



Refugee Law Project

Faculty of Law, Makerere University



Initial NGO responses to the Roll-out of the UN Cluster Approach

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By way of introduction, this presentation is based on recent research that we have been conducting at the Refugee Law Project, both for a joint paper with NRC, and as part of a wider ODI research project on 'protection in practice'. In the course of our work, we have interviewed numerous UN and NGO officials in Kampala and northern Uganda, and most have had a fair amount to say about clusters. I want to just give a brief overview of people's initial reactions to the cluster concept and implementation, and then look at the specifics of the UNHCR-led protection cluster. Of course, given that the cluster approach was only decided upon in late 2005, and Uganda was chosen as one of three countries in which it should be piloted in 2006, it is very early days to be saying anything conclusive about the validity of the cluster as a practical operational approach *per se*.

But first, to place the cluster approach in Uganda in context. It is worth bearing in mind that, while northern Uganda has been in a state of conflict for the last twenty years, it is only since 2003 that it has drawn serious international attention, despite numerous attempts by local actors to raise awareness of the situation on the ground. The roll-out of four clusters in Uganda is an important indicator of the shift in international awareness. As such it has a political importance, which, in many respects, goes beyond weaknesses in its initial implementation.

By the same token, the cluster approach also lays an important emphasis on the need for humanitarian action. The long-held conviction has been that Uganda is in a developmental phase rather than a humanitarian crisis. By contrast, the emergency orientation that underpins the cluster approach forces the international community to acknowledge the current humanitarian crisis that contradicts the Ugandan success story – a reluctance famously captured by Jan Egeland himself when, in late 2003, he described Northern Uganda as the world's most forgotten humanitarian crisis. Therefore it could be argued that introduction of the cluster approach by the UN has been part of a strategic approach to shifting perceptions about the realities of Uganda today; by accepting the cluster, with its close ties to the humanitarian, it has become increasingly difficult for the more developmentally oriented to continue to pretend that everything is OK in Uganda.

But how has it been received by NGOs?

Overall, I think it is true to say that the arrival of the clusters has not been straightforward. Although one of the motivations behind the cluster is to



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narrow the gap between NGOs and the UN, the feeling on the ground is that, to date, it has only served to widen it. As one NGO worker said, “While addressing the issue of accountability, which is the good side of [the cluster approach], they are losing out in respecting our uniqueness and specific competencies.” Many referred to the fact that being part of the clusters simply means additional meetings that are not yet proving beneficial for their own operations. As one interviewee put it, rather cynically, “the water sector meeting is now the same useless meeting but it’s called the water cluster.” In addition, numerous NGOs complained of the lack of consultation and interaction between cluster leads and NGOs. This reflects a wider frustration over inadequate information sharing and planning, despite the fact that clusters are supposed to counteract this. The situation has been exacerbated by the slowness in implementing operations. Even by the UN’s admission, it has been “a long process to come into being”.

Now looking specifically at the protection cluster. It appears that, despite numerous shortcomings, there is general agreement that the UNHCR-led protection cluster is the only cluster worth taking note of at the moment. As another senior NGO worker said, “Although HCR has been unpopular, at least they’re doing something instead of pretending it’s business as usual with a new name.” Under the protection cluster, monitoring of return is beginning to take place, and the emphasis on the need for IDPs to have freedom of movement, which has been strongly pushed by UNHCR, appears to have had a direct impact on discussions relating to the way in which IDPs should return to their homes, if the security conditions allow. However, problems relating to UNHCR’s lack of interaction with NGOs were again highlighted, with NGOs feeling somewhat out of the loop on major decision-making and planning.

In addition, the challenge for UNHCR remains as to whether it is going to engage the Government on protection issues. Its position as cluster lead, which also entails being the agency of last resort where other agencies have failed to resolve cluster related issues, potentially places UNHCR in a difficult position vis-à-vis the Government.

To conclude. It is important, when considering the cluster approach, not to look only at whether or not it operates efficiently on a day-to-day basis. For it is clear that the adoption of this approach is in and of itself a political decision that sends a number of very clear signals to a range of actors, not least the UN system and the Governments which host it. I think we can safely say that it has much to offer, to the extent that the cluster approach has helped to reframe the northern Uganda situation as one of humanitarian crisis that deserves the serious attention that even the UN admits has been lacking for the best part of twenty years. However, in its implementation there needs to be far better interaction with NGOs, without whom the cluster will ultimately fail.



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Finally, There is also something ironic and more than a little sad that, in some of the worst affected areas we are only just seeing the establishment of offices by OHCHR and other UN agencies on the eve of a potential peace agreement. If the worst happens and the war should resume, it will be a real test-case for the viability of clusters and, in particular, for the lead agencies to assume the responsibilities that have been granted them under the cluster approach.