, it is important that UNHCR has the option of having recourse to the Operational Reserve to start an IDP operation in a timely manner; however, as will be seen below, it is possible that a transfer from the Operational Reserve might not be able to be repaid if an appeal for a given operation does not attract funds.

<sup>54</sup> UNHCR's principal training tool, the WEM (Workshop on Emergency Management) which is held three times a year has been adapted to serve responses not just to refugee emergencies, but to IDP situations, be they the result of conflict or natural disasters. Consequently, to put a price tag on protection training for addressing displacements due to natural disasters would be somewhat arbitrary. WEM training each year is reckoned to cost UNHCR some \$80,000 - \$100,000 per session for its staff alone (travel, together with 20 per cent of the relevant per diem); the main costs are borne by the government hosting the WEM. Of the some 75 staff trained each year through the WEM, it is hard to extrapolate how many work-days would be for IDP situations, and for the Protection Cluster, in particular. The training costs of UNHCR's stand-by partners who participate in a WEM are covered by the sponsoring agency.

<sup>55</sup> Administrative Budget and Obligation Document.

protection activities, and in particular UNHCR's involvement in the Protection Cluster at the country level are labour intensive.

96. Another general observation relates to UNHCR's emergency response mechanism, in particular the deployment of Emergency Response Teams (ERT) for periods of 2-3 months at a time which are spearheaded by UNHCR's EPRS Section. An ERT normally consists of EPRS officers, and UNHCR officers on the Emergency Roster who have done a WEM (Workshop on Emergency Management) course; these are sometimes supplemented by staff from agencies with which UNHCR has stand-by agreements e.g. the IRC's SURGE programme etc., and/or inter-agency resources through ProCap.

97. The question has been raised as to the impact of such UNHCR deployments to IDP situations on the ongoing work of UNHCR, especially if the officer deployed was working in their originating office on refugee-related issues. If results-based budgeting means anything, and given that results are linked to staffing, then it is technically correct to say that such deployments represent a diversion of resources from the achievement of results originally envisaged.

98. At this point in the development of FOCUS, however, it is not possible to say what this impact is, but in time one should be able to identify the impact of such diversions on originally planned results. But one can't say categorically that in all instances, such deployments are a diversion of staffing from protection work *per se*, as the seconded officers may not have been working with refugees, but in an IDP operation or, as in the case with the leader of the first ERT to the Philippines, he/she may have been between assignments awaiting a posting.

99. Moreover, it could be argued that the overall thrust of such deployments can be seen as serving UNHCR's refugee protection mandate, either because they prevent a conflict-generated IDP situation degenerating into a refugee situation,<sup>56</sup> or, at least, may have the potential to favourably influence UNHCR's protection functions.

100. The final general observation relates to what is meant when one talks of the *cost* of UNHCR's involvement in natural disasters. Of most relevance is the answer to the question: *Is UNHCR's involvement in natural disasters going to lead to a diversion of resources that might have gone to refugees?* Only knowledge of a particular donor's budget structure would allow one to answer this question in a nuanced manner. As a general conclusion, one could say that the choice is not necessarily between refugees or natural disasters.

101. However, given the limited nature of budgetary resources in all donor countries, ultimately a contribution to the protection of IDPs in the case of natural disasters must be at the expense of some other sector. With a growing appreciation of the protection challenges related to natural disasters, many would say that this was not a bad thing.

102. In costing UNHCR's involvement in natural disasters, five scenarios will be looked at:

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<sup>56</sup> UNHCR's Operational Guidelines for dealing with IDP situations (IOM/077-FOM/075/2001 of 21 Sept. 2001, annex 1) address this issue.

- (i) an intervention in which UNHCR simply provides Non-Food Items (NFIs), such as tents, plastic sheeting etc.
- (ii) a recent involvement where UNHCR played the Lead role in the Protection Cluster (Philippines Hurricanes in September 2009);
- (iii) a hypothetical intervention (with generic costing) for UNHCR playing the Protection Cluster Lead role in a geographic location where it does not have an existing Office or only a minimal presence;
- (iv) a situation where it led (or, in time, came to lead) several clusters (Myanmar Cyclone *Nargis*, May 2008);
- (v) a case (e.g. the current Haiti operation) where UNHCR is not formally a Cluster Lead in the affected, but is lending support to other Cluster Leads, while in a neighbouring country (Dominican Republic) is the Protection Lead

### **Scenario 1 (NFIs)**

103. This is the easiest to cost as the unit items e.g. tents, plastic sheeting etc. and numbers of intended beneficiaries are known. The only significant variable is the cost of transportation, insurance etc. from the ware house to the point of distribution.

### **Scenario 2 (Philippines Hurricanes; September 2009)**

104. This study is interesting in that it relates to a UNHCR's involvement in a natural disaster almost contemporaneous with the High Commissioner's proposal to the Executive Committee for a more systematic involvement by UNHCR in the Protection Cluster at the country-level in natural disasters; besides, in the case of the Philippines, one is dealing with an engagement in the Protection Cluster alone. This case study, in fact, is a sort of snap shot of the whole gamut of issues being reviewed in this overall study.

105. Moreover, it allows some interesting comparisons with a slightly earlier involvement by UNHCR in the Myanmar *Nargis* Cyclone (Scenario 4), in which UNHCR was initially responsible for the Shelter Cluster, but later went on to assume responsibility for the Protection Cluster. The terms of reference for the Philippines involvement included identifying and analyzing the challenges and opportunities arising from piloting UNHCR's involvement in natural disasters, and to propose responses to them; it was considered as something of a test case for UNHCR's subsequent engagement in other natural disaster situations.

106. At the time of the Philippines Hurricanes in September 2009, UNHCR had a minimal office presence (2 national officers) in Manila with no international staff (by contrast, in Myanmar, UNHCR had a well-established presence). UNHCR's involvement in the hurricanes' aftermath was in response to a request to the High Commissioner from the UN Emergency Relief Coordinator, initiated by the UN Country Resident Coordinator (with the Government's blessing).

107. The first hurricane was on 24 September 2009, and UNHCR's first international deployment took place on 9 October. The first "wave" was a UNHCR 3 person team, and since then, there has been a second ERT deployed (again 3 persons). A further eight national staff have since been recruited. A SURGE deployment (one Protection Officer) has also taken place. UNHCR has also created an Annex to house these extra staff on another floor of the building where its Office is located. It will be noted (if Myanmar is taken as a point of reference where relief operations commenced the day after the hurricane hit), how an already established significant UNHCR office presence is key to a timely response.

108. Given this late involvement, UNHCR's projects did not appear in the first Flash Appeal of 3 October, but only in the Revised Appeal of 16 November 2009. UNHCR has two projects in the revised Flash Appeal for the Philippines Hurricanes.

Project Title (PHL-09/P-HR-RC/30520/R/120): Strengthening Protection Delivery for those in priority A1 areas (life-saving in flooded areas)	
Amount requested:	\$435,000
Amount received (as at 13 May 2010)	\$ Nil

Project Title (PHL-09/P-HR-RC/30556/R/120): Strengthening Protection Delivery for those in priority B1 areas (life-saving in non-flooded areas)	
Amount requested:	\$622,000
Amount received (as at 13 May 2010)	\$ Nil

A key component of the operational side of these projects has been the use of Quick Impact Projects (QIPs) with a protection focus. In Haiti, one will see this operational component replicated.

109. As already noted, to cover UNHCR's involvement, transfers (one in 2009 and the other in 2010) from UNHCR's Operational Reserve of \$1,174,696 have been made. To date, these have not been repaid as neither project has attracted any funds. If one looks, by way of example, at the first of these projects, one sees that Protection Cluster costs are, to a large extent, related to the costs of protection staff. The breakdown of the budget for this project is as follows:

Quick Impact protection interventions	\$123,000
Establishment of community-based information mechanism	\$ 40,000
Protection cluster coordination	\$ 96,000
Workshops, materials etc on protection standards	\$ 16,000
Operational expenses	\$160,000
Total	\$435,000

110. As mentioned, as at 13 May 2010, this project had received no funding. Allowing for the fact that UNHCR missed the first Flash Appeal (the project only appeared in the Revised Flash Appeal) and therefore the possibility of receiving some of the CERF Rapid Response Grant for this emergency, there are, nevertheless, grounds to think that, generally speaking, projects under the Protection Cluster's

work in natural disaster are at risk of not receiving a reasonable share of donor support, given the more immediate claims of other Clusters such as food, health etc.

111. This general observation needs to be borne in mind when considering the costs to UNHCR of involvement in this Cluster in natural disasters. On the other hand, a greater emphasis by UNHCR on registration and profiling, which have wider application and usefulness in natural disasters, and which are key to addressing the needs of the most vulnerable, might be more attractive to host governments and donors.

### Scenario 3: Generic costing (approximate)

112. As each UNHCR involvement in natural disasters has so many specific variables, in order to gain a general idea of the costs of UNHCR's involvement it was thought that the most practical approach would be to do a generic costing exercise. This abstract costing exercise is based on a 6 months module (ERT deployments are normally for two, 2-3 months missions) and this duration needs to be seen in relation to the question of the time-frame of an operation and the need for an exit strategy discussed below.

<b>Staffing</b> (3 person team: Team Leader (P5); Protection Officer (P4); Community Services Officer (P4) ) <sup>57</sup>	
6 mths x \$ 50,000 (\$15-20,000 per person)	\$ 300,000
<b>Travel</b>	
\$ 5000 per person x 6	\$ 30,000
<b>DSA</b> <sup>58</sup>	
\$ 200 per person for 90 days x 6	\$ 108,000
<b>Local Staff</b>	
\$300 per person per month x 4 persons	\$ 7,200
<b>UNHCR Field Kit</b> (Office, Living Quarters, etc.)	\$ 15,000
<b>Vehicles</b>	\$ 40,000 <sup>59</sup>
<b>Operations</b>	\$ 324,500 <sup>60</sup>
<b>Sub-total Initial 6 Months</b>	\$ 824 700
If need to establish Office, additional/Related Costs	\$ 250,000
<b>Total for 6 months</b>	\$1,074,700

113. This amount of \$1,074,700 could be compared to the actual Philippines budget of \$1,067,029. Generally speaking, one can say that any involvement in the Protection Cluster alone over a 6 months period would be of the order of \$ 1 million.

<sup>57</sup> To be complemented by Stand-by staff free of charge, or a ProCap officer. Some of these staffing costs would already have been included in EPRS budgets (calculated at \$15,000 per officer per month).

<sup>58</sup> DSA is Daily Subsistence Allowance.

<sup>59</sup> For MOSS compliance reasons, 2 vehicles (one of which is an escort vehicle) may be required.

<sup>60</sup> This amount was taken from the operations component of the Philippines budget.

#### **Scenario 4: Myanmar, Cyclone Nargis (2 May 2008)**

114. UNHCR provided a significant contribution to the response by the international community in assisting those affected by Cyclone *Nargis*. One key advantage was that UNHCR had an established presence in the country. In spite of administrative difficulties with obtaining entry visas for Myanmar, UNHCR, within 8 days, had identified and deployed an Emergency Response Team (ERT) of 9 members to support the UNHCR Office country in Yangon.

115. The initial tasks of the ERT included critical needs assessments, managing non-food item distributions, establishing an operational presence in the affected areas, and liaison and coordination with all actors and partners. Considerable quantities of NFIs were distributed: Non-food items were dispatched, including over 90,000 plastic sheets, 3,000 plastic rolls, 120,000 blankets, 52,000 kitchen sets, 120,000 mosquito nets, and 100,000 jerry cans.

116. During the initial phase of the relief operation, UNHCR assumed the cluster-lead role for Emergency Shelter (due to the delayed arrival of the IFRC team). UNHCR at the capital and field levels significantly contributed to inter-agency collaboration, including informally coordinating the Protection Cluster. It went on to formally assume the Protection Cluster Lead role.

117. In the initial Flash Appeal UNHCR requirements were confined to shelter and NFIs. The stated needs under the shelter project (MM-08/S/NFO1) were costed at \$6 million. These were subsequently increased to \$8,677,560. Of this amount, UNHCR received \$8,264,417 or 95.2%.

118. It is hard to cost the involvement of UNHCR in the Protection Cluster. The costs were partly covered by an inter-agency, *Pro-Cap* deployment and a further deployment from the Norwegian Refugee Council, based on a UNHCR stand-by agreement. The report of the *ProCap* Protection Officer sets out a very good analysis of the protection challenges in a natural disaster situation.<sup>61</sup>

119. As this case study shows, once one moves beyond a purely Protection Cluster role, the costs of engagement increases commensurately because of the cost of Non-Food Items (NFIs).

#### **Scenario 5: Haiti**

120. Another costing example is the UNHCR intervention in Haiti where UNHCR is not the lead of any of the clusters, but is playing a support role to other Cluster Leads in Protection (OHCHR), Shelter (IFRC) and CCCM (IOM). The example is particularly interesting in that UNHCR is Lead of the Protection Cluster in the neighbouring country, the Dominican Republic.

121. One of the creative initiatives has been the agreement that UNHCR in the Dominican Republic will work inside Haiti up to a distance of 20 km from the border, mainly working with those displaced from the capital Port au Prince who are

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<sup>61</sup> See Ringgaard Pedersen, S., SPO, OCHA, End of Mission Report (PROCAP)- Myanmar (01 August 2008 - 30 April 2009), 1 June 2009; <http://ocha.unog.ch/ProCapOnline/index.aspx?module=viewpage&pageid=events>

living with relatives and host families. These efforts are intended to prevent further displacement and premature returns to the Haitian capital. UNHCR will discharge a protection role partly through some 168 Quick Impact Projects (QIPs), each costed at \$27,050.

122. The challenge for UNHCR is do something meaningful through these QIPs for a population that is in transition and for their host families. These QIPs and the operational support account for some \$7,289,893 (\$4,944,200+502,000) of the overall budget. A further component amounting to \$2,274,401 is for basic needs and essential services. The balance of \$1,918,508 has a large component of \$1,889,508 for programme management, coordination and support. The budget for the combined operation is \$12,500,120; this includes an amount of \$1,770,000 that was included in the Flash Appeal. Initially the programme was supported by grants from the Operational Reserve amounting to \$2,915,260. Recently there has been a contribution from the USA for \$ 3.8 million.

123. The staffing for both the Dominican Republic and the Haiti component, vary considerably, as does the time frame

**Staff (Haiti) 1 Year**

- 1 Senior Protection Officers (P4)
- 1 Snr. Programme Officer (P4)
- 1 Admin./Finance Officer (P3)
- 5 Protection/Field Officer (P3)
- Reporting Officer HQ (P3)

**Total International Staff: 9**

**Staff (Dominican Rep.) 6 mths**

- 1 Senior Protection Officers (P4)
- 1 Admin./Finance Officer (P3)
- 1 Logistics Officer (P3)
- Reporting Officer HQ (P3)
- 2 Assoc. Field Officer (P2)

**Total International Staff: 6**

**National Staff**

- 5 Snr. Community Services Clerk Gl-5
- 4 Admin Clerk/Interpreter Gl-4
- 5 Drivers Gl-2

**Total National Staff: 14**

**Total Staff Haiti Operation: 23**

124. This staffing and budget reflects the magnitude of the challenge posed by a major disaster for the international community and the Cluster Approach. A cost comparison might be made with the Myanmar Tropical Cyclone *Nargis* for which UNHCR's expenditure in 2008 amounted to \$6.6 million, and its 2009 revised budget was \$2.3 million; in this operation UNHCR was initially in charge of the whole of the Shelter Cluster and went on to manage the Protection Cluster (see Annex 3 for more examples).

125. One particular challenge for OHCHR has been the leadership of the Protection Cluster and the separation of this role from its Human Rights work for the peacekeeping/stabilization mission MINUSTAH (Mission des Nations Unies pour la stabilisation en Haiti).<sup>62</sup> More fundamental is the role of the Protection Cluster vis-à-

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<sup>62</sup> See below for a discussion of the "humanitarian dilemma".

vis the humanitarian operation led by the Humanitarian Coordinator, and other key clusters.

126. Ideally the broader issues that the Protection Cluster has identified and which need an integrated response should be communicated to the Humanitarian Coordinator for system-wide response. This is not being done and is recognized as a serious shortcoming identified in the Haiti operation. This particular relationship between the Protection Cluster and the Humanitarian Coordinator needs to be further elaborated on by the IASC.

- Recommendation 4: UNHCR should work, in the context of the IASC, for a more detailed elaboration on how the Humanitarian Coordinator may better support the work of the Protection Cluster at the country level.

### **Timeframe and exit strategy**

127. One of the biggest challenges for UNHCR's proposed more predictable involvement as Lead at the country-level of the Protection Cluster in natural disasters is to establish, on the basis of an initial needs assessment, a realistic time frame and an exit strategy. Given the nature of the Cluster's work, the need for evermore progress in the realization of human rights in many societies, it would seem imperative that a time-frame for the Cluster's work be established at the outset and written into the TORs for the PCWG. Moreover, the issues to be addressed should relate to those deriving from the natural disaster.

128. Otherwise, it will be impossible to contain costs. Establishing a timeframe is all the more delicate in that one is dealing not only with UNHCR's work as a member of the Cluster, but as a coordinator for the contributions of other members of the PCWG at the country level. Progress on the different issues to be addressed by the PCWG will be uneven, and for some of these e.g. addressing land rights of previous slum dwellers might prove to be irresolvable in a reasonable time-frame.

129. The End of Mission Report for the Philippines<sup>63</sup> already referred to, proposes a basic 12-18 months time frame, as well as a longer 3-4 year engagement for more transformative work through capacity building. It noted that 3-month emergency deployment is not sufficient to respond to protection concerns and develop coordinated responses to them. Obviously, a lot depends on the national human rights environment. A typical breakdown of the 12-18 months timeframe would be:

- Initial 4 to 6 months: Set-up of the Protection Cluster, initial needs assessment and humanitarian response, capacity-building of national and local government institutions, as well as protection stakeholders;
- First 12 months: Initiatives to mainstream protection issues in government policy and individual agency programmes;

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<sup>63</sup> Zapater, J., op cit., paras. 26, 38.

- First 18 months: Transition to early recovery and identification of durable solutions for the remaining affected populations.<sup>64</sup>

130. One could question the proposed length of the timeframe. It could be argued that the work of the PCWG at the country level should confine itself to the immediate protection issues associated with the natural disaster and not the long-standing human rights issues aggravated by the natural disaster. Furthermore, the work of the Cluster should be seen in the context of the UNCT's work and the related UNDAF as it relates to the cross-cutting issue of human rights and capacity building.

131. For these reasons, a 6-month timeframe might be worthy of consideration as the norm. In any case, the Strategic Operational Framework for the Cluster for a given operation should set out the agreed timeframe. The work of the IFRC and the presentation of its Appeals is revealing in this regard, in that the timeframe is clearly stated up front. A good example is the IFRC Appeal for the Floods in Burkina Faso.<sup>65</sup>

132. One area where the IASC could give further guidance on Cluster Management is in regard to winding-up a Cluster and exit strategies.

- Recommendation 5: In establishing policy and guidelines for its involvement as Cluster Lead in the Protection Cluster at the country level, UNHCR should look at the question of duration of the Cluster's work in the context of the ongoing work of other humanitarian and development coordinating mechanisms in relation to human rights e.g. United Nations Development Strategy (UNDAF).
- Recommendation 6: UNHCR should urge the IASC to develop relevant guidance for winding down clusters at the country level, and for the inclusion of exit strategies in Strategic Operational Frameworks.

### **New institutional mind-set**

133. The move to become more predictably involved in natural disasters will not just require some changes in policy and procedures; it will call for even further enhancement of its already effective emergency response capacity. UNHCR has rightly prided itself on the speed and effectiveness of its response-time to crises.

134. Natural disasters will require a further gearing up, as the first response in the form of the UNDAC response team is within a time frame of 24 hours. It has been noted above that unless protection becomes an integral part of the initial UNDAC assessment, then the relevant projects don't find their way into the first Flash Appeal and it is then hard to recover lost ground in terms of initial donor and CERF contributions.

135. Protection has to be made more relevant and tangible for host governments and donors. This brings up the old debate on the relationship of humanitarian assistance and protection. If anything, the debate has moved further along, in that

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<sup>64</sup> Note on the Engagement of UNHCR in the Typhoon Response in the Philippines. Initial Draft Note provided by DIP, UNHCR April 2010.

<sup>65</sup> <http://www.ifrc.org/docs/appeals/10/MDRBF008du5.pdf>

with the advent of results-based programming, numbers, base-line date etc. have become basic to any programming, be it protection or assistance.

136. Given limited resources, the issue of prioritization of assistance for those affected in natural disasters becomes essential, and in this context, profiling of IDPs in natural disaster contexts, and registration of those in evacuation and relocation centres, are not just a management issue but a protection issue.

### **Standard Operational Procedures (SOPs)**

137. One key to a timely approach is the more expeditious designation of the country-level Lead of the protection Cluster. At the IASC Working Group Meeting held on 7-9 April 2010 in New York, proposed Standard Operational Procedures (SOPs) on Designating a Protection Cluster Leading Natural Disaster Situations was considered.

138. What was thought by the UN agencies directly concerned (OHCHR, UNHCR, UNICEF) to be a *pro forma* exercise of endorsement of the SOPs as they were considered simply as a policy clarification of the provisions in the 2006 IASC Note on the Cluster Approach, and which also took into account UNHCR's proposed, more predictable involvement, turned into a more fundamental consideration of the original 2006 provisions for the designation of the Protection Cluster Lead in the light of UN performance in the recent response to the Haiti Earthquake.

139. The desire for a more fundamental look at the 2006 provisions was led by the NGO representatives on the IASC Working Group. It will be recalled that Refugees International in a study of the UN response to the Haiti Earthquake<sup>66</sup> had called for UNHCR to be the Lead Agency in any future natural disaster.

140. The *IASC Working Group* agreed that the Protection Cluster Working Group should engage in further consultation with IASC organisations on the SOPs, taking inventory of the concerns raised and working to resolve them, with a view to finalising the SOPs at the July 2010 Working Group meeting.

141. The proposed SOPs aim for a more expeditious selection of the Protection Cluster Lead at the Country Level. They seek to codify more clearly the steps for the designation of the Field Cluster Lead among the three protection-mandated agencies, OHCHR, UNHCR and UNICEF recognized at that time as potential Cluster Leads at the Country Level. The only new element is that the process will focus more on a possible role for UNHCR, without necessarily implying that UNHCR will always assume the role as Cluster Lead at the country level.

142. What the SOP presupposes, however, is that all three protection-mandated agencies will need to improve their capacity to deliver effective protection than in the past. This implies that UNICEF needs to make itself capable of delivering more than Child Protection, OHCHR more able to "do" protection as distinct from monitoring protection, and UNHCR more willing and operationally geared to assume such a country-level role.

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<sup>66</sup> From the Ground Up, the RI study, proposed that the UN Refugee Agency should lead the protection cluster in future large-scale natural disasters. Consulted at: <http://www.refugeesinternational.org/policy/field-report/haiti-ground>

143. UNHCR's policy on engagement in IDP situations, going back as far as the IOM/FOM of Nov. 1993 and most comprehensively set out in IOM/077-FOM/075/2001, has stressed a number of conditions for involvement, especially the consent or acquiescence of the national authorities, a request or authorization of the UN competent authority, which is invariably the Emergency Relief Coordinator, and adequate resources. In regard to the last condition, this paper has noted the change in funding dynamics since the introduction of CERF in 2006: engagement, rather than hesitation, is the key for successful resource mobilization.

144. UNICEF, for its part, in the study already mentioned, has elaborated steps with broad funding requirements, as to how it would improve its capacity to lead the cluster in particular situations. This leaves OHCHR to address a number of similar issues, in particular its need to move to a more operational concept of protection in exercising a Cluster Lead role in the Field, and steps to more clearly differentiate between such a role and its human rights function in the context of support to peacekeeping missions. Its ability to do these things is the stumbling block for the NGOs represented on the IASC Working Group considering the SOPs.

## **Partnerships**

145. It could be noted that although no one of the potential Cluster Leads in the Field is capable by themselves of giving effect to a comprehensive notion of protection, UNHCR by virtue of its efforts to operationalize a comprehensive notion of protection and its experience of working with the military, is well situated (or even better equipped) to coordinate the activities of the various protection actors in the Field to ensure effective protection support is extended to a State and to those of its nationals who may be in need of it. The emphasis on the notion of partnership in the High Commissioner's directive in explaining the UNHCR's work within the Cluster Approach is important in this regard:

I cannot over-emphasize the need to build effective partnerships, with Governments, with UN agencies, inter-governmental organizations and especially with NGOs and affected populations in this endeavour. NGOs should be engaged at the strategic level and are partners who can significantly multiply response capacity and mobilize additional resources within the clusters. Relationships with agencies and NGOs working in the three UNHCR-led clusters require particular effort and attention. The new arrangements provide an opportunity to strengthen these partnerships and explore new ones. Our added value, in all cases, will be our strategic and operational leadership in the clusters we lead.<sup>67</sup>

It also explains the importance attached to it in the 2010-2011 Global Strategic Priorities of UNHCR.<sup>68</sup>

146. One obvious key partner is the State affected by the natural disaster. It is at the request of the State concerned, normally through the UN Resident Coordinator, to

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<sup>67</sup> UNHCR involvement with new IDP situations - IOM/035-FOM/035/2006.

<sup>68</sup> Global Strategic Priorities 1.4 and 7.7

the ERC that UNHCR will respond to an invitation from the last mentioned to lead a Protection Cluster.

147. UNHCR's success as a Protection Cluster Lead will be commensurate to its knowledge of State entities and mechanisms already in place related to protecting and promoting the rights of its people, and an ability to mobilize and capacitate them in the common task of ensuring protection in its many facets. The effectiveness of its work will depend on the degree of acceptance by national authorities (and other involved actors) For UNHCR who is quite accustomed to using a displacement lens to identify protection gaps in refugee and conflict-related IDP situations, natural disasters call for a broader perspective that takes into account not just those displaced, but also affected populations.

148. This challenge is to be addressed not only in the immediate post-disaster phase, but "in all phases of a disaster" ranging from disaster preparedness to post-disaster reconstruction. This will require UNHCR to lay the foundations of its Protection Cluster work by engaging much earlier in disaster-prone countries through national and UN-supported disaster preparedness and risk mitigation exercises, and by sustaining that engagement into the post-disaster phase. UNHCR found in the Philippines that contingency planning lacked a protection perspective, and that the early recovery and rehabilitation response lacked a protection and sustainability focus.

149. This cycle of meaningful involvement means that UNHCR should consider an involvement in UNDAC natural disaster preparedness activities, as well as by being realistic about the time-frame for its post-disaster Protection Cluster Lead role.<sup>69</sup> While it is generally recognized that interventions in regard to natural disasters will be of lesser duration, UNHCR observations about its recent involvements in natural disasters (Philippines and Haiti) talk of 12-18 months duration.

150. Another key element in discharging a successful Protection Cluster role at the country level is the relationship to the Humanitarian Coordinator /Resident Coordinator. The current weaknesses in this regard have been discussed above in paragraph 84.

151. Leading a Cluster is essentially about getting the best from all involved actors to support a State and its national institutions to respond to a natural disaster. One key partner is the relevant national Red Cross/Red Crescent Society. Supported by the IFRC, these societies have a particular expertise in natural disaster management.<sup>70</sup> Another category of partners, but one that is often overlooked is that of the local NGOs. In the response to the 2010 Haiti Earthquake, one report has stated that one of the missing links in the response to this disaster has been that between the international community and civil society.<sup>71</sup>

152. Of particular relevance for this study is the relationship between the Protection Cluster partners and between the Protection Cluster and other clusters, especially Shelter, CCCM, and Education. The last mentioned is important in that evacuation

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<sup>69</sup> Zapater, J., *op.cit*, paras. 26, 51.

<sup>70</sup> See [http://www.ifrc.org/what/disasters/index.asp?navid=04\\_03](http://www.ifrc.org/what/disasters/index.asp?navid=04_03)

<sup>71</sup> Refugee International, *From the Ground Up* at <http://www.refintl.org/policy/field-report/haiti-ground>

centres are invariably using educational facilities and thus preventing the resumption of schooling. The UNHCR's Global Strategic Priorities for 2010-2011 highlight the importance of strengthening cluster partnerships for creating a favourable protection environment:

Challenges and Opportunities: While good partnerships exist in most countries of the world for the protection of persons of concern, there are areas in need of improvement. Strengthening the capacity of governments to be able to expand their own protection services remains a key priority as does strengthening the capacities of local NGOs. Additional work is needed to ensure that all concerned provide protection without discrimination on the basis of age, sex or diversity. In IDP situations, additional efforts are needed to strengthen the collaborative and cluster approaches.<sup>72</sup>

153. In the current response to the Haiti Earthquake, UNHCR is playing a supporting role to OHCHR which is the Protection Lead. This has not been without its challenges. Reading between the lines of the end of mission report, one can appreciate the fundamental concerns of both actors: "More effort will need to be invested by both agencies to better communicate to each other its plans and intentions, both at Geneva and at Haiti level, and to do so by well-defined channels.

154. Particularly in light of the much more operational role that UNHCR is about to undertake in Haiti, this will prove a *sine-qua-non* condition to ensure both that OHCHR perceives UNHCR's role as supportive of its protection cluster lead, and that UNHCR feels welcomed in fully deploying its added value in the Haiti situation."<sup>73</sup> The report goes on to talk of the need for the OHCHR team to have "a better delimitation of roles inside the OHCHR team in servicing and leading respectively the human rights component of MINUSTAH, and the Protection Cluster, and the roles and responsibilities of these two bodies themselves."<sup>74</sup>

155. This last comment highlights another area of potential tension between those working in the Protection Cluster, namely the relationship to UN peacekeeping missions. This issue has been the subject of comment in several recent studies and evaluations.<sup>75</sup> The DPKO-OCHA joint study on *Protecting Civilians in the context of UN Peacekeeping Operations* spoke to this issue:

This strain has contributed to the 'humanitarian dilemma' (such as the tension between the political and humanitarian functions of the UN and its partners) and the desire of humanitarian actors to assert their independent, impartial, and neutral role. Despite the fact that the humanitarian community and other actors have taken steps to create firewalls or otherwise distinguish between a) the various military and political civilian components within a mission and b) UN humanitarian agencies and non-governmental humanitarian actors, communities and armed actors do not always recognize the

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<sup>72</sup> UNHCR, *Global Strategic Priorities 2010-2011*, 21 August 2009.

<sup>73</sup> Zapater, J., *End of Mission Report. Earthquake Situation in Haiti*, 15 February, 2010 - 13 March, 2010, para. 14.

<sup>74</sup> Idem., para. 15.

<sup>75</sup> Holt, V., *op.cit.*; *Cluster Approach Evaluation Phase 2: Synthesis Report - Zero Draft* by the u.r.d. Groupe and GPPI, Berlin-Plaisians, March 8, 2010.

distinction. Humanitarian actors are increasingly concerned about the blurring of these distinctions, including when military components of missions are tasked with implementing quick impact projects that are designed to win the hearts and minds of communities but have included the same or similar activities undertaken by humanitarian actors.<sup>76</sup>

156. The Phase 2 evaluation of the Cluster Approach, in its draft synthesis report also talks about similar tensions deriving from the highly sensitive nature of information relating to protection and the reluctance of humanitarian actors to share relevant information when the military participate in meetings and when the Protection Cluster lead organization has close links to peacekeeping missions or UN missions with a political mandate.<sup>77</sup>

### **Impact on statutory functions**

157. The study was asked to review the impact of UNHCR's involvement in natural disasters on its statutory functions of refugee protection and solutions.

158. The level of UNHCR's *operational* involvement in natural disasters to date has been so limited as indicated in the Table at Annex 2, that it is difficult to speak of any positive or negative impact on its statutory functions of refugee protection and solutions. In a way, current expressions of concern about a further significant involvement in IDP activities relating to natural disasters as having a possible negative effect can only be answered by posing a similar question about the significant involvement of UNHCR in the past five years in conflict-related IDP situations.

159. A lessons-learned and effective practice workshop on UNHCR's expanded role in support of the inter-agency response to internal displacement situations was convened by the then Division of Operational Services (DOS) and the Policy Development and Evaluation Service (PDES) from 11 to 14 October 2006 in Nairobi. Its final report noted that:

In the light of recent concerns expressed by member states on the potentially negative impact of UNHCR's involvement with IDPs on the institution of asylum, it was agreed that the Office should document and analyze the positive and negative impact on refugee protection when the organization is involved in IDPs in the country of origin and asylum. The case of Colombia in particular could be of interest, where ten years of work with IDPs has improved the national protection mechanisms and may have reduced the need for international protection, as possibly indicated by the relation between the number of IDPs, in the millions, and of refugees, in the tens of thousands.<sup>78</sup>

160. This proposed study has not been, as yet, undertaken – and understandably so. It is an almost impossible task to assess the impact of UNHCR's extended

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<sup>76</sup> *Idem*, pp. 70-71.

<sup>77</sup> *Idem*, p. 66.

<sup>78</sup> Para. 28, p. 9.

engagement in IDP situations on its primary work in relation to UNHCR. Even with FOCUS in a more developed state than now, the most it might be able to provide would be the extent to which refugee-related programme results were delayed or not achieved because the designated staffing resources for these results were diverted to an IDP operation.

161. The real impact on refugee protection of UNHCR's involvement in IDP situations will always remain elusive. Protection is presence, and is primarily related to the work of protection staff. So, it could be argued that any UNHCR protection staff working on issues not formally aligned to refugee matters is limiting the possible, added impact on their protection. However, the very existence of protracted refugee situations cautions us against such a simplistic line of reasoning – more protection staff would not have necessarily reduced the time of those living in such situations or hastened a durable solution for them. Moreover, the quality of effective protection is not necessarily directly related to numbers of protection officers, provided that there is an appropriate level of resources allocated to a given refugee situation.<sup>79</sup>

162. If one goes back to 20 September 2005 and the Informal Consultative Meeting on UNHCR's Role in IASC Humanitarian Reform Initiatives and in the Strengthening of the Inter-Agency Collaborative Response to Internally displaced Persons Situations, one will see set out the very same concerns that one is trying to address today. It would be fair to say that in the light of 5 years experience in working in conflict-related IDP situations, the concerns then expressed have, for the most part, not been justified. That does not mean that the concerns now being articulated about a further expansion of UNHCR into natural disaster displacement situations are ill-founded.

163. The nature and unpredictability (number, magnitude of displacements, resources, etc.) of the proposed new involvement of UNHCR give grounds for caution. Furthermore, UNHCR itself has recognized that there are refugee protection capacity issues (urban refugees, asylum/migration, protracted refugee situations) still to be addressed by the Office. The issue, however, does not call for an "either/or" response. Given the differing protection staff profiles required for these various types of work, and the fact that the appeal documents for the IDP natural disaster operations have in-built, budgeted staffing components, it would be difficult to argue that the proposed further involvement in IDP situations would directly impact on the Office's work with refugees.

164. On the other hand, this new type of protection engagement must not be allowed to distract the Office from addressing the recognized refugee protection capacity gaps in the areas already identified, and currently being addressed.

165. Some would even argue that UNHCR's fuller engagement in IDP situations to date has been of benefit to the concerned populations and to UNHCR's overall operations, not least the extra resources for the organization as a whole based on the 7 per cent support cost charge. This is not an insignificant amount if one considers that the budget for 2010 IDP situations is estimated at \$653, 834, 585.

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<sup>79</sup> *Guidelines for the Design of UNHCR's Presence*, ODM, UNHCR, December 2008, pp. 5, 9 ff.

166. It should be noted that in talking about a more predictable engagement in disaster-related IDPs, the question under consideration is purely that of involvement in the Protection Cluster, not the related clusters of shelter and CCCM which are the responsibility of the IFRC and IOM respectively. Even in the case of IDP conflict situations, where UNHCR is the lead for all three clusters, it is interesting to note that although in 2010 UNHCR is the Protection Cluster Lead in 20 situations, it is only playing the Lead role in eight of these for Camp Coordination and Camp Management and five for the Shelter Cluster.

167. A particular challenge for UNHCR in an increased role in regard to natural disasters could come from the two most disaster-prone regions of the world, namely Central America and S. E. Asia; UNHCR has only a minimal office presence in the former. On the other hand, there are reasons to suggest that in the Central America region, the demand for the implementation of a Cluster Approach in the event of a natural disaster might not be that high, as the preference of many of the countries there is to build up, and rely on national capacities.<sup>80</sup>

## Conclusion

168. In one sense, UNHCR's involvement in natural disasters and in particular the Protection Cluster at the country level has, to date, been very limited. This gives grounds for caution. On the other hand, in the last five years, UNHCR has involved itself more in situations of conflict-related IDP situations, particularly in the areas of protection, shelter and CCCM. It is in this experience that one finds reassurance about UNHCR's operational capabilities for handling natural disasters.

169. While the context of our reflections is that of UNHCR's role in the Protection Cluster at the country level, it would be more realistic to have the implications of a potentially broader involvement in mind, deriving from UNHCR's experience in the related areas of profiling and registration, and its procurement/supply chain expertise in relation to Non-Food Items (NFIs). This tendency to move from stated areas of formal engagement (Protection Cluster) to other related, supportive activities through QIPs (Quick Impact Projects) has already been evidenced in Haiti.

170. QIPs give a handle and something tangible to hang protection activities on, and they are ultimately also concrete expressions of effective protection. But they also increase the cost of UNHCR's involvement commensurately as one can see from the latest 14 April 2010 UNHCR Appeal for \$12.5 million for Haiti and the Dominican Republic.

171. While there are specificities in delivering protection in the context of natural disasters, there are also many similarities to ensuring protection in conflict-related displacements e.g. physical safety, documentation, sexual-gender-based violence, land rights, etc. Most importantly, UNHCR has experience and continues to seek to grow in expertise in the art of coordination and partnership building, especially in involving and using the potential and contributions of local civil-society organizations.

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<sup>80</sup> Weiss Fagen, P., *Natural Disasters in Latin America and the Caribbean: National, Regional and International Interactions. A Regional Case Study on the Role of the Affected State in Humanitarian Action*, ODI-HPG Working Paper, 29 October 2008, pp.23-25.

172. It has also considerable experience in dealing with the military that now have become a familiar part of emergency responses because of their logistic capacities. It is not surprising then, that a major NGO has called for UNHCR to be the Lead Protection agency in any future major natural disaster with significant displacements.

173. While natural disasters are normally shorter in duration than conflict-related ones, there is nevertheless the risk that they become open-ended, protracted operations, especially in relation to protection and human rights concerns. Hence the importance of ensuring that the timeframe for operations is clearly determined from the outset (with obvious mechanisms for review of the operation's duration) and an exit strategy articulated in the strategic operational framework for the operation.

174. At the end of the day, and given UNHCR's budget structure, it is a question of earmarked resources for a particular natural disaster. The funding trends for the Protection Cluster through CERF and Flash Appeals give grounds for concern. While recourse to the Operational Reserve may be necessary at the commencement of an engagement in a natural disaster, further transfers for the same operation should not be permitted unless this is in anticipation of resources based on a firm pledge from a donor.

175. Further enhancements to FOCUS should be implemented whereby the staffing resources necessary for a given programme result are better articulated. This will allow Representatives/Programme Managers to better evaluate the implications of releasing staff for emergency operations on their own stated programme results. Only in this way, in three years time will one be in a better position to empirically measure the impact of re-deployments of staff from refugee/IDP conflict-related programmes to natural disasters.

176. On the other hand, it could be argued that with dwindling refugee caseloads, natural disasters are the next logical area for UNHCR to exercise a protection role – besides, some would argue that such displacements are a form of *forced* displacement, if in the face of recurring natural hazards, governments fail to undertake disaster risk reduction strategies.<sup>81</sup>

177. In terms of costs of involvement in natural disasters, there is no clear pattern or figures. If one was to confine oneself to simply leading the Protection Cluster at the country level, costs could be confined to around \$ 1 million for a 6 month intervention. But for protection activities to be seen to be concrete, one has to “hang” protection on to something tangible. Hence the increasing use of QIPs which were used so extensively at the time of CIREFCA in Central America. And here again,

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<sup>81</sup>According to the Refugee Convention, the absence of state protection amounts to persecution, provided that the persecutory intent on the part of the government may be established. It has been argued that persecution can assume the form of not preventing environmental damage. Thus some would argue that victims of natural disasters satisfy the traditional definition of refugees, “where the relevant authority refuses to mitigate or mitigates inadequately environmental disasters... and in so doing ‘targets’ a [particular] group” (Christopher Kozoll, ‘Poisoning the Well: Persecution, the Environment, and Refugee Status’ (2004) 15 *Colorado Journal of International Environmental Law and Policy*, 273-74). However, the use of the concept of environmental discrimination against groups as a basis of legal relief presents several procedural and evidentiary problems in practice (Purrrington R., M. Wynne, ‘Environmental Racism: Is a Nascent Social Science Concept a Sound Basis for Legal Relief?’, 35 *Hous. LAW* (Mar.-Apr. 1998), 34).

there are no predictable costs for QIPs because these will depend on their content and number which, in turn, relate to the number of beneficiaries.

178. One thing is obvious from a cursory glance at Annex 2: where UNHCR has a reasonable Office presence, its response time is much quicker and the costs commensurately contained, and the need for international UNHCR deployments is diminished.

179. UNHCR's involvement in natural disasters will require the Office to think differently and respond more expeditiously. In this context, it should explore the possibility of joining UNDAC. Not that this implies making UNHCR a qualitatively different organization. UNHCR will have the most to offer when it does well what it was founded to do, namely looking after refugees. But from this wealth of experience it can draw on policy and practice to meet new protection challenges associated with other forms of displacement.

180. The involvement of UNHCR in a more predictable form in the response to natural disasters is not without some resource implications. Already one sees the demands that such involvements in the Philippines and Haiti have had on two parts of UNHCR, namely the Department of Protection and the Emergency Preparedness and Response Section. The High Commissioner may need to review the staffing implications of such involvement on these two entities.

- Recommendation 7: The High Commissioner while continuing his policy of mainstreaming the work of IDPs may, in the light of the likely significant demands flowing from UNHCR's involvement in natural disasters, need to review the staffing implications of such involvement; as a minimum, two parts of UNHCR Headquarters may require strengthening, namely the EPRS, and the second pillar in the revised DIP structure which will be dealing with the Protection Cluster.

181. It will be important for the EXCOM to stay engaged with aspects of UNHCR's involvement in natural disasters, in particular their resourcing and related use of the Operational Reserve. The regular updates provided to the Standing Committee should include a separate sub-section on UNHCR's involvement in natural disasters.



## **Annex 1**

### **Rapid review of UNHCR's role in recent natural disasters: Terms of reference**

UNHCR has recently indicated that it is willing to play a more consistent and substantive role in relation to the protection of people affected by natural disasters. In this context, and in response to proposals by EXCOM members, the Office is to convene an Informal Consultative Meeting in May 2009 and is to commission an independent review of its role in recent natural disasters. The review will be commissioned and managed by the Policy Development and Evaluation Service, in close consultation with the two Assistant High Commissioners, DIPS, DPSM and ESS.

Focusing primarily on the period 2005 to 2009, the review will seek to:

1. List those natural disaster situations in which UNHCR chose to become (or not to become) involved during the five-year period concerned and identify in which countries UNHCR was already present;
2. Analyze the decision-making process that led to such outcomes, focusing on the role of senior UNHCR management, EXCOM members, affected states, donors, and other UN and non-UN entities and examine the key variables that influenced the process;
3. Examine the nature, speed and extent of UNHCR's involvement in natural disaster situations, considering the different levels of UNHCR engagement so far, quantifying the funding, human and other UNHCR resources that were devoted to such emergencies;
4. In those natural disasters situations where UNHCR was involved, examine UNHCR's role in the cluster system, consider linkages with other clusters, identify the role of other agencies and assess the coordination between UNHCR and the other involved agencies;
5. Assess the impact of UNHCR's involvement in natural disasters on other UNHCR activities and programmes;
6. Identify those natural disaster situations in which UNHCR would have intervened under the proposed lead agency criteria and, to the extent possible, extrapolate the funding and other UNHCR resources that might have been devoted to those emergencies;
7. Assess the impact, 'added value' of UNHCR's activities and the potential for synergies with its regular refugee operations, especially in relation to the protection of affected populations and the response capacity of affected states;
8. Review the impact of UNHCR's involvement in natural disasters on its statutory functions of refugee protection and solutions and identify any emerging protection concerns that result from disaster settings;

9. Identify any specific lessons learned from UNHCR's involvement and non-involvement in natural disaster situations, taking into account exit strategies from these situations.

The review will be based on a desk review of relevant documents as well as interviews with key informants, and will be undertaken in accordance with UNHCR's evaluation policy. An independent consultant will be engaged to lead the review, and will be supported by PDES staff and interns. The review will be undertaken in the period January to March 2010.