

Independent evaluation of UNHCR's emergency response to the Rohingya refugees influx in Bangladesh August 2017– September 2018

EVALUATION REPORT
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Executive summary

The evaluation of UNHCR's response to the Rohingya refugee emergency in Bangladesh follows on from the declaration of the Level 3 (L3) emergency for Bangladesh, effective 19 September 2017. It is undertaken in line with UNHCR's revised Evaluation Policy approved by the High Commissioner on 16 October 2016. The evaluation started in January 2018 and was conducted over a period of 10 months and covers the first 12 months of the response.

The purpose of the evaluation is to analyse the extent to which UNHCR provided a timely and effective response to the refugee crisis in Bangladesh. It will be used to reinforce the organization's global approaches to emergency response in refugee situations as well as to provide recommendations to strengthen UNHCR's operations in Bangladesh in the second year.

I. Context and background

On 25 August 2017, a mass exodus of Rohingya Muslims from northern areas of Rakhine State in Myanmar to Bangladesh occurred in response to a campaign of extreme violence by the Army and the State. Over the course of the next three months, nearly three-quarters of a million people sought refuge in Bangladesh where they currently live in hastily constructed spontaneous settlements and camps. During the first six months, the Government of Bangladesh allocated land for refugees, and they settled in and around two major areas, Kutupalong and Nayapara settlements, and in other areas in Teknaf and Ukhia districts. The Kutupalong settlement is the biggest single such type of camp in the world, containing nearly 620,000 people. It is comparable to a medium-sized city, built largely in the space of three months, on soft-earth hills. Altogether the refugee population is close to a million people, making this one of the largest refugee crises in the world.

The Rohingya have been a persecuted minority for many decades. This is the fourth time in recent history they have had to flee persecution in Myanmar, with previous refugee crises in 1978, 1991 and 2016. Each time the numbers crossing the border have got larger and the human impact arguably greater. The Government of Myanmar now stands accused of egregious human rights abuses, possibly genocide, with thousands killed, villages destroyed and mass sexual violence in a campaign of state-sponsored terror.¹ Between 1 January and 31 August 2018, more than 13,200 refugees arrived in Bangladesh, reporting continued discrimination, harassment, and infringement of their fundamental rights in northern areas of Rakhine State.

The response to the refugee influx was swift and large in scale. The Government of Bangladesh deployed the army and disaster management capacity to help in the first weeks, and the national civil society response was equally generous. A massive international effort was launched in support of their efforts, with the UN and international non-governmental organizations (INGOs) in charge of approximately US\$1 billion worth of assistance.

¹ Human Rights Council (2018) *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, A/HRC/39/CRP.2, https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_39_CRP.2.pdf (accessed 9 January 2019).

II. Scope, purpose and methodology of the evaluation

The evaluation is designed to respond to four key questions, covering the first year of the response (around 26 August 2017 to 15 September 2018):

- KEQ 1: How **timely and effective** was UNHCR's response to the refugee crisis in Bangladesh?
- KEQ 2: What have been the **key protection outcomes**, both intended and unintended, for refugee women, men, boys and girls?
- KEQ 3: Going forward, to what extent is UNHCR able to ensure **system-wide protection** of all people of concern from its current and evolving position in a refugee emergency?
- KEQ 4: To what extent have **mid/long-term protection perspectives** been given due consideration in the design and delivery of the operational response by UNHCR to avoid the creation of dependencies and ensure a solutions orientation?

This evaluation was designed using a prospective or forward-looking methodology, which is relatively new for humanitarian evaluations. It entails collecting data at several points in time over the first year of the emergency response, as compared with more conventional evaluation methodologies (rapid or in-depth) that undertake data collection once over the course of the evaluation. The prospective methodology was designed with two objectives: it enables a more nuanced analysis of how the response had evolved over time, and it provides an opportunity for the evaluation team to offer insights and observations at various points in time that can be used immediately (in real time) for course correction.² Therefore, it offers an alternative lens through which to understand complex emergency operations.

From February to October 2018, the evaluation team leader carried out four field trips to collect primary data, primarily through key informant interviews (KIIs), observations, and focus group discussions (FGDs). In total, over 120 KIIs were conducted, with many of the key personnel interviewed multiple times. In parallel, between June and August 2018, the Development Research Initiative (dRi), a team of national researchers led by Professor Ferdous Jahan of Dhaka University, carried out 26 KIIs and 30 FGDs with refugees, Majhis, Camps-in-Charge (CiCs) and NGO officials. The evaluation triangulated and reinforced the above-mentioned primary data with a thorough secondary data analysis, including document review and quantitative data analysis of publicly available data sources such as the World Health Organization (WHO) Early Warning Alert and Response System (EWARS) and SMART data. Finally, the team conducted fresh analysis of 10 existing survey data sets collected including the REACH Multi-Sector Needs Assessment (MSNA) and the International Organization for Migration (IOM) Needs and Population Monitoring (NPM) to highlight the differences in perceptions and outcomes across various camps (and former zones) in Cox's Bazar, drawing on cross-sectional graphical and statistical methods as needed.

III. Findings

The response to the sudden influx of hundreds of thousands of Rohingya into Bangladesh in August 2017 has been complex and challenging. The generosity of the Bangladesh Government and people, who have treated this population as refugees and made available land and resources to give them safety and sanctuary, should be praised at the outset of this evaluation.

² For a detailed examination of the role of evaluation in humanitarian action, see ALNAP (2016) *Evaluation of Humanitarian Action Guide*, ALNAP Guide, London: ALNAP/ODI.

The response of UNHCR as the UN mandated refugee agency has also been largely effective and successful in the first year. The organization committed resources, expertise and leadership to ensure this response was successful, demonstrating what can be achieved when everyone works together.

The next phase will be equally challenging, albeit in a different way. UNHCR now needs to make sure it has the right leadership, strategy and expertise to support the Government to find solutions and to assume policy leadership to ensure the refugees' ongoing protection.

A. Effectiveness in the first year of the response

The response to the Rohingya refugee crisis saved lives and reduced suffering. Mortality was kept under emergency thresholds for most of the first year, and morbidity has declined significantly as has malnutrition. This was a collective effort in which UNHCR played a large role. While attribution is not precise, ***UNHCR has effectively managed half the camp population and responded in areas such as health, nutrition, shelter, WASH and community outreach that are correlated with those communicable diseases that have shown significant decline.***

This outcome was not guaranteed. There were multiple risk factors at play at the beginning of the crisis. The refugees had been walking for several days, fleeing trauma and violence, and were in poor shape on arrival. Even before their flight the health of this population was poor, with some of the highest malnutrition rates and lowest vaccination rates to be found in Myanmar, South East Asia's poorest country. In 1978, 10,000 people died in the camps because of poor public health; cholera in particular is a major risk in such large camp situations. Other mass movements of refugees in the past decades have seen mass casualties from diseases such as measles, and the diphtheria outbreak in November 2017 could have killed many more people had swift action not been taken. The fact that such a tragedy did not occur is a testament to an effective response.

The evaluation notes that in the initial month following the influx, UNHCR was constrained and not in a position to respond as quickly as it could have. In the first two weeks, UNHCR was unsure about its remit beyond the pre-existing registered refugee camps. This was because the initial characterization of the crisis was about migrants rather than refugees, with the clearly defined role for UNHCR only within the pre-existing registered refugee camps. Despite the uncertainty, UNHCR deployed emergency staff and triggered airlifts in the first week following the influx. A Prime Ministerial directive in mid-September enabled UNHCR to work at scale throughout the affected region. On 12 September, the first two aid flights each carrying 91 metric tonnes of core relief items took off and on 19 September, the first distribution of hygiene kits (to 1,900 people) took place. The evaluation notes that the organization rapidly increased its operations starting around 21 September 2018, airlifting supplies, opening a transit centre and eventually becoming responsible for half of the massively expanded refugee population.

UNHCR also took a leading role in the monsoon preparedness in close coordination with other agencies. It commissioned, together with IOM, a geospatial hazard mapping that made the risks and the urgency clear, convincing policymakers to act. This involved major relocations of populations at risk, and together with IOM and the World Food Programme (WFP),³ the development of new sites, upgraded shelter and better infrastructure. The evaluation notes that only one person has died as a direct result of flooding or landslides so far, an extremely good outcome given the risks involved.

Whilst lives were saved and suffering reduced, there were areas where the response could have been stronger. There are many areas in which international standards have not been met and the fragility of the settlements and the risks posed to refugees living there remain a concern. Although mortality is under

³ UNHCR, WFP and IOM collaborated on the SMEP (Site Maintenance Engineering Project) from February 2018.

emergency thresholds, diarrhoeal disease rates remain high and food security is dependent largely on distributions. Overcrowding and the lack of land is one major cause of unmet standards – the Kutupalong settlement has a population density twice that of Dhaka, often cited as one of the most densely populated cities. However, there are some areas where UNHCR and other agencies could have, and should have done better, such as the timely provision of locks and lighting, and building gender-separated toilets and bathing areas. UNHCR received a delivery of 80,000 locks and chains from its supplier on 15 August 2018, and these were quickly distributed. Whilst some issues are complex as a result of limited land availability – such as providing toilets – distribution of locks could have, and should have been undertaken earlier in the response.

One of the major contributing factors to UNHCR's robust performance in the Rohingya crisis has been the quality of the staff deployed. A highly experienced team was put in place in Cox's Bazar at the beginning of the response and this continued throughout the first year of operations, despite the inevitable turnover. This led to the formulation of a well thought through and executed strategy, backed by HQ decisions that prioritized delivery and made sure that resources were available. Systems such as supply and logistics also worked well, facilitating rapid response.

B. Achievement of protection outcomes

The protection of refugees is UNHCR's core mandate. In practice, this translates to undertaking activities aimed at obtaining full respect for the rights of individuals, in accordance with international humanitarian, human rights and refugee law. Humanitarian action should also support community-based protection mechanisms, in line with the principles of partnership and accountability.

UNHCR's ability to offer protection to refugees in accordance with its mandate for this response is correlated with the overall coordination structure that was in place prior to the August 2017 influx, and as it evolved in the first year. As a result, it should be examined together with the findings in the next section. Prior to the August 2017 influx, the Government of Bangladesh had been reluctant to grant refugee status to the Rohingya population outside of two registered camps, classifying them as Undocumented Myanmar Nationals (UMNs). IOM had been in the lead outside these small registered camps, which covered only around 34,000 refugees, and in the early days this arrangement continued. UNHCR was initially not favoured as the Government was reluctant to designate this influx as a refugee crisis.

Throughout the first year of the response, UNHCR was the protection lead for the Rohingya response, but was not the overall lead agency either in terms of delivery or coordination, despite this being a refugee crisis (see main body of report for a detailed explanation of this). This structure has meant that UNHCR has needed to rely on persuasion, advocacy, and facilitation to get protection concerns and practice integrated into overall response plans and strategies. As the UNHCR presence grew in size and gained a reputation for quality and effectiveness in Bangladesh, and the Government realized the need for its expertise and resources, the dynamics started to shift with UNHCR increasingly occupying a *de facto* leadership position. Without formal authority, however, the accountability for the response has been and remains ambiguous.

Given these circumstances, ***the evaluation notes that the organization has done well to secure some of its key protection outcomes, foremost of which has been the roll-out of a proper biometric registration of the refugees with a Government-issued card identifying them as persons of concern and clearly stating protection against refoulement.*** Securing these identification cards for the Rohingya required considerable tenacity, skills and tactical acumen. Unfortunately, its launch coincided with the signing of the Memorandum of Understanding (MoU) between UNHCR, the United Nations Development Programme (UNDP) and the Government of Myanmar, the contents of which have not been made public, leading to suspicion among the Rohingya refugees as to the true purpose for the registration, and concurrently, a slow uptake.

UNHCR has also achieved several other protection outcomes. Two notable examples include the agreement of the Government of Bangladesh to commit to register all new births; and the advocacy within the UN community for the need of a proper assessment by a multi-agency task force and to hear the voices of the refugees before considering any potential relocation to the Bhasan Char island. The UN has used UNHCR's expertise to ensure that this done with the welfare of the refugees in mind.

In the settlements, community-based protection approaches were a critical intervention given that the scale of the response made it close to impossible to establish and manage an effective case management system, particularly in the first few months. **Throughout the first year, UNHCR-run community-based protection teams of refugee volunteers within the camps have made significant progress and gained traction.** These teams are continuing to increase referrals and raise awareness on services and protection risks. Protection emergency response units also operated during the monsoon, ensuring particularly vulnerable people received care and got referrals for services like psychosocial care where available.

Through the Protection Working Group (PWG), which it leads, UNHCR has consistently pushed for protection to be the central consideration in all aspects of the response. Notably, the March–December 2018 Joint Response Plan (JRP) demonstrates a strong emphasis on protection and a clear protection mainstreaming strategy, largely as a result of UNHCR contributions. In practice, however, implementing this strategy has been an uphill struggle. Many of the agencies in the refugee response do not have refugee protection expertise or backgrounds in protection, and mainstreaming protection seems rather abstract. Despite practical guidance, the data on the response indicates that protection issues have not always been prioritized by all the agencies in their delivery.

In particular, the evaluation finds that the coverage of protection services has been uneven, which to some extent might be a result of complex coordination arrangements. Data from the UNHCR camp protection profiles⁴ show that 61% of women still do not have access to women's centres as of July and 46% do not have access to child friendly spaces. The situation has improved considerably since the beginning of the year when these figures were 87% and 82%, but the gap remains substantial.

The evaluation notes that the protection achievements of UNHCR in the first year are encouraging and have contributed to mitigating several protection risks during a challenging period and with difficulties as noted in Section 4.3 due to the coordination structures. **Nevertheless, a conducive and protective environment is far from established for the refugee population and could quite easily deteriorate given many negative external factors.** Already some refugees reportedly resort to hazardous and exploitative illegal work to get by, including within the drugs trade and the sex industry. Domestic violence, child marriage and polygamy have emerged as significant problems during the period of encampment. There are also unconfirmed rumours of organized violence by some groups.

The scale of these problems is unknown given limited security at night, no access to justice, a culture of impunity and cultural barriers. As the situation continues to stagnate, securing rights and preventing exploitation and violence will become increasingly important but also challenging. The refugee situation will likely grow more complex as long as solutions remain elusive. If any restrictive policies are adopted, it may make preventing exploitation and other abuses within the refugee community more challenging.

C. Effectiveness of system-wide protection and coordination

Coordination for the Rohingya refugee response has been complex, evolving and a reflection of inter-agency dynamics and Government of Bangladesh policies and priorities. It can be examined at three different levels:

⁴ See for instance: <https://data2.unhcr.org/en/documents/details/63821>

at the Dhaka level, the Cox's Bazar level, and the camp level. In Dhaka, a tripartite Strategic Executive Group (SEG) leads the international response, and is jointly led by the Resident Coordinator, UNHCR and IOM. At the national level, the Government has led through the National Task Force established for Rohingya migration and headed by the Foreign Secretary. Currently, operational humanitarian coordination for the Rohingya refugee response is undertaken through the Inter-Sector Coordination Group (ISCG) at the level of Cox's Bazar, reporting to the SEG. In Cox's Bazar the Refugee Relief and Repatriation Commissioner has led the response, with the Deputy Commissioner also responsible for major areas.

In the camps, a government official called 'Camp-in-Charge' (CiC) has been appointed. In terms of the international response, a different coordination approach exists, with roughly half the population living in camps managed by IOM and the other half living in camps managed by UNHCR based on a geographic division of responsibility. ***This has led, in effect, to competing centres of authority and this in turn has often led to service fragmentation.***

The ISCG was initially led by IOM and in place prior to the August 2017 influx through Government directives provided between 2013 and 2017. The ISCG was established to lead operational humanitarian coordination at the level of Cox's Bazar, including facilitating the work of sectoral technical groups. With the pace and scale of the influx in the initial months, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) staff were seconded to the coordination efforts associated with the response, with an OCHA-deployed Senior Coordinator at the Cox's Bazar level reporting to IOM and then to the Resident Coordinator. Starting in January 2018, the tripartite SEG structure was functional in Dhaka, and the Senior Coordinator, seconded by UNHCR, headed an ISCG Secretariat in Cox's Bazar. This Secretariat was expanded to include staff from various agencies, and sectoral technical groups were further strengthened, headed by UN agencies and co-led by NGOs. Protection was constructed as a technical sector with UNHCR in the lead, and included two sub-sectors, one on gender-based violence led by the United Nations Population Fund (UNFPA) and the other for child protection led by UNICEF.

The complicated and ad hoc coordination and leadership arrangements have made decision making slower and more difficult. Challenging decisions are often delayed because the three SEG members cannot agree; at an operational level, disputes are often elevated to the Heads of Sub Office Group (HoSOG), or senior leadership unnecessarily for the same reasons. This has affected the extent to which protection has been central in the response. At the camp level, there is an inherent tension resultant from the different systems, processes and approaches used by UNHCR and IOM with geographic responsibilities in terms of coverage and delivery. These policy and process differences between UNHCR and IOM extend into the sectoral technical groups, which can find it difficult to reconcile competing standards.

In sum, the evaluation finds that UNHCR has not been able to fulfil its protection mandate in the way that might be expected. This is true in both strategic and policy terms, where dialogue with the host state is mediated through a tripartite arrangement, and at the operational level where 'protection mainstreaming' has to be lobbied for rather than built in from the outset. Fundamentally, there is no clear accountability within the response, with no single entity in charge.

A coordination review to examine how the current system can be improved and streamlined was commissioned in September 2018.⁵ The outcome of this review was still pending as this evaluation was finalized, but the findings of this UNHCR evaluation clearly point to the need for clarified and simplified

⁵ According to the terms of reference of the Review of the Coordination Structure for the Refugee Response in Bangladesh that was agreed by IOM, UNHCR and UNDP HQ in September 2018, 'the objective of the review is to make recommendations that aim toward a coordination approach that will enable the different national and international stakeholders in the Bangladesh refugee operation to work together more effectively in pursuit of common goals in the areas of protection, humanitarian assistance, development, resilience, and support to the host communities.'

leadership arrangements for decision making, and clear accountabilities to be established. Indeed, the imperative is greater as the response is likely to become more uncertain and complex in the coming years.

D. Progress toward durable solutions

UNHCR has had a clear focus on promoting access to durable solutions for refugees from the beginning of the Rohingya crisis. This can be seen both in the early involvement of the World Bank and in the statements of the High Commissioner and other senior officials, as well as in the strategic engagement of UNHCR within Myanmar, alongside UNDP, in encouraging and helping to create conditions conducive for return. Such a strategic focus is in line with recent policy developments such as the 2016 New York Declaration and the Comprehensive Refugee Response Framework (CRRF) that call for responsibility sharing in responding to refugee situations. The regaining of humanitarian access in Rakhine State, albeit still at a limited scale, and the successful lobbying with the World Bank and the activations of the IDA 18 refugee sub-window as a result are notable successes.

UNHCR began thinking early on about solutions. Solutions were a pillar of the multi-year strategy designed by the sub-office in Cox's Bazar in November–December 2017. UNHCR's thinking on solutions is also exemplified by the verification/registration exercise that was designed to support the future search for solutions based on refugees' profile, family links, etc. as well as by the development of the *Solidarity Approach for the People of Rakhine State*. UNHCR has continuously reaffirmed that voluntary repatriation could be facilitated if the conditions in Myanmar became conducive. **UNHCR has insisted since the beginning of this current crisis that people have a right to return if the conditions are right, but also that this should be voluntary and on the basis of informed consent.** In practical terms, this thinking lies behind UNHCR's advocacy on the principle of non-*refoulement*. **The Government of Bangladesh has repeatedly committed to non-*refoulement* at the highest political level and it is highlighted on the registration cards,** and in the collection of data about place of origin in case of eventual return. These efforts have been complemented by efforts deployed by UNHCR in Myanmar to support the creation of conditions conducive to return.

The organization has also been forward looking and thoughtful about ensuring that the camps were durable in the medium term. Recognizing early on that even if return was swift and well organized it would take time, UNHCR has invested in durable infrastructure and prioritized protection, safety and public health. This is commendable.

Where UNHCR has been much less effective is in navigating the politics of return. The organization has capitalized on the signing of the repatriation MoU to secure registration, but it has not progressed the links within the Government to the point where it is involved in providing advice on future policy options. The evaluation acknowledges this would be hard to achieve. Historically, the governments involved have taken a bilateral approach to returns, but this has clearly not worked in a sustainable way; however, including the UN in policy discussions is potentially useful for the Government.

The context in the country of asylum is challenging, given that the Rohingya are increasingly unpopular locally as a result of labour competition, environmental destruction and perceived criminality. Nationally, there is a fear that development resources will be diverted to refugee welfare. Myanmar has not yet created the conditions that UNHCR believes to be conducive for return. Faced with this Hobson's choice, the Government of Bangladesh is open to creative solutions, but it rightly sees Myanmar as the party that should provide these solutions. **The current situation presents an opportunity for dialogue, and especially for UNHCR expertise, but with a lack of consistent leadership in Dhaka in the first year of the response and an already strong and exclusive bilateral approach by the two governments, this has not yet happened.**

On policy issues to enable social and economic inclusion of refugees in Bangladesh, UNHCR has not yet been able to move the needle. Thus far, there has been little movement on some form of limited right to work, education, access to justice and freedom of movement. These issues cannot be resolved at an operational level – there is a need for creative ideas to establish a dialogue of trust with policymakers. The New York Declaration and the accompanying CRRF should trigger a new approach to durable solutions. UNHCR still has work to do on this front in Bangladesh. While its engagement with international and financial institutions has been swift and well managed, it has done less with national authorities and has yet to properly engage civil society or local actors. The evaluation concludes that much work needs to be done with government and civil society partners in Bangladesh to develop greater understanding and build consensus.

As this evaluation was being finalized, the first attempt by the Government of Bangladesh to start the repatriation process was taking place. In line with their MoU, UNHCR agreed to interview refugees in order to ascertain their intent to return or not at this time, but not to facilitate this return because UNHCR did not believe conditions were conducive. The organization will need to continue explaining its position to concerned stakeholders, to dialogue and advocate with the Government, and to build allies within the strong local NGO community.

IV. Conclusions

It is nothing short of remarkable that Bangladesh and its international partners have managed to give refuge to almost a million Rohingya refugees without mass casualties from epidemic or natural hazards. The fact that the condition of the more than 730,000 people who fled extreme violence since August 2017 has gradually stabilized is even more remarkable given the challenges posed to this response by the limited land, the risks of natural disasters, and the difficult terrain. UNHCR has played a major role in this achievement as one of the principal international response agencies. The first year of the response, in comparison with other major humanitarian operations in the past, can be considered effective at saving lives and providing stability.

In terms of protection, UNHCR has been able to contribute in many significant ways, especially on major advocacy fronts. There is a proper identity management and registration process in place and protective services and considerations are also set up. A Government commitment has been made to not forcibly return the refugees. These protection achievements have taken longer and are less thorough than if UNHCR had been in the lead, or in a stronger leadership position. The anomalous coordination and leadership arrangements have not helped the response; at times there has also been fierce and unhelpful competition between IOM and UNHCR. This has created confusion, efficiency losses, and tensions. This evaluation demonstrates that there are consequences for people if the established UN architecture is not used, and also damage to the credibility of the UN and the humanitarian community. Humanitarian principles may even be compromised in such situations, even while recognizing the importance of sovereignty.

The overall protection conditions remain precarious. In the absence of law enforcement authorities in significant numbers, there is a perception of insecurity in the camps at night, and the lack of legal employment has reportedly forced some refugees into illegal exploitative labour situations, or worse options such as drug trafficking and commercial sex work. People remain extremely worried about sexual assault in unlit parts of the camp, at night and when gathering firewood. On a policy level, the fear of forced return has driven some into hiding. The difficult operational context influenced UNHCR's prioritization decisions, particularly regarding protection. For instance, the focus on establishing and supporting a strong community-based protection network among refugees, service providers, and protection actors was largely in recognition of the depth of these protection risks – and that refugees themselves would play a vital role in the response.

The history of the Rohingya is one of extreme suffering and precariousness. For the last half a century, they have been pushed backwards and forwards across the Myanmar–Bangladesh border, denied rights, and living a cowed and perilous existence. This cycle of violence, expulsion and persecution will continue without a solution. UNHCR has a significant role to play in determining that solution and the international community must continue to do everything it can to work with both governments to find an acceptable future for the Rohingya. This means sticking to principles but speaking determinedly and forcefully for the rights of refugees, and acceptable international standards surrounding solutions. UNHCR should lend its expertise, at the peril of entering a challenging political arena, to press for sustainable return in Rakhine State, and resolution of the question of citizenship for Rohingya people. It is ultimately the regional and international powers that will be decisive though; it will be their interventions with the Government of Myanmar that will enable progress on a just solution. UNHCR must use all its artistry on behalf of this population to ensure the cycle of history is not continued. This may require UNHCR to foster a role that goes beyond what it has envisioned from its accumulated experience. The Rohingya situation is a defining and forward-looking moment in the agency's history with lessons for its mandate.

V. Recommendations

Recommendations are listed in the following table:

| Recommendation | Responsible |
|---|---|
| <i>Recommendations for UNHCR Bangladesh</i> | |
| <p>1. Leadership and coordination: UNHCR, as the internationally mandated agency for refugee protection, should advocate to become the single lead agency for the Rohingya refugee response in Bangladesh (Regional Bureau for Asia Pacific). This implies:</p> <ul style="list-style-type: none"> • A streamlined ISCG structure is put in place to promote a single management line throughout the response, ensuring clear lines of accountability, communication, and mainstreaming of protection within all sectors. • The Protection Working Group assumes an enhanced role to ensure that protection remains at the heart of the response and is better mainstreamed across technical sectors. • Where possible, the current sector leadership arrangements are retained. UNHCR should not seek to assume leadership of every sector, but rather retain ‘best placed’ technical agencies and NGOs as sectoral leads, in line with the new approach elaborated in the Global Compact for Refugees. • UNHCR should work with UN leadership, international NGOs and government counterparts to develop a mechanism for joint policy development and the setting of strategic directions. | <p>UNHCR Bangladesh/ Regional Bureau for Asia Pacific</p> |
| <p>2. Strengthened Country Office: The Dhaka office should be reinforced with skilled policy and protection staff to collaborate with the Government of Bangladesh and senior UN leadership to chart options and consider and determine decisions in the coming years for the longer-term wellbeing of Rohingya people.</p> <p>a. In Dhaka, the roles of protection/senior protection officers should be distinct from those of policy officers. Specifically, the team recommends hiring senior staff in the Dhaka office who speak Bangla and are experienced and comfortable with navigating the Government and translating policy positions in both directions.</p> <p>b. In the post-emergency phase, as standard assignments are intended for longer periods of time, and options for family life if based in Cox’s Bazaar remain limited, UNHCR will have to continue to deploy creative and effective means of attracting and retaining high calibre staff to ensure the quality of delivery as per the first year.</p> | <p>UNHCR Bangladesh/ Regional Bureau for Asia Pacific</p> |
| <p>3. Advocacy for livelihoods opportunities: UNHCR should consider drawing on lessons learned from other operations where it was successful with temporary or time-bound economic inclusion opportunities. In the short term, creative options to enable temporary livelihoods, even in selected occupations, will go a long way in reducing harm and protecting refugees.</p> | <p>UNHCR Bangladesh</p> |

| <i>Recommendations for UNHCR at the regional level</i> | |
|--|---|
| 4. Repatriation advocacy: UNHCR must continue to advocate with all parties to respect obligations under international law, including upholding the principle of non- <i>refoulement</i> . | UNHCR Myanmar/ UNHCR Bangladesh/ Regional Bureau of Asia Pacific |
| 5. Integrating a historical perspective in future planning: A review/synthesis should be commissioned to condense the key lessons learned from previous Rohingya responses, develop possible scenarios for the years ahead and make them relevant and accessible to front-line and HQ staff in ways they can actively improve the operation. | Evaluation Service/ Regional Bureau of Asia Pacific |
| <i>Recommendations for UNHCR globally</i> | |
| 6. Humanitarian imperative to respond: The strategic decision made by the senior-most leadership of UNHCR was to send a clear message to all staff to focus on delivery in Bangladesh. In future responses, UNHCR should be prepared to respond as it did in Bangladesh even when the mandate and coordination arrangements are not clear. This means a ‘front foot forward’ posture, or ‘no regrets’ policy. | Senior Management |
| 7. Senior emergency leadership: All L3 emergencies should have a priority representation system in place whereby senior managers can be rotated in quickly for up to a year if appointments are proving difficult. This should include, but not be limited to HQ staff. | Senior Management |
| 8. Preparedness systems: There is a need to rethink early warning systems in complex political environments. After the 2016 influx the organization arguably should have been on higher alert. UNHCR’s early warning system, the HALEP, should be internally reviewed to see whether it can be improved based on the experience of Myanmar, or whether additional measures are needed. | DESS |
| 9. The recently adopted Global Compact for Refugees will require UNHCR to work with new models of partnership, to share space with other agencies, and to apply comprehensive, solutions-oriented responses from the outset of emergencies. Three key areas of recommendation emerge from the Bangladesh experience which can be translated to other operations: <ul style="list-style-type: none"> • Managing shared spaces: The success of the Global Compact for Refugees will largely depend on UNHCR’s ability to share space, build partnerships, and encourage other, better placed agencies to contribute to a comprehensive response. UNHCR should actively incentivize a culture of collaboration and partnerships. This will involve defining areas where active collaboration can and should be sought, and ensuring these areas are communicated throughout. In particular, deeper complementarities with UNICEF, UNFPA and UN Women for responses in the future would benefit UNHCR. • Building alliances: UNHCR would benefit from cultivating a broad alliance and network of partners (operational and more broadly) for | Senior Executive Team/Senior Leadership |

| | |
|---|--|
| <p>refugee operations that have a durable understanding of how best to achieve protection outcomes, and is based on an appreciation for different roles, perspectives, and sources of leverage of various actors.</p> <ul style="list-style-type: none"> • Revising the Refugee Coordination Model: UNHCR should therefore re-examine the Refugee Coordination Model to ensure its applicability in complex new circumstances, with a focus on how to balance UNHCR’s mandated accountabilities with the contributions of others. | |
| <p>10. UNHCR’s overall protection response has been, on the whole, strategically sound and nimble to course correct as new challenges or gaps emerged. Four areas of recommendation emerge from the Rohingya response, particularly in the way reviews, data and strategic monitoring can enhance decision making, that could be replicated/considered for other operations:</p> <ul style="list-style-type: none"> • Review operational protection risks early: UNHCR should, as in the case of Bangladesh, undertake protection audits to ensure that the basics of physical protection – i.e. lights, locks, and gender-safe and segregated toilets – are covered. This should become standard practice in the first six months in every L3 response. • Balancing community-based protection and case management: Emergencies of a certain size and complexity should assume that community-based protection needs to be established early on, including examining the availability and capacity of local service providers from the outset. Bangladesh should be studied for good practices that can be replicated. • Impact/outcome indicators for protection: Impact and outcome indicators for protection programming could be developed at a global and regional level, and systems to gather, use and share this data should be developed for ease of roll-out early in any emergency. The protection sector should be able to demonstrate its reach and effectiveness beyond numbers of consultations, or numbers of facilities. This may have to be done in collaboration with UNICEF, UNFPA and UN Women as key actors in global protection implementation. • Use of statistically representative sampling and household surveys to monitor protection: The use of such surveys and data collection systems was exemplary in Bangladesh and should be standard practice from the outset in any new L3 response. Systems for collecting, analysing and sharing such data quickly and transparently should developed, taking into account protection and privacy concerns. | <p>DESS/DIP</p> <p>DIP</p> <p>Integrated Programme Service</p> <p>DPSM</p> |

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List of abbreviations

| | |
|---------|---|
| ACAPS | Assessment Capacities Project |
| ACF | Action Contre la Faim (Action Against Hunger) |
| ADPC | Asian Disaster Preparedness Centre |
| AJS | Acute Jaundice Syndrome |
| AOR | Area of Operation |
| ARI | Acute Respiratory Infection |
| ARSA | Arakan Rohingya Salvation Army |
| AWD | Acute Watery Diarrhoea |
| CFS | Child Friendly Space |
| CiC | Camp-in-Charge |
| CMR | Crude Mortality Rate |
| COM | Community Outreach Member |
| CRRF | Comprehensive Refugee Response Framework |
| DESS | Division of Emergency, Security and Supply |
| DFAM | Division of Financial and Administration Management |
| DFID | Department for International Development |
| DHRM | Department for Human Resources Management |
| DIP | Division of International Protection |
| DIST | Department of Information Systems and Telecoms |
| DPSM | Division of Programme Support and Management |
| dRi | Development Research Initiative |
| ERC | Emergency Relief Coordinator |
| EWARNNS | Early Warning System for Communicable Disease |
| EWARS | Early Warning Alert and Response System (WHO) |
| FGD | Focus Group Discussion |
| GIS | Geographic Information System |
| HALEP | High Alert List for Emergency Preparedness |
| HC | Humanitarian Coordinator |
| HI | Handicap International |
| HQ | Headquarters |
| IASC | Inter-Agency Standing Committee |
| ICRC | International Committee of the Red Cross |
| ICVA | International Council of Voluntary Agencies |
| IDP | Internally Displaced Person |
| IDS | Institute of Development Studies |
| INGO | International Non-Governmental Organization |
| IOM | International Organization for Migration |
| ISCG | Inter-Sector Coordination Group |
| ISPR | Inter Services Public Relation |
| JRP | Joint Response Plan |
| KII | Key Informant Interview |
| L3 | Level 3 |
| MAM | Malnutrition Moderate |
| MoDRM | Ministry of Disaster Management and Relief |
| MOHA | Ministry of Home Affairs |
| MoU | Memorandum of Understanding |
| MSF | Médecins Sans Frontières |

| | |
|--------|--|
| MSNA | Multi-Sector Needs Assessment |
| NA | New Arrivals |
| NGO | Non-Governmental Organization |
| NPM | Needs and Population Monitoring |
| NRS | North Rakhine State |
| OCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| OIC | Organization of Islamic Cooperation |
| PERU | Protection Emergency Response Units |
| PWG | Protection Working Group |
| RC | Resident Coordinator |
| REVA | Refugee Emergency Vulnerability Assessment |
| RRRC | Refugee Relief and Repatriation Commissioner |
| SAM | Malnutrition Severe |
| SEG | Strategic Executive Group |
| SGBV | Sexual and Gender-Based Violence |
| SMEP | Site Management Engineering Project |
| SPP | Settlement and Protection Profiling |
| SUV | Safety Units |
| UMN | Undocumented Myanmar National |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNFPA | United Nations Population Fund |
| UNICEF | The United Nations Children's Fund |
| WASH | Water, Sanitation and Hygiene |
| WFP | World Food Programme |
| WHO | World Health Organization |

1 Introduction

1. The evaluation of UNHCR's response to the Rohingya refugee emergency in Bangladesh follows on from the declaration of the L3 emergency for Bangladesh, effective 19 August 2017. It is undertaken in line with UNHCR's revised Evaluation Policy approved by the High Commissioner on 16 October 2016. The evaluation started in January 2018 and was conducted over a period of 10 months.
2. The evaluation was designed as a forward-looking, prospective evaluation that could provide insights and recommendations for immediate adjustments and improvements for the operation, as well as carefully documenting and analysing the progression and effectiveness of the response during the first year.

1.1 Purpose and objectives of the evaluation

3. The purpose of this evaluation is to analyse the extent to which UNHCR provided a timely and effective response to the refugee crisis in Bangladesh, including enabling and constraining factors. The evaluation will be used to draw lessons from UNHCR's response to the emergency that could be used to reinforce the organization's global approaches to emergency response.
4. The primary users of the evaluation will be the key UNHCR stakeholders, particularly managers, involved in the field response to this refugee emergency. Other internal users will be the Regional Bureau for Asia and the Pacific, the Division of Emergency, Security and Supply (DESS), the Division of Programme Support and Management (DPSM), the Division of International Protection (DIP), the Department of Information Systems and Telecoms (DIST), and the Division of Financial and Administration Management (DFAM), and the Department for Human Resources Management (DHRM). External stakeholders with an interest in the evaluation include the refugees, national and local authorities, UN and NGO partners, and donors.

1.2 Key areas of enquiry

5. Covering the first year of the response (around 26 August 2017 to 15 September 2018), there are four key evaluation questions:
 - KEQ 1: How timely and effective was UNHCR's response to the refugee crisis in Bangladesh?
 - KEQ 2: What have been the key protection outcomes, both intended and unintended, for refugee women, men, boys and girls?
 - KEQ 3: Going forward, to what extent is UNHCR able to ensure system-wide protection of all people of concern from its current and evolving position in a refugee emergency?
 - KEQ 4: To what extent have mid/long-term protection perspectives been given due consideration in the design and delivery of the operational response by UNHCR to avoid the creation of dependencies and ensure a solutions orientation?

The key areas of enquiry are derived from the evaluation terms of reference and each one has several sub-questions. These are set out in an evaluation matrix that has formed the basis for the evaluation, which can be found in Annex 1.

2 Methodology

6. In line with the L3 policy, UNHCR commissioned an independent evaluation team to carry out the evaluation of its response to the Rohingya crisis. The team consisted of an evaluation team leader, an in-country team of local researchers from the local research company Development Research Initiatives (DRi), an adviser, and two research officers from the Institute of Development Studies (IDS). The team leader and adviser from UNHCR Headquarters (HQ) conducted all field visits and key informant interviews as well as leading analysis and report writing. The IDS researchers developed the context and timeline section and conducted the document review as well as doing all of the secondary data analysis (including quantitative and statistics). The local researchers undertook quantitative enquiry with refugees – the results of this are developed in a separate report annexed to this main evaluation.

2.1 An experimental approach in humanitarian evaluations

7. The prospective or forward-looking approach to this evaluation was designed in response to the critique that humanitarian evaluations are largely backward looking and lacking in nuance.⁶ It offers an alternative lens through which to understand hugely complex humanitarian operations. The closest methodology to this approach is Developmental Evaluation, as described by Michael Quinn Patton,⁷ or an interrupted time series design. The evaluation used a mixed-methods approach, combining both qualitative and quantitative data analyses, as well as a literature and document review.
8. Over the course of a year, the evaluation team visited Bangladesh four times (on a rolling two-monthly basis). The evaluation manager and head of evaluation had conducted an evaluation scoping mission at the three-month mark to lay some of the groundwork for the evaluation. Each of these visits culminated with feedback sessions aiming to offer modest, immediate course corrections, thereby contributing to improvements in the response. By doing so, the evaluation team was able to use fresh insights and observations in real time with the managers of the response, rather than offering recommendations several months after the initial periods, when the same observations might have less value operationally. As an example, the move to community-based protection was strengthened by an early evaluation report, as was the formation of various community response groups. Another unexpected benefit of the evaluation was that it enabled key issues faced by the Bangladesh operation, such as on registrations, to be elevated, or at least reinforced and given greater visibility at HQ, especially to leadership.
9. The prospective approach also worked well in that it allowed for an extended time frame for the collection of both primary and secondary data. Moreover, the longitudinal nature of the evaluation was invaluable as it gave a perspective over time, allowing for better calibrated findings, and the opportunity to see how certain strategic decisions played out. Despite positive commendations for the prospective approach, there were also some challenges with undertaking this approach. These challenges included determining the right balance between inquiring with depth on a few strategic areas vs getting an understanding of the overall delivery at the time of each visit, scheduling and

⁶ For a detailed examination of the role of evaluation in humanitarian action, see ALNAP (2016) *Evaluation of Humanitarian Action Guide*, ALNAP Guide, London: ALNAP/ODI.

⁷ See for instance: Quinn Patton, M. (2010) *Developmental Evaluation: Applying Complexity Concepts to Enhance Innovation and Use*, New York: Guilford Press.

managing multiple evaluation visits to an operation that has been inundated from the start with internal and external missions and visits, and keeping track of data and information over a full year.

2.2 Qualitative data collection

10. From February to October 2018, the evaluation team leader carried out four field trips to collect primary data and conduct KIIs. In total, 120 KIIs were conducted plus follow-up interviews with many of these. As Table 1 shows, the team leader interviewed a broad range of respondents from UNHCR HQ, Cox's Bazar and Dhaka; UN agencies; donors; international and local NGOs; the Government of Bangladesh, and local organizations.

| Evaluation interviews | |
|-----------------------|----|
| UNHCR | 42 |
| UN | 16 |
| INGO | 20 |
| LNGO | 12 |
| Donor | 8 |
| Coordination | 12 |
| Government | 10 |

Table 1: Number and type of key informant interviews

11. In parallel, between June and August 2018, a team of national researchers, led by Professor Ferdous Jahan of the Development Research Initiative (DRi), carried out two rounds of data collection in 10 sites in the Ukhiya and Teknaf *Upazilas* (sub-districts) of Cox's Bazar, as shown in Table 2.

| <i>Upazila</i> | Camp |
|----------------|----------------------------|
| Ukhiya | Camp 1, |
| | Camp 2, Kutupalong |
| | Camp 4, (Extension) |
| | Camp 11 |
| | Camp 18 |
| | Camp 20 (Extension) |
| | Kutupalong Registered Camp |
| Teknaf | Nayapara Registered Camp |
| | Leda, Camp 24 |
| | Shalbon Jadimura, Camp 27 |

Table 2: Research locations

12. Through consultation with Majhis,⁸ CiCs and NGO officials, the research team was able to identify respondents to carry out 26 KIIs and 30 FGDs of between five and eight participants and nine case studies. The qualitative sampling frame is as follows:

| Respondent's categories | FGD | KII |
|---|-----------|-----------|
| Rohingya women | 11 | - |
| Rohingya men | 10 | - |
| Adolescent girls | 04 | - |
| Adolescent boys | 04 | - |
| Majhis (Head Majhi, Block Majhi, Sub-block Majhi) | 01 | 16 |
| Implementing NGO staff (field workers/health-care officers) | - | 08 |
| Law enforcing agency (army) | - | 02 |
| Total | 30 | 26 |

Table 3: Qualitative sampling frame

13. By closely following an interview protocol developed in line with the evaluation matrix, the research team carried out semi-structured interviews (KIIs and FGDs) to better understand a range of issues, including but not limited to: protection risks, threats and gaps within the camps; coping mechanisms adopted by refugees to address these risks; intervention gaps and the activities of aid agencies within camps; the economic activities of the refugees; sexual and gender-based violence; and social dynamics/structures within the camps. In addition to these guided discussions, the research team also asked FGD respondents to conduct a ranking exercise of risks and problems they faced in their residence, initiatives taken to address these risks by different organizations, and adaptation strategies they have adopted. In addition, the qualitative researchers recorded the overall conditions within the camps and the mood of the local Bangladeshi population, by closely observing key locations within and outside the camps such as tea stalls, hotels, Bazars, bus stands, relief distribution centres, mosques, temporary schools or any institutions, child friendly spaces (CFS), women friendly spaces, health-care centres, shelters or any place where more than six people sit and talk amongst themselves.
14. As the qualitative research study generated a significant amount of data, the research team combined manual analysis with analysis carried out using Atlas-ti (Version 7.5). Table 4 provides a breakdown of the codes that were used to analyse the data and the percentage of responses received against particular codes.

⁸ Majhis are unelected leaders selected by the authorities, particularly at the start of the emergency.

| Codes | Case stories | FGD | KII | Total | Per cent |
|---|--------------|--------|--------|--------|----------|
| Aid in general | 0 | 257 | 159 | 416 | 1.00% |
| Availability of fuel | 0 | 1,830 | 135 | 1,965 | 3.00% |
| Child abduction | 0 | 107 | 40 | 147 | 0.00% |
| Child and forced marriage | 0 | 105 | 0 | 105 | 0.00% |
| Child protection | 122 | 201 | 1,287 | 1,610 | 3.00% |
| Community-based initiatives | 0 | 64 | 921 | 985 | 3.00% |
| Criminal activity | 680 | 702 | 183 | 1,565 | 3.00% |
| Demographic information | 0 | 1,217 | 147 | 1,364 | 2.00% |
| Economic violence | 229 | 92 | 0 | 321 | 1.00% |
| Food supply | 55 | 1,426 | 440 | 1,921 | 3.00% |
| Gender-based violence in general | 0 | 2,048 | 201 | 2,249 | 4.00% |
| Health issues and medical aid | 212 | 2,873 | 332 | 3,417 | 6.00% |
| Intimate partner violence | 442 | 3,165 | 70 | 3,677 | 6.00% |
| Kidnap and trafficking | 0 | 243 | 220 | 463 | 1.00% |
| Legal aid | 170 | 358 | 91 | 619 | 1.06% |
| Other organizations' actions regarding protection of refugee rights | 0 | 1,894 | 1,455 | 3,349 | 5.72% |
| Physical assault | 383 | 978 | 0 | 1,361 | 2.33% |
| Policing services | 0 | 32 | 371 | 403 | 0.69% |
| Privacy issues | 0 | 1,078 | 136 | 1,214 | 2.08% |
| Rape | 0 | 942 | 0 | 942 | 1.61% |
| Registration, enlistment and beneficiary card | 22 | 1,050 | 346 | 1,418 | 2.42% |
| Right to education | 87 | 1,309 | 1,564 | 2,960 | 5.06% |
| Right to identity | 0 | 267 | 274 | 541 | 0.92% |
| Right to stay and return | 73 | 0 | 31 | 104 | 0.18% |
| Right to work | 42 | 1,782 | 983 | 2,807 | 4.80% |
| Safe space | 37 | 141 | 381 | 559 | 0.96% |
| Security issues | 754 | 2,721 | 1,552 | 5,027 | 8.59% |
| Site management | 951 | 10,296 | 3,452 | 14,699 | 25.12% |
| UNHCR's actions to protection of rights | 172 | 651 | 1,473 | 2,296 | 3.92% |
| Total word count | 4,431 | 37,829 | 16,244 | 58,504 | 101.46% |

Table 4: Percentage of responses against codes

2.3 Quantitative data collection

15. The quantitative team primarily carried out secondary quantitative data analysis of publicly available data sources such as the WHO EWARS and SMART data collected by ACF with funding from UNHCR and other donors. Through using cross-sectional graphical and statistical techniques to highlight the differences in perceptions and outcomes across various camps in Cox's Bazar, the quantitative team also conducted fresh analysis of 10 existing survey data sets.
16. Despite multiple rounds of data collected to inform the MSNA, SPP and NPM data sets, none are truly longitudinal. Data collectors did not track down and repeatedly interview the same household (SPP surveys) or the same key informant (NPM surveys), but both sets of surveys provided repeated rounds of information at the camp level and as such could be described as longitudinal. As a result, the quantitative team used longitudinal techniques to analyse camp-level temporal dynamics.
17. In addition, the above temporal analysis relied heavily on Geographic Information System (GIS) tools such as choropleth thematic maps. Due to the fluidity of camp (previously zone) level boundaries at the initial phase of the emergency, the use of GIS approaches in this refugee context posed particular challenges. For example, as the boundaries of camps changed, a map containing NPM7 data may not be comparable to one contained in NPM11 data if both were drawn using camp/zone boundaries prevailing at the time of the data collection. To counter this problem, the quantitative team used the latest camp-level boundaries from the NPM portal in all camp-level maps. As all NPM data sets are georeferenced at key informer level, this means that the same boundaries were used to portray NPM7 and NPM11 data. It was not possible, however, to apply this approach with the SPP data as the households in these data sets were not georeferenced at household level.

2.4 Ethical considerations

18. Before beginning interviews, interviewees were informed about the purpose of the interview and that participation was voluntary, assured that all interviews were of a confidential nature, and informed verbal consent was sought. Owing to the sensitivity of some protection issues discussed (in relation to sexual, domestic violence and gender-based violence), interviewers were sensitive to each respondent's desire to respond or not, and interviewees were reassured that they could terminate the interview at any point.

2.5 Literature review, analysis and triangulation

19. The evaluation undertook an extensive literature review (see Annex 2). This was in two parts – looking back over the history and compiling a large library of current material, which ranged from assessments, larger analytical reports and reportage to situation reports, operational updates and sector reports. This was gathered largely from the online portals of UNHCR and the Inter-Sector Coordination Group (ISCG), although additional material was collected through the various field visits.
20. The analytical process took place over several stages. The prospective nature of the evaluation allowed for some of this development as hypotheses were developed, tested and modified. Data was also triangulated as the evaluation progressed – findings were constantly tested against people working in the operation across the agencies and coordination mechanisms.

21. As the evaluation began to formulate its key findings some initial hypothesis papers were shared and debated, followed by a two-day workshop at IDS in Sussex in late August. Following that meeting some initial findings were written up, shared, critiqued and once again tested on audiences in Dhaka during the final evaluation visit.

2.6 Constraints and limitations

22. The sheer size and scale of the refugee crisis and the way that it continues to evolve at pace may represent the greatest challenge to producing an evaluation. Despite its prospective nature – allowing for a more sophisticated analysis – there is a danger that it will be out of date as soon as it is published. The large scale of the data is a similar constraint – understanding what is available and how the various data-gathering exercises relate to each other is challenging.
23. A more prosaic constraint has been the time that extremely busy operational leaders were able to dedicate to the evaluation. All concerned have been generous with their time, but this has still been a limitation.

3 Context and timeline

3.1 Historical timeline

24. There are an estimated 1.5 million to 2 million Rohingya people globally, with the largest population now in Bangladesh.⁹ Prior to the refugee crisis beginning in August 2017, most, if not all, of the population now in Bangladesh was living in northern areas of Rakhine State, Myanmar. There are also significant diaspora populations in Malaysia, Thailand, Indonesia and Saudi Arabia, as well as across South Asia.¹⁰ Currently, there are 897,733 refugees who identify themselves as Rohingya living in Cox's Bazar. Of this total, 730,292 are classed as new refugee arrivals who have entered Bangladesh since 25 August 2017.¹¹
25. The origin of the term 'Rohingya' and the identity is contested, as is the history of the Rohingya people in northern Rakhine State in Myanmar. Many Rohingya identify themselves as descendants of people from northern India who practised Hinduism in the 7th and 8th century AD.¹² Others trace their origins to the 15th century when Muslims settled in Arakan in the Mrauk-U Kingdom.¹³ During much of that period, the then Burmese Kingdom did not include Rakhine State, where there was an independent kingdom that covered modern day Rakhine State and parts of what are currently in Chittagong and the Cox's Bazar district in Bangladesh. It is therefore quite likely that there was a diversity of ethnicities and religions in these regions and surrounding areas for many centuries, with trade and exchange taking place throughout.
26. In the 19th century and first quarter of the 20th century, much of South Asia was under British colonial rule, with the area that is now Rakhine State then included under what was then called Burma, and the Chittagong areas under what was then called India. During this period, British colonial policies, which recognized Burma as a province of India, encouraged significant migrant labour to Burma.¹⁴ By 1937, however, the map was drawn, dividing Burma and India, and subsequently, in 1947, a further partitioning created East and West Pakistan and India. Following the Japanese invasion of Burma in 1942, already fraught communal tensions between the Muslim and Buddhist communities, who supported the British and Japanese respectively, increased. Massacres perpetrated by both communities, coupled with forced displacement, saw Muslims move to northern Rakhine where they were in a majority and ethnic Rakhine populations escape to the south.¹⁵ After the liberation war of 1971, East Pakistan, which became independent Bangladesh, included the regions of Chittagong and Cox's Bazar, while Rakhine State was part of independent Burma. According to many Rakhine

⁹ Institute on Statelessness and Inclusion (2018) *Statelessness in Numbers: 2018 – An Overview and Analysis of Global Statistics*, Netherlands: Institute on Statelessness and Inclusion; UNHCR (2018) *Global Trends: Forced Displacement in 2017*, Geneva: UNHCR: 24–25.

¹⁰ UNHCR (2016) *Mixed Maritime Movements in South-East Asia*, UNHCR Regional Office for South-East Asia, http://reporting.unhcr.org/sites/default/files/UNHCR%20-%20Mixed%20Movements%20in%20South-East%20Asia%20-%202016%20--%20April%202017_0.pdf; Ahmad, S.N. (2009) 'Burma's Exiles Muslims', *The Guardian*, 12 October, <https://www.theguardian.com/commentisfree/2009/oct/12/burma-muslims-rohingya-saudi-prisons> (accessed 10 November 2018)

¹¹ UNHCR (2018) Operational Update: Bangladesh, 1–15 October 2018, Geneva: UNHCR.

¹² See argument in Maung Thawngmung, A. (2016) 'The Politics of Indigeneity in Myanmar: Competing Narratives in Rakhine State', *Asian Ethnicity* 17.4: 535.

¹³ *Ibid.*: 530.

¹⁴ Human Rights Watch (May 2000) 'Burma/Bangladesh: Burmese Refugees in Bangladesh – Still No Durable Solution', *Human Rights Watch* 12.3(C).

¹⁵ Leider, J.P. (2018) 'Conflict and Mass Violence in Arakan (Rakhine State): The 1942 Events and Political Identity Formation', in A. South and M. Lall (eds), *Citizenship in Myanmar: Ways of Being In and From Burma*, Chiang Mai: Chiang Mai University Press; Ware, A.; Ware, V-A. and Laoutides, C. (2018) *Understanding and Responding to Conflict in Rakhine State: Conflict Analysis and Conflict Sensitive Strategic Program Advice for GraceWorks Myanmar, Responding to the Rohingya-Rakhine-Burman Conflict*, Melbourne and Yangon: GraceWorks Myanmar.

nationalists who refute the claim that the Rohingya have a long ancestral history in Myanmar, it was only during this time of British colonial rule (1824–1948) that the Rohingya migrated from the Chittagong region to what is now known as Rakhine State.

27. Although Bangladesh is not a signatory to the 1951 Refugee Convention, nor has it ratified the 1967 Protocol which would commit the Government to doing more in granting rights to refugees, it has consistently granted shelter to the Rohingya during many waves of forced displacement. At the same time, repatriation rather than long-term settlement of the Rohingya has always been a priority for the government. For its part, UNHCR has operated in Bangladesh since 1978 and has been prominent in aiding with the refugee response during the 1978, 1991–1992, 2016 and current crisis. In theory, UNHCR's mandate states that repatriation should be voluntary, safe and dignified;¹⁶ however, in practice the principle of voluntariness has been called into question during some of UNHCR's operations, particularly in Bangladesh.¹⁷ In other words, throughout the past years of forced displacement, both the Government of Bangladesh and UNHCR have played notable roles in assisting Rohingya refugees.
28. Myanmar is also not a signatory to the 1954 Convention Relating to the Status of Stateless Persons¹⁸ or the 1961 Convention on the Reduction of Statelessness.¹⁹ In addition, Myanmar law states that children born to those unable to meet the qualifications required to be classed as citizens are also denied citizenship, which is contrary to the Government of Myanmar's responsibility under Article 7 of the UN Convention on the Rights of the Child to ensure that a child is not classed as stateless, but granted a nationality.²⁰ With the spotlight of international human rights mechanisms on Myanmar, it is evident that the life of the Rohingya has been marked by marginalization, entrenched discrimination and acts of persecution that have gradually stripped the Rohingya of their basic human rights and led to gross human rights abuses.²¹
29. The following chronology documents the increasing restrictions that Rohingya living in Myanmar have been placed under, the resultant waves of displacement and returns, and the responses of the Government of Bangladesh and the international community. In 1974, the Government of Myanmar passed the Emergency Immigration Act, which defined the Rohingya as illegal foreigners,²² and granted them foreign registration cards rather than national registration certificates.²³ Following these two events, in 1978, the military operation *Naga Min* or 'Dragon King', systematically led to the exodus of over 200,000 Rohingya to Bangladesh.²⁴ Subsequently, 180,000 Rohingya returned to Myanmar

¹⁶ UNHCR (1996) 'Voluntary Repatriation: International Protection', *Handbook*, Geneva: UNHCR.

¹⁷ Crisp, J. and Long, K. (2016) 'Safe and Voluntary Refugee Repatriation: From Principle to Practice', *Journal on Migration and Human Security* 4.3: 141–147; Crisp, J. (October 2018) "Primitive people": The Untold Story of UNHCR's Historical Engagement with Rohingya Refugees', in 'Special Feature: Rohingya Refugees in Bangladesh: The Humanitarian Response', *Humanitarian Exchange* 73: 13–16.

¹⁸ UNHCR (1954) *Convention Relating to the Status of Stateless Persons*, Geneva: UNHCR, http://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf; UNHCR (1961) *Convention on the Reduction of Statelessness*, Geneva: UNHCR, http://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf

¹⁹ UNHCR (1961) *Convention on the Reduction of Statelessness*, Geneva: UNHCR, http://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf

²⁰ Human Rights Watch (2000) 'Burmese Refugees in Bangladesh: Still No Durable Solution', *Human Rights Watch* 12.3: 11.

²¹ UNHRC (2018) Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar A/HRC/39/CRP.2, Geneva: United Nations Human Rights Council.

²² Médecins Sans Frontières-Holland (2002) 10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future, Médecins Sans Frontières: 10.

²³ Cheung, S. (2012) 'Migration Control and the Solutions Impasse in South and Southeast Asia: Implications from the Rohingya Experience', *Journal of Refugee Studies* 25.1: 51.

²⁴ Maung Thawngmung, A. (2016) 'The Politics of Indigeneity in Myanmar: Competing Narratives in Rakhine State', *Asian Ethnicity* 17.4: 531–532.

between 1978 and 1979,²⁵ but conditions for them in Myanmar were dismal. In 1982, the enactment of the Citizenship Law, championed by General Ne Win, rendered the Rohingya nothing more than 'resident foreigners', void of, or unable to adequately prove their citizenship rights.²⁶ In effect, refusal to acknowledge the Rohingya as one of the 135 national ethnic groups in Myanmar, combined with the Citizenship Law's laborious citizenship process, rendered the Rohingya stateless.²⁷

30. From the 1990s onwards, authorities in Rakhine State issued local orders restricting the freedom of movement of the Rohingya within or between townships without prior permission, and demanding additional permissions be sought to leave the State.²⁸ From 1991–1992, the Government of Myanmar embarked on another military operation called Operation *Pyi Thaya* ('Clean and Beautiful Nation'), aiming to rid Myanmar of people classified as 'foreigners'. Given the status of the Rohingya at that time, and given the violence, discrimination and enforcement of forced labour by the authorities associated with this military operation, records show that by March 1992, 270,000 Rohingya crossed Myanmar into Bangladesh.²⁹ Initially, the Rohingya were offered asylum in Bangladesh and offered refugee status; however, after 1992 the Government of Bangladesh stopped granting refugee status to the Rohingya.³⁰
31. Following a MoU between the Governments of Bangladesh and Myanmar on 28 April 1992 agreeing on repatriation, the Government of Bangladesh proceeded to forcibly repatriate refugees between September and December. UNHCR refused to continue its work in Bangladesh until it could conduct private interviews with refugees to clarify the situation. By May 1993, UNHCR had signed a MoU with the Government of Bangladesh stipulating that repatriation would be voluntary and that refugees would be guaranteed protection in registered camps. Moreover, to ensure the protection of returnees, in November 1993 UNHCR signed a MoU with the Government of Myanmar granting the agency access to returnees and meeting their demand for freedom of movement and the provision of ID cards to all Rohingya in Myanmar.³¹ By August 1994, UNHCR had begun the process of mass registration for repatriation of refugees, to be completed by December 1995.³²
32. Criticism, however, started to mount at UNHCR's role in the repatriation. There were concerns that the agency had not adequately monitored the return of the refugees, particularly in light of evidence that expected conditions such as security, freedom of religion, prevention of forced labour, return of

²⁵ Médecins Sans Frontières-Holland (2002) 10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future, Médecins Sans Frontières: 5.

²⁶ The 1982 Citizenship Law identifies three distinct types of citizenship: citizenship, associate citizenship, and naturalized citizenship. To be a citizen one must be from one of the accepted national races (Kachin, Kayah (Karen), Karen, Chin, Burman, Mon, Rakhine, Shan, Kaman, or Zerbadee) or be able to prove that they have ancestors who settled in the country before the British annexation of Burma in 1823. The inability to prove ancestral history would mean that the person could be deemed an associate citizen or a naturalized citizen – categories reserved for descendants of immigrant communities. Associate citizenship is extended to those who have one grandparent, or pre-1823 ancestor, who was a citizen of another country; or to those who had qualified and applied for citizenship in 1948 under the 1948 Citizenship Law. Naturalized citizens, on the other hand, have to provide evidence that they or their parents came to and lived in Burma before independence in 1948, or have a parent who enjoys one of the three types of citizenship. See Human Rights Watch (2000) 'Burmese Refugees in Bangladesh: Still No Durable Solution', *Human Rights Watch* 12.3: 9–10.

²⁷ Cheung, S. (2012) 'Migration Control and the Solutions Impasse in South and Southeast Asia: Implications from the Rohingya Experience', *Journal of Refugee Studies* 25.1: 52.

²⁸ Local Orders in the Northern part of Rakhine State, UNHCR Advocacy Note, 22 June 2015.

²⁹ Long, K. (2013) Back to Where You Once Belonged: A Historical Review of UNHCR Policy and Practice on Refugee Repatriation, UNHCR: 12; Human Rights Watch (2000) 'Burmese Refugees in Bangladesh: Still No Durable Solution', *Human Rights Watch* 12.3: 2.

³⁰ Milton *et al.* (2017) 'Trapped in Statelessness: Rohingya Refugees in Bangladesh', *International Journal of Environmental Research and Public Health* 14.942: 3–4.

³¹ Médecins Sans Frontières-Holland (2002) 10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future, Médecins Sans Frontières: 5.

³² *Ibid.*

land and property, and citizenship rights were not forthcoming upon the Rohingya's return.³³ By 1997, only some 22,000 Rohingya remained in Bangladesh; the rest had been repatriated with the assistance of UNHCR.³⁴

33. More recently, in 2012, inter-communal violence between Rakhine and Rohingya communities led to thousands of Rohingya fleeing to Bangladesh and some 130,000 people being put in displacement camps in central Rakhine State.³⁵ On a pretext of fear of increased population growth among the Rohingya,³⁶ a number of anti-Rohingya discriminatory policies and repressive practices were enforced, including but not limited to: the inability to marry without permission; the Two-Child Policy (2013)³⁷ and the Population Control Healthcare Bill (2015), the latter of which curtails reproductive rights by demanding mothers who live in areas with high population growth rates to leave a 36-month gap between giving birth.³⁸
34. By the time of the 2012 Rohingya exodus, there was a notable shift in the policy of the Government of Bangladesh towards the Rohingya, manifested through the Government's decision to close its border to further refugees and its insistence that international aid organizations stop providing aid to Rohingya living in Cox's Bazar and surrounding areas.³⁹ By 2013, there were some 34,000 registered refugees in Kutupalong and Nayapara and between 300,000 and 500,000 Undocumented Myanmar Nationals (UMNs) living outside the registered camps.⁴⁰ It was not until one year later, on 9 September 2013, that the Government of Bangladesh approved the National Strategy Paper on Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh, putting in place a formal commitment to:
- List and locate UMNs;
 - Provide basic medical care and essential humanitarian assistance and services to listed individuals;
 - Improve security and surveillance through better border management;

³³ Refugees International (1994) 'Recommendations on the Rohingyas in Bangladesh: Mission to Bangladesh – April 21 to 29, 1994', *RI Bulletin: A Global Voice for the World's Dispossessed*, Refugees International, <http://www.ibiblio.org/obl/docs/YPP-94.htm>; Pierpaoli, Yvette (1994) 'Rohingya Refugees in Bangladesh', *RI Bulletin: A Global Voice for the World's Dispossessed*, Refugees International, 6 June 1994, <http://www.ibiblio.org/obl/docs/YPP-94.htm>

³⁴ Human Rights Watch (2000) 'Burmese Refugees in Bangladesh: Still No Durable Solution', *Human Rights Watch* 12.3: 2.

³⁵ <http://www.irinnews.org/in-depth/denied-oppression-myanmar-s-rohingya-people>. The UN Fact-Finding Mission on Myanmar notes that it is incorrect to label this violence in 2012 as 'intercommunal'. Findings of the report state that 'While there certainly was violence between Rohingya and Rakhine groups, resulting in killing and the destruction of property, these attacks were not spontaneous outbursts of hostility; they resulted from a plan to instigate violence and amplify tensions. A campaign of hate and dehumanization of the Rohingya had been under way for months and escalated after 8 June 2012'. See United Nations Human Rights Council (2018) *Report of the Independent International Fact-Finding Mission on Myanmar A/HRC/39/64*, Geneva: UN Human Rights Council: 7.

³⁶ Blomquist, R. (2016) 'Ethno-Demographic Dynamics of the Rohingya-Buddhist Conflict', *Georgetown Journal of Asian Affairs*, Fall 2016: 94–117.

³⁷ Szep, J. and Marshall, A.R.C. (2013) 'Myanmar Minister Backs Two-Child Policy for Rohingya Minority', *Reuters*, 11 June 2013, <https://in.reuters.com/article/myanmar-rohingya/myanmar-minister-backs-two-child-policy-for-rohingya-minority-idNDEE95A03B20130611> (accessed 18 August 2018).

³⁸ Aye Win, A. (2015) 'Burma President Signs Off on Contested Population Law', *Irrawaddy*, 24 May 2015, <https://www.irrawaddy.com/news/burma/burma-president-signs-off-on-contested-population-law.html> (accessed 18 August 2018).

³⁹ Bangladesh called on Médecins Sans Frontières, Action Contre la Faim and Muslin Aid to stop providing assistance to Rohingya refugees. Human Rights Watch, *Bangladesh: Assist, Protect Rohingya Refugee*, 22 August 2012, <https://www.hrw.org/news/2012/08/22/bangladesh-assist-protect-rohingya-refugees> (accessed 18 August 2018).

⁴⁰ Government of Bangladesh (2013) Strategy Paper on Addressing the Issue of Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh: A Summary Presentation, Dhaka: Government of Bangladesh; Strategic Executive Group (2018) JRP for Rohingya Humanitarian Crisis: March–December 2018: 34.

- Ensure that repatriation and possible resettlement in Myanmar remain a priority for the Government of Bangladesh, facilitated through diplomatic engagement with the Government of Myanmar, the UN, the Organization of Islamic Cooperation (OIC) and other multilateral fora; and
 - Establish a coordination mechanism at the national level.⁴¹
35. While the strategy improved access and the expansion of protection services to UMN living in makeshift settlements, the Government of Bangladesh's decision to appoint IOM rather than UNHCR as the lead implementing partner indicated that the Government of Bangladesh viewed those unregistered Rohingya as migrants rather than refugees. In effect, this meant that UNHCR's international refugee mandate was restricted to coordinating services for the approximately 34,000 registered refugees while IOM took on the role of leading the humanitarian response.⁴²
36. In October 2016, as a result of Arakan Rohingya Salvation Army (ARSA) attacks on security posts, a Myanmar military operation forced 74,000 Rohingya to escape to Bangladesh amid the chaos of violence, murder, razed villages and destruction of over 1,500 homes and other buildings.⁴³ At the time of this crisis, there appeared to be little change in the Government of Bangladesh's stance on the influx of Rohingya refugees and UNHCR's role in the response.⁴⁴ Refugees were not only met by closed borders and over 5,000 forced back to Myanmar,⁴⁵ but the Government prevented international humanitarian agencies and NGOs from providing aid. In particular, UNHCR was prevented from carrying out essential protection activities common to other refugee responses such as registering newly arrived refugees and conducting needs assessments.⁴⁶ In short, operating in such a precarious protection environment created operational challenges that had still not been fully addressed by the time of the recent mass exodus of Rohingya to Bangladesh in August 2017.
37. Cumulatively, the cultural, social and economic restrictions imposed on the Rohingya in Myanmar have prevented them from benefiting from livelihood opportunities, have turned them into victims of extortion, and has served to dramatically increase their vulnerability.⁴⁷ It was in this context that the most recent exodus of Rohingya from Myanmar took place and coincided with the release of the final report of the Advisory Commission on Rakhine State, chaired by Kofi Annan to establish clear recommendations to the Government of Myanmar to promote peace and foster reconciliation in Rakhine State.⁴⁸ The military operation on 25 August 2017 was orchestrated by the Myanmar security forces following an attack on a military outpost by the ARSA, and resembled the earlier 'clearance' operation, which took place in Rakhine State in October 2016. The attack in August 2017, however,

⁴¹ Government of Bangladesh (2013) Strategy Paper on Addressing the Issue of Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh: A Summary Presentation, Dhaka: Government of Bangladesh.

⁴² Sullivan, D. (2017) *Reluctant Refugee: Rohingya Safe But Not Secure in Bangladesh*, Field Report, Washington DC: Refugees International: 5–6.

⁴³ *Ibid.*: 7. Also, a Human Rights Now report documents individual and group interviews with Rohingya refugees, all of which testify a common narrative of brutality and atrocities in Myanmar; see Human Rights Now (2018) Investigative Report of Rohingya Refugee Camps in Bangladesh: Rohingya Refugees Face Serious Human Rights Violations in Myanmar and Bangladesh Camps, <http://hrn.or.jp/eng/wp-content/uploads/2018/04/Investigative-Report-of-Rohingya-Refugee-Camps-in-Bangladesh.pdf>

⁴⁴ Sullivan, D. (2017) *Reluctant Refugee: Rohingya Safe But Not Secure in Bangladesh*, Field Report, Washington DC: Refugees International: 7.

⁴⁵ UNHCR (2017) *Briefing Note: Bangladesh*, Internal Document, 30 October 2017, UNHCR: 2.

⁴⁶ Sullivan, D. (2017) *Reluctant Refugee: Rohingya Safe But Not Secure in Bangladesh*, Field Report, Washington DC: Refugees International: 7.

⁴⁷ OHCHR (2018) 'Statement by Mr. Marzuki Darusman, Chairperson of the Independent International Fact-Finding Mission on Myanmar, at the 37th Session of the Human Rights Council', 12 March 2018, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=22798&LangID=E>

⁴⁸ In September 2016, the Advisory Commission on Rakhine State was set up at the behest of the Ministry of the Office of the State Counsellor of the Republic of the Union of Myanmar and in collaboration with the Kofi Annan Foundation. The Commission released an interim report in March 2017 followed by a final report in August 2017; see Advisory Commission on Rakhine State (2017) *Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine: Final Report of the Advisory Commission on Rakhine State*.

was of an unprecedented scale. The 'mass-scale scorched-earth campaign',⁴⁹ which saw Myanmar security forces systematically burn Rohingya villages across northern areas of Rakhine State, resulting in 655,500 Rohingya refugees fleeing Myanmar for Bangladesh within 100 days of the attack.⁵⁰ Unsurprisingly, by the end of 2017, Bangladesh was hosting some 932,200 Rohingya refugees⁵¹ with a further 12,120 to arrive from January to July 2018 (see Figure 1).⁵²

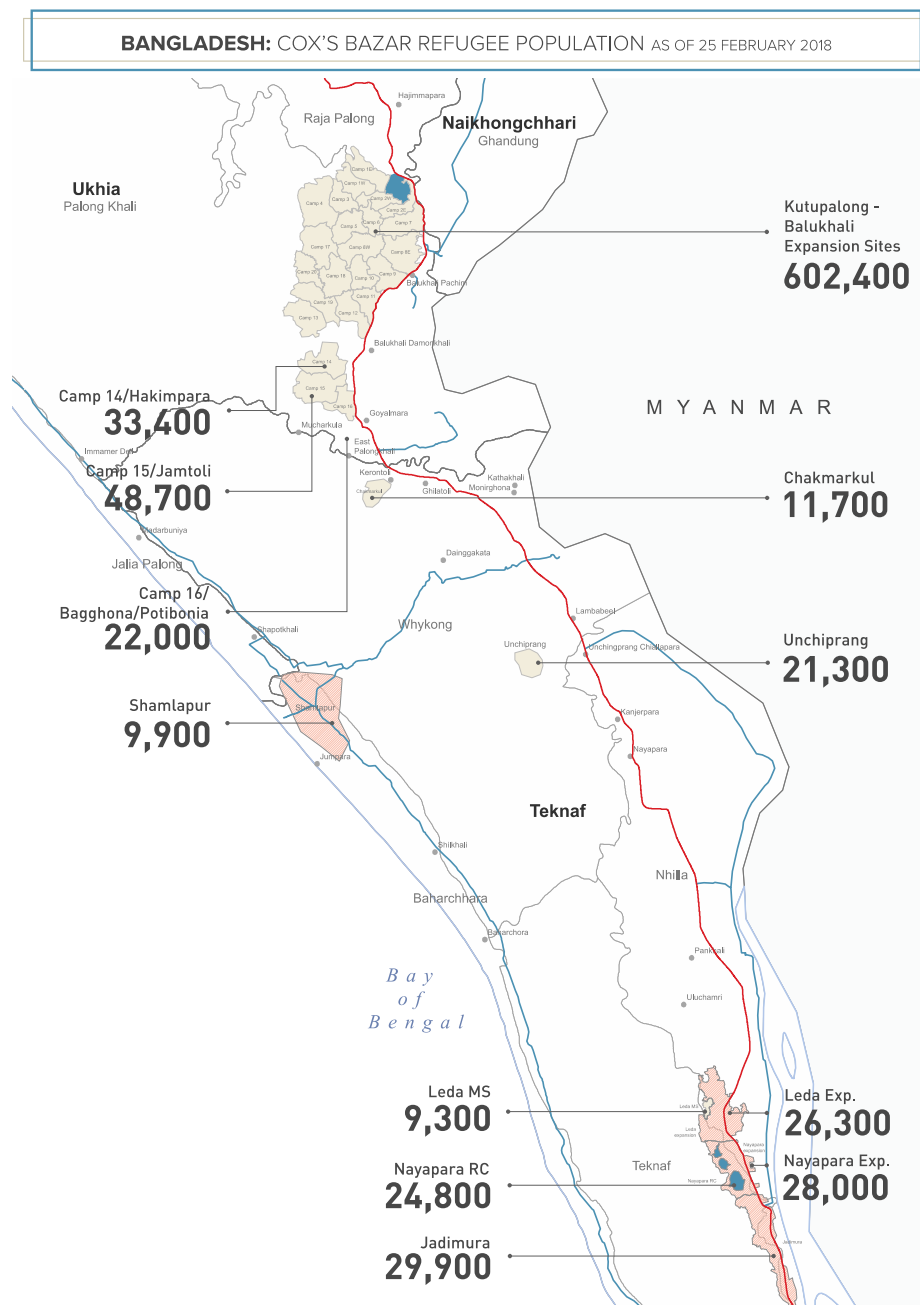


Figure 1: Map of Cox's Bazar refugee population as of 26 February 2018

⁴⁹ Amnesty International (2017) 'Myanmar: Scorched-Earth Campaign Fuels Ethnic Cleansing of Rohingya from Rakhine State', 14 September 2017, <https://www.amnesty.org/en/latest/news/2017/09/myanmar-scorched-earth-campaign-fuels-ethnic-cleansing-of-rohingya-from-rakhine-state/>

⁵⁰ UNHCR (2018) Global Trends: Forced Displacement in 2017, Geneva: UNHCR: 6.

⁵¹ UNHCR (2018) Global Trends: Forced Displacement in 2017, Geneva: UNHCR: 14.

⁵² UNHCR (July 2018) Bangladesh Refugee Emergency: Population Factsheet (as of 31 July 2018), Geneva: UNHCR.

3.2 The first year of UNHCR's response

38. The speed and scale of mass displacement that took place from 25 August 2017 onwards created serious operational challenges for the Government of Bangladesh and all international and national organizations operating in Cox's Bazar.⁵³ UNHCR estimates that between 25 August 2017 and 13 October 2017, over half a million Rohingya refugees fled Myanmar for Bangladesh, adding to 34,000 registered refugees in Kutupalong and Nayapara, and some 300,000 already living in makeshift camps and amongst host communities.⁵⁴ Surpassing the local population by two to one in the Teknaf and Ukiah *Upazilas*, the situation in Cox's Bazar is said to represent 'one of the largest concentrations of refugees in the world'.⁵⁵ Unsurprisingly, therefore, it took some time for the humanitarian relief operation to ramp up and to be fit-for-purpose for such a demanding humanitarian response.
39. The response timeline and UNHCR's actions can be best understood by looking at three distinct phases: phase 1 – main influx (25 August 2017–end of October 2017); phase 2 – settlement (November 2017–end of February 2018); and phase 3 – monsoon (March–end of August 2018).

3.2.1 Phase 1 – Main influx (25 August 2017–end of October 2017)

40. Between 25 August 2017 and 27 August 2017, some 5,200 refugees were said to have entered Bangladesh.⁵⁶ By 5 September this figure had increased significantly to an estimated 123,000, by 8 September to approximately 270,000, and by 12 September to an estimated 370,000 since 25 August 2017.⁵⁷ By the end of October the figure had risen to 609,000 new arrivals (see Figure 2), representing the majority of those who would cross (the figure would be 671,000 by the end of February 2018). At the time of reporting on this evaluation, new arrivals are still coming to Bangladesh as a result of conditions in Myanmar, which have to date shown limited signs of improvement in specific conditions that affect the daily lives of the Rohingya in Rakhine State.

⁵³ JRP for Rohingya Humanitarian Crisis: March–December 2018 (2018): 10.

⁵⁴ It is important to note that exact figures for the number of registered refugees living in the official camps and unregistered refugees or UMNs living in makeshift camps and among the host community are unclear. The above figures state 34,000 and 300,000 respectively, while another UNHCR document notes 33,000 and 274,500 or 350,000 respectively. See UNHCR (2017) *Bangladesh Emergency*, Draft Operational Plan – Internal, Geneva: UNHCR: 1 and UNHCR (2017) *Briefing Note: Bangladesh*, Internal Document, 30 October 2017, Geneva: UNHCR: 1 and 2.

⁵⁵ Bowden, M. (October 2018) 'The Current Context to the Rohingya Crisis in Bangladesh', in 'Special Feature: Rohingya Refugees in Bangladesh: The Humanitarian Response', *Humanitarian Exchange* 73: 5.

⁵⁶ UNHCR (2017) 'UNHCR Urges Open Borders for People Fleeing Violence in Myanmar's Rakhine State', *Press Briefing*, 29 August 2017.

⁵⁷ UNHCR (2017) 'Bangladesh: Life-Saving Assistance Needed as Rohingya Influx Surges', *Press Briefing*, 5 September 2017; UNHCR (2017) 'Bangladesh: Refugee Camp Capacity Exhausted; Thousands in Makeshift Shelters', *Press Briefing*, 8 September 2017; UNHCR (2017) 'Bangladesh: UNHCR Emergency Airlift Lands in Dhaka as Rakhine Crisis Deepens', *Press Briefing*, 12 September 2017.

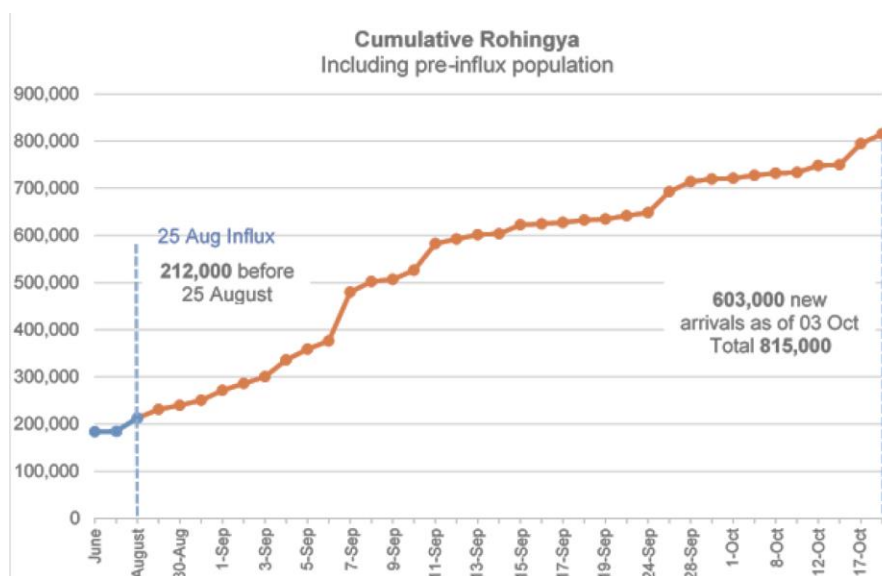


Figure 2: Cumulative refugee arrivals by the end of October 2017

41. The response to the influx was almost immediate, with humanitarian agencies on the ground within the first week. The Bangladesh Army was mobilized, as were the Ministry of Disaster Management and Relief (MoDMR) and the Bangladesh Red Crescent Society. Local communities, charities and well-wishers flooded to the area, providing much needed but uncoordinated relief. An ISCG situation report from 2 September gives a flavour of the early days of the influx:⁵⁸

- 1) An estimated 15,000 arrived in Bangladesh during the reporting day, lower than the day before. The inflow continued to be high during the night and slowed down during daytime. Arrivals increased significantly today in Nayapara refugee camp.
- 2) New arrivals informed that they spent on average 3 to 4 days travelling up to 50 kilometres by foot after fleeing their homes.
- 3) New arrivals are making huts in different blocks and extending Balukhali. Kutupalong and Balukhali makeshift settlements might eventually connect through expansion.
- 4) Field staff reported that a new settlement is forming itself in Thangkhali forest land near Balukhali. The local forest range officer and Ukhia have cautioned against any attempt to provide them materials.
- 5) Kutupalong Makeshift and Registered camp are overcrowded, madrasa, maktab, schools, community centres, UMN and refugees' households are occupied and used to host new arrivals.
- 6) The media reported that Bangladesh has deployed Air Force assets to Chittagong near the Myanmar border. Their Inter Services Public Relation (ISPR) claimed it is routine work.
- 7) Some relatively well off Rohingya families with property and resources are also seen arriving, most of them are taking shelters in Teknaf and Ukhiah urban areas.
- 8) An estimated 8,000 people have arrived in Nihonchori, through Chakdala and Asartoli entry points. However limited humanitarian actors are active in Bandarban District at present.

⁵⁸ ISCG (2017) *Situation Report: Influx (August 2017) – Cox's Bazar, 2 September 2017*, Inter-Sector Coordination Group, <https://www.humanitarianresponse.info/en/operations/bangladesh/document/iscg-situation-report-cox's-bazar-influx-2-september-2017> (accessed 9 January 2019).

42. It also notes, of the emerging response:

- *High Energy Biscuits (3 days' ration, 9 packets) is being provided as safety net to 2017 NAs that are either in large clusters or are staying in open air with no hosts or food sources.*
- *1,490 households received High Energy Biscuit (HEB) on 2 Sept in Nayapara Camp, a total 3,852 individuals received HEB in two refugee camps. Listing is simultaneously ongoing.*
- *Food distribution in KTP, KMS and NYP continues from 3 September.*
- *ACF is distributing HEBs (2 packet) in BMS and LMS.*
- *Food stock will be prioritized for arrivals in makeshift and camps, not diverted to border distribution.*
- *ACF's wet feeding continued and planned for Kutupalong RC in coordination with UNHCR. Wet-feeding in ACF EMOP centre continued.*
- *Referrals for wet meals beneficiaries and Nutrition centres are ongoing.*
- *GFD (25 kg rice) is planned on 9 September for arrivals since 2016 and 2017 arrivals living with hosts.*

43. Gaps and needs were identified in all sectors at this point: local health centres overwhelmed with new arrivals; existing camps and services inundated with people; food stocks of existing refugee and UMN populations being depleted, water supplies insufficient, and emergency stocks of shelter and supplies insufficient. This pattern broadly continued for the first three to four weeks as people continued to flood across the border and the authorities and aid agencies scrambled to put in place a response fitting the scale of the emergency.

44. The UNHCR response was immediate. The registered refugee camps were taking many of the new arrivals and this meant additional services and supplies were needed. During this time, UNHCR responded by working with its partners and local authorities to deliver relief supplies such as sleeping mats, clothes and plastic sheets for shelter, and began the process of identifying vulnerable refugees and unaccompanied children.⁵⁹ However, there were still restrictions in place on UNHCR responding outside the 'registered camps', and this was not resolved formally until mid-September. It was only after that point that the organization was able to start responding at scale.

45. On 14 September the Government of Bangladesh issued a 22-point directive, which set out the high-level parameters for the response. The plan granted an extra 2,000 acres of land near Kutupalong to be used to build an additional 14,000 shelters. It also gave UNHCR permission for the first time to work outside the registered camps, although not as lead agency. UNHCR could provide protection, not only to its normal caseload of previously registered refugees in the camps, but to recently arrived refugees; IOM, however, would maintain its role as lead operational partner.⁶⁰

46. Despite the uncertainty about its remit, UNHCR did not wait to develop its response. Emergency staff were deployed from the regional office in the first week of the crisis (late August) and emergency airlifts were commissioned during the first week. On 12 September the first two aid flights each carrying 91 metric tonnes of core relief items took off. Once it was clear, after the directive had been issued, that the organization could respond outside the camps and at scale, the response moved to

⁵⁹ UNHCR (2017) 'Bangladesh: Life-Saving Assistance Needed as Rohingya Influx Surges', *Press Briefing*, 5 September 2017.

⁶⁰ Sullivan, D. (2018) *Unnatural Disaster: Aid Restrictions Endangering Rohingya Ahead of Monsoons in Bangladesh*, Field Report, Washington DC: Refugees International: 14; UNHCR (2017) *Briefing Note: Bangladesh*, Internal Document, 30 October 2017, UNHCR: 2 and 3; Government of Bangladesh (2017) *Minutes of the Special Meeting on Rehabilitation of the Displaced People from Myanmar and Co-ordination of Relief Work*, Government of the People's Republic of Bangladesh: Prime Minister's Office, Tejgoan, Dhaka, 14 September 2017.

the next level. On 15 September, UNHCR deployed additional emergency staff and 15 of 35 trucks delivered aid to Kutupalong, Nayapara and other sites in south-eastern Bangladesh.⁶¹

47. By 19 September, the situation was declared as a Level 3 emergency. In addition to deploying the emergency response team, UNHCR launched an initial appeal for US\$83.7 million to cover the agency's humanitarian response from September 2017 to February 2018.⁶² In consultation with the ISCG, UNHCR aimed to fulfil its mandate through the provision of assistance to 250,000 refugees, alongside coordinating protection for all refugees – those who arrived before and after August 2017.⁶³
48. On 17 September and 18 September UNHCR began relocating refugees to temporary communal and family tents in the Kutupalong Extension Site. Four communal tents able to accommodate 400 people were erected. By 22 September, a third airlift of emergency supplies arrived just in time for the High Commissioner's visit to Bangladesh and a fourth followed on 26 September, and UNHCR site planners commenced work on the plans for the new Kutupalong Extension Site.⁶⁴ Between 19 September and 26 September, UNHCR and partners distributed hygiene kits to 1,900 women and a daily average of 9,900 people were provided with food through community kitchens, 4,700 provided with high energy biscuits, and 2,600 provided with other hot meals.⁶⁵ These were the first emergency response distributions and marked the organization beginning its rapid scale-up.
49. The visit of the High Commissioner between 23 September and 26 September helped UNHCR to become involved in registration. On 28 September, the Refugee Relief and Repatriation Commissioner (RRRC) office under the Ministry of Disaster Management and Relief (MoDMR), allowed UNHCR to support it in carrying out its Family Counting exercise, which began on 4 October 2017. By 28 October, 84,471 families made up of 363,296 individuals were successfully registered on a household basis, with the intention that the Family Counting number would be adopted by other organizations, agencies and the Government as the unique household identifier required to receive aid.⁶⁶
50. At almost exactly the same time (the agreement was signed during the High Commissioner's visit), UNHCR was instrumental in commissioning a new arterial road in the Kutupalong settlement. This has subsequently become known as the 'army road' (the Army was commissioned to build it) and has proved a vital access tool and lifeline for the relief effort, especially to deliver assistance to inaccessible parts of the largely hilly camp. UNHCR, as part of the Site Planning Taskforce set up to foster technical inter-agency collaboration and coordinate work in the Kutupalong Extension Site, provided US\$2 million of the US\$4.2 million required to build the road, effectively enabling it to happen.⁶⁷
51. On 15 October 2017, UNHCR opened its transit centre. This is a standard part of most refugee responses and arguably would have been useful earlier in the response. Nevertheless, it was an important and welcome initiative, helping to properly process new arrivals and ensure extremely vulnerable people were taken care of.

⁶¹ UNHCR (2017) 'Vital UNHCR Aid Arrives in Cox's Bazar, Additional Emergency Staff Deployed', *Press Briefing*, 15 September 2017, Geneva: UNHCR.

⁶² UNHCR (2017) *Bangladesh Emergency*, Draft Operational Plan – Internal, Geneva: UNHCR: 1.

⁶³ *Ibid.*

⁶⁴ UNHCR (2017) 'UNHCR Scales Up Delivery of Aid to Rohingya Refugees in Bangladesh', *Press Briefing*, 22 September 2017, Geneva: UNHCR; UNHCR (2017) 'UNHCR Calls for Redoubling of Humanitarian Efforts in Bangladesh', *Press Briefing*, 26 September 2017, Geneva: UNHCR.

⁶⁵ UNHCR (2017) 'UNHCR Calls for Redoubling of Humanitarian Efforts in Bangladesh', *Press Briefing*, 26 September 2017, Geneva: UNHCR.

⁶⁶ UNHCR (2017) *Briefing Note: Registration Activities*, 28 October 2017, Geneva: UNHCR.

⁶⁷ The task force is composed of IOM, UNHCR and the Refugee Relief and Repatriation Commissioner (RRRC). See UNHCR (2017) *Briefing Note: Bangladesh*, Internal Document, 30 October 2017, Geneva: UNHCR: 4.

52. By the end of October, UNHCR operations had reached scale, with the organization actively responding in most technical areas, with ambitious plans to bring some order to what had been a chaotic and largely self-managed settlement up to that point. By 30 October UNHCR had:
- Constructed 925 latrines and 166 boreholes and was able to provide an estimated 46,250 refugees with access to latrines and approximately 83,000 with access to water.⁶⁸
 - Provided 25,500 households with shelter material, with a further 50,900 tarpaulins in stock.⁶⁹
 - Distributed 16,333 core relief item kits consisting of kitchen sets, mats, blankets, solar lamps and other essential items.⁷⁰
 - Planned to distribute shelter upgrade kits in Nayapara and introduce a pilot Cash for Shelter project to those who had only received tarpaulins.
 - Created eight new health facilities, which consisted of two diarrhoea centres of 20 beds each (with room for expansion) and four temporary health posts (with an extra four to be set up).⁷¹ In addition, four outpatient therapeutic programmes were set up in Kutupalong, Nayapara, Bagghona and Karantuli with another six to be created.⁷²
 - Established an additional 21 partnerships, nine of which were from local NGOs with the intention of increasing this by another four.⁷³

3.2.2 Phase 2 – Settlement (November 2017–end of February 2018)

53. Throughout November and December the UNHCR operation continued to expand, a trend also matched by the other major aid actors. In early November the Family Counting exercise was completed, with UNHCR reporting:

UNHCR and the Refugee Relief and Repatriation Commissioner (RRRC) completed the first phase of their joint Family Counting exercise, counting over 541,759 refugees from 125,662 families. The exercise covered Kutupalong camp, makeshift settlement, and extension areas, as well as Balukhali makeshift area. Using geotags and based on satellite imagery, UNHCR calculated the total usable area in various zones of Kutupalong. In just over two months, some areas in Kutupalong are already more densely populated than Dhaka, the world's densest city. Figures also indicate that one in three families are living with a person with a specific need that is easily identifiable – meaning that the number of vulnerable cases is likely to be higher. There is also a high proportion of elderly people and unaccompanied and separated children – some of them taking care of younger siblings. Children made up 54% of the total population; women 52%. 14% of the families counted are composed of single females and/or female headed households. Furthermore, while the number of boys (49%) and girls (51%) is balanced, there is a significantly higher number of adult women (55%) compared to adult men (45%). The family counting exercise teams are now moving south, counting families in Teknaf district.

⁶⁸ *Ibid.*: 3.

⁶⁹ *Ibid.*: 4.

⁷⁰ *Ibid.*: 4.

⁷¹ *Ibid.*: 5.

⁷² *Ibid.*: 5.

⁷³ *Ibid.*: 3.

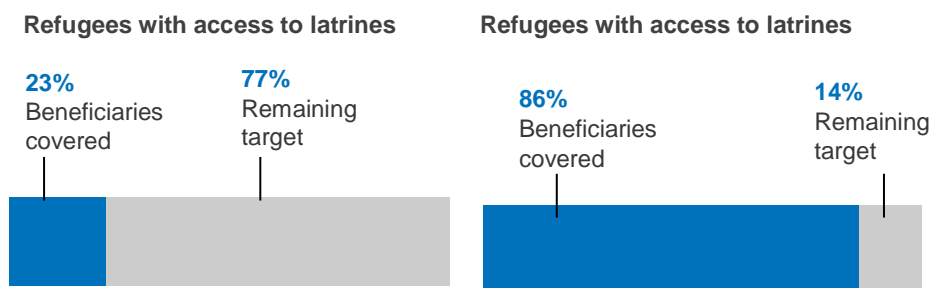


Figure 3: Refugees with access to latrines on 10 November (left) and on 26 December (right)

54. There was also considerable progress in coverage of basic services, with WASH provision in particular gaining in coverage. Figure 3 shows access to latrines on 10 November and again on 26 December. By the end of December, the WASH sector had reported 5,702 tube wells were installed out of which 4,366 were currently functional (76%). This was estimated to be providing water to the entire population, and a third round of water quality testing was underway by WHO.
55. By early 2018, there was significant coverage of services across all sectors. Basic shelter had been provided to all new arrivals and a process of shelter upgrading was underway. UNHCR was at the forefront of this exercise, reporting (on 26 December) that some 21,045 upgraded shelter kits had been distributed, representing 47% of the 45,000 families targeted for the upgrade. Some 20,458 shawls had also been distributed as part of winterization activities. The ISCG reported that by the end of January 68,000 families had received the ‘full shelter kit’ including bamboo.
56. This pattern held true across the emergency sectors. In early 2018, about a quarter of all children of school age were in some form of informal education. The eighth round of general food distribution was underway with WFP continuing to innovate its response, slowly introducing e-vouchers, modifying its criteria and more. A food security study (Refugee Emergency Vulnerability Assessment (REVA)) had been completed and MSNAs in other areas had similarly been completed. Some 23,818 children had been treated for acute malnutrition and comprehensive screening was carried out across the camps. Community Outreach Members (COMs) had been established by UNHCR in the camp areas they were managing as volunteer protection workers, with 3,400 home visits conducted by the end of January. SGBV services had been established, women’s centres expanded and child tracing and reunification was underway.
57. Whilst there was also a good network of health services established relatively early in the response, at the end of November a diphtheria outbreak had taken hold. A comprehensive plan to respond was put in place, but a lack of available vaccines worldwide slowed the response somewhat. By the end of January, 4,865 cases and 31 deaths had been reported. A second round of vaccinations was taking place and the epidemic was being brought under control. UNHCR supported the diphtheria response through its community outreach and health and protection refugee volunteers to spread information and identify cases, by providing non-food items and shelter materials for the setting up of treatment facilities, as well as by granting to Médecins Sans Frontières (MSF) the right to use part of the UNHCR transit centre to open an isolation containment area, which became a pillar of the overall response to the outbreak. This collaboration with MSF was extended through a MoU signed on 27 March 2018.
58. In early January 2018, attention also began to focus on the forthcoming monsoon season and the risks it might pose. UNHCR commissioned a highly influential report, supported by IOM, from the Asian Disaster Preparedness Centre (ADPC), mapping possible flood and landslide risk. This showed there were 150,000 people potentially at risk from landslides or flood and needing urgent relocation. The

realization that a massive new operation would be needed to prepare for the monsoon ran in parallel with the consolidation in basic service provision.

59. At the end of January, the second Joint Response Plan (JRP) was launched, covering March to December 2018 and asking for US\$950 million.

3.2.3 Phase 3 – Monsoon (March–end of August 2018)

60. The ADPC report estimated that more than 150,000 Rohingya would be at risk.⁷⁴ Out of this total, in May 24,000 were considered to be at critical risk due to land instability, increasing to 41,700 by 31 August 2018.⁷⁵ The ISCG senior coordinator prioritized planning for the monsoon season, as did the head of the UNHCR sub-office.
61. From February to April 2018, as part of its emergency preparedness activities, UNHCR focused on a number of mitigation measures such as: strengthening shelters, bridges and essential infrastructure; relocating refugee families away from perilous to safer areas; and the pre-positioning of relief items, equipment and machinery. Alongside such interventions, UNHCR also promoted community engagement in preparedness activities. Refugee community volunteers undertook cyclone preparedness and first aid training, and search and rescue teams were formed. Moreover, UNHCR and others worked with refugees to develop early warning systems and explored community coping mechanisms.⁷⁶ In addition, to address communication gaps and challenges identified by the Joint Response Plan 2018,⁷⁷ through well-planned and targeted information campaigns, UNHCR was active in ensuring appropriate and timely information was disseminated to those communities at risk.
62. A joint Site Management Engineering Project (SMEP) team run and funded by UNHCR, IOM and WFP was formed to help prepare new ground and respond to engineering needs both before and during monsoon. As the Government of Bangladesh granted additional land for emergency relocations, the SMEP undertook preparation work that facilitated the new camp 4 and camp 20 extension sites at the beginning of June.
63. UNHCR distributed nearly 80,000 pre-monsoon 'tie-down' kits to help secure shelters in case of storms, and made extensive provision of stocks to respond to the worst-case scenario. Five hospital tents and emergency health kits were pre-positioned in Cox's Bazar. With the first monsoon rains arriving in May 2018, UNHCR mounted three humanitarian airlifts totalling 10,000 tents. Additional aid in the form of tents, basic items and 170,000 tarpaulin sheets were also transported by sea. UNHCR also put in place emergency contingency plans to temporarily relocate approximately 135,000 refugees.⁷⁸ Figure 4 shows the extensive work to relocate people, plan and prepare that had taken place by 15 September 2018. UNHCR constitutes at least half of the pre-monsoon distributions and had the largest pre-positioned stocks by some margin.

⁷⁴ UNHCR (2018) 'Monsoon Response Effort in Full Swing as Seasonal Rains Hit Bangladesh' *Press Briefing*, 4 May 2018.

⁷⁵ *Ibid.*; UNHCR (August 2018) Bangladesh Refugee Emergency: Emergency Preparedness and Response Update Dashboard (31 August 2018), UNHCR.

⁷⁶ UNHCR (2018) 'Monsoon Response Effort in Full Swing as Seasonal Rains Hit Bangladesh' *Press Briefing*, 4 May 2018.

⁷⁷ JRP for Rohingya Humanitarian Crisis: March–December 2018 (2018): 12.

⁷⁸ UNHCR (2018) 'Monsoon Response Effort in Full Swing as Seasonal Rains Hit Bangladesh' *Press Briefing*, 4 May 2018.



Figure 4: UNHCR preparations for the monsoon

64. The preparation largely paid off, and as this evaluation was being written the impact of the monsoon season had been as good as could possibly have been expected. Only one person had died as a direct result of the monsoon and 40 had been injured. Figure 5 shows the total number of weather-related incidents up to 14 August 2018.

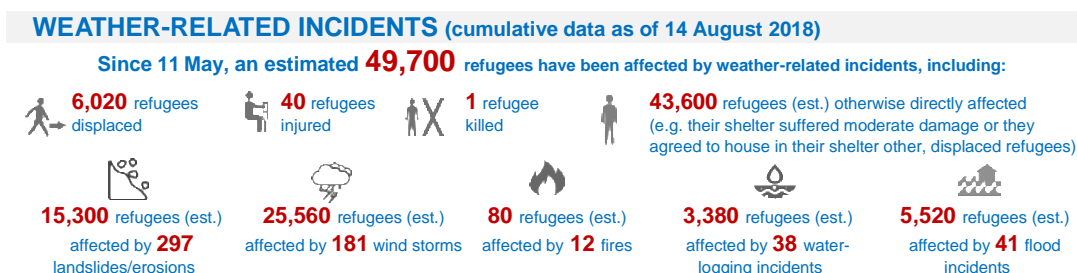


Figure 5: Total number of weather-related incidents up to 14 August 2018

3.3 Evolution of the coordination system

65. Section 3.1 gives an overview of the history prior to the influx in August 2017. UNHCR worked within the confines of a small, officially recognized refugee population of approximately 34,000 people focused on what were called 'registered' camps. IOM worked with a much larger population outside of the registered camps in what were initially called 'makeshift' camps. Many of these people had found their way to Bangladesh over the 2000s and in particular after 2012 when ethnic clashes broke out in the Rakhine capital Sittwe. By the time of renewed mass expulsions – the first of which was in October 2016 – there were estimated to be between 200,000 and 300,000 Rohingya in Ukhia and Teknaf who had crossed from Myanmar.⁷⁹
66. In 2014 the Government of Bangladesh, as noted above, issued a national strategy for dealing with a population they called at the time Undocumented Myanmar Nationals (UMNs). A task force was established under the foreign secretary of the Ministry of Foreign Affairs and, as the migration agency, IOM was requested to work on UMN assistance issues. UNHCR, despite some lobbying, was not permitted to assist UMNs, in part because of earlier unsuccessful efforts to have these populations treated as refugees.⁸⁰
67. When between 75,000 and 80,000 people crossed the border following the first mass expulsion by the Myanmar Army in 2016, IOM found itself trying to respond with a handful of UN and NGO partners. Only ACF, Solidarités International, MSF, UNICEF, WFP, UNFPA, Save the Children, Handicap International (HI) and UNHCR were in the Cox's Bazar area and able to respond, but with numbers already significant it was realized that a small coordination mechanism of some form needed to be established (both in Dhaka and in Cox's Bazar). IOM, with DFID assistance, took the lead in designing this system, which they based loosely on the UN OCHA-led 'cluster' system. A limited number of clusters were duly established, called sectors. The overall coordination mechanism was called the Inter-Sector Coordination Group (ISCG). UNHCR was subsequently successful in assuming the lead role on protection in the new coordination mechanism and expanded protection monitoring and outreach to outside of the registered camps.
68. Over the course of 2017 before the influx, the ISCG had been working on (with UNHCR) a joint funding document and plan – the precursor of the Humanitarian Response Plan covering the period September 2017 to February 2018 and the later Joint Response Plan (JRP). UNHCR had been gradually gaining acceptance as a response actor by the Government of Bangladesh with a wider remit than the registered caseload alone. This was in part due to the careful diplomacy by the Representative and was bolstered by a visit in mid-2017 by the High Commissioner when progress was made on registration talks.
69. When the much larger mass expulsion started in August 2017, it was this group of agencies, and this coordination mechanism that was on the ground. Therefore, as people started streaming across the border in August, it was still not clear whether UNHCR would be allowed to work 'outside of the camps', and although the agency at HQ level essentially worked on the basis that it would respond, on the ground in the first few days there was confusion about what might and might not be allowed.
70. The 22-point plan of Prime Minister Sheikh Hasina launched on 14 September made it clear amongst other things that UNHCR would play a substantial role in the response (UNHCR is mentioned six times

⁷⁹ The Government of Bangladesh estimates that there were 303,070 Rohingya in Bangladesh before 25 August 2017 (as per the census results of Bangladesh Bureau of Statistics, conducted in six districts). Source: JRP March–December 2018: 7.

⁸⁰ The National Strategy Paper on Addressing the Issue of Myanmar Refugees and Undocumented Myanmar Nationals in Bangladesh, 31 March 2014 formalized the division of labour between UNHCR (refugees) and IOM (UMNs).

in the document and ascribed specific roles, alongside other UN agencies). Around this time the UN High Commissioner for Refugees, Filippo Grandi, met with PM Sheikh Hasina in New York, further substantiating UNHCR involvement.⁸¹

71. Although the 22-point plan allowed UNHCR to become fully involved in the response, it did not hand the agency the lead role. IOM was already leading the ISCG and an ISCG Secretariat Manager had been in place prior to the August influx. While the entry of UNHCR and many other new actors together with the UN recognition that this was a refugee emergency with a mandated agency to lead the response, and the sheer scale and complexity of the crisis necessitated changes, in the initial months there was little traction in the efforts to undertake a revision of the ISCG.
72. Prior to this, the Government had not permitted the agencies to include protection in the plans that were being developed for the Rohingya populations in the Cox's Bazar district. In the nascent joint plan that was being developed in early 2017, the use of protection language had been a point of disagreement with the Government, meaning that the document was delayed until late August (and in the end never launched because of the most recent influx of refugees). The protection sector was later renamed the 'Protection Working Group (PWG)' by UNHCR, which was keen to demonstrate that protection was not another technical area, but the central framework for the whole response.
73. In addition to the creation of the PWG and the massive expansion of the existing sector coordination groups, OCHA deployed a number of coordination staff to reinforce IOM capacity. At the same time, the 2,000 hectares allocated to the refugee response and the existing areas where Rohingya populations had been living either in makeshift settlements or in the registered camps, were developing into a 12 sq km camp known as Kutapalong, and encompassing Balukhali to the south. In October 2017, as the international response was starting to take control of the crisis and upgrade the camps, a new system of on-the-ground division of labour was devised by IOM and OCHA, despite concerns from UNHCR. UNHCR started to manage *de facto* half the large Kutapalong-Balukhali camp and IOM the other half. This was initially presented as intending to facilitate coordination in situ, but also helped dissipate the growing antagonism between UNHCR and IOM as the UNHCR presence grew in size and scale and wanted more responsibility at a strategic-operational level. This new system became colloquially known as Areas of Operation (AOR). The AOR is not formally codified in the ISCG system, other than being acknowledged by a UN Heads of Sub Office Group (HoSOG) that meets to resolve policy issues and deal with operational decision making outside the sector system.
74. In early January 2018, the coordination arrangement between IOM and UNHCR was further codified by the introduction of the Strategic Executive Group (SEG) in Dhaka. This tripartite arrangement, designed and agreed at the principals' level, consists of the Resident Coordinator (RC), the UNHCR Representative and the IOM Chief of Mission on equal terms. It is a joint policy-setting body and jointly represents the international community refugee response to the Government of Bangladesh. A letter on 19 January from the Emergency Relief Coordinator (ERC) to the PM formally introduces the SEG and also a new higher-level ISCG senior coordinator post in Cox's Bazar. This post was filled by a staff member seconded from UNHCR but working independently from the UNHCR Sub-Office in Cox's Bazar, further integrating the agency's expertise in refugee response into the irregular coordination architecture.
75. At the time of writing, a coordination review has been initiated by the HQs of UNDP, IOM and UNHCR with the participation of ICVA to examine the architecture a year after the initial crisis.

⁸¹ In fact, relations between UNHCR and the Government had been gradually thawing during 2017. During a visit to Dhaka, the High Commissioner had constructive talks with the Government around the issues of registration and the need for international involvement in any eventual returns. The Representative had also worked tirelessly behind the scenes to improve relations.

4 Findings

4.1 Timeliness and effectiveness

KEQ 1: How timely and effective was UNHCR's response to the refugee crisis in Bangladesh?

76. This evaluation has found that the response by UNHCR was both timely and effective, albeit within a context where all humanitarian actors struggled to get to scale in the first few weeks of the crisis. Lives have been saved and the public health and welfare of an extremely precarious population has been stabilized. This was by no means guaranteed, as comparisons with other similar crises show.
77. The timely and effective response was not achieved by UNHCR and other UN agencies alone, and in fact could not have been. Without the response of the local community, the Bangladesh Army and authorities, and the response from individuals across the country, things could easily have been much worse. The local response was fast and generous, undoubtedly saving lives and providing critical refuge. Later, the response of other major UN agencies like IOM, WFP and UNICEF, the international and national NGOs, and donors was also essential.
78. Attributing the exact contribution of UNHCR is not possible. Nonetheless, the evaluation has found sufficient evidence that, as the agency charged with refugee protection globally, and as the *de facto* managing body for at least half the population, the contribution was and is substantial. Success would not have been achieved without the contribution of UNHCR; in particular, its large-scale shelter, WASH and non-food response, as well as its management and protection experience.
79. Whilst the response was effective, standards were not met in many areas and this continues to be the case. Some of this is outside the control of UNHCR and the other responding agencies, relating in particular to land availability and the poor quality of the land. Some of the standards that were met – water and sanitation as a good example – were critical in saving lives and preventing mass disease outbreak. Some of the standards not met could have been. The evaluation will explore these issues in some depth below and in Section 4.2 on protection.

4.1.1 The response saved lives and reduced suffering

80. The response of UNHCR and its partners and sister humanitarian agencies was effective in saving lives and reducing suffering. The clearest indicators of this effectiveness are mortality, morbidity and nutrition. These will be examined in turn in this section of the evaluation. The response has been less effective in delivering dignified living conditions for refugees.
81. The international response was most significant after the first six weeks. Up to that point the response of the host community, Army and Bangladeshi charities and well-wishers was almost certainly larger in scale and therefore at least as significant, although there are no hard and fast facts to verify this.
82. The most compelling measure of effectiveness once the international response started in earnest is the downward trajectory of mortality in the camps. From the point when it was first measured in early October 2017, mortality has been kept within emergency thresholds, defined in a number of ways. There is also a significant and well-documented reduction in the disease burden, in particular acute respiratory infections and diarrhoeal disease. These diseases are associated with shelter and WASH respectively, both areas where UNHCR has focused heavily. Whilst attribution can never be absolute in a multi-stakeholder response of this scale, it is without question that UNHCR interventions have saved lives and reduced suffering.

83. This does not mean that everything in the camps was or is perfect. A diphtheria outbreak at the end of 2017 claimed 44 lives – a disease associated with squalor and insanitary conditions and rarely seen in the modern world.⁸² Levels of diarrhoeal disease remain unacceptably high in some parts of the camp and overcrowding is a major issue.

4.1.1.1 Mortality

84. The Crude Mortality Rate (CMR) has declined consistently since it was first systematically measured in mid-October and has remained under emergency levels. This is true when examined using a variety of different measures.

85. Figure 6 shows the CMR as measured by Médecins Sans Frontières (MSF)⁸³ since mid-October 2017. Whether measured against the benchmark of 1/10,000/day typically used or assessed against how much higher than ‘normal’, the CMR falls under emergency thresholds. It has also declined week by week, albeit with some peaks and troughs.

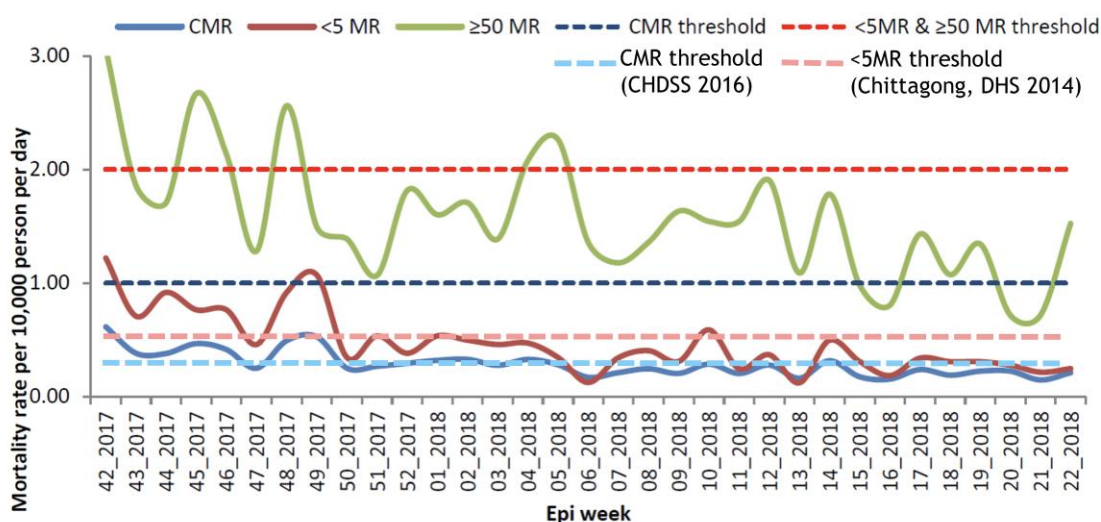


Figure 6: MSF mortality data against emergency thresholds

Three measures of crude mortality

1. An emergency is often defined as when the CMR is more than one person in 10,000 dying per day (1/10,000/day) – represented by the blue line in Figure 6. Within the same definition,

⁸² The poor vaccination rates for Rohingya in Myanmar, a testament to the poor state of things for the majority of people in Rakhine, but particularly the Rohingya, was also a factor for the diphtheria outbreak.

⁸³ Whilst the MSF data collection is typically rigorous, it does not tell us anything about the first month of the response. However, the fact the graph starts with elevated mortality in epi-week 42 (16 October) should not be taken as meaning this was the case for all preceding weeks. In fact there was a measles outbreak at precisely this point that could account for a spike in deaths.

if more than two children are dying per 10,000 per day it is considered an emergency (2/10,000/day) – represented by the red line on the graph.

2. A more stringent way of establishing emergency thresholds is when mortality rates are double the 'normal'.⁸⁴ The nationwide *Demographic Health Survey 2014*⁸⁵ reports U5MR of 50/1,000/5 years for Chittagong division, which includes Cox's Bazar district. This can be translated as 0.27/10,000/day, which when doubled is 0.54/10,000/day.⁸⁶ The pink line added to the graph illustrates this benchmark level.⁸⁷
3. An even stricter measure is available using a more local baseline, the *Chakaria Health and Demographic Surveillance System Report 2016*, which has CMR statistics for the Chakaria district in Cox's Bazar division. It reports a CMR of 5.7/1,000/year for Chakaria district, which can be translated as 0.15/10,000/day, giving an emergency CMR threshold of 0.3/10,000/day. The refugee CMR measured by MSF is below this more stringent threshold (see Figure 6). Clearly U5MR among the Rohingyas as captured in the graph has been brought well below the emergency benchmark.⁸⁸

86. The fact that mortality stayed below emergency thresholds was not a given. There were several clear risk factors, including:

- The Rohingya were already in a poor state of health before crossing the border. They had higher rates of child and maternal mortality than the average in Myanmar, itself the poorest country in South East Asia. Moreover, background rates of immunization were very low and malnutrition consistently high. The Rohingya also have quite poor health-seeking behaviour as a result of lack of access to services in the northern areas of Rakhine State.⁸⁹
- Evidence from previous Rohingya mass movements, especially in 1978 when 10,000 people were estimated to have died in squalid camp conditions.
- Evidence from previous mass movements of refugees demonstrates high risk of communicable disease outbreak and associated mass mortality. Most recently this was the case in Dollo Ado, Ethiopia in 2011, but much greater mass mortality was experienced in Goma in 1994 as a result of the cholera outbreak, the main risk vector in the Rohingya camps.
- Cholera is endemic in Bangladesh: outbreaks routinely killed thousands in Bangladesh well into the 1980s.
- A diphtheria outbreak occurred in early November 2017. Eventually some 8,200 people were affected in the following 12 months, and 44 people died (as of November 2018),⁹⁰ although this required a unified response at scale.

4.1.1.2 Morbidity and nutrition

⁸⁴ According to the UNHCR *Handbook for Emergencies* (p.345), 'An emergency is defined by mortality rates double that of the baseline. Where baseline mortality of the population prior to displacement, or of the population in the host country, is known, then this figure should be used', <https://reliefweb.int/report/world/handbook-emergencies-third-edition>

⁸⁵ <https://dhsprogram.com/pubs/pdf/FR311/FR311.pdf>

⁸⁶ Checchi, F. and Roberts, L. (2005) *Interpreting and Using Mortality Data in Humanitarian Emergencies*, Network Paper 52, Humanitarian Practice Network.

⁸⁷ We do not have the MSF data used in this graph so have manually added the line in as visually accurate a way as possible.

⁸⁸ CHDSS 2016 reports marginally higher levels of U5MR (51.2/1000/5 years) so a threshold based on this baseline value will also give similar results.

⁸⁹ The state of Rohingya health prior to flight is summarized quite well in Bark, G.; White, K. and Janon, A. (October 2018) 'When there is no Healthcare: The Consequences of the Chronic Denial of Healthcare for a Large Displaced Population in a Mega-Camp', in 'Special Feature: Rohingya Refugees in Bangladesh: The Humanitarian Response', *Humanitarian Exchange* 73: 35–37, https://odihpn.org/wp-content/uploads/2018/10/HE-73_web.pdf

⁹⁰ <https://reliefweb.int/disaster/ep-2017-000177-bgd>

87. There has been a dramatic reduction in both acute respiratory infections (ARIs) and diarrhoea, and malnutrition has also dropped significantly, especially in the large Kutupalong settlement.
88. SMART surveys round 1 and 2, conducted by ACF and financed by UNHCR and other donors, are probably the best and most reliable source for data on morbidity.⁹¹ Table 5 shows that ARIs and diarrhoea were halved from November 2017 when the first survey was undertaken to June 2018.

| | | 2017 | 2018 |
|-------------------------------------|-------------|-------|-------|
| Acute respiratory infections (ARIs) | Makeshift | 57.7% | 26.1% |
| | Nayapara RC | 50.3% | 21.5% |
| Prevalence of diarrhoea | Makeshift | 41.3% | 20.9% |
| | Nayapara RC | 43.3% | 23.9% |
| Malnutrition moderate (MAM) | Makeshift | 16.3% | 10% |
| | Nayapara RC | 13% | 12.2% |
| Malnutrition severe (SAM) | Makeshift | 3% | 2% |
| | Nayapara RC | 1.3% | 1.4% |

Table 5: SMART surveys 2017 and 2018, conducted by ACF and funded by UNHCR and other donors

89. WHO and the Ministry of Health run the Early Warning Alert and Response System (EWARS), which is an online, integrated data collection, analytics, alerting, and automated reporting system. In total, 155 registered health facilities report on a weekly basis, for indicator-based and event-based surveillance. The weekly data on number of cases of AJS, ARI and AWD suggest that morbidity incidence in Cox’s Bazar is under control.
90. This does not mean that the health and welfare of the population is ideal. Overcrowding continues to lead to elevated morbidity compared to background levels, including skin complaints, unspecified fevers and all of the communicable diseases mentioned above. The fact that they are below emergency thresholds is not the same as ideal, or even acceptable conditions. The same holds true for malnutrition. Whilst considerably reduced levels of Global Acute Malnutrition are still above UNHCR emergency thresholds for refugee situations,⁹² there is still a concerning level of food insecurity and it would not take much to tip this population into crisis. There remain pockets of higher-than-average malnutrition, diarrhoeal disease and other morbidity. These are most likely related to lack of access to services and aid.
91. Attribution for the lack of elevated mortality and morbidity cannot be precise in a fast-moving, data-poor environment. There were hundreds, if not thousands of aid agencies, government agencies, Bangladeshi charities, community groups and individuals who responded to the Rohingya crisis and continue to do so.
92. It is possible to talk with some confidence, however, about broad trends or contributions in order of magnitude. UNHCR is *de facto* responsible to manage camps, in coordination with CiCs, where roughly half the refugee population lives, with IOM more or less responsible for the management of the other

⁹¹ The SMART surveys use a rigorous cluster sampling methodology and so have a higher degree of accuracy than most other measures. However, these declines are also observed in WHO and Government of Bangladesh EWARNS data.

⁹² UNHCR emergency threshold for GAM is < 10%. See <https://emergency.unhcr.org/entry/249075/acute-malnutrition-threshold>

camps. This means day-to-day management of relief, contracting of partners for health, WASH and other vital services, and camp planning and management. UNHCR as the refugee agency, and after January 2018 the co-lead in a somewhat complex leadership arrangement (see below), has been influential in determining the priorities of the response and participates in the high-level strategic steering of relief efforts through the SEG and the ISCG.

93. Furthermore, the two communicable diseases highlighted above (ARIs, diarrhoea) are respectively associated with poor shelter and poor water and sanitation, as well as dusty conditions in the camps, with WASH and shelter being two areas that were the main focus of UNHCR interventions. Table 6 shows the scale of UNHCR efforts in these two areas.⁹³

| | |
|----------------|---|
| Shelter | 21,000 (approx.) tarpaulins (up to mid-November 2017); 90,524 upgraded shelter kits (includes poles and ropes and fixings, distributed after November 2017); 80,737 ‘tie-down’ kits (in preparation for monsoon); 1,395 transitional shelters, 56,368 padlocks. |
| WASH | 6,243 latrines (benefiting >125,000 people); 625 tube wells (serving 156,000 people); 57,913 hygiene kits distributed in 2018. |

Table 6: UNHCR shelter and WASH programmes have contributed substantially to a drop in associated morbidity

94. Taken together, these factors demonstrate a major role for UNHCR in the reduction of morbidity and contributing to keeping mortality under control. Whilst trying to attribute a percentage would be unhelpful, it seems safe to say that without the contribution of UNHCR these results would have been a lot less certain.

4.1.2 The response was constrained in the first four weeks but then rapidly went to scale

95. UNHCR’s response to the Rohingya refugee influx could have been more robust at the onset of the crisis had the organization had the operating space. It took four weeks after receiving approval from the Government of Bangladesh to open a transit centre and almost a month before the first relief goods were being distributed at scale. There were several reasons for this, namely:
- The political environment had been extremely constraining, limiting UNHCR’s action prior to the mass influx of August 2017. Until the second week of September, UNHCR was not formally allowed to work outside the registered refugee camps.
 - The organization was not prepared, having – like most others – not appreciated the significance of the 2016 influx, despite staff on the ground publicly decrying the actions of Myanmar at the time. The challenging political environment was at the heart of this lack of preparation.
 - The scale of numbers crossing, the terrain and the level of need were such that no humanitarian organization was prepared nor had the capacity to respond adequately in the first weeks.
96. Although UNHCR could not operate in the same way as it normally operates in a refugee influx situation, the organization was not the only, or even the principal actor in the first four to six weeks. This fell to the Bangladesh Army, the Ministry of Disaster Management Relief (in particular the Refugee Relief and Repatriation Commissioner (RRRC)), various other ministries such as health, the host community and Bangladeshi charities. There were also several international organizations that had stocks, or teams, and were able to respond straight away. These included WFP with high energy biscuits, ACF with hot food, MSF with medical care, and IOM with shelter and NFI stocks.

⁹³ Data accessed August 2018, UNHCR portal.

97. UNHCR activated their response in the first week of the emergency, deploying emergency teams and setting in motion a number of airlifts. Initially, staff were deployed from Dhaka and the Regional Office, with the staffing quickly ramping up after the first couple of weeks. There were also a number of airlifts activated within the first week. However, this was a response from a very minimal base, and on the ground the space to operate was uncertain until 14 September when the Prime Minister issued her 22-point plan. The first emergency coordinator notes in his mission report that the response could have and should have been faster on the ground, and that 'valuable time was lost'.
98. The evaluation notes that good relations existed between UNHCR and local authorities, particularly with the RRRC office; however, UNHCR was unable to operate in areas outside registered refugee camps until intervention from the highest levels of government. National and UN-related politics were a significant factor affecting UNHCR's speed to respond. The RRRC at local level requested an early engagement of UNHCR but given that the organization was unable to respond in the early days because of these national factors, valuable days during the early stages of the emergency were lost.
99. The Real Time Review of the operation conducted in February documented some of the early response, noting:
- *As UNHCR was officially granted access beyond the two camps on 14 September, our number of staff grew. Though, even prior to this point, we had already deployed 14 additional staff to Cox's Bazar and an additional 32 were in various stages of deployment.*
 - *By 16 September, 2 airlifts had transported [had already been mobilized and (sic)] a full package of Core Relief Items for 3,500 families, as well as 1,671 family tents, and one rub hall.*
100. In addition to the relief goods, UNHCR funded the Bangladesh Army to start construction of a major arterial road through the camps, with the agreement finalized by the third week of September and work starting soon after. This was an excellent initiative, taken early, with a reasonable degree of risk as the funds involved were significant. It has been vital to the functioning of the camp. UNHCR also initiated its Family Counting exercise early – first offering to help the Ministry of Home Affairs (MOHA) with their registration, and then when this was not taken up supporting the RRRC to capture family composition (which MOHA did not do), count shelters and geo-tag them. This had started by the beginning of October.
101. One way in which UNHCR could have responded more robustly is to have had a higher level of emergency preparedness informed by a sound political analysis. UNHCR has an emergency preparedness tool, whereby situations are monitored on an ongoing basis and ranked as either low, medium or high risk. In early August 2017 (just three weeks before the mass influx), the Bangladesh operation was ranked as a medium risk of experiencing an emergency. The High Alert List for Emergency Preparedness (HALEP) report recorded:
- 'The risk is relatively low coupled with [...] the government labelling refugees Undocumented Myanmar Nationals (UMNs) or simply New Arrivals (NAs) as opposed to the old case load from 1992. The staffing capacity of the office is also stretched in dealing with regular matters of the operations.'*
102. Although no-one could have predicted the exact timing of the crisis, or the scale, it was certainly the case that there was a high risk of further expulsions following the 2016 events. UNHCR has an office in Maungdaw and was acutely aware of the ongoing army crack-down. It was a high probability that there would be further trouble of some form. In fact UNHCR's Head of Sub-Office in Cox's Bazar made precisely that prediction shortly after the 2016 expulsions. The BBC reported:

'Armed forces have been killing Rohingya in Rakhine state, forcing many to flee to neighbouring Bangladesh,' says John McKissick of the UN refugee agency. Security forces have been 'killing men, shooting them, slaughtering children, raping women, burning and looting houses, forcing these people to cross the river into Bangladesh,' Mr McKissick said.

'Now it's very difficult for the Bangladeshi government to say the border is open because this would further encourage the government of Myanmar to continue the atrocities and push them out until they have achieved their ultimate goal of ethnic cleansing of the Muslim minority in Myanmar,' he said.

103. The lack of preparedness for a big influx can be partly explained by the challenging relationship with the Government of Bangladesh. Despite good work by the Representative throughout 2016 and 2017, UNHCR was still only officially allowed to work in the registered camps with the long-standing population of 34,000. As IOM and others had been responding to new influxes, it is logical that UNHCR did not want to tie up precious resources in stocks that they might not have been able to use. As a result, when the Rohingya started crossing in late August 2017, UNHCR had little emergency stock and a small team dealing with a stable caseload of 34,000 long-term refugees. This meant that UNHCR was effectively responding from a 'standing start' – it had to import emergency supplies and deploy emergency specialists, all of which takes time even when it is done very rapidly.

4.1.3 UNHCR's leadership in monsoon preparedness was excellent

104. The organization did an excellent job of preparing for the 2018 monsoon season. This started with the commissioning of a technical study led by the Asian Disaster Preparedness Centre (ADPC) and the University of Dhaka. The study identified the number of people at risk of serious landslides and their locations, as well as the larger number of people that could be affected by flood. It provided planning figures for the monsoon effort, as well as helping prioritise the essential relocations and infrastructure work needed.
105. In response to the threat of the monsoon, UNHCR, IOM and their ISCG partners established an emergency task force to prepare for it and secured additional land from the RRRC to move those most at risk. An emergency engineering platform was put in place with WFP and IOM to help strengthen embankments, reinforce roads and canals, prepare new sites and be ready to respond once the monsoon starts.
106. UNHCR preparedness involved a major stocking of relief materials in strategic locations, training of rapid response teams and planning for various contingencies. UNHCR was the most active in monsoon preparedness, with the highest levels of stocks and a universally appreciated focus on planning. A major programme of shelter upgrading was undertaken by UNHCR and IOM, providing 'tie-down' kits to reinforce against high winds and provide better shelter in the rains. In addition, more than 200,000 tarpaulins were stocked by UNHCR alone as well as hundreds of tents, food and non-food items. There was also an impressive number of relocations of people in high-risk sites, with UNHCR and IOM equally preparing new emergency sites (camp 4 and camp 20) and helping people relocate to these and safer sites within existing camps.
107. One of the major, and effective, initiatives that UNHCR took in addition to the hardware and emergency stocks was to train volunteer groups of refugees. In addition to the UNHCR/BRAC/TAI Community Outreach Members (COMs) who were already mobilized to raise awareness in the community and to identify and refer persons with specific needs, these took two forms: Safety Unit Volunteers (SUV) managed by BRAC and connected to the Red Crescent and CiC, and Protection Emergency Response Units (PERU). Both groups helped with relocations and general awareness about

monsoon threats and preparedness, and both groups were involved in the response. The inter-agency PERU teams, coordinated through the PWG, were seen to work well in enhancing the protection response, making sure the most vulnerable were prioritized after an incident.

108. The monsoon preparedness was exceptionally well done, and as a result there was minimal loss of life. At the beginning of 2018 it had already been realized that the unplanned nature of the original settlement could lead to a serious emergency when the monsoon season started. This became known as the ‘emergency within the emergency’ and diverted a lot of planning time and resources to ensure the agencies were ready, and the most exposed people moved. In the event (at least at the time of writing), the monsoon has not been particularly fierce. The Rohingya have lived with the monsoon in Myanmar and so the level of preparation combined with their own knowledge of dealing with a hard rainy season appears to have proven effective.

4.1.4 Funding for the response has been adequate but not generous

109. The funding for the Rohingya refugee response has been adequate during the first year of operation. UNHCR’s unique funding structure meant that it could front load operations, releasing first a quick tranche of US\$5 million to get the operation moving and then very soon afterwards a further US\$85 million. This allowed the organization to respond ahead of potential donor funding, and to make its substantial contribution documented throughout this report.

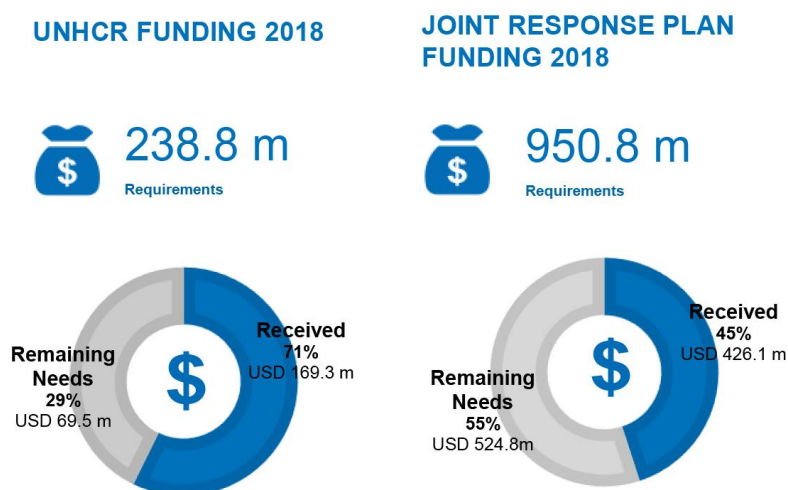


Figure 7: Funding for the overall response and for UNHCR as of 15 October 2018

110. One could argue that the overall funding has been adequate when measured against the effectiveness of the response documented earlier in this report; nonetheless, it has still fallen short of funds requested. By the mid-term review of the JRP, funding for the overall response stood at only 38%. UNHCR had done better than the average with 61% of the funds requested in this calendar year met. Even by mid-October, three-quarters of the way through the year, these figures stood at 45% for the overall response and 71% for UNHCR out of total funds requested (see Figure 7).

111. As is covered in Section 4.4 on durable solutions, the World Bank is making close to a half a billion dollars available over the next three years under the IDA 18 refugee and host community sub-window, but if the trajectory of other responses holds true, then the picture represented above will be the high-water mark for the response in terms of funding. This will put an additional burden on UNHCR, as it has more flexible funding that it can allocate in extremis. This may also lead to a shift in the current

operational arrangements, as without funding some of the organizations present will have to reduce their footprint.

112. The funding picture is most concerning, however, given the political impasse in Myanmar over the fate of the Rohingya and the restrictions on movement and work that leave them highly dependent on aid in Bangladesh. This will be examined in greater depth in Section 4.4.

4.1.5 Coverage has been adequate in the response, especially in life-saving sectors, but standards have not been met in many areas

113. Coverage can be defined by either the percentage of the population reached, or by whether people received adequate assistance. UNHCR and the other important aid actors in the Rohingya response have collectively managed to achieve the first of these. Coverage in terms of the percentage of the population reached has been adequate. In terms of the second definition, whether this assistance was adequate, standards have not been met in many areas, but the response has done enough to ensure the minimum health and other services to the population.
114. The introduction and Section 3.2 of this evaluation gives a clear overview of the evolution of the response. Relief distributions were immediate with basic stocks of plastic sheeting and high energy biscuits being distributed, alongside major *ad hoc* efforts by the authorities, the local community and Bangladeshi well-wishers. As the major UN agencies and international NGOs scaled up their efforts, and the RRRC and other government agencies were able to plan, relief distributions became gradually more systematic. Figure 8 shows how within three weeks of the first influx refugees were moving out of host community temporary sites and starting to ‘spontaneously settle’ (on land which the Government quickly granted); these areas have now become the Kutapalong-Balukhali main settlement.

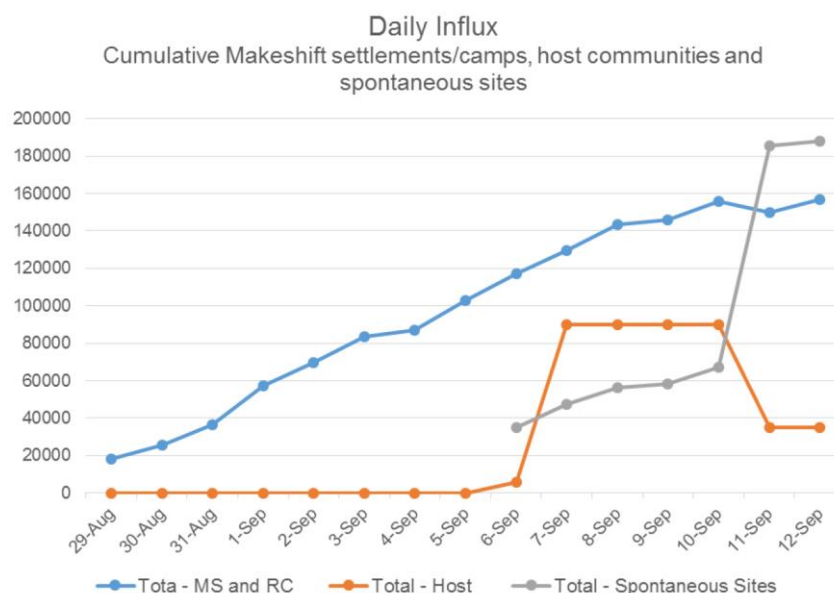


Figure 8: Taken from ISCG sitrep, 12 September

115. Coverage remained patchy during these early weeks as people moved around, and data collection systems were put in place. For instance, by 24 September (a month after the influx started) the ISCG were reporting that 470,000 people were in need of shelter assistance, but that at that stage only

30,000 households, or 150,000 people, had received emergency shelter kits (comprising a tarpaulin, NFI and a 2,000 Taka cash transfer).

116. In this same situation report, the ISCG noted the gaps were:

- *An estimated 320,000 people are still in need of emergency shelter assistance.*
- *Expansion sites are not ready to receive people, and immediately require basic site access without which the technical supervision of works and construction, including of drainage and sanitation facilities, is not possible.*
- *There is a gap in the current pipeline for household items. Large procurements are pending.*
- *There is a significant gap in operational agencies of staffing and technical capacity in shelter operations and camp management.*

117. A month later, 140,000 households had received shelter kits and the sector was reporting ‘a robust pipeline’ with enough tarpaulins and NFI to meet the needs of the population due to arrive within the next six weeks.

118. This corresponds to the trajectory of UNHCR operations as outlined in the timeline in Section 3.2 and is crudely the story of humanitarian relief services generally in the Rohingya response. After the first two months the operation reached scale and coverage started to become adequate.

119. The fact that coverage of basic relief items was largely meeting needs is demonstrated by the downward trajectory of key communicable diseases, and that the rate of avoidable death was kept below emergency thresholds (see Section 4.1.1.1). This does not mean that all needs were met all the time. Coverage has fluctuated over time and by camp. Figure 9 shows how refugee concerns about basic food and non-food relief items has changed over the first half of 2018, as expressed in periodic qualitative surveys by BBC Media Action.

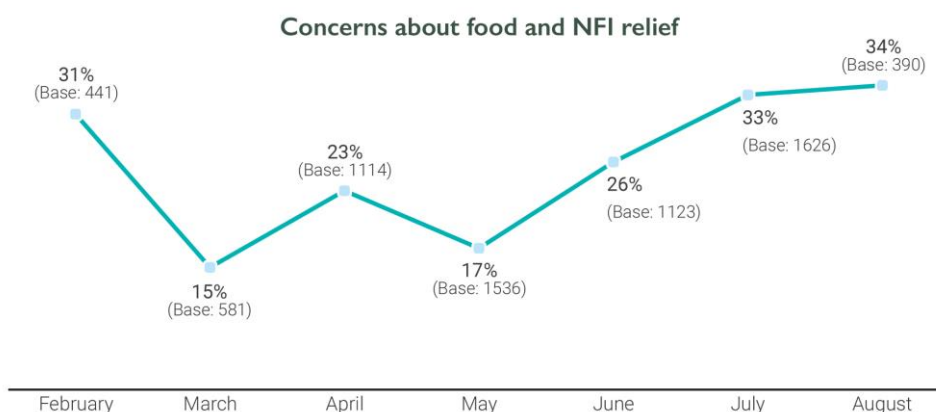


Figure 9: Concerns about food and NFI relief⁹⁴

120. Disaggregating coverage to understand whether UNHCR has performed any better or worse than the collective response is complex. The only ‘whole of camp’ data set until very recently has been the IOM-led Needs and Population Monitoring (NPM) exercise. This report is based on a key informant interview method,⁹⁵ meaning it is quite subjective in nature. UNHCR has more recently undertaken site-profiling exercises, and undertook a Multi-Sector Needs Assessment (MSNA) in June 2018. These have used

⁹⁴ BBC Media Action (2018) *What Matters* 12, 3 October.

⁹⁵ Key informants are largely the ‘Majhis’, a system of Army-appointed community ‘leaders’ who report on behalf of the population they represent. There is a general lack of trust in the Majhis, who as gatekeepers to camp authorities and aid providers have significant opportunities for misusing their power.

individual and household surveys and therefore are more methodologically reliable, although only have more recent data points across the entire population.

121. Crudely all of these exercises show that coverage is adequate, although there are gaps, particularly in some aspects of safety and practical protection. ACAPS has developed a Basic Needs Gap index, looking at shelter, food, WASH and health by ‘sub-block’ (the lowest level of administrative unit within the camps). With all the caveats that apply to the subjective nature of this data, the coverage maps generated (Figure 10; see left for the overall map) show that there are pockets of need, within an overall picture of adequacy. ACAPS report that there are ‘pockets of vulnerability that can be hidden by camp-level averages’.
122. The forthcoming MSNA will paint the most comprehensive picture of coverage so far. This evaluation has been able to access early data and the picture painted by the NPM seems to hold for life-saving services. Figure 10 (right) shows barriers preventing households from accessing health care (most camps fall in the 20% to 60% range for people who are experiencing barriers to accessing health care). What is clear is that there are no places where people feel they have very restricted access to health care, suggesting coverage is by and large adequate, although also quite variable.

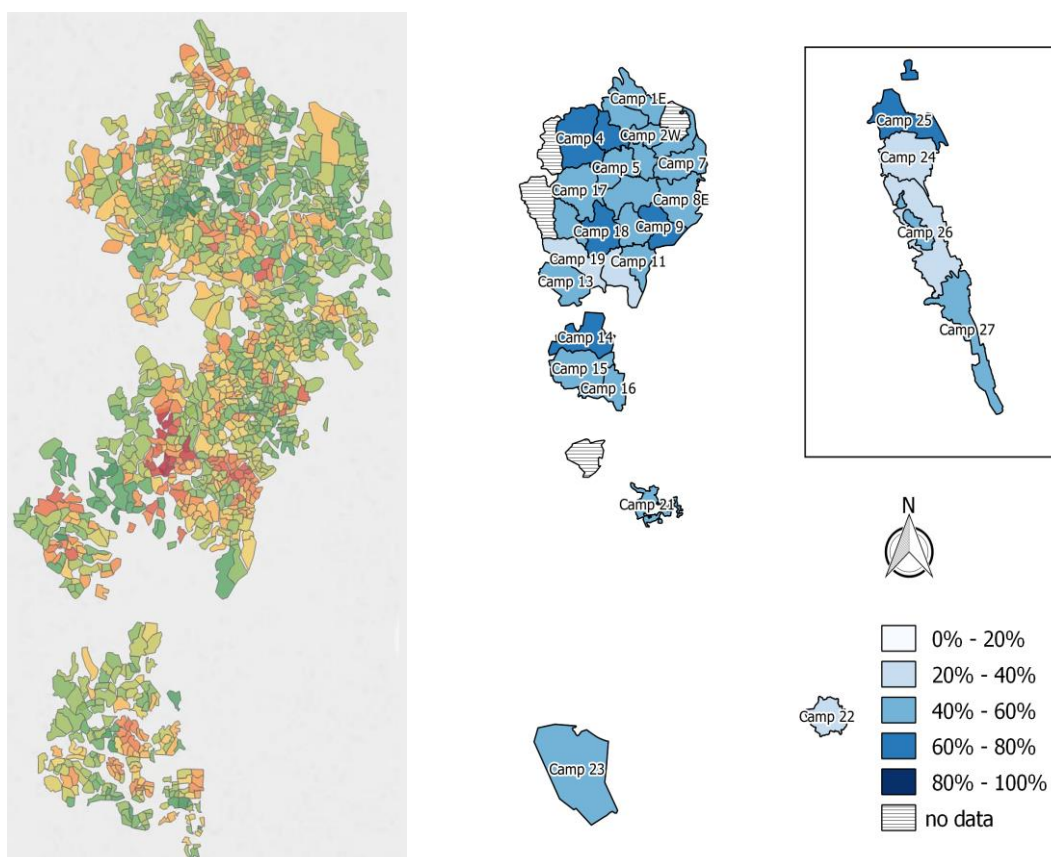


Figure 10: ACAPS NPM need data and health access data from MSNA

123. Whilst this picture of reasonable adequacy – albeit with pockets of need, and shifting over time – holds for shelter, food, health and WASH, there are still gaps. One area of particular concern is the failure to provide adequate lighting and safe toilets, taken up in the next section.

4.1.5.1 Coverage: lights, locks and latrines

124. The site management and planning sector has been monitoring standards for key operational areas, across the sectors since early in the response. For the WASH sector the indicators being monitored are based, where possible, on Sphere standards.
125. It is clear that whilst indicators for the number of people per latrine and tube wells are more or less being met, those for adequate lighting and gender-segregated toilets are not. This is one of the most visible protection coverage gaps in the refugee response alongside the lack of fuel (see Section 4.1.5.2). This is despite the fact that data is showing clearly that inadequate lighting is consistently the biggest safety concern for refugees.⁹⁶
126. This gap has been highlighted in several reports, including an internal protection review for UNHCR. It also emerges strongly as a theme in qualitative data for this report as well as an analysis of the quantitative data. UNHCR has produced three site-profiling exercises over the last six months and in each round, lighting has been amongst the top concerns, if not the top concern (Figure 11).

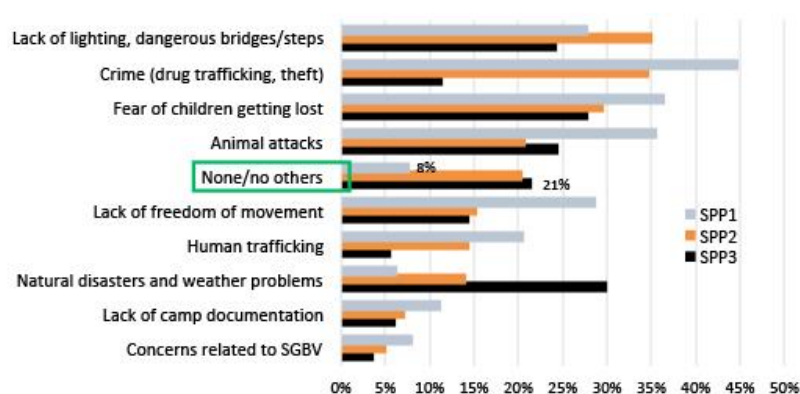


Figure 11: Safety concerns, SPP

127. The recent MSNA found that 82% of households surveyed reported not having enough light at night for household members to safely access latrines in their area of the camp. Regression analysis for this evaluation showed a clear correlation between whether women and girls felt safe using latrines and whether lighting was adequate at the latrines (see Figure 12).

⁹⁶ UNHCR has been working hard to fix these issues since they were highlighted in an internal protection review in July 2018.

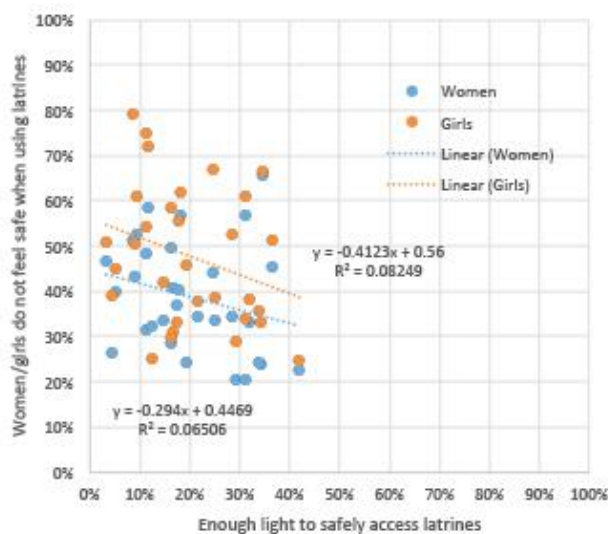


Figure 12: The opinion on adequacy of lighting in latrines and on whether the latrine is a place where women and girls do not feel safe. Both variables are based on the opinion of the respondents. Each dot represents the aggregate value for a camp.

128. Case studies for the qualitative enquiry as part of this evaluation tell this story in human terms. One respondent reported being attacked by a man whilst she was going to the toilet in the dark. She shouted for help, which luckily came. However, the man turned out to be from the local community and came back with a local politician the next day, leading to the woman concerned being fined.

4.1.5.2 Coverage: Fuel

129. Although lights, locks and gender-disaggregated toilets are a huge concern, perhaps the area where coverage is most inadequate, and most concerning, is in terms of cooking fuel. This is a perennial problem in refugee camps and is no different in Cox's Bazar. There is some limited distribution of fuel for cooking, in the form of compressed rice husks, in the camps managed by UNHCR, but it is not sufficient for the population and does not last through the month. The recent MSNA shows that overall, 52% of people interviewed had received a fuel distribution in the last 30 days and that 75% of people identified fuel as the most urgently needed item. These figures were better in the UNHCR-managed camps where 93% had received a distribution and 70% reported fuel as most urgent need; however, the high number of people reporting fuel as their priority need highlights the continued gap.
130. Plans to distribute liquid petroleum cooking gas (LPG) have proceeded slowly up to the end of 2018.⁹⁷ Encouragingly, there are distributions of LPG taking place at the time of writing, with most of the UNHCR camps being covered, and of refills, indicating this problem can be tackled. UNHCR proposed the use of LPG in a report at the end of December 2017 as a potential way forward.⁹⁸ In the meantime, however, people take greater and greater risks to access diminishing stocks of firewood, cutting the forest and bringing them into open confrontation with the host community. Again, stories from refugees interviewed for this evaluation tell this story in stark terms. One 18-year-old woman told of being attacked by a group of local men when she and her friends were out gathering firewood. They

⁹⁷ The ISCG report dated 13 December 2018, which the evaluation team was able to access before it went to press, stated that 33,289 households had received LPG. This is 16% of the overall target. Moreover, there is no information in this situation report about frequency and amounts delivered.

⁹⁸ Review of Clean Cooking Options for Refugee Settings in Cox's Bazar, December 2017.

tied the girls to trees and sent one of them back to the camp for a ransom. Only when they came with the demanded rations were they let go.

4.1.5.3 Coverage constraints, achieving standards

131. Almost certainly the major constraint in achieving full coverage in terms of meeting standards has been the availability of land. Bangladesh has one of the highest population densities in the world and therefore the additional space to accommodate close to an extra million people overnight has been even more difficult than would usually be the case. It has meant people being settled in the former forest reserve – partly because this is where they first settled and also because this was the only available unoccupied land. For Bangladesh, with few national parks or wilderness spaces, this constitutes the loss of an environment resource that has been decades in the making. For the people settling in the camps, this is poor land in difficult terrain and liable to flooding, and because of space constraints is extremely crowded. Whilst the comparison is difficult, many areas of the Kutupalong camp have a higher population density than Dhaka, which is itself the most densely populated city on earth.⁹⁹
132. The lack of land availability, and the consequent overcrowding in the camps has constrained the ability of UNHCR, and other aid actors, to achieve standards. Most obviously, the standard relating to adequate shelter is unachievable for most families. This is compounded by the evolution of the camp; the Government has made more land available in phases, over time. Especially in the early days of the settlement, people had to crowd into the land that was available. As land was made available by the Government, UNHCR and partners were able to plan before people moved in and consequently the settlements are both better arranged and more spacious. Decongesting the worst, most unplanned parts of the camps is a complex and time-consuming job. This is exacerbated by the fact that people have now formed communities and do not wish to lose their neighbours or family in any new move. The lack of space has also made it difficult to systematically provide services. In very crowded parts of the camp there is no space for a new clinic, or child friendly space, and if room does become available then there is competition between the various services. This in turn leads to uneven provision of health care and other critical services.
133. An important constraint has been the bureaucratic complexity for international NGOs wishing to work in the refugee camps. The system of registration with the Ministry of Foreign Affairs requires a number of different permits, each determined by the funding source and the area of work. Many of the most experienced international NGOs have either received only partial permissions, or are yet to be approved, meaning that UNHCR does not always have access to the capacity of partners it has worked with for decades. UNHCR has a long history of supporting local organizations in Bangladesh (as do most other UN agencies, donors and development actors), something it has continued in the current Rohingya response. Because of the vibrant nature of Bangladeshi civil society and a history of competent development and humanitarian work, these capacities have largely been filled by local organizations, which is in line with the global localization commitment made during the 2016 World Humanitarian Summit.
134. Some of these coverage inadequacies can be explained by space constraints and the early, chaotic evolution of the camps. For instance, the lack of toilets overall; and the need to decommission many of the early latrines because they were so badly constructed meant that building toilets for women and men separately may have been challenging. But the lack of systematic provision of locks seems less excusable. Certainly, there were plans early on for lock distributions. UNHCR ran a consultation exercise for refugees to choose amongst several samples and carried out a pilot project as soon as

⁹⁹ See for instance: <https://www.quora.com/Is-Dhaka-the-most-densely-populated-city-in-the-world>

December 2017. However, when the locks went to procurement the order got caught up in a HQ approval process, due to the over-specifying of requirements following the successful implementation of the pilot project. This was resolved later, but the delays have had consequences on protection, especially for women and girls. It is nevertheless worth noting that during the camp settlement and protection profiling of April 2018, more than 60% of households on average reported living in lockable shelters.

135. Whatever the complexities of internal UN procurement, it does not help UNHCR make the case for protection concerns to be foremost if it cannot get the basics right. The same holds for lighting, which whilst more complicated and expensive, and not as urgent as life-saving potable water or shelter, should be in place after a year of operation.

4.1.5.4 Quality and impact of assessments

136. The quality and impact of assessments, and data generally, has revealed several gaps and limitations, despite an apparently data rich environment.
137. From the outset of the response, the most regularly produced and comprehensive data set is the IOM-managed Needs and Population Monitoring (NPM) report. This is now in its twelfth iteration and covers a range of issues, including rough population estimates. Because it relies on key informants, and on the Majhis in particular, this is not the same as a statistically relevant household survey, meaning it gives a rapid overview rather than any rigorous insights.
138. Starting in April 2018, UNHCR started to produce its own site-profiling report, now in its third iteration, with data collection for the fourth round of profiling being collected at the time of writing. It has a more reliable data-gathering method, using a household sample, but it did not initially cover all of the camps and therefore is a relatively recent data set. Over time, combined with the recent MSNA, this will provide a more accurate picture of what is happening in the camps.
139. Other data sets have been used comprehensively for this evaluation. Public health data is perhaps the best available for giving a picture of trends over time and the impact of the response; the Bangladesh Ministry of Health, in conjunction with WHO established an early warning system for communicable disease (EWARNs) early on and the regular bulletin produced from this data is a good barometer of wider issues within the camp. WFP's first vulnerability report (REVA) was available (another is currently being worked on) and SMART surveys for nutrition implemented by ACF with UNHCR funding are among others that are highlighted in this report (see Section 4.1.1.2). There has also been a good system for monitoring the effects of the monsoon, allowing for the ISCG to keep track of where incidents have taken place.
140. What is clear though, is that this data could have been a lot better and it could have been a more valuable tool for policymakers in understanding risks and prioritizing responses. With a static population and a host of risks, an early investment in comprehensive data sharing would have made life easier for all concerned. The inability of the system to do this reflects the fragmentation within the coordination system and the constraints in the political environment rather than any lack of technical strength.

4.1.6 UNHCR has made good strategic decisions throughout the response, in particular a high-level decision early on to concentrate on delivery

141. As the Rohingya crossed the border in late August 2017 and it became clear that this was going to be a massive refugee crisis, UNHCR made a critical decision to respond despite restrictions of access and unclear roles and leadership. This was both the right decision morally and the right decision as per UNHCR's mandate.
142. As has been covered elsewhere in this evaluation, at the time of the mass crossing, the Government of Bangladesh had given UNHCR a circumscribed role to play in the country, and the organization was not clear how it would be able to respond. During the influx the previous year when more than 75,000 people crossed the border, the Government asked IOM to take the lead as these were considered migrants rather than refugees. Throughout 2017, UNHCR had worked behind the scenes to be allowed more space to work with these populations, including a visit by the High Commissioner and work on a joint response plan and appeal. However, when the events in August happened it was still far from clear what role UNHCR would be able to take.
143. The critical decision from the High Commissioner and senior management was to focus on delivery. This position was taken both on mandate grounds and to demonstrate that the organization was a valued partner for the Government by mounting an effective and large-scale response. Resources were made available early on to enable a major response, and in mid-September the crisis was declared a Level 3 emergency, making it a corporate-wide responsibility.
144. The consequence of the early decision to mount a major response was that by the middle of October, UNHCR had one of the largest operations in Cox's Bazar and it was automatically an authoritative voice on refugee policy issues. Whilst in theory all other aid agencies recognize UNHCR's mandate and its leadership on refugee protection, in reality it is much easier to be heard in policy discussions when you are also one of the largest and most visible operational agencies.
145. The second strategic decision UNHCR made was to focus on registration. Given that recognition and statelessness are at the root of the Rohingya's tortured recent past, this also looks like the right strategic choice. In fact, this was already a key principle for UNHCR and had been brought up by the High Commissioner during his visit in mid-2017. This key strategic focus was proven to be worth the investment with the Government agreeing to a verification exercise early in 2018, and the discussions around registration and eventual right to return being allowed more space in key inter-governmental dialogues.
146. A third key strategic thrust for UNHCR was to focus on solutions from an early stage. This is covered in greater depth in KEQ 4 in Section 4.4. An internal strategy document in December 2017 shows the five strategic objectives of UNHCR, all of which seem well judged and appropriate given the organization's mandate. They have allowed UNHCR to build its presence, operational delivery and given it a clear focus for the work.
 - **Strategic objective #1:** UNHCR will work together with Government and other partners to secure the identity of Rohingya refugees, which has been systematically denied in Myanmar.
 - **Strategic objective #2:** UNHCR will work together with Government and other partners to strengthen the protective environment for refugees, which is currently weak.
 - **Strategic objective #3:** UNHCR will work with Government and other partners to improve living conditions in refugee settlements, which are currently characterized by unsustainable population densities in landslide and flood-prone areas.
 - **Strategic objective #4:** UNHCR will work together with partners to support authorities in establishing a robust system of civilian administration in refugee settlements.

- **Strategic objective #5:** UNHCR will engage with both the country of origin and the country of asylum together with partners to establish the necessary foundation for solutions, including voluntary repatriation, and set in train all necessary interim measures and alternatives for refugees to live a safe and dignified existence.

147. There were also a number of other, smaller strategic decisions that proved well judged. The secondment of a senior, experienced UNHCR staff member with experience in the region as the ISCG senior coordinator was a good decision. This gave the coordination mechanism extra depth and strength, and signalled UNHCR's willingness to be fully engaged. Taking the decision to fund the 'army road' very early in the response was also a good decision that greatly helped the operation later. Collaborations with IOM and WFP on the monsoon risk mapping (undertaken by ADPC) and the SMEP platform for rapid engineering responses were also influential and potentially saved lives.
148. There were some strategic decisions that the organization made that could have been improved. Taking the protection lead was clearly the right strategy, but with hindsight UNHCR should have pushed harder for leadership of other key sectors, such as site management. This would have balanced the ISCG structure better, sooner, although the evaluation recognizes this was not easy in the early weeks of the response.
149. Probably the greatest strategic weakness for the organization has been the lack of consistent high-level representation in Dhaka. Through a series of lack of accreditation and unfortunate personnel issues, several of those appointed to this role have not been able to take up the position. For the period covered by this evaluation, the head of the regional office has been standing in; with hindsight this might have been decided earlier, with the organization needing the highest-level representation to government it could deploy to follow through on tough advocacy discussions.
150. This is also somewhat tied to the decision to decentralise much of the authority for the operation to Cox's Bazar, with a senior-level leadership team deployed. This enabled the rapid and effective scale-up documented throughout this evaluation and in this sense was the correct decision. The leadership team in Cox's Bazar has been excellent and should be commended for its hard work and pragmatic approach. However, the direct line to Geneva – good for streamlined decision making – also somewhat marginalized Dhaka. This is a delicate balance to strike; direct and streamlined decision making enabled a high-achieving operation. However, with Dhaka under-represented and outside of the decision-making line, there were opportunities lost at a policy level with government.

Summary of findings: Timeliness and effectiveness

1. The response saved lives and reduced suffering. Mortality has been kept under emergency thresholds for most of the first year, and morbidity has declined significantly as has malnutrition. This is in direct relation to the provision of life-saving services, including in key areas where UNHCR invested heavily such as shelter and WASH.
2. UNHCR's operation was constrained in the first four weeks and did not respond as quickly as might be expected as a result. This was mitigated by a huge outpouring of public generosity in Bangladesh, particularly by the host community. The local authorities and the Army also played a crucial role in helping people in the early stages of the response.
3. UNHCR was not well prepared for the 2017 refugee influx, although this was partly understandable in the light of prior political restrictions.
4. Funding for the response has been adequate but not generous. This is of serious concern for the future given the political impasse surrounding the status of the refugees.
5. Coverage has been adequate in the Rohingya response, especially in life-saving sectors. Standards have not been met in many areas: some relate to geographical and space constraints, some of which was within the control of agencies. Coverage within the UNHCR-targeted areas for assistance is similar to elsewhere – variation in coverage seems highly context specific.
6. UNHCR has faced considerable constraints in the response including early uncertainty about the degree to which it would be allowed by the Government of Bangladesh to respond. Space constraints have been a huge factor, as has the topography of the site. There have also been a number of enabling factors, including the generosity of the people and Government of Bangladesh and the technical capacity within the country.
7. UNHCR has made good strategic decisions throughout the response, in particular an early high-level decision to concentrate on delivery. The lack of an accredited Representative in Dhaka in the first year, however, has been a major strategic gap.

4.2 Protection

KEQ 2: What have been the key protection outcomes, both intended and unintended, for refugee women, men, boys and girls?

151. The protection of refugees is UNHCR's core mandate. It is at the heart of everything the organization does, both a philosophy to guide its actions and a set of practical measures. Context, as with so much of development and humanitarian action, is supremely important in shaping what threats and risks refugees face, and the measures needed to protect them. At times, protection takes the form of case work, which is primarily legal in nature and connected to the rights that refugees are granted by a hosting state once granted asylum. At other times, when the refugee and asylum system is less developed or less formal, protection may involve quite practical measures, including ensuring refugees receive basic assistance.
152. UNHCR sees protection as central to any humanitarian response. In practice, this means activities aimed at obtaining full respect for the rights of individuals, in accordance with international humanitarian, human rights and refugee law. A humanitarian response should, where possible, enhance access to these rights – whether at the outset of an emergency, in protracted situations or in the search for solutions. Protection considerations should permeate humanitarian actions on behalf of refugees and others in need of international protection, stateless persons and the internally displaced. This begins with, but is not limited to, strengthening the legal frameworks through which

their rights are secured. The delivery of protection goes beyond promoting the adoption of legal standards, however, and includes activities aimed at ensuring their respect in practice. Humanitarian action should support community-based protection mechanisms, in line with the principles of partnership and accountability. Refugees should be consulted on their needs and any possible solutions.

153. There are a number of key protection outcomes that UNHCR has achieved over the course of the first year of the Rohingya response. These include:
- Effective, sustained advocacy for the principle of non-*refoulement*;
 - Effective action on registration;
 - Early and systematic identification of all households with specific protection needs;
 - Advocacy based on an updated analysis of the legal framework applicable to Myanmar refugees in Bangladesh;
 - Governance;
 - The establishment of protection services;
 - The implementation of a community-based protection programme; and
 - Community engagement, and empowerment and participation initiatives.
154. The ability of UNHCR to protect refugees in accordance with its mandate has been undermined by the coordination and leadership arrangements. UNHCR is not, and has not been in the lead in the response and has needed to rely on persuasion, obduracy and cajoling to get protection concerns integrated into joint response plans and thinking. At the same time, the protective environment is constrained and could quite easily deteriorate. Securing rights and preventing exploitation and violence will become increasingly challenging.

4.2.1 Physical safety and protection in Bangladesh has been a major protection outcome

155. Possibly the greatest protection given to the Rohingya to date is their refuge in Bangladesh. Their flight was in response to a campaign of extreme and brutal violence perpetrated by the Government and army of Myanmar. This has been increasingly well documented and may be the subject of future international prosecution, with an increasing consensus that it constituted genocide. There is no doubt that many were killed, and women subject to a campaign of systematic and extreme sexual violence.¹⁰⁰
156. Had the Government of Bangladesh not allowed people to cross the border, there would have been thousands more deaths, perhaps even greater numbers. The sanctuary given in Bangladesh meant physical safety, protecting people from the violence, saving lives on a massive scale.¹⁰¹ Equally important is the Government's continued respect for the principle of non-*refoulement*, and agreement that any returns will be fully voluntary and undertaken in conditions of safety and dignity, in line with international standards. The subsequent humanitarian operation, preventing further loss of life meant a continuation of this physical safety, despite all of the risks and threats that have subsequently emerged and are documented below.

¹⁰⁰ Independent International Fact Finding Mission on Myanmar, <https://www.ohchr.org/en/hrbodies/hrc/myanmarffm/pages/index.aspx> (accessed 14 January 2019).

¹⁰¹ See for instance, Human Rights Watch at: <https://www.hrw.org/news/2017/12/19/burma-methodical-massacre-rohingya-village> (accessed 14 January 2019).

4.2.2 UNHCR undertook a successful strategic and carefully managed effort to secure agreement to provide identity documentation for the Rohingya, but uptake has been slow

157. The Rohingya's contested citizenship within Myanmar is the root of their persecution over several decades and remains the fundamental issue that needs resolution. Almost from the start of the operation, UNHCR recognized that the issue of legal status and identity is one, if not the most important, issue confronting the Rohingya. This is most clearly illustrated by their battle to achieve formal registration, and their ongoing struggles to secure a proper Government of Bangladesh and UNHCR ID card.
158. Registration is a standard part of any UNHCR response. In this respect, pursuing registration for the Rohingya was routine. It establishes UNHCR as the joint custodian with the Government of Bangladesh of data regarding the refugee population data and serves as a practical tool for arranging relief and most other humanitarian works. However, the registration process in Bangladesh was by no means guaranteed, and in this respect it was neither routine nor standard. The fact that UNHCR saw it in this way is evident in the language used in early strategic documents; the first objective in the December 2017 strategy referenced above states that 'UNHCR will work together with Government and other partners to secure the identity of Rohingya refugees which has been systematically denied in Myanmar.'
159. In interviews for this evaluation and through qualitative enquiry it is clear that the Rohingya understand and appreciate the protection that UNHCR provides, especially the organization's work on identity.
160. The evaluation team witnessed first-hand over several months the protection team's efforts in Cox's Bazar and Dhaka to enable a registration process that would confer formal recognition of the Rohingya in Bangladesh. This was not straightforward. The evaluation reconstructs the registration processes:
- 1) **MOHA biometric registration:** When the refugees first crossed, the Ministry of Home Affairs (MOHA) undertook a biometric (fingerprints) registration of everyone. This registration gave the refugees a card that allowed them to stay and which could be used to access assistance. The MOHA exercise had registered people as individuals, and the data did not collect information on where people were, or anything about family size and composition. Also, the methodology used did not ensure that any person registered was registered only once. UNHCR had suggested the issuance of an ID card with biometrics including iris scanning in order to deduplicate individual records, but this was initially not taken up.
 - 2) **RRRC-UNHCR Family Counting:** Given the need for both the Government and humanitarian partners to have population data broken down by camp, and age and sex disaggregated, as well as information on individual protection needs in order to provide assistance and protection services to all women, men, girls and boys, based on their identified needs and location, UNHCR offered the RRRC a supplementary exercise called the Family Counting (FC). The FC is a household-based registration which could form the basis to update and enhance the MOHA individual registration data later on. This offer was accepted and was a strategic move.
 - 3) **Linking the MOHA and FCN databases:** The next logical step was to find ways to link the MOHA database and FC numbers (FCN), as this would provide the Government with a much more comprehensive set of data. UNHCR proposed this in early December and after receiving a positive response proceeded with linking the FCN and MOHA databases. This linking exercise went house to house (shelter to shelter), much like the FC exercise, and scanned both the FCN and MOHA cards (both had barcodes). This meant the two databases could be linked, but the

process exposed the gaps in the MOHA data and limitations of the FCN data.

- 4) **MoU seen as an entry point to propose verification:** On 23 November 2017 the Governments of Bangladesh and Myanmar agreed on the arrangement regarding repatriation. UNHCR saw an opening for updating and enhancing the linked registration data that was available and to provide durable documentation to all refugees with security features that the MOHA card did not offer, as a MoU between the Government of Bangladesh and UNHCR was being discussed. It is to be noted that, since 1992, the Government of Myanmar has required Bangladesh to do a 'pre-verification' exercise of individuals that can be considered eligible to return in order to submit lists of people that could return to Myanmar, for their approval. The lists require a level of detail about place of origin, family composition and so on that neither the FCN nor MOHA databases contained. In the specific context of repatriation to Myanmar, the lists are essential to establish the fundamental right of Rohingya refugees to return to Myanmar. Independently from establishing the right to return, UNHCR discussed with the Government of Bangladesh the added value of a verification exercise of the two linked databases to enable them to better know who was on their territory, which would be the basis for assistance and protection activities, and that they could (1) deduplicate the data contained in the different databases, and (2) keep it continuously updated. On this basis, the Government agreed to this verification exercise to collect this data and agreed that ID cards would be issued to all individuals above the age of 12. A data-sharing agreement (MoU) was signed on 28 January 2018 and a MoU on the voluntary return of refugees was signed on 13 April. It is worth noting that the MoU allowed for the births of all refugees born in Bangladesh to be registered, something that had not been permitted up to that point.
- 5) **Negotiations on ID card wording:** Once the basic agreement for the verification exercise to go ahead was in place, there were negotiations on how the cards would identify the individuals to whom they were issued. Under the 2014 National Strategy (see Section 3.1), Rohingya people in Bangladesh were called Undocumented Myanmar Nationals (UMNs). UNHCR wanted the word 'refugee' to be included on the card, but the Government of Bangladesh was uneasy with this. Instead, in line with their earlier stances, and recognizing the cause of their flight, the Government proposed the term 'Forcibly Displaced Myanmar Nationals'. Several rounds of negotiations ensued; and the final terminology was settled as 'Forcibly Displaced Myanmar National/Person of Concern to UNHCR'.
- 6) **Commencing verification:** The verification process started on 21 June, and incorporates what UNHCR refers to as a Level 3 registration process, using biometric identity and capturing a significant amount of information about the family, place of origin and relatives overseas. Each individual verified as above 12 years old is issued an ID card, jointly by the Government of Bangladesh and UNHCR, thus providing official recognition and protection under international law. The Government of Bangladesh also made an important commitment on the card that it would not forcibly return anyone against their will (*non-refoulement*). The card is also without an expiry date, meaning that it will be a source of identity for as long as needed. In addition, the family is provided a 'Family Attestation' document with the names, age, gender and relationship to the head of the household of every person in the family, regardless of age. This document goes a long way towards preserving the right to family unity and ensuring that the family receives the assistance and services they are entitled to, particularly if such assistance or services is dependent on family size.

161. The evaluation notes that this process has been a major achievement for UNHCR. While lengthy, it was carefully and strategically managed, and UNHCR seized every opportunity to secure the right to

identity and documentation. Moreover, it was farsighted of UNHCR to plan from the outset for a registration process, and tenacious of it to keep on course and use the levers available.

162. The registration that was launched on 21 June immediately ran into trouble. At the time of writing, only 13,000 refugees had been processed – a fraction of the total – although numbers were starting to pick up. There were several reasons for this:

- First, and perhaps most unfortunately, it coincided with the signing of the MoU between UNHCR, UNDP and the Government of Myanmar. The text of the MoU was not made public and this fuelled suspicion amongst the refugees that the verification process was linked to return. Given the history of forced returns, and the role of UNHCR in that, this made people wary about participating.
- The second issue that led to limited participation was the terminology on the ID card. On the cards issued by UNHCR and the Government of Bangladesh in 1992, 'Rohingya Refugee' was stated on them. With the new wording of 'Forcibly Displaced Myanmar National/Person of Concern to UNHCR', some leaders in the refugee community advised people not to sign up as a means of protest. Representations were made to the UN Secretary-General when he visited (and to the UNHCR High Commissioner on the same visit), and to all senior staff at UNHCR. Understandably, the word 'Rohingya' is at the root of this disquiet amongst the refugees. Their identity has been systematically denied in Myanmar where the Government refuses to use or acknowledge the term 'Rohingya'. Not to use the word 'Rohingya' was a UNHCR decision as well as one made by the Government of Bangladesh at the time of issuing the MOHA ID card. Since the Rwanda genocide, UNHCR has not identified ethnicity on any of its documentation issued for reasons of protection. Although completely understandable, this policy has not helped persuade the refugees to participate.
- Third, UNHCR lacked allies within the aid community. The issue of coordination is discussed in some detail below, but the fragmented and competitive environment in the Rohingya response has fuelled suspicion and fostered a lack of cooperation. The announcement of the verification process to the (predominantly NGO) protection partners is a good example. Many of the Protection Working Group (PWG) members said that they were only told about the verification process once it was about to start (it was announced at a PWG meeting in June and the exercise commenced a few days later). This led to suspicion that some kind of backroom deal had been done, creating an atmosphere of mistrust.

163. What should have been a triumph for the organization – securing identity for a group that has been systematically and egregiously denied it – has turned instead, in the initial stages, into a difficult and contested process. Eventually, this may not matter very much; it is the evaluation team's view that refugees will register, and in doing so will have another small but fundamental piece of protection. UNHCR will have achieved this against the odds and should be applauded for the energy and dedication demonstrated in seeing through implementation.

164. There are valuable lessons that can be drawn from the troubled early implementation. First and foremost, UNHCR must get better at building alliances. Sometimes it is not enough to be right – you have to be seen to be right too and people need to understand and come with you on that journey. In circumstances such as these, where UNHCR is not the lead, investment in building networks and partnerships that can be relied on in difficult moments is as important as the technical judgement and expertise that UNHCR brings. The evaluation notes that interviews revealed perceptions about UNHCR colleagues being too ready to be doctrinal with colleagues over small issues – to fight on every point

rather than sometimes giving ground or letting others have their way on the smaller, less important matters.

165. Second, UNHCR was in a difficult position with regard to transparency about the process of reaching agreement on the verification exercise. Negotiations had to take place confidentially and agreements could not always be made public until later, otherwise risking a loss of trust in parties to discussion. Briefing key partners that negotiations were ongoing but the content could not be shared would have potentially eased problems later. Ongoing communication is essential for building trust.

4.2.3 UNHCR's advocacy efforts on key issues such as civil registration and the island have been largely successful

166. The agreement by the Government of Bangladesh to register and document new births in Bangladesh is another major achievement for UNHCR, without which all newborn children would have been left in legal limbo. Again, given that the protection issues for Rohingya stem precisely from their *de facto* statelessness, not being registered would have been a further deterioration in this precarious situation for newborns. The birth registration agreement formed part of the MoU discussions and was a result of both advocacy efforts and effective strategy. At the time of writing, the evaluation team was not aware of any practical implementation arrangements for this process.
167. There have been several other advocacy efforts spearheaded by UNHCR with its PWG and SEG partners. These include advocacy to ensure that any relocations to the Bhasan Char island are well informed, voluntary and safe; advocacy on counter-trafficking and exploitation; and advocacy on recourse to justice, including presence of police and other security personnel in the camps. This advocacy has enjoyed varying degrees of success: a first joint visit was undertaken to the island on 21 September 2018 by members of the SEG, including UNHCR, and government officials to assess the situation on the island and some recommendations were made, which may continue to be discussed in the future.

4.2.4 Significant achievements have been made in protection service delivery, but coverage and quality remain uneven

168. A network of protection services, focal points and community outreach members (COMs) have been established across the refugee camps in Cox's Bazar. These have either been directly implemented by UNHCR or coordinated under the PWG.
169. There are a range of protection actors and protection services within the PWG and across the camps. These include child friendly spaces, women friendly spaces, women's refuges, medical services, separated and unaccompanied children tracing and placement services, SGBV services, psychosocial services and referrals. These are variously operated by UNHCR, UNICEF, IOM, UN Women, UNFPA, and a number of international and local NGOs including (but not limited to) BRAC, DRC, NCA, Oxfam and TAI. This system of protection services is knitted together by a comprehensive focal point network, tied to the PWG coordination (on WhatsApp and by email). This focal point network is relatively recent (April 2018) as it has taken time for comprehensive coordination to be established. This is part of the larger issues with coordination set out in Section 4.3.
170. In terms of UNHCR's directly implemented or funded activities, there have been significant results. An indicative example includes:¹⁰²

¹⁰² *UNHCR Factsheet – Protection, Bangladesh Refugee Emergency, 15 September 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/66022.pdf>*

- 63,111 children have benefitted from psychosocial support through structures and 3,145 other children through mobile services activities and at child-friendly spaces (CFS). A total of 35 static CFS established under UNHCR funding are operational.
- Since January 2018, 588 unaccompanied children and 1,995 separated children identified and assisted.
- Daily protection monitoring undertaken in settlements since January by UNHCR/partners, covering more than 400,000 refugees. In addition, daily border monitoring missions by UNHCR teams to various border entry points continue. 2,700 refugees received legal consultations/counselling. 13,233 new arrivals assisted in 2018 (through August).
- 14,875 cases in need of support, including 1,158 requiring urgent intervention, were identified during 15,485 home visits and referred to relevant services by 307 trained refugee volunteers (208 men, 99 women) as part of UNHCR’s community-based protection programme.
- Through community outreach, UNHCR engaged with refugees to strengthen awareness on key lifesaving and protection concerns and risks, including trafficking and exploitation, child marriage, gender-based violence, health (diphtheria, cholera), education, as well as preparedness and response during emergency and extreme weather, reaching 227,869 refugees (50.6% male and 49.4% female) in the course of 10,798 awareness raising sessions.
- Ten community centres with integrated GBV services, 10 safe spaces for women and girls, 2 integrated centres, 1 comprehensive women’s centre, and 5 counselling centres, are operational in 13 sites with UNHCR support.
- 1,471 calls from refugees through a UNHCR Protection Hotline were logged and referred for relevant follow-up.

171. The JRP mid-term review highlights the main achievements from the protection response so far, although the indicators do not do justice to the overall response. The coverage of people receiving community-based protection support and legal advice/counselling seems encouraging, even if there is no way of knowing how this compares to needs.

| Main achievements in protection response to date: some key indicators | Baseline | JRP target | Mid-term progress | % |
|---|----------|------------|-------------------|------|
| # of individuals, including percentage of adolescents, benefiting from life skills and resilience programming, by age and sex | N/A | 110,000 | 37,185 | 34% |
| # of persons benefiting from awareness raising and community-based protection mechanisms, by age and sex | | 103,389 | 138,316 | 134% |
| # of refugees provided with legal advice and counselling, including victims of trafficking and exploitation, by age and sex | | 3,500 | 5,655 | 161% |
| # of quick and mid-term impact projects contributing to peaceful coexistence | | 30 | 16 | 50% |

Table 7: JRP mid-term review reporting of key protection achievements

172. While there are certainly good results associated with protection services, the performance and coverage of these services overall has been patchy, as shown here. The IOM NPM exercise asked people over time whether they have access to child friendly spaces and women friendly spaces. Although this is subjective in nature and also depends largely on the Majhis as key informants, the data show that there is definitely an improvement (probably the only reliable aspect of this data) but coverage still seems low.

| | | NPM 6 | NPM 7 | NPM 8 | NPM 9 | NPM 10 | NPM 11 |
|-----------------------|-----|-------|-------|-------|-------|--------|--------|
| Child friendly spaces | No | 82% | 64% | 60% | 56% | 63% | 46% |
| | Yes | 18% | 36% | 40% | 44% | 37% | 54% |
| Women friendly spaces | No | 87% | 78% | 74% | 71% | 79% | 61% |
| | Yes | 13% | 22% | 26% | 29% | 21% | 39% |

Table 8: UNHCR (camp 1E)

173. UNFPA reports on SGBV services, and these have been taken (for instance) by the IOM-led site management sector as the service level indicators for protection coverage. Using only the existence of SGBV referral pathways as a sufficient proxy for protection coverage may be inadequate, but it reflects the nature of the data available. UNFPA’s coverage maps for ‘SGBV services’ show safe spaces for women and girls, multipurpose women’s centres, counselling centres and mental health centres. Coverage is represented in terms of number of centres.

174. UNHCR has analysed in detail the protection services being provided in the latest camp profiles report (September 2018) for 14 of the 34 camps in Cox’s Bazar. This appears to be the first data of this nature that it has provided. There is also a site management monitoring traffic light system, similar in nature to that being provided by IOM in the site management planning reports, which includes protection for the first time. However, this uses only the percentage of persons benefiting from community-based protection as the indicator, and the indicator is not defined. Of the 14 camps covered in the report only four have been ranked green (more than 80% of the population reached with community-based protection support), five have been ranked yellow (between 50% and 80%), four are red and one has no data.

175. The fragmentation of these services appears to be the main issue emerging from the evidence. Referrals between service providers work well within camps, but less well across them. Another concern by some is that for the most serious cases of sexual abuse or psychosocial distress there is no special case referral mechanism, which means that some of these people may be falling through the cracks of service provision.

176. The latter issue may also reflect the transition from a predominantly case management-based protection approach to a community-based protection approach, complemented by case management services for the most vulnerable. In the first two months of the response, UNHCR focused on developing a case management system with well-developed referral pathways; this proved to be largely beyond the capacity of the protection agencies (largely because of the sheer scale of the crisis and the lack of sufficient service providers), and subsequently, the organization transitioned to a more community-based approach. Implicit in the shift was the recognition that, given the limitations of protection actors to ensure around-the-clock coverage and the nature of protection risks, communities themselves would serve as the first line of defence. A functional community-based protection network would, with support from UNHCR and other actors, identify and mitigate risks, provide support from

within the community, and help identify those in need of referral for more in-depth support and/or care. Community outreach members were hired through BRAC and TAI, with these serving as a first point of contact for vulnerable people needing to access the system in some way. While there may be gaps in coverage, this has allowed for far greater reach than the original case management-centred approach and has resulted in thousands of referrals to services made by refugees for refugees. It is possible that some individuals with extremely serious distress or needs associated with the violence experienced in Myanmar may have been overlooked and still require referral for specialist help, but the underlying assumptions that led to the shift to a more community-based approach appear well founded.

4.2.5 Protection mainstreaming has been achieved in frameworks and plans, but less so in practice. UNHCR's non-lead agency position has been a major factor, but not the only one

177. UNHCR sees protection as central to any humanitarian response. This begins with strengthening the legal frameworks through which refugees' rights are secured, and includes activities aimed at ensuring their respect in practice.

178. Protection mainstreaming is one way of achieving the centrality of protection.

179. The Global Protection Cluster (GPC) has defined protection mainstreaming as the process of incorporating specific protection principles into humanitarian action. The four identified principles are: (i) prioritization of safety and dignity while avoiding causing harm; (ii) arranging meaningful non-discriminatory access, in proportion to need, to assistance and services; (iii) accountability to affected populations whereby they can engage on the adequacy of the support provided; and (iv) support the participation and empowerment of affected populations so that they are in a position to claim their rights in terms of education, food, health, shelter, sanitation and water.¹⁰³

180. The IASC principals in their 2013 statement on the centrality of protection state:

Protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-State parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond.

In practical terms, this means identifying who is at risk, how and why at the very outset of a crisis and thereafter, taking into account the specific vulnerabilities that underlie these risks, including those experienced by men, women, girls and boys, and groups such as internally displaced persons, older persons, persons with disabilities, and persons belonging to sexual and other minorities.

181. The practical vehicle for placing protection at the heart of the humanitarian response has been the Joint Response Plan (JRP). This has a protection framework at the heart of the response strategy, drafted by UNHCR and focusing on registration, access to services, better information and preparation for durable solutions. The fact that the ISCG senior coordinator had come from UNHCR facilitated this. The JRP also has a protection and gender mainstreaming strategy that mirrors that of the GPC.

182. UNHCR was instrumental in ensuring that protection mainstreaming language was included in the JRP, and that it was displayed so prominently. UNHCR also used the JRP process to actively try and get other sectors and agencies to consider protection concerns as central to their planning. In practical terms,

¹⁰³ See also March 2018 UNHCR *Policy on Age, Gender, and Diversity*: <https://www.unhcr.org/protection/women/5aa13c0c7/policy-age-gender-diversity-accountability-2018.html>

this meant providing inputs to the sectors as they were designing their JRP sections and asking them to score proposals received from their partners against protection mainstreaming criteria.

183. The recent mid-term review of the JRP provided an opportunity to look at how well this protection mainstreaming strategy had been implemented. The review was conducted by five members of the PWG together with the Gender in Humanitarian Action working group. It found that there were weaknesses and gaps across the board, with all four of the protection mainstreaming criteria needing 'urgent attention'. Many humanitarian workers were not aware of their responsibilities for ensuring protection was included in their work: there were 'persisting gaps in inclusion and access to services', and there was much work to do on participation and accountability.
184. A workshop was run as part of the overall mid-term review process for the protection sector and attended by 63 participants from across the camps and the agencies providing protection. They concluded: 'Protection partners have identified protection and gender mainstreaming as a gap that continues to exist at all levels and a core area for protection engagement in the next term, through mentoring, training, capacity building and advocacy.'
185. Whilst there is absolutely no doubt that protection concerns have not been given the highest priority, UNHCR has had some success with its protection mainstreaming strategy. Most notably, the protection framework means a recognition that the PWG, led by UNHCR, has to coordinate protection services and activities across all camps and that the site management sector has to work closely with the PWG. Slowly, there has been a 'whole of camp' protection system put in place. This consists of protection focal points from various agencies for each camp, connected via WhatsApp to the PWG and to the PWG coordinator (who is also the Head of Protection for UNHCR). To some extent, cooperation between UNHCR and IOM on protection issues has been enhanced, notably on anti-trafficking issues. Also, UNHCR protection workers and funded partners have been able to work in some IOM-run camps. However, this has not been an easy process.
186. This clearly has taken too long to achieve and is a direct outcome of the contested and dysfunctional coordination system (see Section 4.3). The competitive nature of the 'two camps' management model has led to less cooperation than there should have been, something that has hampered cross-camp protection initiatives.

4.2.6 Protection risks continue to be high

187. A qualitative exercise was undertaken for the evaluation that looked primarily at the protection concerns and response of refugees and UNHCR. In total, 30 focus group discussions were conducted (with an average of six people per group), plus 26 key informant interviews and nine in-depth case studies across 10 camps in Kutapalong and Nayapara. In addition, the evaluation undertook a secondary review of quantitative data, including the recent MSNA exercise to understand the general environment, how people feel about their safety, and their protection concerns.
188. The qualitative component of the evaluation found, not surprisingly, that safety and security concerns had changed over time. Initially, people were fleeing for their lives and were grateful just to be alive. Later their concerns were for the basics of human survival – shelter, food, water, and health care. Once these needs were met, concerns became about the safety of children – there were rumours of child abduction and children getting lost, as well as crime, drug trafficking and sexual abuse and exploitation. These concerns now generally predominate, although the onset of the monsoon and the visible efforts of aid agencies to prepare also caused people a great deal of anxiety.
189. The qualitative report outlines the current situation in the camps as one in which fear seems to dominate. Fathers worry about the sexual abuse of their daughters, parents about the abduction or

loss of children, women about being sexually assaulted, and older people worry about climbing steep and unstable paths, especially in the dark. And all of the small indignities and hardships and lack of basics add up to a sense of despair and unhappiness.

190. However, these are not the only issues about which the Rohingya worry; there are almost as many worries about the future. Table 9 shows the number of times particular issues arose in interviews. The issue that arose more than any other was the right to work. The second most frequently raised issue was intimate partner violence, although if this is taken together with gender-based violence including rape then this issue is by far the highest in interviews.

| Issue | Components | Case study | FGD | KII | Subtotal | Total |
|------------------------|--------------------------------------|------------|-----|-----|----------|-------|
| Survival/safety | Availability of fuel/firewood | 0 | 22 | 2 | 24 | 111 |
| | Food supply | 2 | 19 | 5 | 26 | |
| | Health facilities and issues | 2 | 35 | 7 | 44 | |
| | Legal aid | 1 | 5 | 3 | 9 | |
| | Policing services | 0 | 1 | 7 | 8 | |
| Security | Child abduction and protection | 1 | 5 | 16 | 22 | 172 |
| | Child marriage and forced marriage | 0 | 3 | 0 | 3 | |
| | Criminal activities | 4 | 13 | 2 | 19 | |
| | Gender-based violence including rape | 0 | 36 | 6 | 42 | |
| | Intimate partner violence | 8 | 35 | 2 | 45 | |
| | Physical assault | 3 | 10 | 0 | 13 | |
| | Kidnap and trafficking | 0 | 4 | 3 | 7 | |
| | Privacy issues | 0 | 19 | 2 | 21 | |
| Concern for the future | Right to education | 3 | 14 | 15 | 32 | 100 |
| | Safe return | 1 | 0 | 1 | 2 | |
| | Right to work | 1 | 35 | 16 | 52 | |
| | Identity | 0 | 7 | 7 | 14 | |

Table 9: Key protection concerns for refugees interviewed in the qualitative study

Summary of findings: Protection

1. Saving lives, reducing suffering, and preventing further loss of life in a high-risk environment has been a key protection outcome for the UNHCR response.

2. The agreement of the Government of Bangladesh to permit a registration exercise conferring legal identity on the Rohingya refugees is a key protection achievement for UNHCR, and the result of much difficult work. It is particularly important given the lack of legal status for this population both in Myanmar and generally. This achievement has been marred by the suspicion by refugees that it is linked to forced return plus limited communication in advance of the start.
3. There are a number of other protection outcomes including the start on governance reform and ongoing advocacy efforts, for instance around birth registration, anti-trafficking and exploitation, and the need for assessments prior to considering any move to the island.
4. There are significant results for protection services, but overall the coverage of these has been uneven and fragmented. This reflects coordination issues in some cases, but there has been an inexplicable lack of coverage in some essentials such as lighting and locks for latrines. Lack of sufficient cooking fuel distribution is an increasing protection risk, although it is hoped the distribution of LPG will resolve this.
5. UNHCR has done an admirable job of trying to address protection from a non-lead agency position, but ultimately this has constrained the organization's ability to implement its mandate to the fullest.
6. There are a large number of protection concerns and safety risks and these are growing. Most are associated with the enormity of the camp and insecurity that prevails without adequate policing. Records of intimate partner violence are increasing sharply, as are concerns about SGBV.

4.3 Coordination

KEQ 3: Going forward, to what extent is UNHCR able to ensure system-wide protection of all people of concern from its current and evolving position in a refugee emergency?

191. UNHCR's ability to ensure system-wide protection is inextricably linked to its coordination role and the coordination system. Throughout the first year of the Rohingya crisis in Bangladesh, UNHCR has not been the sole coordinating entity for the refugee response. Instead, UNHCR has been in the uncomfortable position of having much of the accountability without the accompanying authority.
192. As a result, UNHCR has not been able to fulfil its protection mandate in the way that might be expected. This is true in both strategic and policy terms, where dialogue with the host state is mediated through a tripartite Strategic Executive Group (SEG), and at the operational level where 'protection mainstreaming' has to be lobbied for rather than it being built in from the outset.
193. The complicated and *ad hoc* coordination and leadership arrangements have made decision making slower and more difficult. Unpopular decisions are often delayed because the three SEG members cannot agree; at an operational level disputes are often elevated to the Heads of Sub Office Group (HoSOG), or senior leadership unnecessarily for the same reasons.
194. Whilst these coordination hurdles have made the operation cumbersome – less efficient and less straightforward – it has not compromised the protection of refugees provided by the Government of Bangladesh. Yet, with more challenging issues ahead, especially issues of repatriation and basic rights, these anomalies need to be resolved.

4.3.1 Strategic leadership

195. The strategic leadership in the refugee response has evolved through the course of the first year. Initially, it lay with IOM as the hosting agency for the Inter-Sector Coordination Group (ISCG). At the

beginning of 2018 a letter from the Emergency Relief Coordinator (ERC) established the Strategic Executive Group (SEG), a tripartite group comprising the Resident Coordinator (RC), IOM and UNHCR. Each party has equal authority, making this the ultimate leadership by committee arrangement.

196. Those familiar with the established humanitarian architecture will recognize that this is neither one system nor the other. In recent refugee emergencies, UNHCR has implemented the Refugee Coordination Model (RCM) where a Refugee Coordinator leads, with sector groups co-chaired by UNHCR and either UN agencies or NGOs (or both). Whilst the RCM is relatively recent (established in 2013), it follows a long-standing precedent of UNHCR leading refugee emergencies.¹⁰⁴ In most other humanitarian emergencies, the Inter-Agency Standing Committee (IASC) system is put in place. The ERC appoints a Humanitarian Coordinator (HC) who is usually the RC. An OCHA office supports the HC function and a Humanitarian Country Team is established comprising the major operational UN agencies, Red Cross Movement and NGOs. The cluster system organizes technical, sectoral coordination.
197. The SEG–ISCG system is a messy hybrid of these two systems. Leadership is shared, and sector leadership is loosely based on the IASC 'cluster' model, although the normal global arrangements have been adapted. For example, in the ISCG, UNHCR only leads protection; whereas in the global cluster system it also leads shelter and camp coordination and management (in the ISCG, IOM has taken this role). Moreover, on the ground yet another system *de facto* exists, with the camp population roughly split in half into 'areas of responsibility', with UNHCR heading one of these and IOM the other.
198. The current system has multiple disadvantages. At the leadership level there effectively needs to be consensus between IOM, the RC and UNHCR for issues to move forward. Whilst all involved have been as pragmatic as possible, there are genuine policy differences that arise from differing mandates. The RC is primarily responsible for development and poverty alleviation, both of which are massive issues in Bangladesh, beyond the Rohingya crisis. IOM has other relationships with government around migration, which is also a major policy issue for the country. UNHCR by contrast is tasked internationally with protecting refugees.
199. These in-built fault lines in the SEG have not yet materialised on issues relating to refugee rights. However, as the example of governance cited in Section 4.3.4 makes clear, system-wide refugee protection is being impacted by these arrangements. In the absence of agreement at the SEG, there is no clear ISCG policy on governance reform. The leadership of the response increasingly recognizes that difficult issues get postponed in the absence of agreement.
200. UNHCR staff assert that the ISCG structure diminishes accountability. In a classic refugee coordination model, UNHCR believes the 'buck stops with them', whereas in the Bangladesh structure no-one is sure who is ultimately responsible for ensuring certain key rights are observed. It is certainly the case that the SEG diffuses responsibility – if it is collective decision making then it is also collective responsibility. The evaluation concurs with the observation that in a system of collective responsibility, it is always more difficult to know who to hold to account. However, it is worth noting that in practice there are very few examples in the last decades where agencies have been held to account, and it is unclear precisely what this mechanism might be. In reality, issues of accountability have been unresolved for humanitarian efforts, and have formed the basis of numerous reforms over recent years, including humanitarian reform, the transformative agenda and the Grand Bargain. While the evaluation concludes that accountability is diminished within the Bangladesh structure, it is also circumspect about what such accountability means in practice.

¹⁰⁴ In fact this precedent was established during the Bangladesh Liberation War in 1971 when 10 million people were given sanctuary in India.

4.3.2 Operational leadership

201. At the operational decision-making level, there are effectively two coordination systems in place: one for the IOM-run camps and one for the camps managed by UNHCR. Straddling the two implementation structures is the ISCG system, headed by a senior coordinator and with dedicated sector coordinators. In the camps, coordination is largely handled by Camps-in-Charge (CiC) – see below.
202. Although the HoSOG has made a concerted effort to be pragmatic, the implicit rivalry of a two-headed coordination and leadership structure has practical repercussions:
- 1) UNHCR and IOM do not participate fully in the sectors led by these respective agencies. Interviews for the evaluation revealed clearly that those leading the sectors struggled to get the other organization fully involved, participating and implementing the decisions of the sector.
 - 2) The ISCG is neutered, and therefore working-level decision making is constrained more frequently than in either of the established coordination models. Decisions that in most other internationally supported emergency contexts would be routinely handled at the cluster or sector level are referred to the HoSOG. For instance, there are several examples of where a sector has developed a set of standards based on global cluster norms, UNHCR norms or context specific norms and then, depending on who is leading the sector, the other 'competing centre of authority' disagrees (because they have their own institutional set of standards). At this point the sector cannot arbitrate and the issue has to be pushed up to the HoSOG.
 - 3) The balkanization of the camps goes much further than just coordination. In effect these are two separate territories divided by an invisible line. With the exception of protection staff to some extent, UNHCR staff rarely venture into the 'IOM camps' and vice versa. The implications of this for policy are obvious. With different standards, different funding modalities, different areas of expertise and different partners the result is a difference in the services that refugees receive, which poses obvious concerns in terms of equity in access to assistance and protection. However, as the camps increasingly stabilize and services become better organized, these agency-based territorial differences are bound to become more obvious.
203. The power battle between UNHCR and IOM has at times felt bitter and has affected the work of other agencies. NGOs interviewed for this evaluation over time have been at pains to highlight how difficult it makes their work. Caught in the feud between the two agencies, NGOs are often in a precarious position as they rely on one or the other, or both, for funding and legal status.

4.3.3 Camp-level coordination (Government of Bangladesh)

204. Government coordination of the refugee crisis at the camp level rests with the Refugee Relief and Repatriation Commissioner (RRRC). This position is based in Cox's Bazar and is formally part of the Ministry of Disaster Management and Relief (MoDMR). In the camps, the RRRC has put in place a system of 'Camp-in-Charge' (CiC) officials. These are civil servants on a six-month rotation (formerly three months) who are in charge of one or several 'camps' (there are 23 camps in the Kutapalong settlement so strictly speaking these are administrative units). These CiCs are delegated large authority – with refugees having limited recourse to any of the Bangladeshi systems, including legal systems, except through the CiC. The CiC role is twofold: to coordinate the humanitarian assistance activities and to maintain overall law and order in the camp area. In coordinating the provision of relief and services, they are the critical interlocutor for the aid agencies, including UNHCR. The RRRC and most of the CiCs enjoy a good reputation amongst the humanitarian community. There is a general impression that they are hard working and focused on doing the best they can for the refugees.

205. The CiC system is yet another layer of coordination. The CiCs call regular meetings with aid actors and are responsible for giving permissions and organizing access. The evaluation has witnessed on numerous occasions the close cooperation and collaboration between UNHCR and the CiCs, as well as other Government officials and technicians. However, it is also the case that the rapid turnover of CiCs, especially at the beginning, meant that policy was quite disjointed, with different individuals taking different approaches. This has added complexity to how the camps are overall organized, and further distanced strategic leadership from the practical day-to-day details.

4.3.4 Camp-level coordination (governance)

206. While the CiC system is mostly effective, governance has been and continues to be a serious concern in the camps. When the refugees first crossed the border, the Bangladesh Army nominated people to be interlocutors. This made practical sense to effectively enable getting information out quickly, organizing distributions and relocations, etc. However as the camps consolidated, these interlocutors – called Majhis – became the power brokers and gatekeepers, and as their power became entrenched people started to complain of abuses.

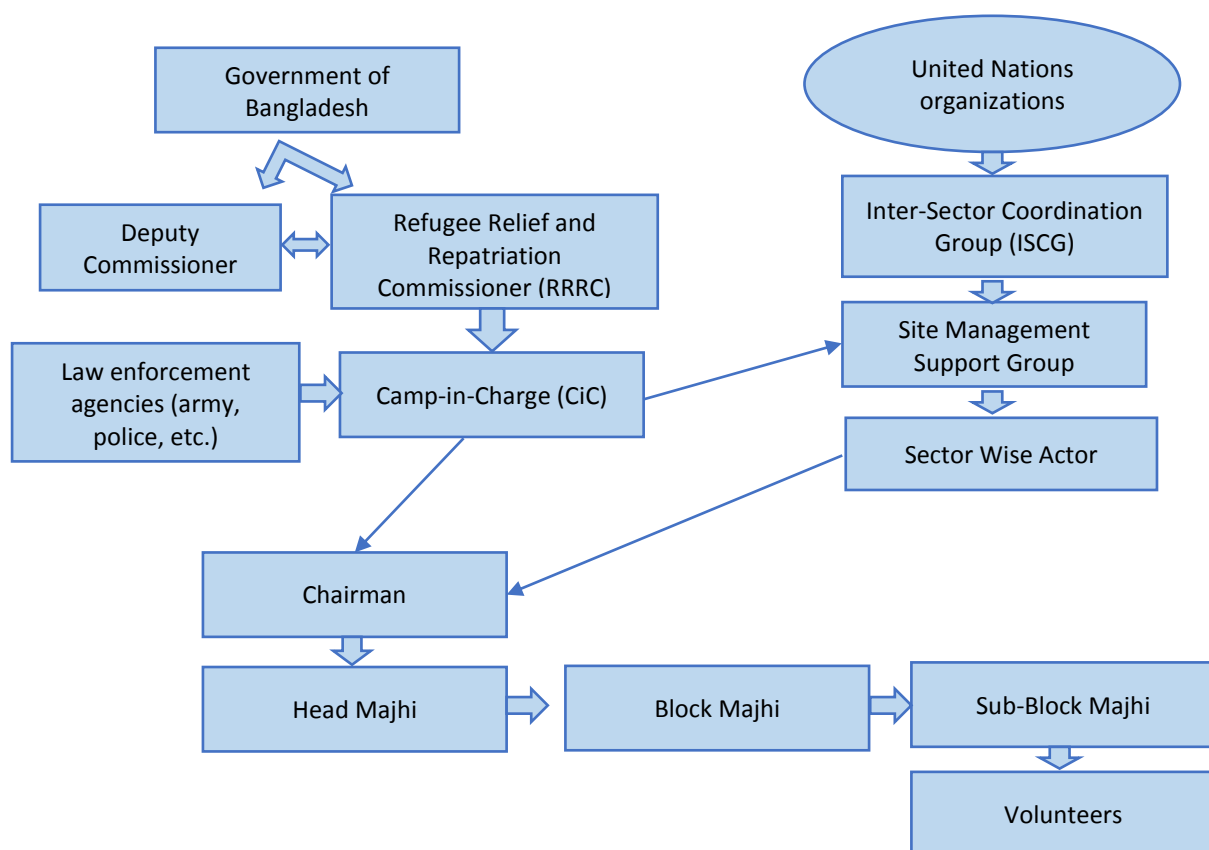


Figure 13: Governance in the camps

207. As Figure 13 illustrates, governance in the camps is multi-layered, but at lower levels is to a large degree filtered through the Majhi system, which is itself hierarchical, to refugees. Whilst the CiC is formally in charge of camp management and coordination, and the UN agencies and their partners are in charge of delivery, the Majhis can manipulate this power to some extent. They control communication in both directions, filtering messages about needs and concerns, and developing lists

of those eligible for aid. In this sense, their power is doubly concentrated; they both shape the message and ensure compliance through control of aid. Over time, a widespread distrust has developed of the Majhi system,¹⁰⁵ and the refugee population and the aid providers regard the Majhis as increasingly unrepresentative and potentially abusive in some instances. The qualitative research for this evaluation found that the Majhis have become key power brokers and as they are unpaid tend to use this position both for their own benefit and for those in their favour.¹⁰⁶

208. Moving from this unelected system to one where there are committees elected on a regular basis is therefore highly desirable. UNHCR has consistently pushed this issue and it has been proven to work in the registered camps. The introduction of elected governance in Nayapara took place in June 2018 with the support of the CiC concerned and army focal point for the area, following best practice developed by UNHCR and the RRRC in the registered camps over a number of years (and global good practice). This is a significant achievement and lays the ground for future work on good governance within the camps. At the time of writing, there were elected community representatives in four camps managed by UNHCR. Moreover, the new refugee committees contained female as well as male members. This was achieved despite significant opposition from both some Majhis and some humanitarian agencies.
209. This move to elected governance structures has led to disagreements over timing. IOM has argued that the transformation should be enacted on a slower time frame. The main reason for this is that until very recently, IOM has had to rely on a token system managed by the Majhis to organize their distributions. This is because the lack of a systematic registration initially meant there was no individualized data about where refugees are or their numbers. In fact this data does exist through the earlier UNHCR Family Counting exercise (each household has a unique number, their FCN, and card), but because the data-sharing agreement was not signed until July 2018, IOM continued to need the Majhis for their distributions. With the data-sharing agreement now in place and the verification exercise also being rolled out, it is hoped that governance reform will now be quicker.
210. Whilst the move to elected (and representative) governance in Nayapara is a major achievement, even with the enthusiastic support of other agencies, tackling these reforms in Kutapalong and the other camps will be extremely challenging. The resistance and reaction of the Majhis to losing power should not be underestimated. The Kutapalong camp has a population of approximately 600,000 people, constituting 23 administrative camps. It will make sense for each of these individual administrative camps to have committees, but it will also make sense to have some form of representation at a strategic level. Refugees should have voice in policymaking (as much as is feasible) as well as in day-to-day operations. This has proven difficult in other contexts, and with all of the constraints that currently exist it will prove difficult in the Rohingya response. This does, however, constitute a priority.

¹⁰⁵ Qualitative interviews for this study.

¹⁰⁶ *Ibid.*

4.3.5 Protection coordination

211. The evidence set out in the preceding sections of this evaluation also shows that the fragmentation of protection responsibilities has led to suboptimal coverage. The evaluation concurs that UNHCR could not address protection from a non-lead agency position as well as it could have from being the lead agency. This conclusion is tempered by the findings that some basic protective elements of site management were no better in camps managed by UNHCR than in camps managed by IOM. For example, while IOM nominally leads the site management sector, the partners who work on this in the camps managed by UNHCR are contracted by UNHCR. This undermines to some extent any clear assertion that a UNHCR lead would have automatically delivered a more comprehensive protection response, although many elements such as governance reform would have moved faster.
212. The Bangladesh experience of coordination of protection from a non-lead agency position has many lessons to offer UNHCR. The evaluation finds that the effectiveness of protection coordination has been influenced by many factors, including fundamental differences in how protection is constructed and organized, perceptions and reactions to UNHCR behaviours and approaches, competition among agencies and NGOs, UNHCR priorities and approaches in the delivery of this response, and most importantly, having to lead on protection from a non-lead agency position. These are described in detail below:
- 1) The cluster system developed for humanitarian emergencies excluding refugee responses, on which the ISCG structure is loosely based, includes a protection cluster, which is usually led by UNHCR. The cluster system has developed a set of working practices that include a dedicated cluster coordinator and a co-lead, usually an NGO. This structure has been largely replicated in the current Rohingya refugee crisis, and the practice of co-leads has been adopted by the other sectors in the ISCG. UNHCR has long argued that in a refugee emergency, protection is different, and should not be regarded as a sector like others given the specific legal status of refugees in the country of asylum (as opposed to other emergencies, where those in need remain nationals). Instead, protection should run throughout the response as the organizing principle with one lead agency having overall accountability and responsibility to advocate with the host government authorities. Discussed at some length in preceding sections, this relates to UNHCR's mandate and is grounded in the way UNHCR executes its accountabilities. Therefore, the starting point of any refugee response is their protection, by which UNHCR means the granting of certain rights, including civil documentation, access to education, courts, *non-refoulement*, etc.
 - 2) Faced with a refugee situation operating with a hybrid coordination mechanism, UNHCR changed the name of the protection sector to a working group in an attempt to emphasize the difference between protection and the other sectors. The Protection Working Group (PWG) is led by the Head of Protection for UNHCR (with no co-lead), and UNHCR argues that as protection is central to any refugee response, this coordination group holds a different status. A good example of how this has been implemented by UNHCR was the development of the first Joint Response Plan (JRP), with its dedicated section on the protection of refugees at the front of the document (as outlined in Section 4.2.5). Despite these efforts by UNHCR, the status of the PWG as somehow different and integral has been largely – in practice – rejected. Selected actors, NGOs in particular, continue to lobby for a dedicated coordinator and for a co-lead. Efforts to bring other sectors into a way of thinking that starts with refugee rights has not been hugely successful. To some extent, humanitarian actors understand this is important, but in practice do not make it a priority.
 - 3) It has been speculated that the reason that refugee protection has not been practically accorded special status is a lack of experience and exposure by many humanitarian workers. The last

decades of humanitarian response have seen many natural hazard disasters and many internal conflicts with internal displacement. A generation of humanitarian workers have grown up used to a way of doing things based on the cluster system and have not been exposed to the unique legal and political challenges associated with a refugee crisis. Following the Disasters Emergency Committee (DEC) evaluation in late 2017, a powerful open letter from two former heads of the International Council of Voluntary Agencies (ICVA) set these issues out, arguing that UNHCR's special mandate was being compromised by this lack of knowledge in the wider humanitarian community. This evaluation concurs that it is ridiculous to expect UNHCR to abide by the conventions of a coordination system designed for non-refugee responses in an anomalous and *ad hoc* system, especially when they are the UN agency mandated with refugee protection and the UN architecture for refugee responses has been rejected and compromised, in highly unusual circumstances.

- 4) Nevertheless, there is a need for UNHCR to bring others with it, if it is to fulfil its protection mandate. It needs allies, and in such a large-scale crisis it needs a way of amplifying its own efforts. There are two main reasons why UNHCR was less successful at bringing others along in this particular response:
- First, its history with Rohingya refugees is complex and not always positive. Section 3.1 covers both the 1978 and the 1992 mass movements and the subsequent push back of these populations against their will. In both previous repatriations, UNHCR was seen as complicit and not able to protect refugees' rights. More recently, the perception for many on the outside of the organization has been that UNHCR only cared about the 'registered refugees' and did not help the much larger population outside of their camps. There was a misperception that UNHCR 'cared more' about 'their' refugees and were doing nothing to help people in a much worse condition who were also fleeing violence and persecution. In fact, this was not the case. If anything, the opposite was true; UNHCR had fallen out with the Government of Bangladesh over trying to claim refugee rights for this population, with its Representative being asked to leave the country in 2012. Following that incident, it was decided that it might offer the Rohingya greater protection by not highlighting their plight, as identifying them might lead to their expulsion. After the UMN national strategy was issued in 2014, UNHCR was trying quietly to gain permission to be involved again, something that only changed in 2017 after the big influx. The downside of this quiet diplomacy, however, was that other humanitarian actors and donors did not see UNHCR as having a major profile on the Rohingya prior to the mass influx. This led many to question initially if UNHCR was only getting involved because of the high profile of a major emergency.
 - The second reason was the attitude of UNHCR staff, especially towards partners and other international agency colleagues. Convinced from the outset of its right to lead a refugee response, and aggrieved that this was not the situation, UNHCR took the position that it occupied the moral high ground. This manifested itself in what was widely perceived as frequent lecturing of other humanitarian agencies and colleagues on how they should be working, as well as a certain secrecy or intransigence when it came to their own operations. This evaluation heard numerous examples of UNHCR reportedly 'being difficult' – not sharing information or not following agreed processes, for example, at sectoral level. Whilst UNHCR staff had perfectly good – and often legitimate – reasons for behaving in this manner, it simply did not build the required reservoir of goodwill.
213. An account of the relocations to the new extension camps illustrates this second point. UNHCR did not follow the agreed procedures at the ISCG for allocating space to new facilities in their spillover

relocation camp (camp 4 extension). They did not involve the sector coordinators in making decisions about which partners could run these services. However, when the relocations actually happened the UNHCR movement went relatively smoothly – people had shelters to move to, food rations and functioning services (a comparable relocation that was organized by another agency following ISCG procedures did not go as smoothly).

214. Whilst UNHCR did a good job for the refugees, they struggled to gain the trust and goodwill of some sector leads and sector agencies in an operational context characterized by competition, inter-agency politics, and different ways of working. While UNHCR's operational delivery and protection leadership were widely recognized and appreciated in many corners, its proclivity to often insist on doing things its own way and to 'go it alone' if necessary had real-world consequences: when concerns and suspicions regarding the registration emerged following its launch (see Section 4.2.2), UNHCR lacked allies and support for its position within the inter-agency community.
215. Despite the appropriateness of relying on the international UN architecture for refugee responses, UNHCR should acknowledge the potential for future situations where the organization is constrained, and possibly not in the lead. The international climate for asylum and refugee rights has hardened, with even traditionally liberal states such as the US and Europe becoming intolerant. This will limit the space for UNHCR to protect refugee rights and may lead to states seeing its leadership as undesirable.
216. This will require a degree of adaptation from the organization, both immediately and should crises occur in the future where UNHCR is constrained, either in terms of coordination structures or leadership. The logical arguments for a UNHCR sole protection lead are clear, but there will be times when logic alone is not enough. The Bangladesh example is also sobering because UNHCR cannot rely on a sympathetic international response community – its humanitarian fellow agencies did not rush to install UNHCR as lead despite a widespread rhetorical recognition of its protection mandate. The competitive nature of funding, the need to have government permission to operate, as well as the inexperience of some humanitarian workers all added up to a willingness to go with whatever system was in place and not challenge it. There may also have been an element of distrust in UNHCR itself for the reasons outlined above.
217. It is worth noting that the Government of Bangladesh has publicly reiterated on numerous occasions its commitment not to forcibly repatriate the Rohingya as it did in 1978 and 1994, even though up to this point UNHCR has not been the sole lead agency. Nevertheless, forced returns, and the advocacy and negotiations around that, may be the biggest danger built into the current coordination structure, as a result of a fragmented UN approach that has not stood behind UNHCR's mandate until now.

Summary of findings: Coordination

1. The coordination architecture has negatively affected the work of UNHCR. It is anomalous and as a result inefficient. The competing centres of authority inherent within the system are disabling and dysfunctional. Whilst the heads of agencies have tried to be pragmatic, on areas where there are policy differences the shared leadership makes these difficult to resolve and creates delays. There is also a danger within the system that compromises on refugee rights may take place.
2. Protection coordination has suffered from the flaws within the wider system. It has not managed to be central to the response, despite the best efforts of UNHCR. The expectation that the Protection Working Group (PWG) should be configured like a cluster, given the anomalous nature of the system and the rejection of the UN architecture for refugees, is wrong. However, UNHCR also needs to strengthen the soft skills necessary for coordinating in situations of ambiguity: this is essential for building alliances and implementing a protection agenda in such cases.

4.4 Durable solutions

KEQ 4: To what extent have mid/long-term protection perspectives been given due consideration in the design and delivery of the operational response by UNHCR to avoid the creation of dependencies and ensure a solutions orientation?

218. UNHCR has had a clear focus on achieving durable solutions for refugees from the beginning of the current Rohingya crisis, as evidenced in its early strategic documents. This can be seen both in the early involvement of the World Bank and in the statements of the High Commissioner and other senior officials. It is also in line with recent policy developments such as the 2016 New York Declaration and the Comprehensive Refugee Response Framework (CRRF) that call for burden sharing and long-term perspectives.
219. For UNHCR, 'durable solutions' has traditionally meant either voluntary return in safety and dignity, resettlement to a third country, or integration into host countries. The organization immediately considered – as is nearly always the case in such situations – how to ensure that voluntary return could be facilitated if conditions in Myanmar became conducive, by documenting people's place of origin, and by starting a dialogue with the Government of Myanmar. UNHCR has insisted since the beginning of this current crisis that people should have a right to return if the conditions are right. This was evidenced by an early (late October 2017) mission by the Assistant High Commissioner for Protection travelling to the region to explore opportunities for the eventual sustainable return of the refugees.
220. The organization has also been forward looking about ensuring the camps were durable in the medium term. Recognizing at an early stage that even if return was well organized it would take considerable time, UNHCR has invested in medium-term infrastructure (e.g. for CiC office buildings, faecal sludge treatment plant, access roads, etc.) and prioritized safety and public health. This is commendable. UNHCR still has work to do on this front. Whilst its engagement with international and financial institutions has been swift and well managed, it has done less with national authorities and has yet to properly engage civil society or local actors. This will be imperative in the next phase.

4.4.1 UNHCR has contributed to building a durable camp

221. Whilst any durable solution will involve a resolution of citizenship rights, senior officials within the Asia Pacific Bureau recognized early on that the population might be in the camps for a significant period of time. A December 2017 mission report by the Deputy Director for Asia Pacific reflects that the Kutapalong settlement was effectively a city in the making, and the planning needed to be in line with this reality.
222. In other words, there was early recognition within UNHCR that Kutapalong would effectively become a city. Accordingly, UNHCR promptly took the critical decision to run a main arterial road through the camp, and engaged the Bangladesh Army to do this. The 'army road' has become a major enabler of access and arguably allowed for much of the subsequent upgrading and improvement that has been made. There is also good evidence that UNHCR has pushed the boundaries of semi-permanency whenever it could.
223. From the outset of the response, the Government of Bangladesh stated that the country would host the Rohingya on temporary humanitarian grounds. There is considerable domestic resistance to long-term hosting of the refugees given the development challenges Bangladesh faces, although the country is also justifiably proud of its decision to offer temporary refuge. This led to the initial policy stance that nothing could be constructed that was 'permanent', in practice meaning a ban on any concrete structures or infrastructure designs that might endure. Over time, the Government has responsibly given permission for some exceptions to this edict, faced with the reality of Myanmar's intransigence and the inability of the global order to find a political solution. UNHCR has consistently lobbied for more land, and as additional land became available has tried (with partners) to plan sites that have more space, more access and better facilities, and that will be more liveable in the medium term.
224. As a result of the monsoon preparedness, the Government has responsibly made exceptions to the ban on concrete and UNHCR, IOM and WFP have been upgrading drainage, culverts, pathways and access roads with sturdier materials, including concrete. Since the beginning of 2018, the sectors and UNHCR has also been pushing for more permanent solutions to a range of key infrastructures. There are currently six trials for large-scale solutions to faecal sludge management. A 'water master plan' is also currently being designed (together with the relevant ministries) that will involve sinking deep wells and pumping water into a series of eventually connected networks serving the large camp site. With the allocation of new land to relocate those most at risk of landslide during the monsoon, UNHCR and the shelter sector also discussed with the RRRC a semi-permanent shelter design that involves concrete pillars. Taken together, these measures may help move forward medium-term infrastructures, should the situation necessitate this approach. This upgrading work looks set to continue so long as the resources and political space exist. It is to date a clear demonstration that UNHCR and the other significant response agencies were and are thinking of medium-term necessities, in close coordination with the Government, even if the political desire to return refugees remains predominant for Bangladesh – and also the international community and UNHCR, provided conditions are right.
225. UNHCR has contributed to policy and strategic planning for some forms of development planning from the outset. UNHCR dedicated a senior development adviser in Cox's Bazar in late 2017 to explore solutions that might facilitate economic inclusion of the refugees. In April 2018, UNHCR together with OCHA helped organize a side meeting on the Rohingya refugee crisis at the World Bank's annual Spring meetings. Bangladesh and the World Bank publicly affirmed during these meetings that the Government of Bangladesh would access the new IDA 18 refugee and local community sub-window. The World Bank announced in late June that the IDA grant would be close to a half a billion dollars for health, education and multi-sector support. Whilst it now appears that World Bank money will be

exclusively for the humanitarian response and not for local communities (at the wish of the Government), this is a clear demonstration of UNHCR and others seeking to involve development actors in potential protracted refugee crises at an early stage.

4.4.2 While these steps are in the right direction, current prospects for safe economic inclusion remain limited

226. When the Rohingya are asked about their concerns for the future, besides the current situation in Myanmar, the two predominant issues are self-reliance and right to education. In Table 4 the qualitative work for this evaluation shows that concerns about self-reliance are the most commonly expressed of all concerns, with others including safety and aid. There is evidence that people are being driven into increasingly risky and illegal behaviour when employment cannot be accessed easily.
227. The experience of the refugees left behind after the 1992 influx is indicative of the challenges that might be faced by the Rohingya in the coming years. Often forgotten in the mass influx, and formerly characterized as somehow 'doing better' than the UMN, many of these people lived in the registered camps for 27 years prior to this latest crisis. In a focus group discussion, the current chair of the refugee committee said that they feel as though they have been living in an open prison. 'UNHCR protected us but forgot to develop us', the evaluation was told. They have largely grown up without any formal education, without citizenship and for many, without hope.
228. The Government's refusal to allow the Bangladesh curriculum or a formal or informal education to be taught has led to a situation where there is effectively no formal education for the hundreds of thousands of school age children. The education sector in a recent assessment report estimated 500,000 children are in need of education in the area occupied by the refugees, of which 375,000 are Rohingya. Forty per cent of children are not attending any kind of learning facility.¹⁰⁷
229. For most refugees, the current income-generating options are to get cash for work in the camps or to offer their labour at below market rates in areas close to the camps. This has led to tensions with the host communities, with numerous reports and media articles suggesting that day rates in the informal sector have been negatively affected for the poorest locals by cheap Rohingya labour. The WFP Refugee Emergency Vulnerability Assessment (REVA) conducted in November 2017 offered the first proper data on refugee employment. Whilst new arrivals at that point had the lowest rates of employment, those who had arrived a year earlier were in many cases benefiting from similar rates to the host population. The latest figures from the MSNA, whilst not exactly comparable, suggest that a lot of people have sources of income (see Figure 14).
230. Although low-paid, non-skilled casual labour is likely to be the main source of income for refugees, the restrictions on employment and the glut of available labour have driven many into riskier forms of income generation.

¹⁰⁷ *Joint Education Needs Assessment: Rohingya Refugee in Cox's Bazar* (June 2018)
https://reliefweb.int/sites/reliefweb.int/files/resources/cxb_jena_assessment_report-180607.pdf

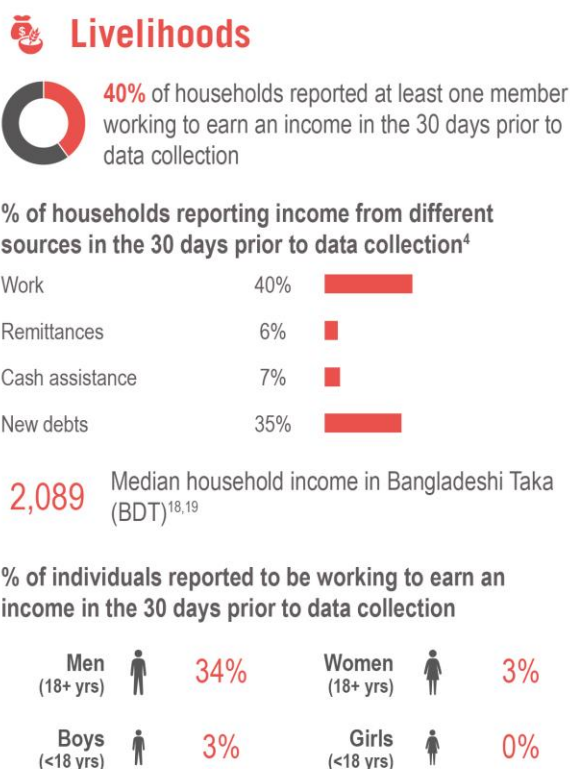


Figure 14: Livelihoods and work for the refugees. The REVA (top) covered up to November 2017; the MSNA (lower half of graphic) is from June 2018.

4.4.3 Negative coping strategies are on the rise, the environmental impact has been high, and host–refugee community tensions remain

231. Whilst statistics do not exist on this issue, it is widely reported in the media that there has been a large increase in drug smuggling associated with the refugee influx. The press reports that sales of Methamphetamine (yaba) in both Myanmar and Bangladesh have risen, and although the scale of this rise should be treated with caution, it is clearly a concern in Bangladesh.¹⁰⁸ With refugees desperate for sources of income it is certainly a risk that they may be easily exploitable by drug traffickers. Since the beginning of the year the Government of Bangladesh has cracked down on drug traffickers, operating a ‘shoot-to-kill’ policy that has seen 157 people killed so far.¹⁰⁹
232. Such extreme negative coping strategies is also manifest in the rise in child marriage, second marriages and women being trafficked into commercial sex work.¹¹⁰ The MSNA also highlights the high levels of debt that are being accrued in lieu of regular income. However, the political space to allow people to work in the formal economy is slim. Propelled by better health and education, lower vulnerability and an economic boom, Bangladesh – the largest least developed country (LDC) in terms of population and economic size – looks likely to leave the LDC category by 2024.¹¹¹ Bangladesh as a whole nevertheless

¹⁰⁸ This Al Jazeera article is an in-depth look at the pressures refugees are under and recruitment into the drug trade: <https://www.aljazeera.com/indepth/features/carry-yaba-survive-rohingya-bangladesh-meth-trade-180818115319992.html>

¹⁰⁹ See for instance: <https://thediplomat.com/2018/07/bangladeshs-crossfire-doctrine/> and

<https://www.theguardian.com/world/2018/may/25/bangladeshs-philippines-style-drugs-war-creating-atmosphere-of-terror>

¹¹⁰ See BBC and numerous other news outlets: <https://www.bbc.co.uk/news/av/world-asia-42144635/rohingya-refugees-forced-into-sex-work>

¹¹¹ <https://www.un.org/development/desa/en/news/policy/leaving-the-lDCs-category-booming-bangladesh-prepares-to-graduate.html>

continues to have development needs and Cox’s Bazar particularly so. An ISCG assessment in May 2018 found:

*Even before the influx, one in five households had poor food consumption patterns much higher than the national average. On average, 33% live below the poverty line and 17% below extreme poverty line. 38 per cent of the local population is vulnerable to food insecurity, of which 12.5 per cent are considered highly vulnerable. Food production in the district is scarce, leading to increased household expenditures on food and economic vulnerability overall.*¹¹²

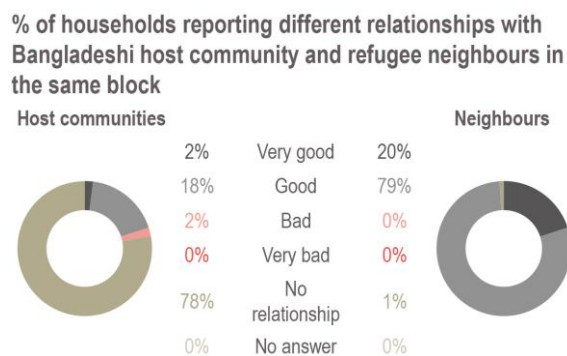


Figure 15: Relations between refugees compared with their relations with the host community

233. As can be seen from recent MSNA data in Figure 15, relations between the refugees and their neighbours are already quite distant, meaning the opportunity to build harmony through proximity is unlikely. With the refugee population now outnumbering the local population by two to one, the resentment and hostility may increase.
234. The region hosting the refugees already had a significant level of underdevelopment and was in need of a major effort to bring it in line with the rest of the country; and with the additional issues outlined above – not to mention the strain on services and infrastructure – the development bill is likely to be higher again. The environmental impact of the refugees has been even more catastrophic. More than 2,000 hectares of national forest reserve have been denuded,¹¹³ with even the roots of trees pulled up for firewood. Careful environmental protection and investment over the last 20 years has been effectively wiped out in under a year.

4.4.4 Efforts to date to strengthen durable solutions

235. UNHCR has done a good job in technically ensuring the work done in the refugee settlements is robust. These practical, operational elements of the durable solutions agenda have been carried out in exemplary fashion. The same is true for the international architecture, with early involvement of the World Bank.
236. The SEG and the Resident Coordinator in particular, have set up a series of studies around key issues that will shape the medium-term future of the refugees. These are being variously supported and implemented by UNDP, UNHCR, UNICEF, IOM, WFP, WHO, FAO, UN Women and UNFPA, and are looking at the social, political and economic aspects of the refugee and host situation. A political judgment was made within the SEG and the UN Country Team that the results of these studies should inform the next iteration of the UN Joint Response Plan, and that this should wait until after the December elections in Bangladesh when any recommendations would be less politically sensitive.

¹¹² Support to Bangladesh Host Communities and Institutions in the Joint Response Plan for the Rohingya Humanitarian Crisis, ISCG, May 2018.

¹¹³ Ibid.

Current aid efforts are ongoing to show solidarity with the host communities. Twenty-five per cent of the JRP was earmarked for work with host communities and there are plans across the board, for livelihoods, services, environmental restoration and water and sanitation. Good work has already been done, but clearly this needs to be at a different level to mitigate the impact of the refugees. UNHCR, UNDP and others continue endeavouring to push the Government of Myanmar to create conducive conditions for return, by allowing the agency access to affected areas of Rakhine State amongst other measures.

237. In terms of the longer-term political fixes to the Rohingya refugee crisis, however, the picture is not so rosy. Locally, the refugees are perceived as increasing poverty through unfair wage labour competition; nationally, they are viewed as connected to crime and prone to radicalization. Mark Bowden, in his recent ODI article¹¹⁴ reported that when he spoke to local journalists at the beginning of 2018, *'they were at pains to point out that the idea that there had been a welcoming local community to greet the arrivals was false'*. Further, *'Cox's Bazar has a long history of drug smuggling and people trafficking from Myanmar, and the Rohingyas' [sic] precarious legal status has left them open to exploitation by criminals, businessmen and political elites. The Rohingya have been used to undercut local labour rates, rig elections, facilitate land grabbing and act as drug mules.'*
238. In the meantime, as local frustration grows and with the increase in press coverage of drug trafficking that prompted the clampdown referenced above, the situation will likely become more and more precipitous for the refugees.
239. These factors are likely to be used by the Government as further evidence for a quick return, and development projects will not mitigate these factors.
240. The convergence of these various factors – local resentment, national ambivalence, criminality born of necessity, and potential radicalization and resentment born of frustration – do not add up to a great deal of hope. With returns already being pushed hard ahead of elections, the future looks bleak. The hope until now has been that the Government might be more willing to discuss the long term after the elections, but the reverse is looking increasingly likely. With the elections over, the Government might severely step up its action towards repatriation. There is no doubt this would be against the will of the refugees unless significant changes for the better take place in Rakhine State. As with the crises in 1978 and 1992, this will present tremendous challenges for UNHCR. Similar to the situation in 1992, the Government initially decided against 'facilitating return' unless it is entirely voluntary; but how long can this line hold?
241. Ultimately, the durable solution to the Rohingya refugee crisis is a political solution. But it must not be repatriation at any cost because history shows us where that leads – neither a solution, nor durable. UNHCR has not shown itself adept at navigating these stormy political waters in the last year. Throughout the first year, UNHCR has not had a permanent Representative for Bangladesh, and the organization's inability to appoint one of sufficient stature has been greeted with disbelief by most other aid actors. They feel it signals a lack of seriousness by the organization.
242. Now that a Representative has been appointed, there is a need to boost the capacity of the Dhaka office to engage politically. As noted in the introduction to this section, a multi-stakeholder, whole-of-society approach means involving civil society and building alliances with a range of organizations inside and outside government. Whilst the UNHCR senior protection staff in Dhaka have been contributing to the strategic efforts outlined across this report, they are not the right number or profile

¹¹⁴ 'Special Feature: Rohingya Refugees in Bangladesh: The Humanitarian Response', *Humanitarian Exchange* 73, October 2018, https://odihpn.org/wp-content/uploads/2018/10/HE-73_web.pdf

for this work. The team needs people who are trusted by the highest level of government and the space and resources for this work.

Summary of findings: Durable solutions

1. UNHCR built consideration on solutions into its response from the outset. The focus on identity, the work to ensure right of return, the MoU signed with UNDP and the Government of Myanmar, the proposed Solidarity Approach with the People of Rakhine State, and the consistent push to upgrade facilities and services are all indicators of a solutions orientation, as is the early involvement of the World Bank.
2. There are major challenges for solutions in the future. The restrictions on freedom of movement, self-reliance and right to education are all major risks to the Rohingya wellbeing and increasingly driving them into illegal and negative coping strategies. The lack of education may be an even greater long-term threat, including for Myanmar.
3. The political environment for continued hosting of the refugees appears to have hardened over the course of the evaluation. Whilst UNHCR alone cannot change this, it has built neither the political contacts nor the wider civil society alliances needed to counter the hard-line voices. As the prospect of forced or involuntary repatriation grows, the organization urgently needs to boost its Dhaka capacity and standing.

5 Conclusions

243. The first year of the Rohingya refugee response has gone reasonably well given the nature and scale of the emergency. Massive numbers of refugees arrived distressed and in a physically weakened state. The massive risks of disease in overcrowded camps, prone to floods and landslides, were contained and there has been no elevated mortality. The provision of basic relief supplies and gradual establishment of services in the two main camps have stabilized what could otherwise easily have been a massive humanitarian catastrophe.
244. UNHCR played a strong and important role in achieving these results and has delivered a highly effective operational response in the first year. These achievements were made despite UNHCR not being the lead agency¹¹⁵ and having to grapple with a difficult coordination system, in which accountability was shared among multiple agencies. Whilst UNHCR has not been the only actor, it rapidly upscaled its operations to provide huge amounts of shelter, water, sanitation and infrastructure to respond to the most urgent needs of the population. It has also enlarged the protection space and access to protection services in unusual and challenging circumstances, achieving positive outcomes that few could have predicted at the outset. These include building more durable infrastructure in the camps and bringing in the World Bank at an early stage to support public services.
245. Although the response has been strong, this does not mean things are ideal. The camps are overcrowded (probably the densest living conditions on earth) due to limited land available for the settlement of the Rohingya refugees, and the risk of disease outbreaks associated with insanitary conditions remain unacceptably high. The near total dependence on food aid and relief leaves the population vulnerable to funding, logistics or political changes and may increase the sense of hopelessness and helplessness in the camps.
246. The protection environment is precarious. Whilst identity and legal documentation is secured in theory, and a registration process is ongoing, in practice the fear of forced repatriation has affected the number of people participating in the verification exercise. There is limited freedom of movement, no access to formal Bangladesh public education, no access to justice and no legal right to work. Protection services are also less than ideal: coverage is patchy and referral systems are hampered by the fragmented management and coordination of aid provision. Community-based protection systems have gained strength, but this takes time to build.
247. The overall UN coordination and leadership arrangements for the Rohingya response have been messy. Historical precedent meant that IOM was in charge before the influx, and an *ad hoc* coordination mechanism based loosely on the IASC 'cluster' system is currently in place. At the beginning of 2018, a Strategic Executive Group (SEG), led by the Resident Coordinator, IOM and UNHCR with participation from other UN agencies (WFP, UNICEF, UNFPA, UN Women, FAO, WHO), ICRC, donors, representatives of development partners and NGO representatives, was established to manage the response at Dhaka level. Leadership arrangements have worked through goodwill and pragmatism but remain unwieldy and have made it more difficult for UNHCR to fulfil its protection mandate.
248. UNHCR has been less effective in terms of the politics and policy of solutions. As a result of UNHCR not having had a permanent Representative in place in Dhaka during the first year, it has not progressed its relationship with the Government of Bangladesh as much as needed in this emergency situation. Bangladesh has generously sheltered a million people fleeing what experts consider as constituting

¹¹⁵ In large-scale refugee situations UNHCR is normally the lead, and since 2013 this has been codified as the Refugee Coordination Model (RCM).

genocide, but now finds itself stuck with the long-term consequences. This is against a backdrop of the country's own development, migration and climate change challenges. Absorbing an extra one million people is not popular, despite 7% GDP growth and tremendous progress in lifting people out of poverty.

249. Bangladesh is not a signatory to the 1951 Refugee Convention. Nor is it the case that states that are signatories necessarily convey these rights – in fact they are more often honoured only in the breach. Refugee protection is a process of realism and pragmatic negotiation; trying to secure the best that one can, given that the act of asylum is already generous. In this situation, the position of UNHCR is uniquely important to support the Government of Bangladesh, and arguably where such a convoluted and constrained structure does make a difference. With a clear lead role, UNHCR is in the best position to negotiate with the host state and get the best possible deal for the refugees. And because it has no other concerns – refugees are core and what defines UNHCR – it will negotiate exclusively on their behalf with a view to finding solutions.
250. Bangladesh urgently needs solutions to the Rohingya refugee crisis that can work politically, economically and justly. Without these the Government will increasingly look to precipitous return. UNHCR can be a useful adviser and ally to the Government, but it needs to deploy a greater level of expertise and high-level clout, both to build confidence and trust with all interlocutors in government, as well as to find solutions that work on all these fronts. The space for this conversation needs to be created sooner rather than later, and requires a strategy from UNHCR about how it will support the Government in policy terms, and the steps and staffing this will entail.

6 Recommendations

The recommendations below are based on observations of the evaluation team during four staggered visits to the field over a 10-month period. They identify key internal systemic policies and processes that should be reviewed to address gaps and challenges in the field for the Rohingya emergency as well as other future emergencies. These include how it positions itself in a crowded field, how it asserts and safeguards its protection mandate, how it chooses to build alliances and share responsibilities with others, and how it exercises its core accountability for the protection of refugees in a more open, collaborative operational space.

A. UNHCR in Bangladesh (UNHCR Bangladesh and Regional Bureau for Asia Pacific)

1. **Leadership and coordination:** UNHCR, as the internationally mandated agency for refugee protection, should advocate to become the single lead agency for the Rohingya refugee response in Bangladesh (Regional Bureau for Asia Pacific). This implies:
 - A streamlined ISCG structure is put in place to promote a single management line throughout the response, ensuring clear lines of accountability, communication, and mainstreaming of protection within all sectors.
 - The Protection Working Group assumes an enhanced role to ensure that protection remains at the heart of the response and is better mainstreamed across technical sectors.
 - Where possible, the current sector leadership arrangements are retained. UNHCR should not seek to assume leadership of every sector, but rather retain 'best placed' technical agencies and NGOs as sectoral leads, in line with the new approach elaborated in the Global Compact for Refugees.
 - UNHCR should work with UN leadership, INGOs and government counterparts to develop a mechanism for joint policy development and the setting of strategic directions.
2. **Strengthened Country Office:** The Dhaka office should be reinforced with skilled policy and protection staff to collaborate with the Government of Bangladesh and senior UN leadership to chart options and consider and determine decisions in the coming years for the longer-term wellbeing of the Rohingya people. Assuming that the first recommendation is brought to bear, agency-level accountability *vis-à-vis* the Government will remain in Dhaka, and UNHCR will need to adjust accordingly. Such efforts would only reinforce, not detract from the operational decision making, which should remain centred in Cox's Bazar.
 - a. In Dhaka, the roles of protection/senior protection officers should be distinct from those of policy officers. The former bring technical, legal and operational skills; the latter bring context-specific policy understanding and expertise with crafting advocacy messages and products. Specifically, the team recommends hiring senior staff in the Dhaka office who speak Bangla and are experienced and comfortable with navigating the Government and translating policy positions in both directions. UNHCR has such staff globally and should consider ways in which similar expertise can be deployed in Bangladesh.
 - b. If UNHCR assumes the lead agency role, the expectations to maintain a high level of delivery during the transition will likely increase. UNHCR implemented a range of measures and policies during the first year of the emergency to recruit and deploy high-quality staff that can work in a dedicated, committed manner over shorter periods of time. In the post-emergency phase, as

standard assignments are intended for longer periods of time, and options for family life if based in Cox's Bazaar remain limited, UNHCR will have to continue to deploy creative and effective means of attracting and retaining high calibre staff to ensure the quality of delivery as per the first year.

- 3. Advocacy for livelihoods opportunities:** UNHCR Bangladesh should consider drawing on lessons learned from other operations where it was successful with temporary or time-bound economic inclusion opportunities. While the long-term vision for the Rohingya should continue to be their safe and voluntary return to Myanmar, and citizenship rights; in the short term, creative options to enable temporary livelihoods, even in selected occupations, will go a long way in reducing harm and protecting refugees.

B. UNHCR regionally (Regional Bureau of Asia Pacific and UNHCR Bangladesh and Myanmar Country Offices)

- 4. Repatriation advocacy:** Repatriation and sustainable reintegration in Myanmar are the ultimate desire of the Rohingya, albeit only under the right conditions where their minimum rights and security are guaranteed (*UNHCR Myanmar*). This is the duty of the Myanmar Government, and regional and international powers need to bring influence to bear on Myanmar to ensure they meet their obligations. UNHCR must continue to advocate with all parties to respect obligations under international law, including upholding the principle of non-refoulement.
- 5. Integrating a historical perspective in future planning:** UNHCR can better draw on its long history and understanding of complex refugee crises to help the Rohingya response in the years ahead. A review/synthesis should be commissioned (*Evaluation Service*) to condense the important points from previous responses, develop possible scenarios for the years ahead and make them relevant and accessible to front-line and HQ staff in ways they can actively improve the operation.

C. Lessons from the Rohingya response for the wider organization

- 6. Humanitarian imperative to respond:** The strategic decision made by the senior-most leadership of UNHCR was to send a clear and unequivocal message to all staff to focus on delivery in Bangladesh even when the mandate and coordination arrangements were unclear. While agency politics and issues related to coordination continued to cause friction and tensions for staff operating in Bangladesh, UNHCR was able to gain ground and build trust, as well as deliver a strong response for the affected Rohingya population as a result of this decision. In future responses, UNHCR should be prepared to respond as it did in Bangladesh even in situations where the mandate and coordination arrangements are not clear (*Senior Management*). By demonstrating its commitment to refugees, regardless of the organization's leadership position, UNHCR enhances its ability to protect and advocate on behalf of people of concern. This means a 'front foot forward' posture, or 'no regrets' policy.
- 7. Senior emergency leadership:** All L3 emergencies should have a priority representation system in place whereby senior managers can be rotated in quickly for up to a year if appointments are proving difficult. This should include, but not be limited to HQ staff (*Senior Management*).
- 8. Preparedness systems:** There is a need to rethink early warning systems in complex political environments (*DESS*). After the 2016 influx, the organization arguably should have been on higher alert. UNHCR's early warning system, the HALEP, should be internally reviewed to see whether it can be improved based on the experience of Myanmar, or whether additional measures are needed.
- 9.** At the global level, UNHCR has led the evolution of international approaches to refugee protection, including what this might mean in the overall humanitarian architecture. The recently adopted Global

Compact for Refugees will require UNHCR to work with new models of partnership, to share space with other agencies, and to apply comprehensive, solutions-oriented responses from the outset of emergencies. The Bangladesh response has served to highlight the underlying tensions as well as opportunities with ways of working that the organization is unfamiliar with in refugee settings, particularly when these approaches pose a challenge to conventional and strongly held notions of UNHCR's accountability to people of concern and fidelity to its mandate to protect. **Three key areas of recommendation emerge from the Bangladesh experience which can be translated to other operations:**

- **Managing shared spaces:** The success of the Global Compact for Refugees will largely depend on UNHCR's ability to share space, build partnerships, and encourage other, better placed agencies to contribute to a comprehensive response. UNHCR should actively incentivize a culture of collaboration and partnerships. This will involve defining areas where active collaboration can and should be sought, and ensuring these areas are communicated throughout (*UNHCR Senior Leadership*). In particular, deeper complementarities with UNICEF, UNFPA and UN Women for responses in the future would benefit UNHCR.
 - **Building alliances:** UNHCR would benefit from cultivating a broad alliance and network of partners (operational and more broadly) for refugee operations that have a durable understanding of how best to achieve protection outcomes, and is based on an appreciation for different roles, perspectives, and sources of leverage of various actors (*UNHCR Senior Management*).
 - **Revising the Refugee Coordination Model:** UNHCR should therefore re-examine the Refugee Coordination Model to ensure its applicability in complex new circumstances, with a focus on how to balance UNHCR's mandated accountabilities with the contributions of others (*UNHCR Senior Management*). The timing may be opportune: with work ongoing to revisit the IASC 'cluster' system and the entire UN in-country planning framework, this is a good moment for UNHCR to reconsider its engagement in both refugee and IDP emergencies and place itself at the centre of new systems and modes of engagement.
10. UNHCR's overall protection response has been, on the whole, strategically sound and nimble to course correct as new challenges or gaps emerged. Four areas of recommendation emerge from the Rohingya response, **particularly in the way reviews, data and strategic monitoring can enhance decision making**, that could be replicated/considered for other operations:
- **Review operational protection risks early and externally:** UNHCR should, as in the case of Bangladesh, undertake protection audits to ensure that the basics of physical protection – i.e. lights, locks, and gender-safe and segregated toilets – are covered (*DESS/DPSM/DIP*). This should become standard practice in the first six months in every L3 response.
 - **Balancing community-based protection and case management:** It is not a case of either/or, but emergencies of a certain size and complexity should assume that community-based protection needs to be established early on, including examining the availability and capacity of local service providers from the outset. Bangladesh should be studied for good practice that can be replicated elsewhere.
 - **Impact/outcome indicators for protection:** Impact and outcome indicators for protection programming could be developed at a global and regional level, and systems to gather, use and share this data should be developed for ease of roll-out early in any emergency (*DIP*). The protection sector should be able to demonstrate its reach and effectiveness beyond numbers of

consultations, or numbers of facilities. This may have to be done in collaboration with UNICEF, UNFPA and UN Women as key actors in global protection implementation.

- **Use of representative surveys to monitor protection:** Data collection and sharing systems used by UNHCR in the Bangladesh response were exemplary. The lessons from using statistically representative sampling and household surveys should be learned and disseminated within the organization (*DPSM*). Such surveys and data collection systems should be ready to implement straight away in any new L3 response; systems for transparently and quickly sharing this data should also be developed, taking into account protection and privacy concerns.