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UNHCR'S EXPANDED ROLE IN SUPPORT OF THE INTER-AGENCY RESPONSE TO INTERNAL DISPLACEMENT SITUATIONS

I SUMMARY

1.   UNHCR's commitment to the "cluster leadership approach" should result in a more consistent and predictable exercise by the Office of the mandates it has received from the General Assembly to protect and assist internally displaced persons (IDPs).

2.   Through the new approach, UNHCR aims to be a reliable partner within an inter-agency, collaborative effort, built around the operational strengths and comparative advantages of the respective agencies and held together by mutual commitments and the coordinating role of the Office for the Coordination of Humanitarian Affairs (OCHA).

3.   UNHCR has accepted the leadership in three areas within the cluster approach, which operates at both the global and the country level. At the global level, the three clusters led by UNHCR have made good progress in a number of areas, including the expansion of partnerships, development of joint strategies and guidelines, building expertise and strengthening capacity for the deployment of emergency reinforcements to field operations.

4.   Four countries have been chosen by IASC to pilot the new approach in 2006; more recently, another Country Team has adopted the cluster approach for a new emergency involving IDPs. The short experience so far of the application of the cluster approach at the country level makes it difficult to draw lessons at this stage, except to some extent in the case of a prototype introduction of the new approach in response to the South Asia earthquake last year. Meanwhile, UNHCR is strengthening its collaborative partnerships on IDPs in long-standing operations, and ensuring that new activities in response to specific requests in Nepal and Timor-Leste are planned and carried out in full coordination with the respective Country Teams.

5.   Despite the short experience, UNHCR feels that the new approach is showing considerable promise and is already yielding results in the form of improved concentration between agencies on strategic issues and providing support to the field. Key challenges include keeping the process light and manageable, ensuring coordination across the clusters, enhancing the participation of non-UN partners and better addressing the need to build capacities, among agencies but also at the national and local level.

6.   The new approach is already providing a clearer and more productive basis for the ongoing dialogue between UNHCR, its governing body, host governments, donors and operational partners on the Office's engagement with internally displaced persons. Uncertainties over the future of the cluster approach, or its fundability, would undermine UNHCR's efforts to achieve predictability within an inter-agency commitment. If successful, however, the new approach should serve to help manage the risk that UNHCR could become overextended through its IDP operations.

II. OBJECTIVES AND FOCUS OF THE PAPER

7.   Six months have passed since UNHCR committed itself to systematically applying its mandate for protection and assistance of IDPs within the "cluster leadership approach," a new, inter-agency framework for increasing the predictability, effectiveness and coordination of response to humanitarian emergencies.

8.   In the months prior to and following the assumption of these commitments, UNHCR consulted the Executive Committee (ExCom) in a number of formal and informal meetings on the challenges and risks of the new approach. ExCom, while supporting and encouraging UNHCR's participation, counselled a step by step approach, leaving time to learn lessons and for the Committee to discuss the issues further.

9.   The main objective of this paper is therefore to explain how UNHCR is rising to the challenge of meeting its new commitments and to detail the progress made and constraints encountered, both at the global level and in the countries chosen by the Inter-Agency Standing Committee (IASC) to pilot the new approach in 2006. While a proper evaluation of the new approach in the pilot countries should be done in an inter-agency context, led by OCHA, when enough time has passed, this paper will seek to draw some tentative conclusions from the short experience gained so far, as well as from UNHCR's in-house evaluation of the Pakistan earthquake response, where a "prototype" of the new approach was first introduced. This paper will also summarize progress in those UNHCR operations in favour of IDPs which have not yet been incorporated in the "cluster leadership approach," but where UNHCR is nevertheless seeking to reinforce its partnerships and collaboration with the rest of the humanitarian country team.

10.   The following section of the paper will provide some information on the background of UNHCR's work for the internally displaced and on the general context of humanitarian reform in which the cluster leadership approach was developed. In the fourth section, the focus will be on UNHCR activities in relation to the three clusters under its responsibilities and the main achievements and challenges in the pilot countries, followed in the fifth section by some information on other IDP operations. In its last two sections, the paper will offer some tentative conclusions on the new approach and examine the opportunities and risks for UNHCR as it assumes this expanded role.

III. UNHCR's MANDATE FROM THE GENERAL ASSEMBLY FOR INTERNALLY DISPLACED PERSONS, AND ITS COMMITMENTS WITHIN THE INTER-AGENCY CLUSTER LEADERSHIP APPROACH

11.   UNHCR has an extensive history of providing protection and assistance to IDPs, especially as of the 1970s, in response to specific requests by the General Assembly. In a number of resolutions adopted in the 1990s,[1] the General Assembly defined in global terms the principles on which UNHCR's involvement on behalf of IDPs should be based, emphasizing that it should be at the request of the Secretary-General or the competent principal organs of the United Nations, with the consent of the Government concerned, that it should not undermine the institution of asylum[2] and that it should take into account the complementarities of the mandates and expertise of other relevant organizations.

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[1]   For example, A/RES/47/105 of 16 Dec 1992 (OP14), 48/116 of 20 Dec 1993 and 49/169 of 23 Dec 1994 (OP10). ExCom's own Conclusions on the topic have reflected the content of these resolutions, for example in the 1994 Conclusion on internally displaced persons (A/AC.96/839 para. 20) and in the 2003 Conclusion on proposals arising from the UNHCR 2004 process (A/AC.96/987 para. 19 (e)).

[2]   Cf. Annex.

12.   Governments bear primary responsibility for the protection of IDPs. The support of the international community is often necessary. As of the late 1990s, in the context of growing pressure for a more concerted response by the international community to IDP needs, UNHCR worked closely with the IASC, the Emergency Relief Coordinator (ERC) (who is charged with the inter-agency coordination of protection and assistance to IDPs) and relevant parts of OCHA in order to determine how UNHCR's existing mandate from the General Assembly for IDPs could be used more consistently and efficiently in support of a coordinated, inter-agency effort, based on the comparative advantages of each agency.

13.   In December 2005, some months after the humanitarian response review was completed, the Principals' Meeting of the IASC agreed to establish the "cluster leadership approach," whereby nine critical areas of humanitarian response were organized into "clusters" of relevant actors each with a designated "cluster lead." While not limited to IDPs, the new approach did have as one of its major aims to address the need for a more predictable, effective and accountable inter-agency response to the protection and assistance needs of IDPs. Within this system, UNHCR agreed to be the cluster lead for IDPs during conflict-generated emergencies in three areas: protection, emergency shelter and camp coordination/camp management (taking into account the specific mandate of the International Committee of the Red Cross (ICRC) for the protection of IDPs in conflict situations. UNHCR also joined as a member in several other clusters, such as water/sanitation/hygiene (led by the United Nations Children's Fund (UNICEF)), logistics (led by the World Food Programme (WFP)) and early recovery (led by the United Nations Development Programme (UNDP)).

14.   The cluster leadership approach aimed to improve the predictability, timeliness, and effectiveness of humanitarian response, providing operational leadership and a heightened sense of accountability in key sectors where gaps in preparedness and capacities had been identified. Thus, the cluster approach would not cover refugee situations nor other sectors where the institutional accountabilities were sufficiently clear (e.g. food aid and agriculture).[3]

15.   The new approach was intended to address response gaps in the context of a reinforced partnership among the United Nations system, governments, the Red Cross movement and non-governmental organizations (NGOs). While expected to take ultimate responsibility for humanitarian response in their respective sectors, the cluster leaders were not meant to act, in each and every situation, as the organization funding or carrying out all the field activities. Rather, it was foreseen that the cluster leader would seek to maximize the involvement of other actors in addition to itself, as well as engaging in advocacy and resource mobilization to secure additional, global funding to fill the response gaps within its sector.

16.   The December 2005 meeting of the IASC agreed to implement the cluster approach in the Democratic Republic of the Congo (DRC), Liberia and Uganda as pilot countries. Somalia was added to the list of pilot countries following the meeting of the IASC Principals on 24 April 2006.[4] In addition, the Emergency Relief Coordinator has asked agencies to apply the cluster approach to major new

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[3]   Related to the cluster approach is the division of labour by UNAIDS in July 2005 into 17 categories. UNHCR was designated the lead agency for HIV among displaced persons (refugees and IDPs). This division of labour has recently been agreed upon by all UNAIDS co-sponsors, all of whom are IASC members and part of the cluster approach. The lead agency in the UNAIDS division of labour is primarily responsible for coordinating the provision and/or facilitation of HIV/AIDS technical support. Thus, in terms of IDPs, HIV/AIDS should be seen as an issue that cuts across all clusters. UNHCR will work closely with all cluster leads and other partners to ensure that HIV-related programmes are implemented in a consistent and complementary fashion across all clusters.

[4]   It is estimated that nearly 4 million IDPs, out of an estimated global total of 24 million, are to be found in the four "pilot" countries.

emergencies in 2006. In Chad, the Country Team is now applying the cluster approach in response to the serious new IDP crisis that has emerged in that country.

17.   It should be emphasized that UNHCR's commitments within the cluster approach do not amount to a "new mandate" for IDPs. Rather, the cluster approach provides a system-wide organizational framework within which the existing mandates of UNHCR as well as all other agencies may be exercised in a consistent and coordinated manner, with clear accountabilities distributed according to the comparative advantages of each participant. Thus, according to the new system, UNHCR's IDP operations should be supported by the reciprocal commitments of all other cluster leaders and cluster members, in a team approach coordinated globally by the Emergency Relief Coordinator and at the field level by a strengthened Humanitarian Coordinator system.

18.   On the other hand, precisely because of the predictability that is the aim of the cluster approach, UNHCR's participation in it carries the potential for a much larger involvement with IDPs than in the past, when UNHCR only intervened on a case-by-case basis and in the context of ad hoc collaborative arrangements with its partners. In recognition that the new inter-agency approach could lead to a major expansion of UNHCR's programmes, and taking into account the difficulties of funding the needs of UNHCR's current beneficiary caseloads, the High Commissioner as well as the membership of the Executive Committee have stressed that additional funding would be needed for UNHCR's new commitments to be translated into practice. In particular, it was stressed that resources meant for refugees should not be transferred to fund these expanded commitments to internally displaced populations.

IV. UPDATE ON ACTIVITIES IN THE THREE GLOBAL CLUSTERS LED BY UNHCR

A. Protection Cluster

19.   Protection for IDPs involves some very difficult challenges, including physical security of IDPs (and humanitarian staff), property issues, gender-based violence, lack of basic services and the loss of personal documentation. Problems with access can hinder possibilities for direct intervention and sometimes even prevent initial needs assessments, so that information may be lacking with regard to numbers of IDPs and their needs. The scope of protection, and the types and levels of activities to be undertaken, have been the subject of intense discussion in relation to some operations, where joint assessments and cooperation on strategy development have ensured that cluster members agree on key objectives and areas of responsibility.

20.   Within the global Protection Cluster Working Group (PCWG), specific agencies have taken responsibility as focal points for nine different areas of the protection response. Emphasis has been given to deploying support to field operations, through the Protection Standby Capacity (ProCap) scheme, internal missions and other staffing arrangements.   The cluster has also organized consultations with the country teams in Liberia and the DRC on the topic of physical safety for IDPs. A tool for profiling IDPs has been developed by the Norwegian Refugee Council (NRC) and is currently being refined. Guidelines have been developed on determining the best interest of IDP children and work is underway on a similar effort for IDP women and girls. A CD-ROM on the subject of "Key Resources for Camp Coordination/Management and Protection" has been produced with the International Organization for Migration (IOM) and other training tools are being developed, while the cluster has already organized a number of training workshops for relevant operations.

21.   Its lead role in this cluster has provided UNHCR with the opportunity to forge closer strategic alliances at the global level with some key NGOs such as NRC, as well as with the ICRC, the Office of the High Commissioner for Human Rights (OHCHR) and UNICEF.   More should be done to assist

Governments to strengthen their own protection and response capacities. Field partnerships must also be strengthened, and NGOs in particular need to be fully involved for the cluster's response to be effective.

B. Camp Coordination and Camp Management Cluster (CCCM)

22.   In establishing this cluster, it soon became apparent that the humanitarian community has no agreed definitions or parameters in this area, and that no organization had focused on it as a sector per se (including UNHCR, but with the possible exception of NRC). There was no existing network of experts (as for water and sanitation or health, for example). It was necessary at first to focus energies on enlisting more agencies, with relevant expertise and capacities, into the cluster. The next task was to jointly agree on concepts and definitions. The overriding objective of the cluster, as agreed by its members, is to provide better protection and assistance to camp-based populations.

23.   UNHCR will lead in situations where displacement is caused by conflict, while IOM is responsible in IDP situations resulting from natural disasters. IOM and UNHCR jointly lead the cluster at the global level in a 'virtual secretariat', with clearly complementary roles and no added bureaucracy. Good progress has been made in conceptualizing the approach, defining responsibilities of the various actors involved in camp coordination and management, and building ownership of these concepts. To date, two workshops have taken place in 2005 and 2006, with the participation of several NGOs, to validate the CCCM concept. The cluster has worked on setting standards, providing guidance to the Field and mapping capacity. IOM and UNHCR co-hosted a Training of the Trainers workshop in Ethiopia in May 2006, with another planned for June.

24.   Both agencies are working on engaging NGOs better; and better defining and distributing the responsibilities within and between clusters, especially those providing services in camps. At the global level, the leads of cross-cutting clusters have agreed with OCHA on how to delineate their respective responsibilities with regard to coordination and information management. In the various operations this should lead to complementarities as the cluster leads will be responsible at the points of delivery (camps, field offices) while OCHA will collect all cluster/sectoral data at the country level in support of the Humanitarian Coordinator.

C. Emergency Shelter Cluster

25.   UNHCR leads the Emergency Shelter cluster for conflict-generated IDPs. In natural disaster situations, IFRC will be the 'convener' of the cluster. Meetings at the global level are attended by a number of UN agencies, IOM and NGOs. The agreed aim is to increase the effectiveness and predictability of service provision by (i) expanding the number of qualified professionals available for rapid deployment; (ii) developing an emergency shelter strategy and guidelines and tools for assessments, intervention and monitoring alongside training; and (iii) strengthening stockpiles of shelter and related non-food items (NFIs).

26.   The cluster has drawn useful lessons from the Pakistan experience by surveying ten agencies working with the cluster in Pakistan, which revealed the necessity to improve information management among cluster partners as well as the coordination of response. Timely information from the central register of stockpiles should have revealed that, without adequate tents in stock, alternative strategies needed to be considered from the outset, developed according to needs and the affected population's coping mechanisms. Strategies needed to include rebuilding activities with a longer-term recovery perspective, and the response would have benefited from stronger coherence in the choice and use of assessment tools applied to define needs and intervention strategies.

27.   The shelter cluster has compiled available assessment tools used by aid agencies and produced a guide to carrying out emergency assessments. Guidelines are being developed on shelter in various

climatic and geographic conditions; and a set of standards agreed for shelter materials and NFIs. UNOSAT[5] has offered its collaboration to make available mapping and satellite images. UNHCR, on behalf of the cluster, has secured pledges for secondment from NRC, the Swiss Development Cooperation (SDC) and RedR Australia.

28.   From the outset, participants realized that 'shelter' assistance by itself was not sufficient to sustain lives and it was agreed that some critical NFIs were to be included in the planning. A list has been drawn up of emergency shelter items and NFIs that would be necessary for adequate preparedness levels at the global level. The cluster intends still to develop an overall emergency shelter response and exit strategy; establish indicators to monitor impact, performance and effectiveness of response; update and refine OCHA's Central Register of existing stockpile locations; and develop training modules. In addition to the NGOs included in the cluster, a reference group has been set up in order to channel the expertise and capacities of a wider NGO group.

D. Achievements and challenges in the pilot countries

29.   UNHCR has made the most headway in its cluster lead activities in **Liberia**, where it was already involved with IDPs and where refugees and IDPs were returning to many of the same areas. In **DRC** and **Uganda**, UNHCR was not involved with internally displaced populations prior to the introduction of the cluster approach and has therefore faced a more difficult challenge in these countries. Addressing needs in DRC requires a phased approach, targeting specific regions. In Uganda, after a complicated start, collaborative strategies and response plans are beginning to take root and, with the establishment of an operational presence in the north (still difficult), there will be a more tangible impact on the protection situation.

30.   In all the countries where the new approach has been introduced, UNHCR has worked with its cluster partners to ensure that its efforts contribute to finding durable solutions for IDPs. In Liberia, UNHCR and its partners have been instrumental in facilitating the voluntary return of some 314,000 Liberian camp-based IDPs since 2004. Efforts will also be made to assist the voluntary return of those outside camps, while the protection cluster is finding solutions for camp populations not wishing to return to their areas of origin. Country teams in DRC and Uganda are working to contribute towards return in areas where conditions permit. In Uganda, the principle of freedom of movement underpins the protection strategy developed by the protection cluster, and advocacy with the Government has helped bring about the start of voluntary return to Lira. The protection cluster brings a number of UN and NGO actors together for joint assessment and strategic planning. A camp coordination and management strategy is also being developed. In all three countries UNHCR participates actively in the early recovery cluster, and in DRC it co-chairs with UNDP a cluster focused on return, reintegration and recovery. The aim is to ensure a smooth transition between relief and development assistance and to promote community based reintegration projects. There are concerns, however, that this cluster is not keeping pace with the overwhelming recovery needs in these countries. Security and stability problems also present major challenges to early recovery efforts.

31.   The security situation in the majority of these countries is volatile, calling for a major focus on enhancing physical protection. In DRC, the cluster has established seven protection working groups in the country (five provinces including the capital). It has proved to be a challenging task to organize joint assessments and to obtain a common definition of objectives among protection agencies, but the cluster is now gaining credibility and momentum. One successful protection intervention on behalf of displaced

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[5]   UNOSAT is a United Nations initiative to provide the humanitarian community with access to satellite imagery and Geographic Information System (Services).   UNOSAT is implemented by the UN Institute for Training and Research (UNITAR) and managed by the UN Office for Project (UNOPS)

persons was effective advocacy to gain the agreement of the National Congolese Army to change a brigade in Katanga Province due to serious human rights violations against IDPs. In Liberia, the regular review of protection cases by a core group of protection actors, including the Government, is better guaranteeing a systematic response to individual and community concerns. There are many constraints, however. In Chad, DRC, and Uganda, humanitarian access is limited, with problems arising from the activities of irregular armed forces and/or government policies.

32.   It will be recalled that some humanitarian agencies are gravely concerned that association with UN peacekeeping missions may jeopardize their own security and access to beneficiary populations. However, cooperation with peacekeepers may also hold potential. This is the case in DRC, where UN peacekeepers are gaining a greater appreciation for the protection implications of their activities and are more receptive to concerns raised by humanitarian actors. One example is the deployment of peacekeepers to Katanga Province to enhance security in a location where displaced persons had sought refuge.

33.   As security conditions permit, UNHCR and its cluster partners are improving the IDPs' living conditions. In **Somalia**, UNHCR has started three quick-impact projects to improve the protection of IDPs, in particular women and children. The Office is leading profiling exercises to ensure greater understanding of IDP communities. In Uganda, the efforts to promote freedom of movement for camp populations are beginning to bear fruit by enabling IDPs to start self-reliance activities that depend on access to areas outside the camps, such as farming and trading. In this country, camp coordination and camp management is being addressed by the Protection Cluster, which is developing a joint strategy to improve existing IDP camp management systems in the north. To better understand the needs of IDPs and to assist humanitarian actors in providing aid in Katanga Province in DRC, UNHCR is carrying out a registration exercise. UNHCR, in close collaboration with UN agencies, the Red Cross and NGOs, has also been able to start operationalizing plans in protection, coordination of IDP settlements and emergency shelter for Chadian IDPs.

34.   In trying to meet these challenges, a major challenge has been to establish an effective operational presence for UNHCR. It is critical for the legitimacy of UNHCR's leadership role as well as for the protection of IDPs to be in a position to carry out operational activities agreed with the cluster. In some cases, UNHCR initially borrowed funds from annual budgets and/or the Operational Reserve to initiate its activities. As funds are received, UNHCR has deployed staff and implemented projects. To date, however, funding has been limited. The effect has been most noticeable in northern Uganda where there are more than 200 IDPs camps and UNHCR is struggling to establish a presence. It has also proved difficult to identify available senior staff with the appropriate profiles (strong field experience in protection and interpersonal skills) to deploy on temporary missions, pending the creation of posts and recruitment of staff.

V. PROGRESS IN OTHER IDP OPERATIONS

35.   UNHCR continues to be engaged in a number of long-standing IDP situations where the cluster approach is not applied but where the principles of collaboration, strategic alliances and partnership with other UN agencies, NGOs and governments remain a central pillar of UNHCR's engagement. Such situations include the Russian Federation, Georgia, Kosovo (Serbia) and Sri Lanka. In the Caswaname region UNHCR is engaged in operations involving several million IDPs in Afghanistan, Iraq, and Pakistan. It was in Pakistan that a prototype of the cluster approach was first used, in response to the earthquake in October 2005, when the approach was still in the early stages of formulation. Although this was a natural disaster, UNHCR was morally impelled to offer its assistance in view of Pakistan's

long hospitality to one of the largest refugee groups in the world, and agreed to take on the lead role for camp coordination and management. Despite several problems encountered, the cluster approach proved reasonably successful in improving the response – particularly at the field level. An internal evaluation of this experience is distributed under separate cover.

36.   Two situations merit special attention in view of recent appeals for corresponding, supplementary budgets. In **Colombia**, where the cluster approach may be adopted following an inter-agency mission in late June, UNHCR has been chairing the UN Thematic Group on Displacement. The UN Country Team is refining a joint UN strategy modeled on the cluster approach, with UNHCR taking the lead role for the protection of IDPs. UNHCR's role with IDPs is further defined in the Memorandum of Intent signed with the Colombian Government. It includes direct protection to IDP communities and support to state authorities in making their response to internal displacement more effective. The Office works with institutions such as the Ombudsman and the Procurator General to defend IDP rights and to address the lack of access by IDPs to basic services such as health and education. Partnerships with civil society organizations and associations of IDPs have also proved important for advocacy and the active participation of IDPs in decentralized support committees. UNHCR has significant field presence in border areas and urban areas with a high concentration of IDPs. New displacement continues with more than 130,000 newly displaced per year. Recently the Government recognized that there were "between 2.5 and 3 million displaced" while only 1.73 million are registered. UNHCR has strengthened and expanded its activities to address new needs and to assist the Colombian Government in applying existing policies and enforcing legislation in the field.

37.   In **Nepal**, UNHCR is attempting to address the protection needs of IDPs, in response to the pressing request of the Secretary-General's Representative for the human rights of IDPs, and in full coordination with the country team. It has yet to receive funding for its programme proposal, which was included in the 2005 Consolidated Inter-agency Appeal Process (CAP) for Nepal. While the cluster approach has not been adopted by the country team in Nepal, at field level a distribution of responsibilities among agencies (in particular OHCHR, OCHA and UNHCR) has been agreed. OHCHR has the stronger protection capacity and is responsible for protection from displacement (prevention), monitoring of security conditions for and after return, support to development and implementation of government IDP policy and legislation. UNHCR's focus complements this role and focuses on monitoring, reporting and advocacy on issues of IDP access to basic services, documentation and property restitution, land, housing and property rights for IDPs, and IDPs' access to shelter and housing (camp/settlement management). OCHA leads inter-agency needs assessment (not limited to IDPs), facilitates the development of a comprehensive IDP response strategy and contingency planning, and provides support to the government in developing IDP policy and legislation.

38.   UNHCR and OHCHR in Nepal co-chair a sub working-group on IDP protection, under the umbrella of the Human Rights and Protection Working Group chaired by OHCHR. Among their activities is the mapping of areas of concern and of critical gaps related to the protection of displaced persons. The group recommends how to address them, defines the limits of humanitarian action regarding protection of IDPs and refugees in Nepal, and agrees on criteria for protection interventions.

39.   In Timor-Leste, UNHCR has recently agreed, in response to requests from the President of Timor-Leste and the Special Representative of the Secretary-General, to take on a strong role in the protection of IDP camps, within a collaborative, inter-agency operation. This includes the provision of emergency shelter and household items for up to 30,000 people. The Office furthermore plans to address the overcrowding in existing camps through the planning and construction of new camps with security

and protection as key elements.   While this crisis has not yet been placed under the "cluster approach" (a subject still under discussion within the Country Team of agencies), those sectors in which UNHCR is operating correspond to its specific expertise and to its commitments within the new framework.

VI. TENTATIVE CONCLUSIONS ON THE INITIAL EXPERIENCE OF THE CLUSTER APPROACH

40.   The cluster leadership approach has come up against the same problems that have always dogged attempts by the international humanitarian community to provide protection and assistance to the internally displaced, including difficulties of access, threats to staff security and the challenge of engaging in recovery efforts in a context of continuing instability. It is still too early to judge whether the cluster approach, even if fully successful in concerting efforts across the agencies, can address these inherent obstacles any better than previous approaches. Nevertheless, progress so far gives ground for optimism that the new impetus and coordination mechanisms created by the cluster approach will speed progress in clarifying basic concepts and operational roles when it comes to the protection of IDPs, in a manner consistent with the fundamental responsibilities of national governments.

41.   The success of the cluster approach will require effective coordination across the clusters, a large challenge even bearing in mind that not all of the nine clusters need to be created in every situation, and that the composition and grouping of the cluster responsibilities are meant to adapt to local requirements. The issue here is not only to avoid duplication of efforts, but to ensure that, for example, in needs assessment and programme planning, a holistic approach is taken that, *inter alia*, mainstreams policy priorities that are not the sole "property" of an individual cluster. In common with other areas, such as resource mobilization and resource allocation, where the duties of the Humanitarian Coordinator have been greatly expanded in the past year, this underlines the priority for a rapid improvement in the process for recruiting and deploying Coordinators and the need for adequate support for this function. They also serve to recall the "cross-cutting" nature of protection within the overall approach.

42.   UNHCR has stressed from the outset that the focus of the approach should be on practical implementation in the Field, rather than on building what may be too heavy and complicated architecture at the global level. At this point the Office feels that the balance of effort is beginning to improve. However, at the field level, experience such as that of Pakistan indicates that there is a risk of overflow of undigested information and a need to better draw together and analyse that information. The extra staff time needed for coordination within the cluster approach is also being compounded by the additional burden of submissions and reporting in connection with other aspects of humanitarian reform, notably the new pool-funding mechanisms.   These considerations also point to the need for efficient, overall coordination, managed with as light a structure and as simple a procedure as possible.

43.   A "make or break" issue for the future of the cluster approach has been the engagement of non-UN actors, who represent a much larger part of total operational delivery than the UN system. Although again too early to make a firm conclusion, progress so far may be deemed satisfactory at the global level, where an NGO reference group exists to supplement the participation of individual NGOs in the various clusters.   At the field level, redoubled efforts are needed to ensure better communication and coordination between the UN and non-UN parts of the humanitarian community.

44.   One of the key objectives of the new approach is the creation of additional capacity within all the nine "clusters" of humanitarian agencies; it will equally be necessary to work with national governments and regional organizations to develop their own capacities. This objective should be a fundamental indicator of progress and a major focus for the work of the global and field-level clusters. Capacity building, *par excellence*, needs to combine humanitarian and development expertise in response to IDP

situations, and a framework for bringing together these two sides of the aid community will therefore always be a prerequisite. In addition, the cluster approach should take into account the ways in which governments are organized and complement the responses they undertake. This worked very well in Pakistan, in response to the earthquake.

VII. OPPORTUNITIES AND CHALLENGES FOR UNHCR

45.   Insofar as UNHCR itself is concerned, the experience of the cluster approach has so far been positive on many fronts, not least because the existence of the new, inter-agency approach, and UNHCR's commitment to it with ExCom's support, have provided a clear framework for dialogue with ExCom, donors and operational partners on the application of the Office's mandate for IDPs. It is not an exaggeration to say that the dialogue is further advanced, and based on a more solid footing, than at any time in the past. Similarly, UNHCR's ability to focus attention on three key sectors linked to our core protection function (while not slackening efforts in the other clusters where it participates), combined with a commitment to act in all future IDP situations where the cluster approach is applied, gives the opportunity to the Office to plan with a much clearer idea of what its potential involvement will be.

46.   By the same token, however, uncertainty about the future of the cluster approach poses risks for a UNHCR policy that is now largely predicated on the success of the approach. Apart from the issues raised in the preceding section, these uncertainties include the extent to which the cluster approach will be extended to more countries, how systematically it will be applied in new emergencies and the differing interpretations of the concept of "provider of last resort" as it applies to cluster leads. While UNHCR is working with its colleagues in the IASC to clarify some of these issues, the uncertainties must also be resolved through the application of a consistent policy across the governing bodies of the respective agencies.

47.   The risk attendant on any future inconsistency or haphazard application of the cluster approach is that UNHCR may eventually not be engaged as predictably in new IDP emergencies as it would like. Where the cluster approach is not applied, the Office would still need a separate and specific request from the Secretary-General or his direct representative (such as has occurred recently in Timor-Leste). The lack of predictability may well draw UNHCR back to the days of "pick and choose," and would certainly handicap preparedness measures and responsiveness.

48.   UNHCR also believes that the system of mutually-binding commitments contained within the cluster approach is of great importance in managing the risk that IDP programmes may overburden its budget and ultimately leave UNHCR handling situations without adequate support from the rest of the humanitarian system. The reliance of the Office on the success of the new system is therefore a risk-management strategy in itself. Conversely, in view of the uncertainties referred to above, it is also an element of vulnerability not just for the Office but, in view of UNHCR's central role in that system, the future improvement of humanitarian response to IDP situations. In this context, UNHCR greatly welcomes the ERC's decision to establish a Humanitarian Reform Support Unit in Geneva, as OCHA's leadership and support are essential to maintaining the momentum achieved in the cluster approach.

49.   In parallel with progress so far in applying the cluster approach, UNHCR has also found that the new, inter-agency forums created by the approach have opened new opportunities for strengthening its collaborative arrangements on IDPs in other countries and, globally, with its key partners within the IASC (for example, the creation of a joint working group with WFP, covering a range of operational issues with a focus on IDPs). Particularly in the area of protection, there has been good progress made in forming strategic alliances with some key NGOs (for example the global level MoU with NRC). Furthermore,

UNHCR will work with the various cluster leads to ensure that HIV/AIDS programmes for IDPs are integrated into all relevant clusters.

50.   UNHCR will reinforce its dialogue with ICRC to ensure a better understanding of protection gaps and the opportunities provided by the cluster approach to address them. UNHCR will also seek to ensure through the protection cluster that the response in any given crisis will take full account of ICRC's specific mandate and operations, not just to avoid overlaps and duplication but also to create synergies wherever possible.

51.   As noted, further response capacity and preparedness are needed across the system in the critical gap areas identified for cluster leadership.   UNHCR will need to build a large share of that capacity, in partnership with other cluster participants.   In response to ExCom Members' requests for information on emergency deployment capacity, this paper has provided some elements, but a fuller picture may be provided in connection with the broader initiative of the High Commissioner to ensure a standing response capacity for any new emergency involving up to 500,000 beneficiaries.

52.   Within UNHCR Headquarters, a very light structure has been established to lead and develop the new cluster approach.   Much of the work is being carried out through existing posts in a restructured DIPS and DOS. Only one P5 post has been redeployed to be devoted full-time to the exercise. In addition, UNHCR appreciates enormously the forthcoming secondment of 3 NRC staff to assist with the cluster lead work, and a short-term secondment from OCHA's Internal Displacement Division to assist the Senior Adviser on IDPs. To ensure awareness across the Office and consistency in messages and approaches, a working level group formed from across divisions and Regional Bureaux meets regularly to support the work at the HQs level and to provide practical guidance to the field.

53.   Last but not least, funding remains a key risk factor for the success of the new approach, based as always on the principle of additionality. Reporting on this issue, and on the related question of budget structures, is provided under separate agenda items. However, the principle of additionality should co-exist with efficiencies of administration and operations which themselves point to the need for a full mainstreaming of IDP operations within the current structures for contingency planning, risk awareness, preparedness and response.

IMPACT ON REFUGEE PROTECTION:

SITUATIONS IN WHICH THE INSTITUTION OF ASYLUM COULD BE UNDERMINED BY UNHCR PARTICIPATION IN, OR LEADERSHIP OF, CLUSTER OPERATIONS IN FAVOUR OF INTERNALLY DISPLACED PERSONS AND AFFECTED POPULATIONS

- Where involvement with internally displaced persons and affected populations is part of an overall national or regional strategy, including framework agreements, to contain displaced persons within the borders of their country, in contravention of the right to seek and to enjoy in other countries asylum from persecution.

- Where UNHCR's involvement with internally displaced persons and affected populations poses a serious risk that countries of asylum may renounce protection obligations toward refugees and asylum-seekers on the basis that the United Nations protection response in the country of origin would constitute an "internal flight alternative".

- Where the perception of UNHCR's impartiality would be negatively impacted, to the extent that humanitarian access to refugee populations in need would be seriously jeopardized/diminished; or where involvement with internally displaced persons and affected populations would compromise relationships with host governments or parties to a conflict to the extent that there would be a substantial negative impact upon protection and assistance activities for refugees.

- Where involvement with internally displaced persons and affected populations within a collaborative inter-agency framework could lead to a conclusion or an interpretation by countries of asylum that Article 1D of the 1951 Convention[6] is applicable.

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[6] This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.