

**UNHCR`s protection  
of internally displaced persons (IDPs)  
under the cluster approach**

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under the cluster approach**

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# CONTENTS

- LIST OF ABBREVIATIONS ..... 4**
- 1. INTRODUCTION ..... 5**
  - 1.1. Background of the study .....5
  - 1.2. Research questions and the structure of the study .....7
  - 1.3. Value of the study .....8
  - 1.4. Methodology and data .....9
- 2. THEORETICAL AND CONCEPTUAL FRAMEWORK..... 11**
  - 2.1. The debate over UNHCR`s protection of IDPs ..... 11
- 3. UNHCR AS THE GLOBAL LEVEL PROTECTION CLUSTER LEAD ..... 17**
  - 3.1. The relationship between UNHCR`s refugee and IDP protection policies ..... 17
  - 3.2. UNHCR`s protection responsibilities in the cluster approach ..... 19
    - 3.2.1. UNHCR`s global protection responsibilities ..... 19
    - 3.2.2. `The predictability of accountability` ..... 21
    - 3.2.3. `Provider of last resort` ..... 23
    - 3.2.4. Operational implementation ..... 24
- 4. UNHCR AS THE STATE LEVEL PROTECTION CLUSTER LEAD ..... 28**
  - 4.1. UNHCR`s state level operations.....28
  - 4.2. UNHCR`s cluster lead responsibilities at the field level.....29
  - 4.3. UNHCR`s IDP and refugee protection at the field level.....31
    - 4.3.1. Operational and categorical mainstreaming versus `fire-walling` ..... 31
- 5. CONCLUSION ..... 35**
- REFERENCES CITED ..... 38**

## LIST OF ABBREVIATIONS

CCCM	Camp Coordination and Camp Management
CRA	Republic of Central Africa
DRC	Democratic Republic of Congo
ExCom	Executive Committee
ERC	Emergency Relief Coordinator
HC	Humanitarian Coordinator
HCR	High Commissioner for Refugees
IASC	Inter-agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
NGO	Non-governmental organisation
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PCWG	Global Protection Cluster Working Group
POLR	Provider of Last Resort
RTE	Real-time evaluation
R2P	Responsibility to Protect
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Foundation for Children

# 1. INTRODUCTION

## 1.1. Background of the study

In the 1980s the United Nations High Commissioner for Refugees (UNHCR) realised that it could no longer ignore the relationship between internal and external forced migration. However, internally displaced persons (IDPs<sup>1</sup>) became a subject of concern mostly because they were seen as a part of the global refugee problem (Dubernet 2001: 34). Since then there has been, and still is, a widespread debate on the nature of the relationship between UNHCR's refugee and IDP protection both inside and outside the organisation. It has long been questioned by many scholars and practitioners whether that link is complementary by reinforcing comprehensive protection of these two groups, or competitive by strengthening the clear distinction between refugee and IDP operations and consequently typically undermining the agency's IDP commitments.

UNHCR is increasingly involved with IDP protection and assistance, and the organisation's policy on IDPs has undergone a profound change since the 1990s. When it became clear that despite the fact that states have the ultimate responsibility for IDPs an international response was needed, the so called *collaborative approach*<sup>2</sup> was established in the early 2000s. After a few years it was, however, realised that there was a severe lack of predictability and accountability in the humanitarian response system. Therefore, the new *cluster approach* was created in the end of 2005 as a part of a larger United Nations (UN) humanitarian reform process. The cluster approach is mostly focused on improving the humanitarian responses to IDP protection and assistance. According to Holmes:

*The Cluster Approach is the most extensive of all the reforms... It requires moving away from the narrow focus on agency mandates of the past to a broader focus on sectors, with genuinely inclusive sectoral groups ('clusters') working under clearly designated cluster leads. The Cluster Approach requires a fundamental shift in cultures and mindsets...The broad focus on sectors and clusters, rather than on individual mandates, is here to stay... (Holmes 2007: 4-5).*

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<sup>1</sup> Holbrooke (2000) has argued that 'the term IDP...makes a legal and bureaucratic distinction where there is none.' Also Dubernet (2001) has argued that the label of IDP is conceptually problematic and both policy makers and researchers need to challenge the term. While acknowledging these concerns, the abbreviation of IDP is used in this study for the purpose of easy reference only.

<sup>2</sup> In this study the term 'collaborative approach' is used to refer to the inter-agency response without any lead agency structure prior to the implementation of the 'cluster approach'. The current cluster approach, implemented since 2006, is understood to be implemented through 'collaborative response', which refers to the inter-agency response structure. The cluster approach differs most clearly from the collaborative approach by its new system of cluster leads which are responsible for the functioning of each cluster.

In September 2005 UNHCR agreed to act as a cluster lead for protection, camp coordination and camp management (CCCM) and emergency shelter clusters for conflict-induced IDPs. UNHCR has also agreed to take part in other areas of humanitarian action. Since the implementation of the cluster approach UNHCR has begun to take part in IDP protection and assistance in a more predictive and substantial manner. Feller (2006: 11) argues that UNHCR's involvement with IDPs has developed from 'no, unless certain conditions are met' to 'yes, unless specific conditions arise.' Also McNamara (2006: 9) argues that 'the cluster approach is essentially about transforming a "may respond" into a "must respond" attitude.' It has been identified that the cluster approach is reinforcing the implementation of the notion of 'responsibility to protect' (R2P) (Feller 2006: 12). Since the implementation of the cluster approach UNHCR has fundamentally reformulated its IDP policy (Crisp, Kiragu and Tennant 2007: 12).

Accordingly, it has been generally argued that UNHCR is increasingly applying a *comprehensive approach* to its work with refugees and IDPs. Zard (2006) has analysed what that notion means and how it could be further reinforced. She has suggested that 'thinking comprehensively' may present a new way for refugee protection to reinforce IDP protection, and vice versa. In the comprehensive approach, refugee and IDP protection can be understood to aim to strengthen each other not only at the operational but also at the normative level. These two aspects of UNHCR's work should neither be implemented at the expense of the other. However, it does not mean that under the comprehensive approach valid distinctions between these two groups of forced migrants would be blurred. It rather aims to perceive refugees and IDPs as different but equal – IDP protection should not be undermined because of refugee commitments or vice versa. Since the creation of the cluster approach, UNHCR has increasingly expressed willingness to pursue a comprehensive approach, by arguing, for example, that 'IDP responsibilities will be mainstreamed<sup>3</sup> into UNHCR's work without prejudice to its refugee mandate' (UNHCR 2007g: 17), and that its 'refugee and IDP functions should not be viewed as contradictory of each other' (UNHCR 2007d: 11). The ability and willingness to create the comprehensive approach can also be interpreted to indicate the future relevance of the entire agency. Fulfilling the responsibilities under the cluster approach have become a sign of the whole agency's relevance: 'Now more than ever... UNHCR has to meet the challenge to adapt – or face diminishing relevance' (Clarance 2006: 67). I argue the same: If UNHCR under the cluster approach still continues to perceive its refugee and IDP responsibilities in unequal manner; it may lose its relevance as a lead agency in the international protection of IDPs – and even beyond that.

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<sup>3</sup> UNHCR will publish a new policy paper on its mainstreaming strategy for its IDP work in June 2008 (UNHCR IDP Policy Officer 2008a; 2008b). However, while writing this study this paper was not yet accessible and therefore it is not yet certain as to how UNHCR aims to mainstream its IDP operations.

## 1.2. Research questions and the structure of the study

The purpose of this study is to interrogate UNHCR's engagement with IDPs from a fresh perspective focusing on its role and responsibilities as a cluster lead highlighting the agency's perception on the relationship between its refugee and IDP work. This research approach is novel because most of the debate on the relationship between UNHCR's refugee and IDP work has focused on the pre-2006 situation, and therefore I argue that there is a need for more current analysis that focuses on the change from the collaborative approach to the cluster approach, which has significantly increased the agency's involvement and responsibilities with IDPs. The overall objective is to analyse how UNHCR perceives the relationship between its cluster-based IDP responsibilities and its mandated refugee responsibilities – under the notion of the comprehensive approach. More precisely it is asked in what ways UNHCR understands its current refugee and IDP protection to be complementary or competitive. The presented research questions are based on the extensive debate on the relationship between UNHCR's refugee and IDP work, and the argument that UNHCR is increasingly applying a comprehensive approach to protect both refugees and IDPs.

The hypothesis of this study is that under the new cluster lead role UNHCR is applying a comprehensive approach, which was defined more precisely in the previous section. This hypothesis is based on two profound changes that have occurred since the cluster approach was adopted in 2006. Firstly, given the agency's cluster lead role, UNHCR has assumed significantly more responsibilities with IDPs than ever before. This is manifested most clearly in the notion of 'provider of last resort', which will be further analysed in this study. Secondly, UNHCR is now assisting and protecting an extensive number of IDPs. The number of IDPs of concern to the agency grew from 2005 to 2006 by 93 percent. By the end of 2006 UNHCR was assisting 12.8 million IDPs and 9.9 million refugees (UNHCR 2006d). However, not all of its IDP operations are yet using the cluster approach, but its application will be increasing because the IASC (Inter-Agency Standing Committee) has agreed that the cluster approach will be used in all major new emergencies in future (Humanitarian Reform 2008a). Based on these two factors it is assumed that UNHCR has begun to perceive the relationship between its refugee and IDP work in a significantly more comprehensive and complementary way than before. This hypothesis will be tested through analyses that are temporally focused on the creation and implementation of the cluster approach, namely the situation after 2006.

Thematically this research emphasizes UNHCR's protection<sup>4</sup> activities. However, when more appropriate, reference is made to UNHCR's IDP activities as a whole. Given the fact that there is still a severe lack of academic literature on the cluster approach, and more precisely

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<sup>4</sup> In the inter-agency *Handbook for the Protection of Internationally Displaced Persons* (2007: 5) produced to guide the work of the protection cluster, the notion of 'protection' is defined as 'all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law.'

on UNHCR's role in it, this study focuses mostly on primary sources produced by the agency. Consequently, the analysis emphasizes UNHCR's own perception of the issue.

The research begins by conceptualising the notion of comprehensive approach and defining it as it is understood for the purpose of this study (Chapter 1). Following that the theoretical and conceptual framework is constructed (Chapter 2). The framework is formed by reflecting upon previous debate on the relationship between UNHCR's refugee and IDP work, and it is used as a foundation for the analysis of the current situation under the cluster approach. I attempt through the analysis of the debate and the notion of the comprehensive approach to use 'the ideas in the literature to justify the particular approach in the topic, the selection of methods, and demonstration that this research contributes something new' (Hart 1998).

Following the chapter on the theoretical background I analyse UNHCR's new role and responsibilities with IDPs under the cluster approach from two distinctive spatial levels. This is valid because the agency is currently acting as both the global and state level cluster lead. In Chapter 3 the fundamentals of UNHCR's global protection cluster lead role are explored. The analysis begins with a discussion on UNHCR's current IDP policy following the conceptualisation of UNHCR's IDP protection. Finally UNHCR's responsibilities as the global cluster lead are interrogated.

In Chapter 4 UNHCR's role as a state level cluster lead is explored. The analysis is based on four case studies: Liberia, Uganda, the Democratic Republic of Congo (DRC) and Somalia. These countries are selected mainly because UNHCR has produced real-time evaluations (RTEs) on these operations where the cluster approach has been initially rolled out. The state level analysis focuses on UNHCR's field level responsibilities and accountability with IDPs. The relationship of UNHCR's state level IDP and refugee work is further explored by reflecting upon the agency's rhetoric that addresses on the one hand the need to mainstream its IDP activities, but on the other hand to 'fire-wall' its refugee and IDP work.

In Chapter 5 I aim to conclude whether the hypothesis is confirmed or rejected based on the findings of this study. In addition the analyses of this study are related to the previous debate in order to explore how they fit into and contribute to it.

### **1.3. Value of the study**

More research on internal displacement needs to be conducted with regard to how to strengthen response systems to IDPs, and more precisely to study the relationship of national and international responsibility for IDPs, the impact of humanitarian reforms on IDP work, and the responsibility to protect. Protection-focused research is also one of the priority issues of future IDP research (Ferris 2007: 71). This study aims to grasp some of these issues, notably UNHCR's new responsibilities to protect IDPs under the cluster approach. Given the focus on the cluster approach, the study is also linked to the analysis of a larger humanitarian

reform process and accordingly it aims to add value to the theoretical multidisciplinary study of humanitarianism.

In addition, the aim is to contribute to the ongoing debate on the nature of UNHCR's protection of refugees and IDPs. However, this is done from a novel perspective by focusing on UNHCR's increased responsibilities with IDPs as a global and state level cluster lead. I argue that this perspective can bring new insight to the longstanding debate. The study also provides analysis on UNHCR's perception on this issue, which has been lacking from the previously presented scholarly arguments of the wider historical debate on the relationship between UNHCR's IDP and refugee work.

#### **1.4. Methodology and data**

The data of this study includes both primary and secondary sources which are critically analysed by focusing on UNHCR's rhetoric on the relationship of its IDP and refugee work. Additional phone interviews have also been conducted with two IDP Policy Officers from the UNHCR Headquarter. Primary sources used in this study include various UNHCR, IASC and Global Protection Working Group (PCWG) policy papers; UNHCR Executive Committee (ExCom) conclusions and field-based evaluations produced by UNHCR, the IASC and Humanitarian Policy Group. Real-time evaluations (RTEs) are used most widely, because they enable the analysis of UNHCR's perspective.

Secondary sources include various research papers and scholarly articles which have contributed to the previous debate on UNHCR's IDP and refugee protection. Literature review based on these papers construct the theoretical and conceptual background for the study.

The presented study is based on qualitative data and analysis. The methodology used in this research includes explorative analysis on UNHCR's rhetoric on its role with IDPs. These analyses of the current situation under the cluster approach reflect the longstanding debate on the relationship between UNHCR's IDP and refugee work, and the notion of the comprehensive approach. The focus on UNHCR's rhetoric is based on the power of the agency to produce and influence broader perceptions and approaches on forced migration. This methodological framework is presented among others by Chimni (1998) who has focused on UNHCR's 'knowledge production'. His approach refers to the argument that UNHCR, as an international organisation, has significant power to both produce and disseminate knowledge. Accordingly, it can influence how certain issues in forced migration are largely perceived. Chimni has further argued that there has been a failure to study the ideological functions and perceptions of UNHCR. This approach is understood to validate the focus of this study relating to UNHCR's perceptions.

What also needs to be methodologically justified is the emphasis on IDP policies over refugee policies even though the relationship between these two branches is investigated. Approaches focusing on IDPs have not been studied comprehensively, because the focus of previous studies has largely been on refugees and the question of internal displacement has been seen as secondary. Therefore, 'studying international approaches to IDPs remain primarily a matter of filling gaps in the study of forced migration' (Phuong 2001: 31-32). It is also understood that studies based on IDP policies might help to understand the connections of refugee and IDP policies better.

## 2. THEORETICAL AND CONCEPTUAL FRAMEWORK

### 2.1. The debate over UNHCR's protection of IDPs

There has been a long-lasting, yet ongoing, debate on UNHCR's role with IDPs regarding its refugee mandate. This debate has involved different arguments that are explored in the following section. Several aspects of the debate were identified in the conducted literature review. The research will, however, be limited to the arguments that will be further discussed in relation to the cluster approach. These include debates on UNHCR's mandate, categorisation of refugees and IDPs, operational implementation, and right to seek asylum. Therefore, arguments culminating from issues such as sovereignty and non-intervention, and politicisation of UNHCR's role, which are essential in the debate, but were not identified in the data on cluster approach, are not discussed separately in this literature review. These issues are, however, referred in relation to other aspects of the debate when appropriate.

One of the most significant and problematic aspects of the debate is the question about the relationship between UNHCR's refugee mandate and IDP work. Based on the review of somewhat confusing literature on this question, I argue that unless a clear distinction is drawn between the so-called original statute mandate and the extended operational mandate (Kourula 1997, cit. Phoung 2005: 78) it becomes difficult to know whether UNHCR's mandate actually includes IDPs or not. Confusion comes foremost from the common argument that UNHCR's mandate nowadays includes not only refugees but also IDP and other 'persons of concern'. I suggest that it is valuable to keep the conceptual distinction between these two mandates, mainly because IDPs are not part of UNHCR's original statute mandate which it written solely focusing on refugees (UNHCR 1951). UNHCR's extended operational mandate forms the basis for its authorisation to work with IDPs in certain situations. The agency has been authorised mainly by the General Assembly Resolutions and Executive Committee Resolutions for the last 25 years to work with IDPs in specific contexts. UNHCR has also used other criteria to determine and limit the agency's involvement with IDPs. These criteria have evolved over time, but three important aspects besides the special request of the General Assembly have been the consent of the State, functioning of other agencies and preservation of the institution of asylum (UNHCR 1994).

However, there has not only been conceptual confusion about the distinction between these two mandates, but also the relationship and legality between the extended operational mandate defining the agency's role with IDPs and the refugee focused statute mandate. Gilbert (1998: 357) has, for example, questioned the meaning of UNHCR's increased extra-mandatory activities and called for the modification of UNHCR's original mandate because of its changing operational role. He has stated that 'the present confusion comes from incremental additions to UNHCR's role and the question whether they represent a new general mandate or whether they are *ad hoc*.' Also Barutciski (1999: 1-3) has highlighted that it is

problematic that UNHCR has increasingly been involved with activities that are outside its original mandate. In addition, Loescher has supported this view by arguing that:

*One of the agency's strengths is its clear original mandate. ... But UNHCR loses authority and autonomy when it steps outside of its mandate to take on tasks that other agencies or governments do better. (Loescher 2001: 30)*

Similar views are further presented by Goodwin-Gill and McAdam (2007: 32-33) who have argued that UNHCR does not have a legal authority to protect persons within their own countries and according to them UNHCR's increasing involvement with IDPs raises 'a number of institutional dilemmas.' These dilemmas are related to issues such as non-intervention, sovereignty and politicisation of UNHCR's role. Even though these fundamental aspects of the debate are not discussed in this study in further detail, because they did not appear in the later analysis related to the cluster approach, it is important to remember that these issues underlie the whole debate on UNHCR's role with IDPs. It seems that UNHCR has also perceived its involvement with IDPs to be rather ad hoc because it has sometimes stated that because it does not have a mandate (i.e. original statute mandate) to protect and assist IDPs, it will not engage with certain IDP situations at all (Mattar and White 2005). Based on these arguments, it seems that it seems that UNHCR's extended operational mandate for IDPs is not understood by these scholars to be as legally binding or valid as its original statute mandate.

However, opposing views have been presented by the advocates who support UNHCR's increased role with IDPs. For instance Mooney (1999: 203) has underlined that even though UNHCR's (statute) mandate does not explicitly include all activities or persons of concern, it does not automatically mean that its extended actions would be inconsistent with its mandate. Advocates for more extensive UNHCR involvement with IDPs have further argued that the fulfilment of UNHCR's criteria has legalised its work with IDPs. Mainly the special request of the Secretary-General or the General Assembly, and the consent of the state have been seen as the clearest indicators for the extension of its mandate (Cohen and Deng 1998: 129).

To sum up, it can be noted from the review of the existing literature that there is not only a debate on whether UNHCR's original mandate should be redefined to include IDPs, but also on whether its current extended operational mandate is as valid as its original statute mandate. What has to be remembered is that the debate related to the mandate question is also ongoing inside the agency as Mattar and White have noted by arguing that:

*There is a high degree of polarisation amongst UNHCR staff who are proactive and forceful about engaging in IDP situations and those who view the issue as beyond the mandate (Mattar and White 2005: 1).*

I will reflect the developments on the question of UNHCR's mandate by analysing whether or not UNHCR perceives its new responsibilities with IDPs under the cluster approach to be as binding as its refugee responsibilities.

Secondly, categorisation of refugees and IDPs has been debated. Advocates who suggest that the agency should have a more extensive role in IDP work have argued that these two groups are rather similar and therefore UNHCR is competent to protect both groups (Cohen and Deng 1998). Cohen (2007: 370) has identified that refugees and IDP often flee for same reasons and a comprehensive protection is thus supported by her. In contrast, the opponents for the enlarged role have declared that providing comprehensive protection and assistance to refugees and IDPs might lead to blurring of the categorical distinctiveness and as a consequence lead to inefficient operations. For example in *The State of World's Refugees* (UNHCR 2000: 215) it is stated that 'critics have... argued that a blurring of the distinction between refugees... and internally displaced persons will undermine the protection of refugees themselves.' Even though UNHCR keeps refugees and IDPs as separate categories of 'persons of concern' for valid reasons it has also identified the similarities that these two groups share. It has noted that in many instances IDPs are mixed with refugee flows and as a consequence in certain situations it is neither reasonable nor feasible to treat the categories differently (UNHCR 1994).

At the end of the 1980s no other organisation besides UNHCR talked about IDPs as a distinctive category (Phuong 2002: 516). In the Guiding Principles on Internal Displacement which provides the most accepted international definition for IDP it is stated that IDPs are:

*persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border (OCHA 1998).*

UNHCR, however, has adopted a more limited definition and it refers to IDPs as persons in 'refugee-like' situations (Cohen and Deng 1998: 18) and it is thus focused mainly on conflict-induced IDPs. The causes of internal displacement for UNHCR include persecution and conflict. People who flee within their countries because of natural or man-made catastrophes or development projects are not typically assisted or protected by UNHCR and they do not therefore constitute a category of 'persons of concern' to the agency (UNHCR 2007a: 4). This distinction has, however, been blurred by the implementation of the cluster approach, because UNHCR can act as a cluster lead or co-lead also in situations of natural catastrophes.

The refugee definition that UNHCR applies is found in the United Nations Convention Relating to the Status of Refugees from 1951 where it is stated that a refugee is:

*a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of their nationality, and is unable to or, owing to such fear, is unwilling to avail him/herself of the protection of that country (UNHCR 1951).*

It can be argued that one of the most distinctive aspects of UNHCR's refugee and IDP definitions is the border-crossing. IDPs that UNHCR is working with would mostly be refugees if they would cross an internationally recognised border. This has been given as a reason to increase UNHCR's work with conflict-induced IDPs because operationally it would not be feasible to assist or protect 'internal refugees' just because they have not crossed an international frontier. As a consequence the protection of both IDPs and international refugees should be equal. Shacknove (1985) has gone even further to suggest that rather than border-crossing, physical access of the international community should be a prerequisite for a refugee definition. Hathaway (2007: 359) has, however, argued that refugees and IDPs should not be grouped together under the label of forced migrants. He states that it is neither useful nor valid since these two groups of people can be in very different situations. He has declared that it would be more constructive to highlight the relationship between IDPs and other human rights victims than IDPs and refugees.

Issues around UNHCR's ability to operationally implement increasing operations with IDPs by not undermining its refugee work, are addressed in the debate too. This aspect of the debate focuses mainly on issues of sufficiency and management of funds and staff. When it comes to the debate on funding, some of the advocates interviewed by Zard (2006) expressed their concern that UNHCR's increasing engagement with IDP protection would 'stretch its resources (both human and financial).' Barutciski (1999) has, however, identified that it was in the 1990s with the increased involvement in countries of origin that there was a significant increase in UNHCR's budget. Funding states were, according to him, pleased with this because it meant that refugee flows could be better contained in countries of origin. Another suggested reason for increased funding has been States' willingness to make sure that everything has been done in countries of origin before providing an asylum to these people.

It has also been argued that the exclusion of IDPs from the protection regime can not be justified anymore with resources-related reasons (Rutinwa 1999: 30). Mattar and White (2005: 7) have also highlighted a major change in UNHCR's discourse since 2003 after the Higher Commissioner (HCR) stated that funding is no longer a key element or constraint in UNHCR's decision making on whether or not it will become engaged in an IDP situation. However, UNHCR has suffered from the lack of funds and institutional support for IDP work in the early 2000s and it has been very cautious about funding (UNHCR 2001). It has also been criticised for being often at the mercy of its donors and host governments regarding funding (Loescher 2001: 28).

In addition, the expertise role of UNHCR's staff has been debated. Views on this have contradictory. On the one hand arguments have been made on UNHCR staffs' ability to

protect and assist IDPs because of its expertise with refugees, and on the other hand it has been stated that because work with IDPs is so different the staff is not actually qualified to work with IDPs, particularly to protect them. Also the potential lack of qualified staff to fulfil the needs of both refugee and IDP operations has been seen as problematic. I will further discuss the opposing arguments presented on this issue.

On the one hand it has been stated that long-term experience that UNHCR has on refugee protection is valuable both conceptually and operationally to IDP protection (Kingsley Nyinah 1998). Cohen and Deng (1998: 170) have shared the view by emphasising that given the similarities of refugee and IDP work, UNHCR has been able to apply its expertise to the situations of internal displacement. They have further argued that if a single agency would be nominated to protect and assist IDPs this work would be most appropriate to UNHCR. Also Plender (1994: 360) has highlighted the experience of the agency by reflecting on the several decade long traditions to protect IDPs using the 'good offices'.

Nonetheless, it has been argued that even if UNHCR had extensive experience in the assistance of displaced persons, it may not be so proficient in protection work. Loescher (2001: 29) has stated that while UNHCR is able to provide large amounts of humanitarian assistance, it has been less successful in its protection work. He has strongly questioned whether UNHCR has resources or expertise to protect all the 'people of concern'. Also Goodwin-Gill (2001: 16) has suggested that 'a culture of protection' should be strengthened in UNHCR. Hathaway has further reinforced this view by arguing that:

*In recent years, its [UNHCR] work as a humanitarian relief agency has, in fact, come to overshadow its core protection functions. Its work on behalf of the internally displaced has in many instances eclipsed its primary duty to protect refugees. (Hathaway 2002: 23)*

Besides the question on the expertise of UNHCR's staff in assistance and protection, the debate on experience and expertise has been extended to deal with the application of different legal frameworks for IDP and refugee work. Cohen and Deng (1998: 129) have stated that the UNHCR staff is not familiar with the legal instruments that underpin the protection of IDPs, namely the international humanitarian and human rights law. However, it has been argued that even if refugee law is not directly applicable to the situations of internal displacement, reference to it by analogy is an extremely important addition to human rights and humanitarian law (Mooney 2003: 162) and therefore expertise in refugee law will be beneficial also in IDP protection. In chapters 3 and 4 I analyse whether UNHCR has had enough qualified staff to fulfil its new cluster lead responsibilities with IDPs.

Lastly, the issue of the right to seek asylum has been contested. This has involved one of the most severe concerns on UNHCR's work with both refugees and IDPs. Barutciski (1998: 11) has argued that 'the extension of the refugee regime to encompass internal displacement is

actually detrimental to the traditional asylum option that is central to refugeehood.’ Also Loescher has presented a harsh critique on this issue by arguing that:

*In recent years UNHCR has not been primarily concerned with the preservation of asylum or protection of refugees. Rather, its chief focus has been humanitarian action. UNHCR is primarily about assistance... to refugees and war-affected populations. (Loescher 2001b: 29)*

It has also been identified that the increased interest on IDPs coincides with a development of more restrictive asylum policies and practices (Newland, Partick and Zard 2001: 79). Therefore, it is extremely important that ‘any action on behalf of internally displaced people must support the institution of asylum’ (McNamara 1998: 58). In addition Hathaway has argued that:

*The decision in 1990s to designate the UN’s refugee agency (UNHCR) also to be its (very generously funded) IDP agency resulted in an institutional shift... In short, the IDP agenda significantly displaced the refugee agenda as a matter of international concern. (Hathaway 2007: 357)*

Supporters of UNHCR’s increased role in IDP assistance and protection have argued that there may not necessarily be any contradiction between UNHCR’s IDP work and provision of the right to seek asylum. This is because UNHCR attempts to contain the problem, not the people, in countries of origin (Mooney 1999: 216). Contradictory views on the fundamental motives for in-country protection have, however, been presented (Hathaway 2007; Zard 2006; Loescher 2001). UNHCR has also been very cautious about the possibility of states misusing in-country protection for political aims. Therefore, it has increasingly emphasised that its IDP protection cannot undermine or prevent the right to seek asylum under any circumstances.

All of these four aspects of the debate are further discussed in relation to the current cluster-based responsibilities that UNHCR has assumed as a global and state level cluster lead.

## 3. UNHCR AS THE GLOBAL LEVEL PROTECTION CLUSTER LEAD

### 3.1. The relationship between UNHCR`s refugee and IDP protection policies

In the following section I aim to analyse UNHCR`s policy documents which address the relationship between its refugee and IDP work in order to explore whether the agency perceives its refugee and IDP work to be complementary or competitive at the global policy level.

UNHCR has produced new ‘limitations and safeguards’ and ‘rules of engagement’ to guide its new IDP policy under the cluster approach. What is distinctive in these documents is the way UNHCR perceives that its new commitments with IDPs may still potentially undermine its refugee work. Particularly several of the ‘limitations and safeguards’ (UNHCR 2005a) highlight this issue focusing on the possibility to undermine the institution of asylum and jeopardize funding for refugee operations. However, out of eight new ‘rules of engagement’ only one explicitly focuses on the relationship between the agency’s IDP and refugee work. Related to that, UNHCR emphasises that IDPs have to be provided with conditions of life similar to refugees, but goes further to state that ‘the Office will also ensure that its role in situations of internal displacement does not detract from its mandated activities in relation to refugees’ (UNHCR 2007c: 6). Even though UNHCR identifies this possibility of jeopardising its refugee operations by its increased IDP work it also highlights the aim to ‘maximize the synergies and economies of scale that link the two functions.’ This statement implies that the agency understands that there is a possibility that its IDP and refugee operations can reinforce each other and accordingly form a comprehensive approach to protect and assist these two groups. It is, however, unclear how extensively UNHCR aims to achieve a kind of approach that would recognise the valid distinctions between these two groups but would still treat them in an equal manner.

In 2007 UNHCR published a document *The Protection of Internally Displaced Persons and the Role of UNHCR*, which addresses the question of protection more precisely than the previous policy papers. In this document the agency discusses the relationship between its refugee and IDP protection. I will here explore the synergies and differences between UNHCR`s refugee and IDP work that the agency has identified. The referred document is unique due to the fact the UNHCR is discussing relatively equally about the benefits and detriments that its IDP work can have in its refugee mandate and operations unlike in the previous documents.

UNHCR has identified that there are synergies in its refugee and IDP work (UNHCR 2007d: 9). The agency also perceives that these two branches of protection are distinct activities when it argues that ‘the protection of IDPs is however an imperative in its own right. It is not only an adjunct to refugee protection.’ UNHCR also argues that its involvement with IDPs results

in benefits for refugees living in countries with IDP operations. Cooperation with governments can be reinforced and this can have a positive effect on asylum and protection in the country. In countries that produce both refugees and IDPs, UNHCR can gain more knowledge on the root causes of displacement by working with IDPs. According to UNHCR this can furthermore improve asylum management. The agency also states that the ability to elaborate strategies and promote repatriation is improved. Rhetorically UNHCR also uses similarities of causes, experiences and needs of these two groups to justify its involvement with IDPs. In addition it highlights that fact that protection standards of specific categories such as women and children are similar with both refugees and IDPs, and so are the challenges of reintegration after repatriation (UNHCR 2007d). However, I argue that if UNHCR would pursue to establish a truly comprehensive approach to its refugee and IDP protection, it would have to increasingly consider the possible negative and positive consequences not only from the perspective of its refugee operations, but also focusing on the influence of its refugee work towards its involvement with IDPs. It should also focus more equally on both the positive and the negative impacts, and not so extensively highlight the possible negative implications of its work with both refugees and IDPs.

However, UNHCR is still largely focusing on several differences between its refugee and IDP work. This is of course needed in order to highlight the valid distinctions between the operations aimed at them; but what I aim to show more broadly in this study is how UNHCR is still highly cautious about the potential of its IDP involvement to undermine the refugee work, even if its objective is to establish a comprehensive approach to protection. In the analysed policy paper *The Protection of Internally Displaced Persons and the Role of UNHCR* (UNHCR 2007d) the identified differences between refugee and IDP work are focused mostly on needed fundamental differences between the work with IDPs and refugees. First of all, it is noted that the international normative framework is different. This is mainly because a refugee is defined through a legal category unlike the descriptive notion of an IDP. UNHCR also argues that its refugee mandate gives it more autonomy to operate with refugees, unlike with IDPs. However, UNHCR has emphasised that ‘international human rights and humanitarian law provide no less an authoritative underpinning for the protection of IDPs’ (UNHCR 2007d: 10). It therefore seems that even if UNHCR sees its IDP operations to be as authoritative as its refugee work, the agency still perceives it as less legally binding, because it is willing to undermine its IDP commitments if needed in order to preserve its refugee responsibilities. Under these circumstances I suggest that UNHCR has not yet established a truly comprehensive approach to its refugee and IDP work even at the policy level. This is based on the statement that ‘refugee and IDP functions should not be viewed as contradictory of each other’ (UNHCR 2007d: 11), but yet UNHCR’s rhetoric implicitly keeps these branches of work still highly competitive. Neither does it understand some of its refugee and IDP policies to be equally binding or important: UNHCR’s policy approach is still largely refugee-centric. In the next section the new responsibilities given to UNHCR under the cluster approach are investigated to show that the cluster approach provides a chance to deeper mainstreaming of UNHCR’s IDP work and more equal perception of its comprehensive protection of IDPs and refugees.

## 3.2. UNHCR's protection responsibilities in the cluster approach

### 3.2.1. UNHCR's global protection responsibilities

UNHCR's new commitment to growing numbers of IDPs through the implementation of the cluster approach has raised a number of challenges. Particularly regarding protection, the extent and content of UNHCR's responsibilities have been discussed (UNHCR 2006c: 11). Given the lack of a clear understanding of the responsibilities, they have been interpreted in a rather flexible way, which might in the long-term undermine the whole point of the new system – predictability and accountability. I argue that there is a real danger that if UNHCR is not able or willing to hold on to its new responsibilities, its approach to IDPs might regress into a highly unpredictable approach identified before the implementation of the cluster approach.

The global lead role of the cross-cutting area of protection is divided between UNHCR, OHCHR (Office of the High Commissioner for Human Rights) and UNICEF (United Nations Foundation for Children), three protection-mandated agencies. In a case of conflict-induced IDPs, the focus of this study, UNHCR is responsible for their protection as a global cluster lead. Civilians other than IDPs affected by the conflict and human or man-made disaster-induced IDPs are protected jointly by UNHCR, OHCHR and UNICEF (Humanitarian Reform 2008a). Establishing a clear division of responsibilities between these organisations is currently seen as a challenge and new guidelines on this are needed (UNHCR IDP Policy Officer 2008a).

Even though UNHCR is currently acting towards IDPs in a more accountable way than before, the agency's criteria for involvement is still emphasising its mandated refugee work over IDP involvement:

*UNHCR's role in any particular situation is subject to the agency's criteria for operational involvement, including consent of the State and the agency's ability to operate without undue political or military influence. UNHCR assumes the role of protection-cluster lead only after it has determined that doing so will not undermine the right to asylum or the protection of refugees, that is, that its work as lead agency will not interfere with UNHCR's mandated responsibilities. (Humanitarian Reform 2008b)*

Nonetheless, when UNHCR decided to take a cluster lead role in an IDP situation its responsibilities are fundamental. As a global lead agency for the protection of conflict-induced IDPs, and if decided, also the lead agency in humanitarian response to other IDPs and affected populations, UNHCR is responsible for ensuring effective inter-agency response and the agency is globally accountable for the Emergency Relief Coordinator (ERC). UNHCR is also accountable for the work of the global protection cluster working group (PCWG). This

working group is formed by various agencies and it is responsible for standard- and policy-setting, building response capacity and providing operational support. PCWG can also provide operational support on the field. These criteria provide flexible interpretation of the operational responsibilities that UNHCR as a global lead agency has. Because protection is such a broad issue it has been divided into several areas of responsibility that are led by a focal point agency. UNHCR is acting as a single focal point in protection of 'other persons/groups with special needs' and 'logistics and information management support' sub-clusters. 'Prevention of and response to threats to physical safety and other human rights violations' is within the responsibility of OHCHR together with UNHCR. However, as a global protection cluster lead UNHCR's responsibilities go beyond these three aspects of protection (Humanitarian Reform 2008a).

Typically UNHCR's IDP work under the collaborative approach was focused only on conflict-induced IDPs. Even though UNHCR in its cluster approach is still mainly focusing on conflict-induced IDPs it is interestingly dealing more with 'affected populations' who are persons or communities at risk of displacement. According to UNHCR (2007e: 6) they fall directly within its coordination responsibilities as the protection cluster lead. UNHCR has identified that 'questions and indeed even concerns have arisen over this category and the nature and scope of the protection responses and operational activities it entails' (Ibid. 2007e: 6). Also Feller (2006: 12) has argued that UNHCR is not only responsible for the protection and assistance of IDPs but also for the affected populations. Therefore, it can be seen that UNHCR's protection role has in certain situations extended even beyond IDPs – and specially beyond conflict-induced IDPs. Besides new responsibilities for IDP protection, the cluster approach has also brought new accountability towards a wider civilian population. However, it has been identified that there is a need for creating a new focal point with responsibility for protecting 'affected persons' (Humanitarian Policy Group 2007a: 36.) This could decrease UNHCR's responsibilities with these non-IDP populations.

Regarding the new responsibilities, the meaning of UNHCR's mandate in the cluster approach has to be discussed. Even though UNHCR's new role in cluster approach has brought increased responsibilities, it is emphasising 'that the new engagement did not require a change of mandate but a more clearly spelled out role' (UNHCR 2006b: 9) and that 'it should be emphasized that UNHCR's commitments within the cluster approach do not amount to a "new mandate" for IDPs' (UNHCR 2006c: 4). These statements can be interpreted to suggest that even if UNHCR has assumed new responsibilities for IDPs and it is acting in a more predictable and accountable way, it does not understand its commitments under the cluster approach to be substantially more binding than before, or at least not as obligatory as its refugee responsibilities. Given these statements and the further analysis on UNHCR's responsibilities, I argue that there is a need to modify UNHCR's statute mandate, because the findings of this study suggests that UNHCR does not perceive its cluster lead responsibilities to be as compulsory as its refugee responsibilities. Therefore, I suggest that if a truly comprehensive approach to IDP and refugee protection is to be achieved then UNHCR

needs to rewrite its statute mandate to include IDPs – or it has to perceive its IDP responsibilities to be equally obligatory to its refugee responsibilities.

When the question of responsibilities and mandate are explored the relationship between UNHCR's lead role both in IDP protection cluster and refugee sector has to be discussed. The agency has emphasised that the cluster approach does not apply to its refugee work. This is because it already has a clear mandate to operate in refugee situations. Given this statement and the fact that if necessary UNHCR would still reject or withdraw its IDP responsibilities if they might undermine its refugee operations, it can be suggested UNHCR perceives its statute mandate for refugees to be more valid and legitimate than the extended operational mandate for IDP responsibilities. However, UNHCR has argued that even though the increased IDP responsibilities do not amount to the creation of a new mandate, a total change in agency's thinking is needed. There have been several calls for repositioning UNHCR's understanding to be able to provide protection and assistance to forced migrants 'regardless of whether they have crossed an international border' (UNHCR 2007c: 1). Based on this argument I suggest that if UNHCR would be able to create a truly 'comprehensive approach' to IDP and refugee protection then it would perceive its IDP and refugee responsibilities in a more equitable way.

In the following section I will analyse the two somewhat unclear and problematic, yet crucial, concepts which underlie UNHCR's new responsibilities in the cluster approach: 'Predictability of accountability' and 'provider of last resort' (POLR). It is my attempt to show that UNHCR has an opportunity under the new cluster approach to take a more binding role in IDP protection and hence it could begin to perceive its responsibilities with IDPs and refugees in a more equal manner under the notion of comprehensive approach.

### **3.2.2. 'The predictability of accountability'**

One of the largest confusions and debates in the cluster approach, even after two years of implementation, is about how to interpret the responsibilities and accountability that the cluster lead organisations have. Graves, Wheeler and Martin identify that there is a lack of consensus between different actors about the role of cluster leads. They argue further that:

*The unique, and also most valuable, elements of the cluster approach relate to accountability and predictability. These two elements directly address the weaknesses which triggered the current reform effort, and are primarily encompassed in the concept 'provider of last resort'. This in turn is complemented by global cluster lead responsibilities to improve preparedness, through standard-setting and improved surge capacity. (Graves, Wheeler and Martin 2007: 4)*

According to Humanitarian Policy Group (2007a: 8) one of the most dramatic aspects that the new cluster approach brought is UNHCR's responsibility for IDP protection under its role of a cluster lead. What makes it so distinctive from the previous approach is that the cluster lead agencies are responsible not only for their performance but also for the performance of the

entire cluster. There is nevertheless confusion in interpreting responsibilities in a reformed humanitarian system. These are linked to the distinction between sectors and clusters, and the purpose of the whole cluster approach (Graves, Wheeler and Martin 2007). First of all, there are contradictory understandings of the relationship between sectors and clusters<sup>5</sup>. This is a particularly important issue for UNHCR because it is working as a sector lead for refugees and as a global cluster lead for conflict-induced IDPs in three particular clusters. When decided so, UNHCR can also act as protection cluster lead for persons other than conflict-induced IDPs. In CCCM and emergency shelter, UNHCR is a cluster lead only in conflict situations. Like Graves, Wheeler and Martin (2007) I argue that it is important to question the level of accountability of sectors and clusters. Now that the humanitarian response system is using both clusters and sectors at the same time, it can be questioned whether accountability in the sector approach could be more binding or important than in the cluster approach. Accordingly, I argue that if sectors and clusters are to be perceived as equal elements of humanitarian response, then the accountability in both of these elements has to be similar. This in turn should be seen as a need to create a comprehensive approach for UNHCR's refugee and IDP work. This point is also highlighted by Graves, Wheeler and Martin when they ask:

*Why should WFP's accountability for the food sector differ from UNICEF's accountability as cluster lead for water, sanitation and hygiene? Does taking a leadership role in sectoral coordination at field level involve the same level of institutional commitment and planning as signing up to be a provider of last resort? If clusters are eventually to be implemented in all contexts that have a Humanitarian Coordinator, how can parallel cluster and sectoral systems be avoided if clusters do not exist for all sectors? (Graves, Wheeler and Martin 2007: 5)*

In addition the IASC has identified that "cluster" is essentially a "sectoral group" and there should be no differentiation between the two in terms of their objectives and activities; the aim of filling gaps and ensuring adequate preparedness and response should be the same' (IASC 2006b: 5)

I argue that UNHCR's role as cluster and sector lead should not differ and consequently it needs to perceive its IDP and refugee responsibilities in an equal manner. Given the fact this comprehensive approach is not truly established under the current non-mandated approach to IDP protection, I suggest that UNHCR's statute mandate has to be rewritten to include conflict-induced IDPs as well. Accordingly, another agency should take a lead role for the protection of those other than conflict-induced IDPs under the cluster approach.

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<sup>5</sup> Currently there are only two sectors in the humanitarian response system: refugees (UNHCR) and food (WFP). 11 different areas of humanitarian response are structured as clusters. Food and education were transformed from sectors into clusters after the creation of the cluster approach (PCWG 2007). According to the evaluation published by Humanitarian Policy Group (2007a: 38) some UNHCR and non-UNHCR actors have called for refugee operations to be transformed into a cluster approach. Officially, UNHCR is rejecting this option.

### 3.2.3. 'Provider of last resort'

The concept of 'provider of last resort' (POLR) forms the basis of cluster lead agencies' responsibility and accountability. Its interpretation has, however, been complex and varied among different cluster lead agencies. UNHCR has also been concerned about the contradictory interpretations of the notion of provider of last resort (UNHCR 2006c: 10). Basically, the term is used where, after consultation with other cluster members and the Humanitarian Coordinator (HC), UNHCR may have to be a provider of last resort in situations where critical protection gaps are identified if other partners are not able to operate (UNHCR 2007e: 9). It is understood that UNHCR as a provider of last resort in three different clusters might have to 'provide assistance and services where no better alternatives are forthcoming, and where security and capacity permit' (Graves, Wheeler and Martin 2007: 3). In a report of PCWG this concept is further defined:

*As agreed by the IASC Principals, sector [i.e. cluster] leads are responsible for acting as the provider of last resort (subject to access, security and availability of funding) to meet agreed priority needs and will be supported by the HC and the ERC in their resource-mobilization efforts in this regard. This concept is to be applied in an appropriate and realistic manner for cross-cutting issues such as protection, early recovery and camp coordination. (PCWG 2007: 47)*

The significant meaning of this concept is also highlighted by the IASC:

*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 sector [i.e. 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. (IASC 2006b: 10)*

Given the preconditions of sufficient funding, access and security, it is yet somewhat difficult to know how much this concept reinforces lead agencies' respect for their responsibilities in practice. Or more precisely, would UNHCR's likelihood to act as a POLR with IDPs differ from its ultimate refugee responsibilities? Currently it is difficult to answer that because UNHCR, or any other cluster lead agency, has so far never acted as POLR in practice (Humanitarian Policy Group 2007: 1). However, I argue that given the current flexibility to interpret this notion and also because of several prerequisites for ultimate responsibility to act as a POLR, it is unlikely that UNHCR would in practice use this as binding as its refugee mandate requires it to do with refugees. Accordingly, I argue if interpreted in a binding way without any reasons to reject or withdraw from this responsibility and by focusing more directly on beneficiaries and not institutional coordinating responsibilities, this concept would require UNHCR to perceive its IDP work in as responsible a manner as its refugee responsibilities. Because the concept of POLR can be interpreted in a flexible way, there seem to be no obstructions for UNHCR to interpret it in a more binding way if it would aim to

reinforce the creation of the comprehensive approach this way. However, because this is unlikely to happen, it seems that the only way to establish a truly comprehensive approach to IDP and refugee protection, is to revise UNHCR's statute mandate to explicitly include conflict-induced IDPs.

Further analysis is needed on what might happen if UNHCR would reject or withdraw from a cluster lead role and accordingly not act as a POLR. UNHCR might do so because of general reasons of lack of security, capacity or access. It might also see this as potential jeopardizing of its refugee mandate or more precisely see the institution of asylum as a reason not to act as a POLR. In a case of protection cluster either UNICEF or OHCHR would then most likely assume the cluster lead role (UNHCR 2007d: 12). If UNHCR would reject this responsibility for the reason of potentially jeopardising its refugee mandate or the institution of asylum, Feller (2006: 13) has pointed out this mechanism leaves at least two significant issues unanswered: firstly, is there a risk that the leadership role of another UN agency which takes the lead could also undermine the institution of asylum, and secondly, to what extent could UNHCR withdraw from IDP protection without jeopardising its protection of refugees in the same country? As a consequence, it is suggested that perhaps UNHCR's role with IDPs should be seen more as a part of a larger UN humanitarian response, in which it would not make so much difference if UNHCR or any other UN organisation would act on behalf of IDPs in situations which might potentially harm the institution of asylum. In that kind of context, if UNHCR would still be the most sufficient agency to provide protection and assistance to IDPs, perhaps it may be better to hold on to its responsibility and work in the name of a UN led inter-agency response.

#### ***3.2.4. Operational implementation***

Based on the review of UNHCR's documents since late-2005 it seems the one of the most extensively considered issues in relation to its new role as a cluster lead is resources which define its operational implementation. When looking back at the comment made in 2003 by the High Commissioner (HCR) regarding the fact that the agency does not perceive funding to be as important anymore or as a constraining element as before, there has been clear change, because under the cluster approach the agency is highlighting the crucial meaning of funding again. However, UNHCR's documents and arguments on funding are to some extent contradictory which makes it difficult to conclude how much the possible lack of funds could affect its refugee and/or IDP protection and assistance. This is because occasionally UNHCR concludes that funding has been very generous for the global clusters and a few country operations (UNHCR 2006a: 2). Yet, in other documents availability for funding for IDP operations is concluded to remain highly unpredictable and insufficient (UNHCR 2006b: 6). The extensive increase in the number of IDPs whom UNHCR is currently assisting and protecting has surely affected to the fact that the agency is increasingly cautious of its resources. When it comes to staffing, it can be argued from the review of UNHCR cluster approach documents, that the demand for a sufficient number of qualified staff is also seen as a fundamental aspect of the agency's performance as a cluster lead. Looking back at the

analysis of the debate referred to at Chapter 2, it is also somewhat surprising that UNHCR has previously justified its increased IDP work with its experience and expertise, but now, under the global cluster lead role finds staffing to be one of its biggest struggles. In the following section I aim to show how UNHCR perceives its ability to be a responsible cluster lead is linked to the question of human and financial resources.

What is clear is that all of the lead agencies in the cluster approach have recognised the need for additional human and financial resources. Without this they may not be necessarily able to fulfil their obligations (UNHCR 2005b: 3). Based on the review of UNHCR's recent documents, it is apparent that the agency understands that funding is a critical issue in its new expanding role with IDPs: 'UNHCR can only do more with more. It cannot do more with the same or less' (UNHCR 2006b: 12). Especially regarding the protection cluster, UNHCR argues that it has been able to raise a sufficient amount of funding due to the positive response from donors and has been able to direct those funds to the field. UNHCR has nevertheless argued that:

*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 (UNHCR 2006c: 4).*

Thus, UNHCR perceives that there is a clear correlation between the fulfilment of its responsibilities in practice and the sufficient funding. However, besides the sufficiency of funds its management is also crucial. Since the implementation of the cluster approach there has been a call for 'an urgent policy decision as to whether to have a unified budget or separate budgets covering refugees and IDPs...' (UNHCR 2006b: 13) As a consequence, in 2007 UNHCR published a proposal to redesign its budgeting and funding based on separate beneficiary categories: IDPs, refugees, stateless and reintegration operations. This new budget structure was approved by the Standing Committee in 2008 and will be implemented from the beginning of 2009 (UNHCR IDP Policy Officer 2008b). UNHCR has argued that the new structure of separate funds for distinctive groups 'effectively "firewalls" refugee funding and helps ensure that IDP projects do not draw funding away from UNHCR's core refugee mandate' (UNHCR 2007f). The new budget system will therefore be implemented mostly 'to safeguard the resources needed for refugee responsibilities' (UNHCR 2007g: 49). The agency has also emphasised the fact that the new budget structure is finally in line with UNHCR's planning approach, which is based on 'populations of concern' (UNHCR 2007f). The agency has argued that the redesigned budget structure:

*should also accommodate UNHCR's role in the cluster approach for IDPs, while at the same time ensuring that core refugee programmes are protected within the*

*budget and are not inadvertently impacted by UNHCR's increased work with IDPs (UNHCR 2007h).*

The new structure includes four pillars: Global Refugee Programme, Global Stateless Programme, Global Reintegration Projects, and Global IDP Projects (UNHCR 2007i). These pillars apply different funding mechanisms and this should provide more flexibility in UNHCR's funding arrangements. The Global Refugee and Stateless Programmes will be funded on the basis of 'programme funding', as is currently the case with the Annual Programme Budget. This means that:

*The primacy of UNHCR's mandates in these areas and the lead role it plays in the process of planning of refugee and statelessness programmes argue in favour of continued management of these programmes as part of a single fund to which contributions, earmarked and unearmarked, are made and, within which UNHCR sets priorities. (UNHCR 2007i).*

Global IDP Projects will be funded through 'a combination of the "programme-funding" mechanism for costs associated with the essential capacity required for UNHCR to operate and the "project-funding" mechanism for operational activities' (UNHCR 2008b). As a consequence, it can be asked what implications this new budget structure will have. According to Humanitarian Policy Group (2007a: 24) this restructuring could be seen as a positive step. On the one hand it seems that the new structure might strengthen the mainstreaming of IDP work as its own operational area, equal to the work of other pillars. On the other hand the emphasis on 'fire-walling' refugee and IDP budgets might reinforce the current idea that the agency's IDP work cannot undermine its refugee commitments and therefore it might be even more difficult to abolish funding-related preconditions for the obligatory interpretation of IDP responsibilities. In other words, interpreting POLR in a binding way might become even more difficult with this clearly separated budget structure.

Besides funding, staffing is seen as one of the most urgent concerns for UNHCR's role under the cluster approach. The agency argues that 'human resource issues are fundamental to UNHCR's extended role with IDPs and its involvement in the cluster approach' (UNHCR 2006b: 12). There has been a severe lack of qualified staff particularly regarding protection (UNHCR 2006a: 4; UNHCR 2006c: 7). Besides the lack of experienced employees the inflexibility and slowness of deploying staff has made staffing even more problematic (UNHCR 2006a: 15).

Consequently, what is somewhat ambiguous is the logic of UNHCR's argument that its 'expertise and experience' are motivations or reasons for its increased focus on IDPs, and yet, given a substantial growth in its responsibilities with IDPs, it seems to concern itself with exactly this very same issue. However, as already stated, it might be that the most significant problem is not lack of funds or staff, but rather an inefficient bureaucratic structure and slow

functions of deploying staff and directing funds. UNHCR Policy Evaluation and Development Service's analysis from 2006 highlighted this factor:

*UNHCR should clarify its budgeted structure, resource mobilisation and resource allocation process for UNHCR should review its human resource management system to ensure that best teams of staff are available at the beginning of new IDP emergencies, and that IDP operations are properly staffed (UNHCR 2006b: 3).*

However, with both staffing and funding it has to be remembered that even though the cluster leads have responsibility for their particular clusters, they are not meant to fund or undertake all field activities given the inter-agency response. UNHCR is interestingly emphasising that 'IDP responsibilities will be mainstreamed into UNHCR's work without prejudice to its refugee mandate' (UNHCR 2007g: 17). However, what the entire chapter has aimed to present is that even though this is the goal of the agency, it has still missed the creation of a comprehensive approach in several ways. As a consequence, I argue that UNHCR still perceives its global level cluster responsibilities in somewhat inferior to its refugee work, even though the new responsibilities assumed by it can provide an opportunity for the agency to remark its refugee and IDP work in a more equal manner than before.

## 4. UNHCR AS THE STATE LEVEL PROTECTION CLUSTER LEAD

### 4.1. UNHCR`s state level operations

Since UNHCR as a cluster lead is working at two distinctive spatial levels, it is understood in this study that dual focus on both levels is essential. Hence the aim of this chapter is to analyse UNHCR`s field level responsibilities as a cluster lead agency. However, the purpose is not to analyse what is in fact happening at the field because firstly, no exposure to real field observations can be made and secondly, it would not even be necessary because the focus of this study is on UNHCR`s perceptions which can be analysed by using data produced by the agency. Therefore, UNHCR`s real-time evaluations (RTEs) on cluster-based IDP operations form the basis of these analyses. Four RTEs include Uganda, Somalia, Democratic Republic of Congo (DRC) and Liberia. These are countries where the cluster approach was first implemented. Even though UNHCR has also produced a RTE on Chad, it is not incorporated into the analysis because the cluster approach was officially established only shortly after the evaluation was conducted. In the case of Liberia it must be reminded that the cluster approach was introduced when the agency was already organising return and reintegration programmes and therefore the situation differs from the rest of the case studies. Crisp, Kiragu and Tennet have noted that in other roll-out countries other than Liberia:

*UNHCR`s new responsibilities under the Cluster Approach required a much more decisive reorientation of its country programmes, deployment of additional staff and target fundraising, so as to ensure that new IDP programmes did not draw resources away from the agency`s mandated refugee activities (Crisp, Kiragu and Tennet 2007: 13).*

In addition, situations in these roll-out countries were extremely challenging with complex humanitarian contexts and these locations were also identified to have suffered most from previous failures in humanitarian responses. Therefore, the reason for selecting the countries analysed in this study is because they are countries where the cluster approach was first implemented and where UNHCR was not previously working with IDPs; accordingly there are contexts where the roll-out phase has been the most difficult, thus requiring the most efforts and resources. My analysis also focuses on the time when the RTEs were conducted, that is mid-2007 and more recent improvements might have occurred.

As an overall state level situation, the cluster approach was formally implemented in the end of March 2008 in 14 of the 26 countries with Humanitarian Coordinators (HCs) (Humanitarian Reform 2008a). In May 2008 UNHCR was involved in 24 IDP operations out of which nine were implemented by using cluster approach. These countries include the Central African Republic (CAR), Chad, Colombia, Côte d'Ivoire, Ethiopia, the DRC, Liberia,

Somalia, and Uganda (UNHCR 2008a). The focus of this research is on the four evaluated roll-out countries, namely DRC, Liberia, Somalia and Uganda.

#### **4.2. UNHCR`s cluster lead responsibilities at the field level**

The country level cluster leads, which are responsible for the Humanitarian Coordinators (HCs), are in charge of inclusion of key humanitarian partners; establishment of appropriate coordination mechanisms; coordination with all relevant actors; participatory and community-based approaches; attention to priority cross-cutting issues, needs assessment and analysis; emergency preparedness; planning and strategy development, application of standards, monitoring and reporting, advocacy and resource mobilization; training and capacity building, and provision of assistance and services as a last resort. (IASC 2006a). HCs are further accountable to the global Emergency Relief Coordinator (ERC). The focus of this study is on the last aspect of responsibility – the notion of provider of last resort (POLR). This is because unlike other rather administrative aspects of responsibilities, provider of last resort can be perceived to be the most controversial responsibility regarding UNHCR`s refugee mandate.

As mentioned in the previous chapter the notion of provider of last resort means that when critical gaps exist, the cluster lead is responsible for filling them – if access, security and resources allow so. This notion has, however, been interpreted differently at the field level. Regarding the concept of POLR it is also argued that besides the various inter-organisational responsibilities, greater accountability to recipients of assistance and protection has to be achieved. According to the IASC (2006c: 9) this aspect of accountability has not been adequately addressed within the cluster approach and it needs further reinforcement. Refocusing the responsibility more directly to IDPs could also strengthen the field level focus of the cluster approach.

The IASC (2006c) has concluded that in the case of the roll-out countries accountability of cluster leads to HCs has not been sufficient. However, when it comes to the role of UNHCR it seems that the agency has been able to reinforce its accountability primarily by increasing its operational field presence. The agency also perceives that the strong field presence is essential not only for the enhanced protection of IDPs but also for the legitimacy of its leadership role (UNHCR 2006c). Also Humanitarian Policy Group (2007a: 8) has emphasised UNHCR`s increased field presence particularly in Uganda and Somalia, and concluded that without the cluster approach the agency would not have been able to achieve the same level of operational capacity particularly in its protection activities. These actions and statements seem to support the view that, under the cluster approach, UNHCR is taking its new IDP responsibilities more seriously than before. However, the sufficiency of this improvement can be challenged, because the ultimate operational responsibility defined in the notion of POLR is still questionable. Also despite an overall increase in the field operations and as a consequence reinforced accountability, UNHCR still faces challenges and shortcomings in its field level responsibilities.

In Uganda there is need to strengthen accountability to the HC even though the situation is slowly improving. The limited strength of reinforcing accountability is partly due to the fact that there was an insufficient amount of information on accountability when the cluster responsibilities were implemented. Furthermore, IASC has raised a question of how to balance cluster accountability with the fact that the government has crucial responsibility for IDPs. The definition of accountability has also to be interpreted beyond the focus on of fund-raising. (IASC 2006c: 4, Annex 1). In the RTE on Uganda, produced by UNHCR, it is stated that:

*Even though the Cluster Approach was indented to reinforce the accountability and predictability of the humanitarian system, these objectives have not been met in Ugandan context (Bourgeois, White and Crisp 2007: 11).*

In the case of Somalia, despite some improvements of accountability ‘a lot work remains to be done’ and there is a ‘need to improve the prioritization of protection needs; [and] to agree on role and responsibilities...’ (Savage, Wright and Kiragu 2007: 16, 23). The IASC has also concluded that

*Accountability remains rhetoric, as there is no clarity on what happens if a cluster lead cannot fulfil its responsibilities. Global cluster leads must commit to supporting the country cluster leads in terms of finances and personnel. Each cluster lead agency requires a designated full-time cluster lead person. This would serve to separate the role of the cluster lead from the mandate of the agency, which to date has been problematic. (IASC 2006c: 3-4, Annex 2; emphasis added)*

Regarding Liberia it is argued that the notion of provider of last resort is actually discouraging responsible action because it allows other cluster participants to avoid their responsibilities. It has been argued that there is no sense of joint responsibility, because responsibility is defined mostly as a requirement of a single lead agency (IASC 2006c: 4, Annex 3). In the DRC the overall decision to designate cluster leads has enhanced predictability and gap-filling, particularly regarding protection. However, it has been hard to hold cluster lead agencies accountable in a systematic way without clear guidance (IASC 2006c). In the RTE produced on the DRC it is also highlighted that there should be more emphasis on the humanitarian organisations’ accountability to the beneficiaries (Bourgeois, Khassim and Tennant 2007: 9).

Even though UNHCR has increased its overall predictability for IDPs, it is still uncertain how strongly it has been able to build a comprehensive approach at the field level to strengthen more equal refugee and IDP protection. Based on the review of several state level evaluations, and especially focusing on UNHCR’s RTEs, it is argued that the analysis on the competitiveness and complementariness between UNHCR’s refugee and cluster-based IDP protection are clearly lacking. However, there are a few situations in which the agency seems to have implemented a comprehensive approach to its field level refugee and IDP operations. Firstly, regarding the return and reintegration schemes UNHCR perceives its refugee and IDP

operations in a more complementary way than in many other situations. Secondly, when UNHCR discussed the protection of the other affected populations, refugees and IDPs, it seems to perceive refugees and IDPs in an equal way compared to the other affected populations.

It also seems that on the one hand UNHCR is determined to mainstream its IDP activities at the state level and reinforce the complimentary approach, but on the other hand it still perceives them as operations that need to be clearly distinguished from one another, because of the danger of jeopardizing its refugee commitments. This is shown in the way the UNHCR keeps 'fire-walling' its IDP and refugee operations. In the following section I analyse in more detail this dualistic view that UNHCR has on the relationship between its refugee and IDP work at the state-level cluster approach in Uganda, Liberia, the DRC and Somalia.

### **4.3. UNHCR`s IDP and refugee protection at the field level**

#### ***4.3.1. Operational and categorical mainstreaming versus 'fire-walling'***

UNHCR is arguing that it needs to mainstream its IDP operations and policies into agency`s overall work (UNHCR 2007b). UNHCR will publish a policy paper on its mainstreaming strategies at the beginning of June 2008 (UNHCR IDP Policy Officer 2008a and 2008b). Therefore, while writing this study it is not yet clear what UNHCR precisely means by its mainstreaming efforts and how it will practically pursue them. The agency has argued that:

*UNHCR country offices should be encouraged to avoid the creation of parallel structures dealing with refugees and internally displaced people... as the evaluation reports suggest that this can result in cluster approach responsibilities being insufficiently prioritized and mainstreamed (UNHCR 2007b: 6).*

Mainstreaming is further perceived to be important according to UNHCR particularly in order to avoid the risk of a structural gap between the IDP and refugee operations. This gap is manifest, for example, in Uganda in the form of having UNHCR`s traditional capital managed refugee programme and a new clusterised IDP operation which is coordinated from the North of the country. (Bourgeois, Wright and Crisp 2007: 3, 12). Therefore, I understand that UNHCR`s operational mainstreaming efforts attempt to treat the agency`s IDP and refugee operations in a more inclusive way than before. It also involves avoiding operational duplication in situations where one programme would be sufficient. It does not, however, refer ignoring the real differences between these two groups. I argue that refugees and IDPs, even though somewhat different, should be treated by the agency more equally – reinforcing a comprehensive approach to their protection.

There has been a lack of mainstreaming efforts in several of the countries analysed here. Neither in Uganda nor in the DRC are the agency's new IDP activities under the cluster approach fully mainstreamed within the country operation. UNHCR's refugee and IDP operations are rather seen to create competing demands:

*The operation in the DRC is a particularly complex one, incorporating a significant refugee caseload... and a new challenging IDP programme in the context of the cluster approach. Given these competing demands, and the limited additional resources available, it is perhaps not surprising that UNHCR's IDP and cluster-related responsibilities were undertaken largely by certain individuals within the Branch Office and field offices... (Bourgeois, Khassim and Tennant 2007: 19, emphasis added)*

It has been further argued in UNHCR's RTE on the DRC that there has been lack of mainstreaming, ownership, cohesiveness and consistency in the agency's IDP approach. UNHCR has also been challenged to define its role as cluster co-lead concretely, especially in relation to the protection cluster. This process has involved 'balancing realistic assessments of operational capacity and expertise against the organization's mandated responsibilities' (UNHCR 2006a: 5). Accordingly, it seems that UNHCR still defines its IDP work, even under its new role as a cluster lead, in relation to its refugee mandate and highlights the distinctions between its IDP and refugee operations.

Exception to this has been UNHCR's perception of IDPs and refugees when comparing them to the other affected populations or when it refers to return operations. In the RTE conducted on UNHCR's role in DRC it is emphasized that UNHCR's work in the cluster approach is not only on IDPs but also on other affected populations. The RTE goes further to suggest that:

*This highlights the need to draw distinction between UNHCR's direct operational responsibilities, which are focused on the protection of refugees and IDPs, and its broader role as protector cluster lead (Bourgeois, Khassim and Tennant 2007: 8).*

In addition, UNHCR has argued that it has been challenging for the agency to determine 'which people are of concern to UNHCR as an agency, as opposed to defining the target population for the purposes of cluster members as a whole' (UNHCR 2007b: 2). Thus it can be understood that even if UNHCR perceives its refugee and IDP work distinctively it can further separate its responsibilities for refugees and IDPs from its commitments to other affected populations as a cluster lead agency. Also when UNHCR is describing its return policies, it perceives refugees and IDPs in a rather similar way and highlights the need for a community-based approach, which does not separate a refugee from an IDP. This is particularly clear in the context of UNHCR's work in Liberia, where the cluster approach was implemented in a post-emergency situation where most of the IDPs were already returning:

*There was a high level of complementarity between the IDP and refugee return programmes. UNHCR's increased involvement with IDPs enabled the development of a more coherent and comprehensive protection strategy and reintegration programme which ultimately benefited both IDP and refugee returnees (Wright, Savage and Tennant 2007: 3).*

This fact reaffirms the expertise of UNHCR in refugee and IDP return operations. It can be, however, questioned whether UNHCR has been able to mainstream its non-return IDP operations and responsibilities as sufficiently. It can also be asked whether these other operations are still highly focused on 'fire-walling' rather than mainstreaming efforts. Strong mainstreaming is, however, needed in order to reinforce the application of a comprehensive approach. Mainstreaming efforts should be seen to be supported by the agency's overall conclusion from the RTEs that states that 'UNHCR's enhanced role under the cluster approach in relation to the internally displaced has *so far* not had a negative impact on its mandated responsibilities for refugees' (UNHCR 2007b: 6; emphasis added). The expression 'so far' leaves open the question whether UNHCR still assumes its IDP work as hindering as agency's mandated refugee operations.

The dualism between UNHCR's pursuit to mainstream its IDP work and to keep it clearly separated from its refugee mandate, can be analysed also in relation to the agency's statements regarding its state level staffing and funding. First of all, in certain situations UNHCR's employees have been resistant to adopt the new cluster approach. Particularly in Uganda UNHCR's staff has criticised the implementation of the whole cluster approach. This criticism was based on the long-term unwillingness to engage with the IDP situation, because of the fear that UNHCR's involvement with IDPs might undermine its refugee programmes (Bourgeois, Wright and Crisp 2007). On the other hand the agency is officially committed to support the new approach and with the activation of the cluster approach UNHCR now assumes a significant role in relation to the IDPs, 'particularly in the high-profile area of protection.' (Ibid. 2007: 11).

UNHCR's field level cluster lead performance has been negatively affected by shortcomings in its budget and staff (UNHCR 2007b: 2). From the case study states only in Liberia has there been a sufficient amount of staff and funds to support UNHCR's cluster-related responsibilities which have mostly focused on return progress. However, also in Liberia, in the beginning of the new approach, there was competition regarding resources between UNHCR's refugee and IDP operations. However, subsequent to the early stages of activation of the cluster approach there was no negative impact on the refugee operations (Wright, Savage and Tennant 2007). Furthermore, UNHCR has stated that it needs to define the limits of its capacity in a more precise way to determine how much it can contribute to the implementation of the cluster approach in future:

*UNHCR's increased responsibilities as a cluster lead, coupled with growing external expectations, bring into question whether the Office's current position of delivering within current resource levels can remain tenable (UNHCR 2007b: 4).*

Therefore, it is questionable as to what extent UNHCR is able or willing to reinforce the notion of the comprehensive approach.

## 5. CONCLUSION

The aim of this study was to critically interrogate whether the notion of the comprehensive approach, as defined in this research, can be used to describe UNHCR's current perception of the relationship between its cluster-based IDP work and sectoral refugee operations. Data findings reveal that this notion is not yet accurately implemented in UNHCR's work, or particularly in the agency's rhetoric. Accordingly, the hypothesis, that UNHCR would currently be implementing a truly comprehensive approach – given the fundamental changes in its role from the collaborative approach to the cluster approach – is rejected. In general it can be concluded that despite the increased responsibilities towards large numbers of IDPs, UNHCR does not yet understand its work with IDPs and refugees to form deeply a reciprocal or equal link. Based on the analysis on responsibilities, particularly focusing on the notion of provider of last resort, it is also questioned whether UNHCR's ultimate responsibility with IDPs has been so profoundly increased after all. Therefore, the hypothesis is also rejected based on the findings that suggests that there is still confusion about how to define the ultimate responsibilities of the cluster lead agencies and even more so how to apply them in practice.

The overall conclusion on the lack of a comprehensive approach is based on several findings of this study. Most of these findings are grounded in the theoretical and conceptual framework formed in the beginning of this research from the analysis of the previous debate and conceptualisation of the notion of comprehensive approach. Consequently the study has aimed to contribute to the longstanding debate by providing new analysis on the cluster approach context. The most significant findings are related to UNHCR's perception of its mandate, refugee and IDP categories, operational implementation, and institution of asylum. All of these issues, which were already discussed in relation to the previous debate, have been analysed through 'responsibility lenses' focusing on UNHCR's perception of its new responsibilities with IDPs. Also in order to analyse UNHCR's perceptions in a comprehensive manner, its cluster lead role was explored both at the global policy level and operational state level.

The most fundamental aspect of the analysis presented in this study is UNHCR's perception of its new IDP-related responsibilities and the comparison of agency's refugee and IDP responsibilities. From the review of the agency's new global level IDP policies it can be concluded that even if some of the policy papers address both the synergies of refugee and IDP work, their content is still more focused on the differences and challenges that the work with these two groups involve. Therefore, these policy papers emphasise the need for clear distinction between UNHCR's refugee and IDP operations, even when the agency aims at the same time to mainstream its IDP operations. Consequently it is somewhat unclear how strongly UNHCR is actually able or willing to build up the notion of the comprehensive approach to protection. I argue that if UNHCR is to perceive its IDP and refugee work in a fully comprehensive manner, the agency no longer only analyse the impact of its IDP

operations to its refugee work, but there is a need to produce evaluations on the impacts of refugee operations on UNHCR's IDP work. This is clearly absent also from the state level evaluations produced by the agency, particularly regarding the potential negative implications.

Based on the analysis on UNHCR's perception of its new responsibilities it is concluded that there is a need to rewrite the agency's statute mandate. Even if UNHCR has stated that there is no need to modify its original mandate because of the new IDP responsibilities, I suggest that this is not the case if the agency aims to achieve truly comprehensive approach to its refugee and IDP protection. UNHCR's reluctance to rewrite its mandate is clearly related to the question of the institution of asylum which has also been touched upon in this study. The agency is afraid that its mandated refugee obligations and ability to keep borders open in order to sustain the right to seek asylum might be undermined if its statute mandate would be modified to include conflict-induced IDPs. I do not, however, see that rewriting the mandate could impact this in a significantly more profound way than the agency's current cluster-based operations could. My argument for the need to modify the mandate is based on the conclusion that UNHCR does not perceive its IDP responsibilities, particularly the notion of POLR to be as binding as its mandated refugee obligations: It is still willing to undermine its IDP responsibilities to preserve its mandated refugee obligations. Therefore, even if the agency's work with IDPs is as authoritative as the refugee operations, the unequal perception and treatment of its IDP and refugee obligations does not suggest that a comprehensive approach could be achieved without rewriting UNHCR's statute mandate to include not only refugees but also conflict-induced IDPs. Accordingly, my overall argument on the debate on UNHCR's mandate supports the modification of its mandate. However, realising the improbability of this rather controversial suggestion, I argue that the comprehensive approach might be achieved through another route, namely by making the notion of provider of last resort to be legally binding excluding all of the current preconditions for its fulfilment. To ensure more binding overall protection for IDPs the latter suggestion might be even more appropriate than the former because UNHCR is working to protect and assist IDPs in an inter-agency approach and is thus not responsible for every aspect of IDP assistance.

The lack of binding responsibilities and equal perception on IDPs and refugees are reflected in UNHCR's rhetoric on several other issues. Related to the categorisation of these two groups of beneficiaries, the analysis suggests that in general UNHCR does still seem to perceive that a clear distinction between refugees and IDPs is needed in order to operationally 'fire-wall' these two branches of work. The underlying reason for this is the fear of jeopardising its mandated refugee work by its new increased IDP responsibilities. It is, however, concluded that in two different contexts UNHCR seems to reinforce the comprehensive approach to refugee and IDP categorisation. Firstly, when UNHCR conceptualises its responsibilities towards other affected populations, it perceives its accountability towards refugees and IDPs to be rather similar. Secondly, UNHCR's analysis on return and reintegration emphasises the comprehensive approach to refugees and IDPs. This finding supports the previous arguments presented in the debate that emphasises the

categorical similarities and accordingly operational synergies between these two groups. Nonetheless, as already stated, in general UNHCR still seems to perceive that there is a need to categorically, and as a consequence also operationally, keep a clear distinction. To conclude, my findings seem to support both sides of the previous debate on this issue depending on the context of analysis.

The way UNHCR currently perceives its operational implementation, or more precisely its funding and staffing, is heavily influenced by the creation of the cluster approach and as a consequence the significant increase in the number of IDPs it is assisting and protecting. Based on the review of UNHCR cluster-related documents, it is concluded that UNHCR sees funding and staffing as one of the most critical issues for the fulfilment of both its refugee and IDP responsibilities. Both global and state level analysis suggests this. The analyses suggest that UNHCR is not applying a truly comprehensive approach to its refugee and IDP work because it is still willing to undermine its IDP responsibilities if there is a lack of resources. Accordingly, it can be concluded that UNHCR still understands its IDP work in a somewhat inferior way when it comes to resources. The problem of resources is not only related to the potential lack of them, but also to the management of them. Analysis on this issue can bring new insight to UNHCR's mainstreaming effort. UNHCR has decided to restructure its budget so that it will be based on the separate pillars for different beneficiary groups. This might on the one hand strengthen the mainstreaming of IDP work into agency's overall agenda, but on the other hand the renewal of the budget structure is made mostly in order to establish 'fire-walls' to keep UNHCR's IDP and refugee funding even more separate from each other. It is therefore difficult to say if this will reinforce the creation of UNHCR's comprehensive approach or not. To conclude I argue that the findings on UNHCR's operational implementation support the view that, in order to create a profoundly comprehensive approach to IDP and refugee protection, rewriting agency's statute mandate seems to be the only way.

Given all these findings I conclude that without focusing on UNHCR's rhetoric on the relationship between its IDP and refugee work in the current cluster-based situations, the longstanding debate is missing a novel view point. In addition UNHCR cannot achieve a truly functional comprehensive approach to its refugee and IDP work without paying more attention not only its operational mainstreaming, but also to its rhetorical efforts to mainstream its IDP work.

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