

Inter-Agency Standing Committee (IASC)

OPERATIONAL GUIDANCE ON THE CONCEPT OF 'PROVIDER OF LAST RESORT'

The *IASC Guidance Note on Using the Cluster Approach to Strengthen Humanitarian Response (November 2006)* describes the 'provider of last resort' concept in the following terms:

- The 'provider of last resort' concept is critical to the cluster approach, and without it the element of predictability is lost. It represents a commitment of cluster leads to do their utmost to ensure an adequate and appropriate response. It is necessarily circumscribed by some basic preconditions that affect any framework for humanitarian action, namely unimpeded access, security, and availability of funding.
- Where there are critical gaps in humanitarian response, it is the responsibility of cluster leads to call on all relevant humanitarian partners to address these. If this fails, then depending on the urgency, the cluster lead as 'provider of last resort' may need to commit itself to filling the gap. If, however, funds are not forthcoming for these activities, the cluster lead cannot be expected to implement these activities, but should continue to work with the Humanitarian Coordinator and donors to mobilize the necessary resources. Likewise, where the efforts of the cluster lead, the Humanitarian Country Team as a whole, and the Humanitarian Coordinator as the leader of that team are unsuccessful in gaining access to a particular location, or where security constraints limit the activities of humanitarian actors, the provider of last resort will still be expected to continue advocacy efforts and to explain the constraints to stakeholders.
- For cross-cutting areas such as Protection, Early Recovery and Camp Coordination, the concept of 'provider of last resort' will need to be applied in a differentiated manner. In all cases, however, cluster leads are responsible for ensuring that wherever there are significant gaps in the humanitarian response they continue advocacy efforts and explain the constraints to stakeholders.
- In the case of emergency shelter, IFRC's commitments are described in an MOU between IFRC and OCHA. IFRC has not committed to being 'provider of last resort' nor is it accountable to any part of the UN system... It will, however, do its utmost to ensure an adequate and appropriate response as far as the network's capacities, resources, as well as the access and security situation allow.

In May 2008 the IASC Task Team on the Cluster Approach reaffirmed the guidance above. The Task Team also noted that the *IASC Generic Terms of Reference for Sector/Cluster Leads at the Country Level* provides a detailed outline of the wide range responsibilities of sector/cluster leads. It emphasized that the responsibility of cluster leads to act as 'provider of last resort' should be seen in the context of this broader set of responsibilities, which are all aimed at ensuring that all appropriate steps are taken to avoid critical gaps in response in the sector or area of activity concerned.

The IASC Task Team further noted that, as stated in General Assembly Resolution 46/182, '*each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory*' and as such '*the affected State has the primary role in the initiation, organization, coordination and implementation of humanitarian assistance within its territory*'. In line with this, agencies designated as sector/cluster leads by the Humanitarian Country Team are responsible for working in close consultation and coordination with national & local authorities and partners to ensure a strategic, balanced, and well-prioritized response in the sector or area of activity concerned.

Concerning the specific responsibilities of cluster leads to act as providers of last resort within their sectors or areas of responsibility at the country level, the IASC Task Team further clarified that:

1. Where necessary, and depending on access, security and availability of funding, the cluster lead, as provider of last resort, must be ready to ensure the provision of services required to fill critical gaps identified by the cluster.
2. The responsibility for acting as provider of last resort falls to the cluster lead for the particular sector concerned. In the case of clusters that have a multi-sectoral focus (e.g. Protection, Early Recovery and Camp Coordination/Camp Management), cluster leads for each of the relevant sectors (e.g. Health, Water/Sanitation/Hygiene etc) remain responsible for acting as providers of last resort within their own sectors.
3. In the case of the protection cluster, Focal Point Agencies¹ are responsible for acting as provider of last resort within their particular areas of responsibility, under the overall leadership of the designated cluster lead for protection and as agreed by the protection cluster at the country level.
4. Where an early recovery cluster is established (in addition to an early recovery network), it is the responsibility of the designated cluster lead for this cluster to either act as provider of last resort for the cluster as a whole, or to specify which agency is responsible for acting as provider of last resort within particular areas of responsibility.
5. In the case of clusters where co-leads are designated at the country level, their respective responsibilities for acting as provider of last resort should be clearly defined.
6. Where critical gaps persist in spite of concerted efforts to address them, cluster leads are responsible for working with the national authorities, the Humanitarian Coordinator and donors to advocate for appropriate action to be taken by the relevant parties and to mobilize the necessary resources for an adequate and appropriate response.

Endorsed by the IASC Working Group on 20 June 2008

¹ At the global level, the Protection Cluster Working Group has five Focal Point Agencies that are responsible for specific technical areas (OHCHR/UNDP for Rule of Law and Justice; UNFPA/UNICEF for Prevention and Response to Gender-Based Violence; UN-HABITAT for Housing, Land and Property Issues; UNICEF for Child Protection; and UNMAS for Mine Action). At the country level, the Protection Cluster may put in place similar arrangements where appropriate.