



# talk back

The Newsletter of ICVA

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## SPECIAL ISSUE: HUMANITARIAN REFORMS

### WHAT IS ALL THIS “CLUSTER” TALK?

**T**he last three months have seen a flurry of activity in the humanitarian world – at least at the headquarters level – as agencies have been looking at assigning UN agencies as “cluster leads” in sectors where there are often gaps in the humanitarian response. What all this talk around cluster responsibilities and tasks will add up to remains to be seen. The idea, however, is that there will be an improved and more predictable humanitarian response to those affected by conflict situations and natural disasters (the current process leaves aside refugee situations where UNHCR has a mandate). Will all the cluster talk actually lead to a more effective humanitarian response in crises or will it just result in the creation of additional layers of coordination and bureaucracy? Is the cluster approach actually addressing some of the most fundamental problems in the humanitarian system? This issue of *Talk Back* looks at various aspects of the recent and ongoing humanitarian reforms.

The whole cluster process has its roots in an effort that started in 2004 when the Emergency Relief Coordinator (ERC) and Under-Secretary-General for Humanitarian Affairs, Jan Egeland, decided that the humanitarian response system was not predictable enough in its response and something needed to be done. The slowness and inadequacy of the response in Darfur, Sudan prompted the ERC to commission the Humanitarian Response Review (HRR) late last year to examine the way in which the international humanitarian system responded to crises and to provide recommendations to improve the system. The fact that the HRR would not look at local and national responses was pointed out to the ERC early on in the process as a major gap, but the HRR continued anyway with its focus at the international level.

When the draft of the HRR came out, there was the recognition that the review was incomplete, given that it only looked at the international response. A number of observations and recommendations were made, but they were never really discussed in detail among humanitarian agencies who are part of the Inter-Agency Standing Committee (IASC), which brings together the UN, the Red Cross/Red Crescent Movement, NGOs (through three NGO consortia, including ICVA), and IOM. Instead, the IASC was told by the ERC that the issue raised in the HRR to be taken up immediately was that of assigning cluster responsibilities in various sectors. The priority activity for improving the humanitarian

*see over*

#### Table of Contents

##### Introduction

- What is All this “Cluster” Talk? 1

##### Humanitarian Reforms

- The ERC’s Control Panel to Activate Humanitarian Response 5
- UNHCR and IDPs: From Whimsical to Predictable? 7
- Benn-chmarking 11
- Vacancy: Roster of Humanitarian Coordinators - Applications Welcome 14

## INTRODUCTION

# What is All this “Cluster” Talk?

*continued from previous page*

system was decided by the ERC and the UN, with the suggestions of others to look at coordination (and particularly the Humanitarian Coordinator (HC) function) and benchmarking being brushed aside to be addressed at later dates.

### ***Summer Flurry***

With this decree by the ERC, the activity began in mid-July, as the UN agencies all seemingly agreed with the ERC’s preferred solution to the problem of an unpredictable and varied humanitarian response – assigning agencies to be cluster leads.

While others within the IASC questioned whether or not this cluster approach was the best way forward to improve the humanitarian response, there was little that could be done to redirect what had already been put into motion by the UN. The pie had been cut up by the UN and the rest were offered to either partake or step back and watch. UN agencies were lined up to take the lead of cluster working groups to come up with plans over the Northern summer period so that by the September General Assembly Summit, the UN would be able to show that it was able to respond and improve itself, at least in one area – humanitarian assistance.

### ***Cluster Leads***

By the beginning of September, the heads of the UN agencies agreed to recommendations put forward by the cluster working groups to have the following agencies as leads with managerial responsibility and accountability for nine clusters:

1. Camp Coordination and Management – UNHCR (for conflict-generated IDPs)
2. Emergency Telecommunications – OCHA for overall process owner; UNICEF for data collection; WFP for common security telecommunications service
3. Early Recovery (formerly called Reintegration and Recovery) – UNDP
4. Emergency Shelter – UNHCR (for conflict-generated IDPs)
5. Health – WHO
6. Logistics – WFP
7. Nutrition – UNICEF
8. Protection – UNHCR (for conflict-generated IDPs)
9. Water and Sanitation – UNICEF

The cluster designation is seen by the UN as a genuine means of improving the way that the humanitarian system works and better ensuring accountability. The cluster leads are meant to provide a means of supporting the Resident and Humanitarian

***One could ask if the cluster approach is not simply putting a band-aid on the symptom instead of addressing some of the fundamental problems in the humanitarian response system.***

Coordinators in ensuring a coordinated response. Currently, there are no leads for IDPs in non-conflict situations (i.e. natural disasters) in the clusters for which UNHCR has responsibility. Discussions are continuing in the protection cluster on

the issue of broader protection (beyond IDPs). There is also an acknowledgement that there are three types of clusters – provision of assistance to beneficiaries (health; water and sanitation; camp coordination and management; emergency shelter; and nutrition), service provision (telecommunications and logistics), and cross-cutting issues (protection and early recovery), which will require close coordination with the other clusters.

For camp coordination and management and emergency shelter in non-conflict situations, the International Federation of Red Cross and Red Crescent Societies (IFRC) is looking into the

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*see next page*

## INTRODUCTION

# What is All this “Cluster” Talk?

*continued from previous page*

possibility of its role as a lead. The International Organization for Migration (IOM) has already said it is willing to play a role in leading in these sectors in natural disasters and is engaging in discussions with IFRC and others, to come back with a proposal to the IASC heads of agency by their December meeting.

From now until the end of the year, the cluster working groups are working on implementation plans that are to be put into practice by the beginning of 2006. Yet a number of questions remain. Which countries will be the focus of the first implementation attempts? From where will the resources come in order to build up capacities in the cluster leads? How will current situations, in which the response is inadequate, be improved if the country teams feel that they are doing a fine job and do not need external help?

### ***NGOs and Clusters***

NGO involvement in the clusters has been limited to date. Efforts were made by the three NGO consortia on the IASC (ICVA, InterAction, and the Steering Committee for Humanitarian Response (SCHR)) to engage NGOs in the process, with the result that at least the Sphere focal points were involved in four clusters – health, nutrition, emergency shelter, and water and sanitation. Given the work of NGOs in developing the Camp Management Toolkit, the Norwegian Refugee Council was brought into the camp coordination and management cluster. A few NGOs participated in the protection cluster, which examined IDP protection and broader protection issues separately.

There are attempts to get NGOs more engaged in the work of the clusters. For many NGOs, however, there are questions about how worthwhile such engagement is. Many of the discussions have been focussed on very technical aspects and issues around responsibilities of the cluster lead and what would be involved in creating a dedicated capacity at the headquarters or regional level. For many NGOs, the proof of the value of this cluster approach will be at the field level. The challenge now is making sure that all of these efforts have an impact at the field level that is positive and not just a means of creating new layers of bureaucracy and coordination.

### ***Not All Just About Clusters***

A crucial aspect, which is seemingly being given less attention, is the important recommendation that came out of the IASC Working Group meeting this September – to engage in a process that examines issues around humanitarian space and peace-building missions, given the concerns that many outside of the UN have about such missions. In the past, most of the discussions around so-called “integrated missions” have been isolated within the UN, with the Department of Peace-Keeping Operations (DPKO) and the Department of Political Affairs

(DPA) largely running the show. With the recognition and call by the IASC to ensure that the UN has a discussion with the broader humanitarian community, given the way in which integrated missions impact on their work, the UN will have to embark on a serious process of dialogue within the IASC instead of

the lip service to non-UN concerns on the matter that has been seen so often.

*see over*

## INTRODUCTION

# What is All this “Cluster” Talk?

*continued from previous page*

### ***Symptoms and Not the Cause***

One could ask if the cluster approach is not simply putting a band-aid on the symptom instead of addressing some of the fundamental problems in the humanitarian response system. Inadequate coordination mechanisms, led by the Resident or Humanitarian Coordinator, play a major role in a weak response. With regards to coordination, the problem does not seem to be a lack of coordination

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meetings (there are often too many such meetings), but the lack of joint analysis, which includes taking policy decisions on the type of response, and priority setting. The way in which needs are assessed and addressed is an area where much work remains to be done. Working with local and national capacities is still not the first and foremost course of action of many humanitarian agencies. Ensuring that well-trained humanitarian staff are able to get to situations rapidly, and remain without rotating out quickly, is a challenge that agencies need to meet. The lack of funds allocated to so many neglected crises dooms the humanitarian response to be disproportionate between countries and populations.

Given the pace of the initiatives, many within the humanitarian community, particularly at the field level, are just beginning to hear about what is happening. The first piece in this issue of *Talk Back*

takes a look at the root of these reforms – the Emergency Relief Coordinator and the Humanitarian Response Review that he commissioned.

Particular focus is given in the second piece to one of the biggest areas of potential change: the role of UNHCR *vis-à-vis* IDPs in conflict situations and the resulting challenges that will need to be tackled by the organisation. The two final pieces examine issues that were raised in the HRR, but which were pushed back for real examination until later in the year by the IASC: the issue of benchmarking, which is being taken forward by the United Kingdom’s Department for International Development (DFID), and the Humanitarian Coordinator function, which is supposed to be at the core of a well-coordinated response.

The hope is that by providing a critical reflection on the reforms, improvements will be made in the process to ensure that there is actually a better

*Without the will of governments, this exercise of reforming the humanitarian system risks being simply a navel gazing exercise on the part of humanitarians.*

humanitarian response. It is true that the humanitarian system does not work in a predictable or impartial manner when looking at global humanitarian needs. An improved response, however, will require more than just the good will and efforts of humanitarian workers. Governments – both those of countries where there are displaced persons and of donor countries – have a crucial role to play in enabling an improved humanitarian response. Without the will of governments, this exercise of reforming the humanitarian system risks being simply a navel gazing exercise on the part of humanitarians. ♦

*An improved response will require more than just the good will and efforts of humanitarian workers.*

## HUMANITARIAN REFORMS

### THE ERC'S CONTROL PANEL TO ACTIVATE HUMANITARIAN RESPONSE

**T**he management and coordination of humanitarian response globally, bringing together the UN system, as well as the non-UN agencies, is a daunting task. Humanitarian agencies form a system that is neither centralised nor homogenous. This system does not lend itself to be activated and sent in different directions when the Emergency Relief Coordinator (ERC) pushes buttons on a control panel.

Meeting with the Working Group (WG) of the Inter-Agency Standing Committee (IASC) in November 2004, the ERC, Jan Egeland, did not, however, contradict such an image that would see him sit in front of a world map and control panel enabling him to decide where, and when, agencies should go to respond to humanitarian needs. His frustration with the majority of aid agencies being slow to arrive on the scene, inadequate in their response, and present with too few staff in the Darfur crisis had brought him to the point of looking for a centralised mechanism that would help him in his job of coordinating global humanitarian assistance.

#### ***Reviewing Capacity***

Before deciding on the mechanism, he commissioned a team of four individuals to undertake a review of the global response capacity, known as the Humanitarian Response Review (HRR). Through an inventory of the global capacity, the review found a number of serious and well-known gaps in the system's ability to respond adequately. Unfortunately, the HRR misses the point on quite a number of problems, most likely due to the short lifespan of the review, which must have prevented in-depth research and analysis on the causes of these problems.

The HRR notes, for example, that what it perceives as the three international humanitarian networks, i.e. the UN agencies, the Red Cross/Red Crescent Movement, and the NGOs, remain vertical to each other and that collaboration between them needs to be improved. The HRR suggests the creation of, at least, a quarterly joint consultative forum at the level of directors of emergencies. This "solution" does not address the real issue at all. What the HRR pictures

as three vertical networks are, in reality, groupings of highly diverse agencies with very different structures for decision-making. Such a description comes close to being out of touch with reality in assuming that the NGO community works as one of these vertical "columns." A quarterly meeting at the headquarters level is unlikely to have any value other than adding another layer of bureaucracy. NGOs are used to determining operational priorities and strategies at the field level.

Yet, the HRR suggestion seems to link with the ERC's concept of having more headquarters' managed coordination mechanisms. Even before the HRR report saw its final version, the ERC had decided on his mechanism when he rolled out a model of nine sectoral clusters. Cluster members are mostly UN agencies, supposedly complemented by a number of international NGOs that can be found willing to assist the UN in implementing services in that sector.

There is no doubt that the sectoral clusters model reinforces the image of an ERC being at the top of a top-down system in which he pushes buttons to activate international agencies to respond to different crises. There is one problem for the ERC: the majority of the operational capacity in humanitarian response lies with the NGOs at the field level.

#### ***NGOs and the HRR***

Non-governmental humanitarian action is voluntary by nature and NGOs do not lend themselves to top-down coordination by the UN system, as their structures are often highly decentralised. Fundamentally, NGOs work bottom-up. It is precisely for these reasons that the HRR was unable to assess the NGO capacity. The only effort the HRR undertook to look at capacities on the ground was a trip to Nairobi for a meeting with agencies working in the East Africa region. Only a small number of international NGOs responded to the questionnaire sent out by the HRR team. One important international NGO family refused to participate in the review, as it is generally averse to engaging in a

*see over*

## HUMANITARIAN REFORMS

### The ERC's Control Panel to Activate Humanitarian Response

*continued from previous page*

structural relationship with the UN system, especially at a time when the UN's humanitarian coordination structures are, as a general rule, integrated in multi-faceted (or integrated) UN peace-building missions, where these are present.

#### **Exclusion**

Perhaps even more worryingly, the capacity of national NGOs was excluded from the review. Admittedly, it would be a Herculean task to inventorise the capacity of national NGOs world-wide, but their exclusion poses significant questions as to the ERC's (and HRR's) vision on the way forward with regards to humanitarian response. In fact, comparing the model of a centralised, predominantly Western, aid system being at the ERC's disposal to extinguish bushfires with his earlier statements about the aid community needing to become less "white," one can wonder what has happened to this more inclusive vision.

#### **Making the Clusters Less UN-Centric**

At the moment, while the ERC has made a commitment to making the sectoral clusters less UN-centric and more inclusive of non-UN agencies, it will require a dramatic overhaul of the clusters in order to ensure that the consultation on improving capacity gets more in touch with field reality. One of the challenges that the clusters will face is moving beyond discussions on technical matters that relate to capacity, such as in the shelter cluster ensuring adequate quantities of tents or plastic sheeting. The real gap in capacity revolves around the ability to address more fundamental policy issues related to each cluster. A quick look at the response in Aceh, Indonesia following the tsunami shows that the main problems in the shelter sector revolve around the basic questions of who will build when, where, and what type of houses. Complicated issues around land and property rights, temporary versus transitional and/or permanent shelter, or knowledge of the local customs and culture come up in every situation and have not been satisfactorily addressed by the sector as a whole.

It is worrying, and telling, in this respect that the shelter cluster is still discussing the whereabouts of stockpiles of sheeting and tents globally, as if this technical question is the most important issue at hand. One favourite action of the UN agencies leading the clusters is to engage in capacity mapping exercises and developing matrices for implementation plans. These efforts seem, once again, to forget the voluntary nature of humanitarian action. Theoretically, a shelter NGO could be created today, leave for a given situation tomorrow, and start building houses the following day, thereby making the inventory of capacity in the shelter sector outdated within 72 hours.

#### **A Bottom-Up, Collaborative Process**

The control panel approach with the sectoral clusters model as its main mechanism is likely to fall flat on its face if the ERC does not make badly needed adjustments that bring this system in touch with reality. For a start, the ERC needs to ensure that his proposals to improve humanitarian capacity are based on the fact that the main humanitarian response capacity rests with the NGOs. In order to make this capacity effective to use, he needs to design a bottom-up process, which should take place in different locations in the world, in particular near humanitarian crisis areas. The starting point for these consultations should be a collective agreement of the main policy (and political) problems in a particular sector. Joint analyses and definition of possible solutions should follow, before moving onto technical questions relating to capacity.

Such a process is not impossible in the humanitarian sector. By parallel, the Sphere Project to develop a *Humanitarian Charter and Minimum Standards in Disaster Response* brought together more than 4,000 contributors from 400 organisations in 80 countries. It did so, however, over a period of more than six years. Whether the ERC has so much time is a major question. The control panel, which could bring quick-fix solutions through the sectoral clusters model, may be too politically attractive for the ERC. The chances of its long-term impact in the sector remain to be seen. ♦

## HUMANITARIAN REFORMS

# UNHCR AND IDPs: FROM WHIMSICAL TO PREDICTABLE?

Perhaps one of the most positive outcomes of the whole cluster approach is that there is now a UN agency that will be responsible for ensuring the protection of internally displaced persons (IDPs) in conflict situations when the government is unable or unwilling to do so - UNHCR. For the first time, UNHCR has made a firm commitment to respond in a predictable manner to the protection needs of conflict-affected IDPs, as well as assuming responsibility for camp coordination and management and emergency shelter for the same population. UNHCR will have managerial responsibility and accountability for these three clusters, will be the "first port of call," and be the "provider of last resort" in terms of ensuring that these areas are covered in a response.

This commitment, however, has a number of caveats attached to it, including not getting involved when the right to seek asylum might be undermined. How will things be different from now on when it comes to UNHCR's role vis-à-vis IDPs and will this commitment actually result in a more predictable response to IDP needs? Perhaps more seriously, the impact on UNHCR's refugee protection mandate will still be the same as before. What will be done to ensure that the right to seek asylum is not undermined? Will UNHCR's new commitments to IDPs result in situations where states close their doors to asylum-seekers and refugees, sending them back because they feel UNHCR will be able to provide them with adequate protection in-country?

### ***The Biggest Challenges Remain Unaddressed***

Some of the biggest challenges in meeting the protection and assistance needs of IDPs are beyond the control of humanitarian agencies. No humanitarian agency, on its own or in conjunction with other humanitarian agencies, will be able to fully ensure the protection of IDPs. There needs to be a sense of realism in undertaking responsibility for IDP protection in conflict situations. It is governments that often contribute to internal displacement and governments and combatants that control access to areas where there are IDPs. In situations where access cannot be attained, there will still be no predictable

humanitarian response. Without being able to access the populations in need, humanitarian assistance and protection will not be forthcoming. Security will also play a major role in agencies' abilities to ensure a predictable response. Even putting large numbers of protection officers on the ground in IDP situations will be no guarantee of protection, especially when armed attacks take place, as has been seen again recently in Darfur, Sudan.

### ***What Will be Different This Time?***

UNHCR has defined its policy towards IDPs numerous times over the years. A recent evaluation of UNHCR's IDP policy entitled, *Consistent and Predictable Responses to IDPs: A Review of UNHCR's Decision-Making Processes*, pointed out that in several cases, the same criteria used to justify not getting involved in certain IDP situations were also used to justify involvement in the same or other IDP situations. UNHCR's involvement with IDPs in the past has been anything but predictable; the response has been, instead, rather more whimsical.

*The rights and needs of one group (namely refugees and asylum-seekers) should not be traded off in order to meet the needs and rights of another group (namely IDPs).*

Now, UNHCR has said that it will get involved with IDPs unless it risks undermining the right to seek asylum. The rights and needs of one group (namely refugees and asylum-seekers) should not be traded off in order to meet the needs and rights of another group (namely IDPs). A real risk with UNHCR's responsibility towards IDPs is that the governments that favour internal flight alternatives, for example, will only be bolstered in these approaches.

In order to effectively improve its ability to lead the response to IDP protection, camp coordination and management, and emergency shelter, there are a number of areas where the organisation needs to make some fundamental changes in order to succeed,

*see over*

## UNHCR and IDPs: From Whimsical to Predictable?

*continued from previous page*

particularly given the massive increase in the numbers of people with which the organisation is to work. Without addressing these areas, the organisation risks falling into the same pattern as before - responding to IDPs inconsistently and unpredictably.

### ***To Get Involved or Not to Get Involved***

UNHCR will only become involved in IDP situations with the consent of the host government. While, indeed, issues of state sovereignty do play a role in being able to respond to IDP situations, there can be different approaches as to how to get involved in an IDP situation. One approach is to sit back and wait for the government to come to UNHCR and ask for its involvement. The other is to proactively seek that request from the government - either by directly approaching the government, getting other parts of the UN to approach the government, or by getting other governments to pressure the host government to invite UNHCR to assist and protect IDPs.

IDP protection has always been one of the biggest gaps in the response to IDPs. Host governments, particularly those that are responsible for causing the displacement, do not want international agencies to hold them to account for their violations of international obligations. Without support and pressure from other governments, UNHCR will likely not be invited in to help protect IDPs in many situations.

If a more predictable response to IDPs is to be ensured, UNHCR must proactively rally support for its engagement in IDP situations so that governments will more readily invite UNHCR in to coordinate the response or provide the response itself, as a last resort. Government support for UNHCR's new responsibilities will be vital for the organisation to succeed in fulfilling its commitments.

UNHCR has correctly indicated that its involvement with IDPs must not come at the cost of its core mandate - refugee protection. The criteria for when UNHCR will not get involved revolve around the risk of undermining the right to seek asylum.

If UNHCR does not get involved, or ceases its involvement, in an IDP situation because the criteria of undermining asylum are met, who will step in to fill the gap? This scenario is not unlikely as in many, if not most cases, there could well be an impact on the ability of refugees to seek asylum.

In the end, what is probably needed is a crystal ball that the High Commissioner can look into to see if the organisation's involvement with IDPs, could at some point, undermine the right to seek asylum. However, given the dearth of reliable crystal balls, UNHCR will have to develop further its criteria of when not to get involved so that mere mortals can determine the impact on the right to seek asylum. The criteria need to be much clearer than they currently are, with indicators being built in so that there can be a consistent and quick application of the criteria. These criteria should be developed in consultation with other actors, including NGOs.

### ***Last Resort***

The other area that requires clarification regarding UNHCR's involvement is that of defining "last resort." UNHCR is to be the provider of last resort for each of the clusters. When, in reality, will the last resort be determined? How bad does the situation have to be before UNHCR steps in and starts providing services and protection? There is also the possibility that "last resort" becomes the preferred response. How will the organisation adapt if others consistently do not step up to the plate, leaving UNHCR to pick up the pieces and respond? Will other agencies be held to account for their shortfalls in the response or will the entire responsibility fall to UNHCR? After all, the collaborative response is still the basis of the response and if agencies do not respond, they should also be held accountable in some way, shape, or form.

*see next page*

## HUMANITARIAN REFORMS

# UNHCR and IDPs: From Whimsical to Predictable?

*continued from previous page*

### ***Operationalising Protection and the Resulting Staff Changes***

UNHCR is very good at developing guidelines and instructions on refugee protection. Operationalising those guidelines and instructions, however, has been a major struggle for the organisation and there is an urgent need to make UNHCR's field operations accountable for their protection role. Getting away from a legalistic approach to refugee protection is a challenge with which the organisation continues to grapple. The new Assistant High Commissioner for Protection could play a positive role in helping ensure that protection is better operationalised. The High Commissioner has said that there will not be a need for new positions at the HQ level. Yet, at the same time, field staff will need to be properly supported in their IDP protection roles by HQ staff that can provide them with the expertise and guidance required when difficult situations arise.

Operationalising IDP protection will be an even greater challenge than refugee protection, given the fact that the legal framework is quite different for

*UNHCR cannot, of course, do all the work related to its IDP responsibilities on its own.*

IDP protection and that in many cases, governments are not particularly willing to engage in discussions about IDP protection. Many UNHCR representatives are, already, often unwilling to challenge governments adequately in their failures in refugee protection. It will be

even harder to challenge governments in their human rights failures towards IDPs. UNHCR will have to ensure that the right type of representatives are put into IDP situations - those that understand the challenges of IDP protection and the organisation's responsibilities in confronting host governments when necessary.

UNHCR will have to undergo quite some efforts in order to ensure that the right profiles of staff are put into place in IDP situations. While there are a number of UNHCR staff that have experience from IDP situations, the numbers that will be required to adequately address the organisation's new responsibilities are likely far greater than those available. The Protection Standby Capacity (PROCAP), now being developed under the leadership of the Inter-Agency Agency Internal Displacement Division (IDD), is a resource that can be drawn upon, but those protection officers are meant to be short-term providers of a protection capacity. UNHCR will have to carefully examine the way in which it staffs its offices and the way in which it trains staff throughout the organisation to ensure that they are equipped to adequately follow through on the recent commitments to IDPs.

### ***Getting the Real Work Done***

UNHCR cannot, of course, do all the work related to its IDP responsibilities on its own. How is UNHCR going to work strategically with its partners? The discussions in the cluster working groups should be focused on these strategic discussions instead of on the nuts and bolts of operations - what will UNHCR need in order to roll out a coherent strategy in an IDP situation? As with the whole cluster approach, there is the risk that the proverbial forest is not seen for the trees. There needs to be dialogue between the clusters, particularly those for which UNHCR is responsible. UNHCR needs to be engaging in strategic discussions with partners - particularly NGOs (who will do much of the actual work) and the Office of the High Commissioner for Human Rights (OHCHR, which should be able to play a role in ensuring that UNHCR staff are better versed in human rights law and instruments). UNHCR also needs to be looking at how it will better use human rights machinery (the various committees and the soon-to-be created Human Rights Council) to better implement its protection role.

*see over*

## HUMANITARIAN REFORMS

# UNHCR and IDPs: From Whimsical to Predictable?

*continued from previous page*

### ***From Where Will All the Resources Come?***

Scaling up operations to respond to IDPs in the areas to which UNHCR is committed will require massive new resources. Responding adequately to the increased numbers will mean that donors are going to have to live up to the commitments that they have made, particularly through the Good Humanitarian Donorship (GHD) Initiative. After all, UNHCR will not get involved in situations if there are not adequate resources available.

At the same time, NGOs also need to look at how they are going to scale up their operations to better respond to IDP needs. NGOs are also reliant on donor funds to respond to situations. How will NGOs do better in terms of responding to IDP situations - particularly those situations that are not in the public spotlight?

### ***The Biggest Question Mark***

Over the years of responding to IDPs through the collaborative response, there has been little or no accountability when Resident and/or Humanitarian Coordinators have failed in their responsibility to IDPs. Neither has the Emergency Relief Coordinator, who is the lead responsible in IDP responses, been held accountable for failures in the IDP response. Who is going to hold UNHCR accountable if it fails in fulfilling its responsibilities to IDPs in conflict situations?

The reforms so far have taken place in the context of the IASC. UNHCR can be called to task for its failures in this forum - and NGOs will have an important role in doing so. But chiding UNHCR for its failures towards IDPs in the IASC context makes little difference to an internally displaced person. Some of the humanitarian reforms may find their way into a General Assembly resolution in the context of the broader UN reforms. What will the General Assembly will do if UNHCR fails in its responsibility? Given that many of the member states

will have a contributing role in that failure means that there will likely be little sanction. UNHCR's Executive Committee is another arena where the organisation can be held accountable, but again, the resulting improvement on the lives of IDPs is likely to be minimal.

In any case, NGOs will have a crucial role to play in monitoring UNHCR's activities under these new responsibilities towards IDPs. Watching UNHCR and other UN agencies at the field level to ensure

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that their managerial responsibilities do not become a coordination circus will be key. Given that under the protection cluster, there are now nine sub-clusters, which should each have focal points, there is

a real risk that agency turf battles will be played out in such a coordination structure.

### ***Making the Best of the Situation***

Despite the challenges facing UNHCR and its new responsibilities, there are ways to make the situation work. While there are external factors that need to be addressed, there is much that UNHCR can do itself to ensure a better response to IDPs in conflict situations. If UNHCR takes the necessarily tough measures internally to make its staff better prepared and able to respond to IDP needs, without undermining the right to seek asylum, there will be a chance that the response to IDPs can be improved in the future. At the same time, however, there should be no illusions that this new cluster approach will be the panacea to the gaps in IDP protection and assistance that are so often seen. The humanitarian system, as a whole, and the way in which states function will have a huge impact on the success or failure of ensuring a more predictable response to IDPs. ♦

## HUMANITARIAN REFORMS

# BENN-CHMARKING

**T**he complicated, but popular, question of how to measure progress in responding to humanitarian needs has become, once again, the flavour of the month. While mortality and malnutrition rates continue to serve as the most commonly used indicators for the time being, there have been renewed calls for new benchmarks to measure the performance of aid agencies in effectively responding, in a timely manner, to humanitarian needs.

### **Proponents**

One of the loudest proponents of new benchmarks is the British Secretary of State for International Development, Hilary Benn. In a speech at the London-based Overseas Development Institute (ODI) in December 2004, Benn pointed “to the need to set benchmarks for the scale and speed of response we require the humanitarian system to provide.” He also argued for the creation of “standards against which we can hold agencies to account.”

The ERC-commissioned Humanitarian Response Review (HRR) echoes Benn’s call for new benchmarks. Different from the Benn proposals, however, the HRR argues that the sector is in need of benchmarks particularly for measuring response in the first four weeks of response to a crisis. It is unfortunate that the HRR provides little indication as to what moment or period can be qualified as the first four weeks. While obvious in the case of the tsunami, the answer to such a question becomes much more debatable with regards to Darfur, Sudan or the Democratic Republic of Congo (DRC).

*...mortality and malnutrition rates continue to serve as the most commonly used indicators.*

***Many have questioned the need for new benchmarks, as opposed to looking first at the options available for implementing standards that already exist.***

Earlier this year, following the call of Benn for benchmarks, the UK Department for International Development (DFID) launched an initiative to define new benchmarks. Many have questioned the need for new benchmarks, as opposed to looking first at the options available for implementing standards that already exist. The biggest risk with regards to DFID’s initiative is that it will reinvent the wheel.

One suggestion made by DFID, for example, is to create standards relating to protection. There have already been years of debate that have taken place on this issue, in various forums, leading to the understanding that protection work does not lend itself to be translated into standards and indicators. For example, the most fundamental standard with regards to refugee protection is the principle of *non-refoulement*. Yet, forced returns take place, leaving agencies often with the dilemma of whether or not they should provide services in the places to which returnees are sent back. Providing services might be seen as facilitating forced returns. Pulling out from the situation, out of protest, might leave the returnees without any protection. How can such a situation be gauged in the form of benchmarks for operational agencies?

Recently, a British consulting firm was asked to provide answers for DFID on the question of whether a benchmarking system for humanitarian response would be a useful way to make humanitarian response more comprehensive and effective. A discussion on the question has been pursued through on-line consultations and the circulation of discussion papers.

*see over*

## HUMANITARIAN REFORMS

### Benchmarking

*continued from previous page*

#### **Existing Benchmarks**

In further considering the call for new benchmarks, the question should also be asked what has not worked until now in terms of measuring progress.

***The main issue may well be... that those in senior coordinating positions, such as Humanitarian Coordinators, seem to know very little about the Sphere standards.***

*The Sphere Project: Humanitarian Charter and Minimum Standards in Disaster Response*, has been, undoubtedly, the most comprehensive effort in setting standards to date. The Sphere standards found their origin in the urgent calls to improve the quality and accountability of

humanitarian response, following the mixed performance of agencies in the response to the Rwandan refugee crisis in the aftermath of the Rwandan genocide in 1994.

Measuring the realisation of the Sphere standards, which are rights-based, can be done through indicators. The often-heard critique on Sphere has been that the standards are aspirational and that the indicators, as set out in the handbook, are not context-sensitive. Yet, the indicators can be adapted and nothing would stand in the way of trying to measure the achievement of the Sphere standards at a collective level in any given humanitarian situation.

The main issue may well be, however, that those in senior coordinating positions, such as Humanitarian Coordinators, seem to know very little about the Sphere standards. While Sphere, as a tool, is the product of the efforts of practitioners from different backgrounds and, probably as a result, is widely known among operational staff, there is a huge gap in integrating Sphere into coordination mechanisms.

At the moment the Sphere office is not alone in researching the bottlenecks for implementation of standards at the field level. In the world of standard-setting, networks or initiatives, such as the Humanitarian Accountability Partnership - International (HAP-I) or the emergency capacity building initiative, undertaken by a working group of predominantly US-based NGOs, are also looking at the practices of agencies using standards at the field level.

***In its search for professionalisation, the aid community needs to find a balance, as it risks creating a huge bureaucracy and even duplicating some of the same efforts.***

Field dissemination of new tools is clearly one of the weaknesses of the sector. A new standardised methodology for monitoring and assessing relief (known as SMART), for example, has also been under development in other corners of the humanitarian community, but unless these new methods make their way to field-level, little will change. At the same time, there is a real risk that as a result of the many standards, indicators, and guidelines, field staff will no longer see the forest for the trees. In its search for professionalisation, the aid community needs to find a balance, as it risks creating a huge bureaucracy and even duplicating some of the same efforts.

*see next page*

## HUMANITARIAN REFORMS

### Benn-chmarking

*continued from previous page*

Additionally, the question also has to be asked how scientifically correct can humanitarian data collection in emergency settings be? A balance needs to be struck between developing new techniques for highly sophisticated needs-assessments and data collection with the need for reactivity and speed.

#### **Measuring Progress**

Still, the basic point remains to try to achieve an understanding of what progress is made in a specific humanitarian crisis. Standing in front of the television cameras or in other public appearances, those in humanitarian leadership positions may feel tempted to provide

*A balance needs to be struck between developing new techniques for highly sophisticated needs-assessments and data collection with the need for reactivity and speed.*

sound-bite data on the efforts of agencies, which may, in fact, say very little on the impact of the response.

One assumption is that Benn's call for new benchmarks must have been born out of a frustration with the current situation. In

answering a Member of Parliament's question on his most recent estimate of the number of people who have died each day on average in Darfur, Hilary Benn still noted in June this year that there is very little data available on mortality rates. He was expecting results from a UK-funded new WHO mortality survey.

Meanwhile, recent informal conversations indicate that the DFID focus is likely to shift to the collective use of mortality and malnutrition data. Mortality figures continue to be key

indicators in assessing the magnitude of a crisis. In a recent paper issued by the Humanitarian Policy Network (HPN), *Interpreting and Using Mortality Data in Humanitarian Emergencies: A Primer for Non-Epidemiologists* (HPN Network Paper 52, September 2005), Francesco Checci and Les Roberts, raise many fundamental issues with regards to mortality data, such as the classic ethical dilemma in making a distinction between the mortality rates in industrialised countries with those in African countries to classify emergency levels. The paper also notes a number of extensive problems and risks in collecting and using this data, including manipulation by political actors.

In other words, the recent debate triggered by leading figures, such as Hilary Benn, has even thrown up questions on the relevance and use of the most basic data with regards to human survival in emergency settings. In this sense, Benn has per-

haps moved further away from his initial goal of being able to provide sound-bite data to the media or Members of Parliament on humanitarian response. He

may be doing the sector a real service by having it revisit the type of data on which it premises its response. As the HPN paper notes, "mortality findings in emergencies will help to hold combatants, host governments, relief agencies, donors, international governments, and the media accountable for their failures to respect, protect, and assist affected populations." ♦

***...the recent debate triggered by leading figures, such as Hilary Benn, has even thrown up questions on the relevance and use of the most basic data with regards to human survival in emergency settings.***

## HUMANITARIAN REFORMS

# VACANCY: ROSTER OF HUMANITARIAN COORDINATORS - APPLICATIONS WELCOME

One of the greatest challenges in a humanitarian response is ensuring that needs are properly assessed and that any gaps in the response are accordingly filled. Humanitarian agencies are not particularly willing, in many situations, to coordinate and/or work together to fill these gaps. Instead, they are more concerned about flag flying or implementing projects

***The selection and appointment of HCs is a rather murky process, which often sees RCs with little or no humanitarian experience being appointed as HCs.***

for which they have received funds - even if there are greater needs to be addressed. In many situations, the coordination failures are exacerbated by Resident and Humanitarian Coordinators (RCs and HCs) who are unable or unwilling to adequately fulfil their coordination function. Under the new cluster approach, the role of RCs and HCs will become even more important to ensure that the overall picture of humanitarian needs and the overall humanitarian response is not lost in the midst of cluster coordination. It will also be the RC or HC who can go to an agency when there are gaps in that agency's cluster area. Making sure that the right candidates are chosen for the positions of RC and HC will become even more crucial.

As part of the overall humanitarian reforms, there has been an acknowledgement that improvements need to be made to the way in which HCs are appointed and clarity on the qualifications required for the position. The HC system is a function that has long needed reform, given its fundamental role in coordination mechanisms. The current cluster approach has brushed aside attention to this function, leaving it to a later date for repair. The December Inter-Agency Standing Committee (IASC) heads of agency meeting is supposed to look at ways to improve the HC function, but the proposals and recommendations that lead up to those decisions need to be inclusive of humanitarian actors beyond the UN system.

### ***Who Appointed This Guy?***

At the moment, there are no readily available criteria or qualifications for the position of Humanitarian Coordinator. The selection and appointment of HCs is a rather murky process, which often sees RCs with little or no humanitarian experience being appointed as HCs. The HC is supposed to serve the broader humanitarian community, beyond the UN system, and is responsible for establishing comprehensive coordination mechanisms that are inclusive of all actors involved in humanitarian response at the country level.

The appointment of an HC often comes once a humanitarian crisis is underway. The UN's preferred option is to appoint RCs as HCs, which has resulted in too many cases of inexperienced HCs leading the humanitarian response. The authority and leadership required is often lacking; humanitarian experience is often missing, including when it comes to working with actors outside the UN family; and the ability and/or desire to call governments to task, when necessary, is simply not there at times. Putting in place a system to ensure that HCs have the necessary qualifications and experience to undertake such tasks is a long overdue reform in the humanitarian system, particularly given the pivotal role that an HC can play.

*The HC system is a function that has long needed reform, given its fundamental role in coordination mechanisms.*

Steps have been taken by the Office for the Coordination of Humanitarian Affairs (OCHA), the UN Development Group (UNDG), and others (e.g. the UK Department for International Development) in recent months, which all seem to take as a given that RCs must be appointed as HCs, and are, therefore, looking at ways to make RCs into better HCs. While as a long-term strategy this approach is perhaps desirable, the changes that will come about as a result of this strategy will take years, if not decades.

*see next page*

## HUMANITARIAN REFORMS

# Vacancy: Roster of Humanitarian Coordinators - Applications Welcome

*continued from previous page*

### ***Revitalising the HC Roster***

What would be more effective for the humanitarian system would be to explore options of ensuring that the people with an appropriate profile and the right set of skills are appointed HCs, which should also mean bringing in actors from outside of the UN system. In the past, the IASC agreed (in 1994 and again in 1997) to create a roster of candidates who could be deployed as HCs on short notice, particularly when RCs did not have the necessary profile. Revitalising and systematically using this roster, which should not only be limited to UN candidates, would be one step towards improving the quality of HCs in several situations.

The roster of HCs should be opened up and candidates asked to apply. Given the wealth of experience in the humanitarian world, there should be no shortage of candidates who could fulfil the criteria required to fulfil the terms of reference. There should not, however, be a requirement of having UN experience - experience from any humanitarian organisation should be considered adequate so as not to limit the pool of qualified candidates.

### ***Reforming the HC System***

There are some very clear areas where reforms can be quite easily put into place to improve the way in which the HC position functions. The first step would be to identify clear criteria for selecting a person for the post of HC. What qualifications and experience are necessary to fulfil the terms of reference for the position? How the person meets those criteria should be explained by the Emergency Relief Coordinator (ERC) when he proposes candidates to the IASC for approval.

The decision-making process of who becomes an HC is also an area where greater clarity is required. The ERC, as noted above, proposes candidates to the IASC with only days given to raise objections to the person put forward. The process by which HCs are suggested for appointment is an opaque one, which takes place inside the UN somewhere. There should be a transparent recruitment process put in place for HCs - including those who could be part of the roster - which should include an open call for applications, an interview process, and a clear appointment process.

### ***One Hat, Two Hats, Three Hats?***

The other area where there could be scope for improvement is the issue of having combined RC/HCs as the preferred option for the UN. Given that there are so many RCs without adequate humanitarian experience, there should be greater efforts to try having a separate HC in at least some situations to compare the two options. The UN has often cited that the separation does not work, even though that conclusion seems to be based on a limited number of examples. There is a fundamental dilemma in having both the RC and HC functions in cases where the government is a party to the conflict. The RC is expected to work with such a government on the development side, while at the same time, pushing issues such as humanitarian access and security. Issues around impartiality and neutrality come into question when there is a dual-hatted role being undertaken by the same person.

While there is the issue of being able to influence the government more readily if the HC already has a relationship with the government through his/her RC function, the fact remains that the number of separated RC and HC positions has been too few

*see over*

## HUMANITARIAN REFORMS

# Vacancy: Roster of Humanitarian Coordinators - Applications Welcome

*continued from previous page*

and far between to draw definitive conclusions on the value of dual-hatting versus separation. Particularly given that there have been several cases where the RC prioritised development concerns over humanitarian concerns, which fell under the HC

*...coordination failures cannot be only pinned on HCs - after all, coordination is only effective when those with whom one is coordinating are willing to coordinate.*

responsibilities, there needs to be adequate attention given to the option of separation. Northern Uganda is a prime example where the

RC/HC prioritised development to the detriment of the humanitarian situation in the North of the country. The workload of an RC/HC is often cited as being excessive; perhaps separating the roles would allow the responsibilities to be better undertaken.

Even more challenging for reforming the HC system is looking at situations of triple-hattedness, which comes into play in integrated missions where a person can be RC, HC, and the Deputy Special Representative of the Secretary-General (DSRSG). The implications of this triple function need to be part of the broader discussions on integrated missions and their impact on humanitarian response.

### **Accountability of HCs**

Finally, just as the cluster leads are now to be held accountable, HCs also need to be held accountable for their responsibilities. While the functions demanded of RCs and HCs are extremely difficult and challenging, there needs to be some system of accountability built-in to ensure that those HCs that do not fulfil their roles are not reassigned as HCs elsewhere. Currently, the HCs are supposed to report to the ERC, but there is no way of holding them accountable for fulfilling their terms of reference. Removing control of the HC function from the hands of UNDP may be one way to get a

more direct line of accountability between the HCs and the ERC. Once that happens, the ERC and OCHA can at least try to put into place mechanisms to call HCs to task for coordination failures.

### **The Broader Humanitarian System**

At the same time, however, coordination failures cannot be only pinned on HCs - after all, coordination is only effective when those with whom one is coordinating are willing to coordinate. In this sense, perhaps the cluster approach will at least bring about an increased willingness to coordinate. Whether that coordination stays within the various clusters and sub-clusters or will extend beyond clusters to improve the overall response remains to be seen. Putting qualified and experienced HCs in place to help with that overall response can only help contribute to an improved humanitarian response. ♦

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