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High Commissioner's Programme**

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**Questions and answers on UNHCR's Protection
Cluster coordination role in natural disasters**

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I. Introduction

1. The purpose of this information note is to provide additional information in response to questions raised during an Informal Consultative Meeting (ICM) of the Standing Committee held on 2 February 2011 regarding a pilot arrangement under which UNHCR would assume a more predictable protection cluster coordination role in natural disaster situations. During this meeting delegations raised a series of questions. The following paragraphs sum up the gist of these questions and provide responses.

II. Questions and answers

A. What would be the impact of an expanded role for UNHCR on its responsibilities relating to its core mandate?

2. Past experience has shown a negligible impact on the Office's ability to deliver on core mandate responsibilities. In fact, the reverse has been true, and UNHCR's engagement has yielded benefits for the fulfilment of its core mandate. Moreover, in countries where UNHCR is already present, the sudden onset of a natural disaster may interfere with the refugee programme, since the authorities would understandably focus on issues of acute national concern. UNHCR's support in this area would not only contribute to the collective effort of redressing the emergency situation, but also help ensure that affected populations of concern to UNHCR are factored into response plans.

3. Long before the 2005 humanitarian reform process, in the face of acute need, UNHCR had responded in a number of situations in order to support national governments to help meet the protection and assistance needs of persons affected by a natural disaster. This response was often in areas where UNHCR was already present and working in support of refugee populations. The rationale was twofold: i) the relevance of UNHCR's experience and operational capacity; and ii) recognition of the generosity of host communities and the State's support for refugees over the years, coupled with a sentiment that it would have been unconscionable not to act in support of the affected population overall.

4. In the face of an acute crisis affecting a country, UNHCR has been motivated by the humanitarian imperative, especially when the requisite capacity and material assistance are readily available and support is being requested. Support activities have been of a purely humanitarian nature, and mostly carried out on a 'good offices' basis. The pilot arrangement aims to trigger a more predictable protection leadership response at the country level within an inter-agency context.

5. UNHCR has traditionally been cautious about engaging in situations which might call for its expertise and ability to respond, but would fall outside its core mandate. It has consistently strived to ensure that its engagement, if decided upon, would not unduly interfere or hinder it from delivering on its core responsibilities. In reflecting upon past involvement in natural disasters, clear operational and protection dividends have accrued and often yielded greater humanitarian space and closer collaboration with Governments, to the benefit of refugee programmes in host countries.

B. How would UNHCR's proposed leadership of protection clusters in natural disasters affect its relationship with UNICEF and OHCHR?

6. Both OHCHR and UNICEF have been closely consulted and both support the pilot arrangement. At the global level, OHCHR and UNICEF remain core partners and

participants in the work of the Global Protection Cluster, including in the areas of capacity building and training. At the country level, UNHCR looks forward to close collaboration with both agencies, where present, to ensure a strengthened response. Where UNHCR does *not* lead, but *is* present in the Field, the Office would equally participate as an active and committed member of the protection cluster in support of the lead agency (as was the case, for instance, in Haiti).

C. How would UNHCR engage with States and local actors in relation to the protection response?

7. The pilot arrangement - which relates only to the designation of the cluster lead in protection - does not change fundamental realities in the context of a natural disaster. Most importantly, the responsibility of States for their citizens and those on their territory remains primary. The protection cluster lead, whether UNHCR or one of the other protection-mandated agencies, acts fundamentally *in support of and at the request of the State*. It is meant to help build capacity of the local authorities and other local actors in a supportive manner.

8. UNHCR's involvement is therefore contingent upon the explicit consent of the State throughout its engagement. A consultative process with national and local authorities is key to determining the most appropriate manner of support to the State. UNHCR's role is not to substitute national efforts to protect and assist disaster-affected populations, but to complement these endeavours by making available to the authorities concrete protection support services. These would include, for example, registration; risk and vulnerability assessment tools; participatory approaches; or response mechanisms to specific child-protection issues. An integral part of this coordination work is to cooperate closely with governmental and other national actors to strengthen their capacity in these areas.

9. More generally, UNHCR will continue to promote and be guided by the principles of partnership governing the cluster response. Partnership with local authorities and relevant national non-governmental organizations (NGOs) is an essential part of both the protection response and the exit strategy.

D. How would the nature and scope of the protection response be defined under UNHCR's leadership?

10. Leadership of the protection cluster at country level entails responsibilities for coordination, information management, strategic planning and, where protection gaps are identified and not filled, acting within the inter-agency context as the agency 'provider of last resort'.

11. UNHCR's experiences in natural-disaster scenarios, including most recently in Myanmar, the Philippines, Haiti and Pakistan, suggest that there are commonalities in the protection risks and vulnerabilities of the affected population that emerge immediately following a natural disaster. These include addressing the needs of groups with heightened vulnerability, such as children that have been separated from their families, women and girls exposed to sexual- and gender-based violence, persons with disabilities and the elderly. Support activities will focus on helping States address specific protection problems caused by the disaster, including lost documentation, housing, land and property issues, and access to information and basic services.

12. The protection response is thus targeted to support States in addressing risks or vulnerabilities among displaced and affected populations which are either caused, or exacerbated, by the natural disaster.

E. How would UNHCR ensure that its response is time-bound and that realistic strategies for disengagement are in place?

13. Protection activities would be directed toward the emergency phase of natural disasters with a view to supporting national authorities and local actors to respond to protection concerns following a disaster.

14. The programming of such activities would be directed towards addressing protection risks and vulnerabilities either caused or exacerbated by the disaster itself - *not* endemic protection concerns pre-dating the disaster. These measures of support would need to be viewed through the lens of the pre-existing national development plan and the UN country team programme. Finally, as from the start of its engagement, UNHCR's coordination and programmatic activities would include devising a hand-over strategy based on partnerships with government authorities, other national partners, as well as development and relevant actors within the UN country team. On the basis of its own and other actors' experiences, UNHCR would develop - together with the affected State as well as with its partners - benchmarks and parameters for disengagement.

F. What are the resource implications of UNHCR's proposed leadership of protection clusters in natural disasters and how would UNHCR ensure that ongoing and future refugee and statelessness programmes are not hampered by lack of funds and human resources?

15. UNHCR's budget structure ensures that resources for responding to natural disasters would not be diverted from UNHCR programmes for refugees or stateless persons. Funds for refugees (under Pillar I of the budget structure) are firewalled from IDP programmes (Pillar IV), which are project-driven. UNHCR's work in response to a specific natural disaster is funded either through inter-agency flash appeals or through a targeted appeal. UNHCR is therefore able to spend only as much as it can raise for the particular project concerned.

16. Over the last three years, the Office has coordinated the protection cluster or provided substantial support in the above-mentioned four country contexts: Haiti, Myanmar, Pakistan and the Philippines. In each case, UNHCR has raised new funds to support these specific activities. And in those situations where UNHCR has coordinated or supported the protection cluster in natural disasters, it has generally deployed three to six individuals, drawn primarily from the internal emergency roster, the list of staff-in-between-assignments, ProCap, and other standby arrangements.

17. UNHCR will monitor the resources aspect carefully in the context of an enhanced leadership role in natural disasters.

G. How would UNHCR meet the additional staffing needs?

18. Recent protection involvement in natural disasters suggests that protection work in such situations has not required major additional staffing support. This being said, in line with the High Commissioner's emphasis on strengthening UNHCR's protection capacity over the next couple of years, the Office has embarked on a process of necessary post creations, including recruitment, training and partnership development to reinforce the Office's delivery capacity in protection, across the board of its responsibilities. The protection capacity initiative, setting out plans in these areas, was shared with Executive Committee Members at the ICM on 2 February 2011. Apart from creating new positions and providing training for protection coordination responsibilities, including in situations of internal displacement, UNHCR will continue to draw on the pool of senior expertise available through the inter-agency ProCap programme.

**H. Would UNHCR become involved in disaster risk-reduction initiatives?
What would be UNHCR's relations with actors involved in this area?**

19. UNHCR's primary role in natural disasters will be disaster response. Disaster risk reduction falls more squarely within the mandate of other specialized agencies. UNHCR has nonetheless been involved in discussions on strategy and efforts related to disaster risk reduction, most notably through participation in the World Conference on Disaster Reduction, January 2005, in Kobe, Hyogo, Japan, and by contributing to the Hyogo Framework for Action (HFA). UNHCR is also a member of the IASC Sub-Working Group (SWG) on Preparedness, which includes a focus on strengthening disaster preparedness for effective response at all levels.

20. UNHCR's Regional Centre for Emergency Training in International Humanitarian Response (eCentre) in Tokyo is an example of the global effort to strengthen the capacity of governmental, NGO and UN partners (in this case in the Asia-Pacific region) to prepare for and respond to humanitarian emergencies, including those caused by natural disasters, where persons of concern to UNHCR are involved. eCentre activities include organizing and delivering training, preparing and disseminating technical information on preparedness and response, as well as creating and maintaining a network of organizations and individuals in the region who are involved in humanitarian issues. The eCentre offers training courses and capacity-building programmes on emergency and disaster management.

21. UNHCR will continue to make strategic, targeted interventions to UN Disaster Assessment and Coordination and International Strategy for Disaster Reduction initiatives. UNHCR seeks to contribute where it has expertise and can bring added value, namely in preparations for disaster response, the actual response itself, and in mainstreaming protection concerns in both preparedness and response.

I. How would UNHCR interact with the Executive Committee over the period of the pilot?

22. During the twelve-month period piloting this arrangement, UNHCR would keep its Executive Committee fully informed, seek, where necessary, its advice, as well as jointly assess the outcomes of the pilot.
