



Real-Time Response Review of the Disasters Emergency Committee (DEC)
Emergency Appeal for People Fleeing Myanmar

RESPONDING TO THE NEEDS OF REFUGEES AND HOST COMMUNITIES: REVIEW OF THE DEC PHASE 1 RESPONSES

March 2018



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The content and findings of the report remain the sole responsibility the external Review Team, and do not necessarily reflect the views of the DEC Secretariat, member agencies, and their partners.

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Contents

List of Abbreviations	4
Executive Summary	5
Learning Points and Recommendations.....	7
1 Introduction	9
2 Approach	10
2.1 Objectives	10
2.2 Methodology and Process.....	10
2.3 Limitations	11
3 Background	12
3.1 Earlier Influxes.....	12
3.2 Recent Developments	14
3.3 The DEC Appeal	15
4 DEC Member Agencies' Initial Responses	15
5 DEC Member Agencies' Actual Response: Progress and Challenges	18
5.1 Site Improvement and Governance in the Camps.....	18
5.2 Water and Sanitation.....	19
5.3 Shelter and Living Conditions.....	20
5.4 Food and Nutrition.....	21
5.5 Health and Medical Care.....	22
5.6 Protection and protection	23
5.7 Environmental Degradation and Deforestation.....	23
5.8 Assistance for Host Communities	24
5.9 Accountability to Affected Populations	25
5.10 Partnerships and Localisation	26
6 DEC Member Agencies' Activities within the Broader Context	27
6.1 The Overall Strategy and Leadership.....	27
6.2 Not a Natural Disaster	27
6.3 Coordination and Accountability.....	27
6.4 Humanitarian Space.....	30
7 DEC Member Agencies Are Responding, But Towards What End?	31
7.1 The Upcoming Monsoon/Cyclone Season	31
7.2 Potential Forced Returns (mass repatriation or incremental returns) or Relocation	31
8 Conclusions	32
9 Recommendations	34
10 Annexes	35
10.1 Annex 1: Terms of Reference	35
10.2 Annex 2: List of Agencies and Others Interviewed or Consulted	41

List of Abbreviations

AAP	Accountability to Affected Populations
AWD	Acute Watery Diarrhoea
CHS	Core Humanitarian Standard
CiCs	Camps in Charge
CRRF	Comprehensive Refugee Response Framework
CwC	Communicating with Communities
CXB	Cox's Bazar
DEC	Disasters Emergency Committee
DFID	Department for International Development (United Kingdom)
FD7	Foreign Donations, form 7 (to request approval for NGO relief projects using foreign funds)
HC	UN Humanitarian Coordinator
HERE	Humanitarian Exchange and Research Centre
IDP	Internally Displaced Person
(I)NGO	(International) Non-Governmental Organisation
IOM	International Organization for Migration
ISCG	Inter-Sector Coordination Group
JRP	Joint Response Plan
MEAL	Monitoring, Evaluation, Accountability, and Learning
MHPSS	Mental Health and Psychosocial Services
MDMR	Ministry of Disaster Management and Relief
NFI	Non-Food Item
NY	New York
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
RC	UN Resident Coordinator
RRRC	Refugee Relief and Rehabilitation Commissioner
SEG	Strategic Executive Group
ToR	Terms of Reference
UK	United Kingdom
UMNs	Undocumented Myanmar Nationals
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
WASH	Water, Sanitation, and Hygiene

Executive Summary

When people flee violence, killings, and other atrocities *en masse* and cross a border to seek sanctuary, they become refugees who have the right to receive international assistance and protection. The Disasters Emergency Committee (DEC) launched a fundraising appeal in early October 2017 in response to the large-scale humanitarian crisis triggered as people were fleeing Myanmar. Since August 2017, 655,000 people mostly Rohingyas – an ethnic group of whom most are Muslim and who have been living in the northern part of Rakhine state, Myanmar – have sought refuge in Bangladesh, driven from their homes due to what the UN High Commissioner for Human Rights in September 2017 called “a textbook example of ethnic cleansing.”¹

This mass influx of people, which saw peaks of 20,000 refugees arriving on certain days in September, has led to a critical situation in which 1.2 million people are in immediate need of assistance. They include the newly arrived refugees, refugees who arrived before August 2017, and local residents. The refugees are living in 1,635 locations within camps, makeshift and spontaneous settlements, and among host communities in Ukhia and Teknaf Upazilas (geographical regions) near the town of Cox’s Bazar, an area that is known as one of the poorest areas of the country.

The DEC appeal – which to date has mobilised GBP 25 million in funding, including GBP 5 million in matching funds from the United Kingdom (UK) Department for International Development (DFID) – has made a significant contribution to the resources that its 13 UK member agencies have at their disposal to respond to this crisis. To support its member agencies in improving their response and as part of its public accountability for the use of these funds, the DEC commissioned a Real-Time Response Review, which involved two independent experts together with one DEC staff member. This Review has taken stock of the achievements of the DEC members and their partners, and highlights learning points and recommendations for their future activities in Cox’s Bazar.

The sheer number of refugees arriving in Bangladesh from Myanmar was undeniably overwhelming in the first days and weeks. In response to this influx, there was an incredible outpouring of generosity from the local Bangladeshi community, local and national organisations, and the Bangladesh government, as well as from the international community – both humanitarian and diaspora organisations. The DEC member agencies’ emergency responses are among those well-placed efforts that have been alleviating human suffering and respecting the dignity of individuals.

In general, the response from the government and humanitarian agencies, including DEC member agencies and partners, has been swift and has focussed on immediate life-saving assistance and services. Shelter, food, medical care, and water, sanitation, and hygiene services have been put in place. In several ways, the work undertaken by DEC member agencies also sets examples for other organisations. For instance, one DEC member agency has worked hard to get agreement on installing lighting in several camp areas, a measure that addresses the immediate need for more safety in the camps. Another DEC member agency has made improvements to the drainage and lay-out of one of the blocks in the largest camp, Kutupalong, while a third member agency put in place a space for older refugees to seek medical care, get information about other available services, and spend time engaging with others. The latter activity is highly important as many refugees suffer from severe mental trauma after all that they have been through.

¹ Human Rights Council 36th Session Opening Statement by Zeid Ra’ad Al Hussein, United Nations High Commissioner for Human Rights, 11 September 2017:
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>

There is no doubt that emergency relief interventions funded by the DEC appeal make an important contribution to improving the living conditions in the camps. However, they risk being undermined if further steps are not taken to address the overall situation and the longer-term approaches required in this crisis. Although well-intentioned, many of the initial services provided by a variety of individuals, private businesses, and others, did not meet international quality standards in humanitarian aid to which the DEC members and their partners have made a commitment. A difficult environment – a very hilly terrain with woefully insufficient space for refugee shelters – and a host government that has insisted the situation is temporary, has compounded this lack of quality response that prevailed in the early stages of the crisis. Attributing responsibility and accountability for the initial sub-standard services provided to refugees and host communities is not only a delicate matter, but also difficult given the plethora of actors that have been on the ground.

While the Government of Bangladesh should be commended for its open-door policy in receiving refugees – an example for many other countries in the world – this praise is not unreserved. The government has stressed that the refugee situation is a temporary one and, as a sign of this policy, has put significant limitations on the materials and services that can be delivered to the refugees and host communities. Many of the DEC member agencies and partners have been faced with delays and bureaucratic obstacles that have slowed down the response and negatively impacted the quality of the assistance provided. Given the Government of Bangladesh's primary responsibility for the response, humanitarian organisations – including DEC member agencies and partners – should enter into a more concerted dialogue with the government to agree on practical solutions to improve the quality of assistance provided to refugees and host communities.

The situation in the camps is untenable, especially with the rainy season arriving in the coming weeks. One of the immediate implications of the initial lack of quality facilities provided in some locations is the imminent risk of epidemic outbreaks, such as cholera, even though many people have been vaccinated. While humanitarian agencies, including DEC members and partners, are doing their best, with the arrival of the monsoon/cyclone season in April, sanitation and hygiene conditions are likely to deteriorate even further. In addition, many of the camp areas are extremely vulnerable to landslides. The UN has made a conservative estimate that 100,000 people are at immediate risk.

A further concern that the Review Team has noted is the rather chaotic picture with regards to coordination. In a refugee camp setting, the need for coordination is essential. Placing a latrine too closely to a water pump risks contaminating the water, leading to health risks. Unfortunately, the structures and mechanisms put in place by the UN have not yet led to a well-coordinated overall response. On the contrary, the Review Team saw a great deal of confusion related to UN leadership and accountability for operations. The UN has put a collective coordination mechanism – the Strategic Executive Group – in place, but it has yet to agree clear lines of accountability. This confusion around who is leading and responsible for what has affected operations, including those of DEC members and partners. A more coherent and better-aligned overall response is needed for sustainable improvements to be made.

There are several opportunities for improvements in the quality and coverage of the humanitarian response, as well as ensuring a response that is more accountable to those populations who have been affected. The urgency of such improvements is compounded by the arrival of the upcoming monsoon/cyclone season. For the government and aid agencies alike, disaster preparedness and contingency planning should be at the top of their agendas. DEC member agencies and partners should step up their engagement with other humanitarian agencies and the Government of Bangladesh, to address the risks of a 'second' disaster in the making. At a time when the entire aid sector is under increased scrutiny, humanitarian agencies, including DEC members and partners, UN agencies, and

donors, must work together and engage with the Government of Bangladesh to ensure that the quality, pace, and approach in the response over the coming weeks and months adequately reflects the urgent needs of the refugee population and the host communities.

Learning Points and Recommendations

Learning Points:

- 1) The refugee context, protection challenges, and UNHCR's role in Bangladesh have been very well documented. To respond effectively to this refugee crisis, humanitarian organisations should familiarise themselves with this documentation, which is available in the public domain.*
- 2) Realising a minimum level of quality services, as set forth by the Sphere standards, implies that humanitarian organisations work together and with others, in particular duty bearers, to collectively put in place the conditions for meeting those standards.*
- 3) When facilities, such as latrines or wells, are put in place at the height of an influx of people to meet an immediate need, but without adequate consideration to quality standards, longer-term plans need to be developed in parallel, including decommissioning such initial facilities to avoid contamination of water supplies and eventual health hazards.*
- 4) Mental health and psychosocial services (MHPSS) remain a significant gap in the response, given the traumatic experiences faced by the refugees as they fled their homes. While several NGOs have not been able to get approval for MHPSS services,² organisations that do not require or have secured such approvals should prioritise the outstanding MHPSS needs.*
- 5) Communicating effectively with refugees and host communities is essential in improving the quality of the assistance provided to them. Such communication should cover all issues that are relevant for their well-being and future.*
- 6) Understanding the context in which a humanitarian response takes place involves knowledge of the relevant coordination structures and accountability lines. This knowledge can help to hold duty bearers to account when they are not fulfilling their mandates. The primary duty bearer is the government of the host country.*

Recommendations:

- 1) DEC member agencies are well-placed to work together and with other humanitarian organisations to promote a more strategic response in which duty bearers, including the Government of Bangladesh and UNHCR, fulfil their (legal) responsibilities. The DEC member agencies and partners should also promote the application of the Sphere standards by engaging in a dialogue with the government on how these internationally accepted quality standards for humanitarian action can be achieved.*
- 2) When innovative approaches are developed, which can be considered “models,” DEC member agencies and partners should showcase the model and share their experiences – in sector meetings, with Camps in Charge (CiCs), and bilaterally with other organisations – so that the model can be replicated, without others having to “reinvent the wheel.”*
- 3) DEC member agencies and partners should make further efforts to improve access to services for all and to improve living conditions in the camps and for host communities.*

² NGOs using foreign funds are required to get government approval for their relief projects through the Foreign Donations, form 7, known as the FD7.

Such improvements can only be realised when there is a sufficient focus on protection and livelihoods. There is a need to explore alternative approaches, for example by introducing vouchers, food and non-food-items for work, and environmental projects that involve and reward refugees and host communities.

- 4) Given the need to further improve water and sanitation facilities, as well as to focus on hygiene promotion, DEC member agencies and partners should consider a stronger and better-integrated focus on these activities in their Phase 2 plans.*
- 5) Significant protection risks can be mitigated, inter alia, with lighting in camps and lamps provided to households. DEC members and partners should extend such provisions and/or work with others to put in place similar protection measures.*
- 6) The social and physical benefits of providing age-friendly spaces and mobile services targeting groups at risk should be replicated in all camps and sites.*
- 7) Scaling up alternatives to firewood, such as compressed rice husks and fuel-efficient stoves, should be considered by DEC member agencies in their Phase 2 plans, given the impacts on the environment, as well as the protection risks incurred, particularly by women and children who are going in search of firewood.*
- 8) DEC member agencies and partners should ensure that their senior (operational) staff have a basic understanding of the history of the refugee context, refugee rights, protection challenges, and UNHCR's role in Bangladesh, as well as recent developments at the global level, which have implications for refugee policy.*
- 9) In improving the living conditions for refugees and host communities, humanitarian organisations, including DEC member agencies and partners, should engage in a dialogue with the government and explain their role in meeting the needs of refugees and host communities in a timely and principled manner. The FD7 approval process should be part of this wider dialogue for opening up humanitarian space in a refugee response.*
- 10) Given the fast-approaching monsoon/cyclone season and other possible scenarios, DEC member agencies and partners should work with others to ensure that preparedness measures are urgently put in place.*

1 Introduction

The influx of over 670,000 people³ from Myanmar into Bangladesh since 25 August 2017 has been one of the largest refugee movements in recent history, creating a critical international humanitarian emergency. In response to this crisis, the Disasters Emergency Committee (DEC) – a United Kingdom (UK)-based charity that brings together 13 leading UK aid agencies – launched an *Emergency Appeal for People Fleeing Myanmar* on 4 October 2017 to mobilise funds for its members’ humanitarian responses. As of the writing of the report, GBP 25 million, including GBP 5 million matching funds from the UK government, were raised through the appeal. The DEC made a first allocation of GBP 7.5 million to its member agencies for their initial responses from October 2017 to March 2018 and has confirmed a second allocation of GBP 8 million at the time of writing this report.

As part of the DEC’s standard practice for appeals, the DEC went to tender and contracted the Humanitarian Exchange and Research Centre (HERE), an independent think-tank, to carry out a Real-Time Response Review (“Review”) of the DEC member agencies’ initial responses. The Review is meant to take stock of members’ achievements, to identify remaining challenges, and to share learning to inform the next phase of the response.

The two-member HERE team – Ed Schenkenberg (HERE Director) and Manisha Thomas (consultant contracted by HERE) – was joined by Katy Bobin, MEAL manager, DEC Secretariat. The main part of the Review consisted of a 10-day visit to Bangladesh, with eight days spent in Cox’s Bazar, the nearest town to the camps and sites where the refugees settled, with several visits to different camps and sites.

This report reflects the main findings of the Review and explores how the DEC member agencies and their partners have spent the funds allocated by the DEC from the appeal for the crisis to date.⁴ It provides a number of conclusions and recommendations for DEC member agencies, which will hopefully inform their Phase 2 plans and be considered by the wider humanitarian community responding to this crisis.

This report, prepared by the HERE team, begins by outlining the approach in Section 2, with an explanation of the objectives for the review, the methodology that was used, and the limitations that the Review Team faced. In Section 3, the report sets the scene in terms of the background to the crisis and the DEC appeal. The core of the report starts in Section 4 with a discussion of DEC member agencies’ initial responses, before detailing in Section 5 the actual response in various sectoral areas. Section 5 also looks at how member agencies addressed priorities, such as working with other organisations, including local ones, and at their engagement with affected communities. The report then turns to the broader context in Section 6, predominantly looking at the overall level of coordination and strategy, recognising that DEC member agencies operate within a larger humanitarian response, which impacts their work (Section 7). The final part of the report provides a set of overall conclusions (Section 8) and ends with a number of recommendations (Section 9). Learning points are found throughout the report.

³ UNHCR, *Refugee Response in Bangladesh*, https://data2.unhcr.org/en/situations/myanmar_refugees

⁴ Where the report refers to DEC member agencies, it also includes their partners.

2 Approach

2.1 Objectives

The overall objective of this Review, set by the terms of reference (ToR – see Annex 1), is to assess DEC member agencies' initial responses, draw lessons from this initial phase, and thereby inform future direction and planning. The ToR also specify that the Review should:

- provide an overview and assessment of the response so far of DEC member agencies;
- identify good practice in the humanitarian operations funded by the DEC;
- identify priority areas, gaps, and areas of unmet needs (sectoral and cross-cutting);
- highlight challenges that may be affecting implementation and programme quality; and
- draw out key learning from the response to date, to incorporate into DEC member agencies' Phase 2 plans.

The ToR emphasise that the Review should be aimed at learning. It follows that much of what the Review Team has set out to do is to develop an understanding of the challenges that DEC member agencies and their partners face in carrying out their plans and activities to help them find ways to address these challenges.

It should be noted that a real-time review is not a conventional evaluation carried out in a shorter amount of time. Instead, it is an exercise in which an effort is made to hold up a mirror, to help those being reviewed to reflect on their achievements and future plans. The review *process* – which is interactive and participatory in its nature – is, therefore, as important as the final product, i.e. this report. Furthermore, significant value also lies in the collective nature of this real-time review. It pushes a group of agencies to think beyond their individual organisational issues and concerns and strengthens their interconnectedness. It is worth noting that several efforts were made, outside of the DEC context, to launch a real-time review early on in the response. These efforts failed and, as a result, this report is likely the first that highlights the crisis and response from a broader, inter-agency perspective.

2.2 Methodology and Process

The Review was split into three phases: an inception phase; an on-the-ground review phase; and a consolidation phase.

The inception phase mainly consisted in reviewing documentation, including the DEC member agencies' plans for their Phase 1 response. An inception workshop was held with DEC member agencies on 9 January 2018 in London, UK. This workshop provided DEC member agencies with an opportunity to identify their priorities for the Review and for the Review Team to explain its understanding of the ToR. In the days prior to the trip to Bangladesh, the Team submitted an inception report further clarifying the ToR, approach, methodology, and process.

The main part of the Review process was the mission to Bangladesh from 17-27 January 2018. The Review Team started the in-country work by meeting with the Country Directors of DEC member agencies in Dhaka, followed by an opening workshop with their colleagues in Cox's Bazar (CXB). The Review Team visited a cross-section of the camps and sites hosting the refugees; held nine focus groups with men and boys; women; older people; adolescent boys; adolescent girls; and national staff and volunteers of DEC member agencies and partners; and conducted semi-structured interviews with DEC member agencies and partners. The Review Team also met with other relevant actors, including government representatives, UN agencies, other NGOs, and donors. Many of the DEC member agencies operate in Bangladesh with or through international, national, and/or local partners. The Review Team made efforts to involve these partners in the process.

As part of the Review, a Debrief and Validation Workshop was held at the end of the mission in CXB with DEC member agencies and partners to share and validate preliminary findings and emerging conclusions; and jointly develop recommendations and follow-up actions. A meeting note from the workshop was prepared and shared immediately after to encourage DEC member agencies and partners to take forward the jointly agreed actions and next steps.

The consolidation phase included the drafting of this report, a workshop with DEC member agencies in London on 20 February 2018, and the finalisation of the report based on feedback from DEC member agencies and the DEC Secretariat.

This Review is primarily a tool to share lessons and recommendations among DEC member agencies and partners to help improve their responses and to influence their Phase 2 plans. It is also hoped that it will contribute to the thinking and planning of the wider humanitarian sector. It should be kept in mind that several DEC member agencies do not have direct operations on the ground, but work through implementing partners and/or within the frameworks of their international federations or networks.

In the course of this exercise, the Review Team became increasingly aware of a very significant issue: the interconnectedness of the various levels of coordination and the question of accountability. In every crisis, the actions of one actor closely inter-relate with those of other actors. Water, sanitation, and hygiene (WASH) efforts, for example, may create health risks, if improperly implemented. In the confined space of a refugee camp, this interconnectedness becomes even more pronounced adding to the importance of effective coordination. WASH actors, for example, should coordinate with those who are involved in site planning to ensure that the latrines are accessible to – and safe for – all, particularly women and girls. This practical coordination should also relate to strategic coordination, which establishes who is responsible and accountable for what. It is precisely this latter point – the question of accountability for inadequate, sub-standard, delivery of services – that has become a dominant factor in this Review. While the host government (in this case the Government of Bangladesh) is primarily responsible, through its coordination mechanisms, the UN, usually, establishes the framework for its accountability. In this response, questions around coordination and accountability are huge issues.

2.3 Limitations

In carrying out the Review, there were a number of limitations. Firstly, as noted above, while several evaluation criteria informed the Review, this exercise should not be mistaken for a process or outcome evaluation that looks at the performance of (individual) DEC members. For assessing whether organisations meet specific project goals and/or deliver value for money, a different methodology, timeframe, and additional tools for data collection would be required.

Secondly, given the limited timeframe, the Review Team has developed an overall understanding of the state of the operations of the DEC member agencies and their partners in a number of sectors, including shelter; water, sanitation, and hygiene; health; nutrition; and protection. These impressions do not extend to a technical appraisal of the services delivered and the Review Team did not look at all the sectors in which DEC members operate in detail.

A third limitation has been the high turnover of staff members. As in every emergency response, the staff managing operations can change rapidly. The knowledge of what happened in the first days or weeks of a response is important, as the actions and steps taken at the time can have serious implications for the future. For the Real-Time Response Review to look forward, it also needs to understand the past. The Review Team has spoken with some key informants who were on the ground

during the early weeks of the crisis, but important additional details or information may have been missed as people have moved on.

The fourth (and final) aspect that limited the Review Team's work was related to language. While the Rohingya language is close to the Chittagong version of Bangla, the Review Team noticed that not all of what refugees said in focus groups was fully translated. As such, valuable nuances in refugees' stories may not have been captured. Many who have worked in this response have noted challenges with interpretation. Despite efforts to engage interpreters with knowledge of the Rohingya language, Bangla, and English, the Review Team unfortunately faced similar challenges.

3 Background

On 25 August 2017, large numbers of people, mostly belong to the Rohingya ethnic minority from Myanmar, began arriving in Bangladesh's most southern districts of Cox's Bazar and Bandarban. During the next several months, more than 655,000 refugees arrived in the area, reportedly fleeing extreme violence, gross human rights abuses, ethnic cleansing, and other atrocities. The UN High Commissioner for Human Rights and several other international key actors have stated that they saw signs of genocide in northern Rakhine state, Myanmar.⁵ Many of the Rohingyas have also been deprived of their identity for years and are, in fact, stateless.

Most refugees arrived in the Cox's Bazar area, one of Bangladesh's most impoverished regions. In September 2017 alone, more than 500,000 people arrived making it one of the fastest growing and largest refugee situations in the world, with some days seeing 20,000 new arrivals.⁶ In fact, in recent history, there is perhaps only one refugee influx which has been similar in size, but which grew faster: in the course of four days in July 1994, an estimated 800,000 Rwandans fled into Goma, Democratic Republic of Congo (then Zaire).⁷

3.1 Earlier Influxes

Bangladesh, and in particular the Cox's Bazar area, has seen earlier influxes of Rohingyas, an ethnic group of people from Rakhine state, Myanmar, who are predominantly Muslims. They fled in 1978 and 1991-1992, episodes during which Bangladesh – just as in this instance – maintained an extremely generous open-door policy in receiving the refugees.⁸

The history of the earlier refugee influxes in Bangladesh is important to better understand the current crisis. The 250,000 Rohingyas who arrived as part of the 1991-1992 influx were given *prima facie* refugee status. Bangladesh is not a signatory to the 1951 *Convention Relating to the Status of Refugees* or its 1967 Additional Protocol. There is no national law regulating the administration of refugee affairs

⁵ UN Secretary-General, Note to Correspondents: Statement by Adama Dieng, UN Special Adviser on the Prevention of Genocide and Ivan Simonovic, UN Special Adviser on the Responsibility to Protect, on the situation in northern Rakhine state, Myanmar, 18 October 2017, <https://www.un.org/sg/en/content/sg/note-correspondents/2017-10-18/note-correspondents-statement-adama-dieng-un-special>. See also New York Times, *Myanmar's Rohingya actions may be genocide, UN official says*, 5 December 2017, <https://www.nytimes.com/2017/12/05/world/asia/myanmar-rohingya-genocide-un.html>.

⁶ See UNHCR, *Supplementary Appeal, Myanmar Refugee Emergency Response in Bangladesh*, September 2017–February 2018, p. 3.

⁷ The international response to the Rwandan refugee crisis fell below what could be reasonably expected in terms of quality, which provided the impetus to create a range of humanitarian quality and accountability tools and initiatives in the years thereafter.

⁸ In 1948, there was an earlier influx, which occurred during and after the independence of (then) Burma. See UNHCR, *Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees*, May 2007.

in the country or guaranteeing the realisation of the rights of refugees, other than the 1972 Constitution, which safeguards the rights of non-citizens within the country.⁹ The recognition of *prima facie* refugee status is, however, a significant step for a hosting state to take. *Prima facie* recognition by a State implies that it recognises “readily apparent, objective circumstances in the country of origin giving rise to exodus.”¹⁰ In other words, being part of the Rohingya Muslim ethnic minority – a minority that has been systematically persecuted and subject to deeply rooted discriminating and denigrating policies and practices – is a sufficient basis for being recognised as a refugee.¹¹ The option to recognise refugee status on a *prima facie* basis is especially relevant in the case of a large-scale influx, in which individual status determination is not practical. The recognition of refugee status is an essential humanitarian act to protect people from further harm.¹² It also entitles them to enjoy a series of rights.

The 1991-1992 influx is also important for another reason. Although Bangladesh initially responded generously by receiving and recognising the refugees, in 1993, the government started to return thousands against their will, which met with strong protests from UNHCR. While this return movement stopped in mid-1994, the repatriation was later resumed: this time with UNHCR’s involvement, as the refugee agency claimed that the situation in Rakhine was conducive for return. This claim, however, was strongly contested by a number of NGOs at the time and later reports referred to it as a forced repatriation.¹³ Since that time, a group of around 25,000 refugees have remained in two camps: Kutupalong and Nayapara.

Since this episode, UNHCR and the Government of Bangladesh have developed an uneasy relationship.¹⁴ The government allowed UNHCR’s involvement in the remaining two camps, but restricted the services available to the refugees to an absolute minimum. The opportunities for refugees to enjoy their rights, such as the freedom of movement or the right to employment, were also severely limited. They were also refused individual identity documents. For many other Rohingya refugees living outside camps, the situation has been even worse. Estimations are that in the years following the influx of the early 1990s, at least some 200,000 (up to 500,000) Rohingyas remained or came to Bangladesh illegally. They have no documentation, have never been registered, and did not have access to humanitarian assistance.¹⁵

In recent years, particularly since late 2015 and for much of 2016, the numbers of Rohingya refugees increased significantly. Although they remained unregistered, in early 2017, UN agencies estimated that another 69,000 refugees had crossed into Bangladesh since October 2016 alone.¹⁶ As a result of

⁹ Phiri, Pia Prytz, *Rohingyas and refugee status in Bangladesh*, Forced Migration Review 30, 2008 and UNHCR, *Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees*, May 2007.

¹⁰ UNHCR, *Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status*, <http://www.unhcr.org/publications/legal/558a62299/guidelines-international-protection-11-prima-facie-recognition-refugee.html>.

¹¹ UNHCR, *Supplementary Appeal, Myanmar Refugee Emergency Response in Bangladesh*, September 2017–February 2018, footnote 3.

¹² The Review Team heard one DEC member agency Country Director stating that the use of the term refugee is a political step.

¹³ See, for example, Human Rights Watch, *Burma/Bangladesh, Burmese Refugees in Bangladesh: Still no durable solutions*, 2000, pp. 21-23.

¹⁴ See in particular, Kiragu, Esther et al., *States of Denial, A review of UNHCR’s response to the protracted situation of stateless Rohingya refugees in Bangladesh*, UNHCR, 2011, <http://www.unhcr.org/4ee754c19.pdf>.

¹⁵ UNHCR seeks equal treatment for all Rohingya in Bangladesh, 17 March 2017, <http://www.unhcr.org/news/latest/2017/3/58cfac434/unhcr-seeks-equal-treatment-rohingya-bangladesh.html>

¹⁶ Myanmar Humanitarian Bulletin 4, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-bulletin-issue-4-october-2016-january-2017-enmy>.

the previous influxes, together with the 2017 influx and the impact on the host community, it is said that 1.2 million are in need of assistance.¹⁷

3.2 Recent Developments

Unlike in the early 1990s, this time, the Government of Bangladesh has not chosen the option of *prima facie* recognition. It opted to use alternative terminology, referring to “undocumented Myanmar nationals.” This term also appeared in the National Strategy for Refugees and Undocumented Myanmar Nationals (UMNs), put in place by the government in 2013.¹⁸ Others, including Bangladesh newspapers, have also used different terms, such as “externally displaced from Myanmar.”¹⁹ As in previous instances, the Government of Bangladesh has always maintained that this crisis is temporary and they have kept the pressure on the Government of Myanmar to take back the Rohingyas. With a general election in late 2018 on the horizon, the government will likely be careful to avoid the impression that it is prioritising the Rohingyas over its citizens, just as many other governments would do.

Globally, the protection of refugees has been under serious threat. The practices of many countries to keep refugees away from their borders have led to the denial of the right to seek asylum. Bangladesh – unlike many developed countries – has generously kept its borders open. In an effort to regain respect for international refugee protection, in September 2016, states met in New York (NY), United States of America (USA), to discuss new ways of addressing refugee and mixed migratory flows. The UN General Assembly adopted the *New York Declaration for Refugees and Migrants* with its comprehensive refugee response framework (CRRF, Annex 1 to the NY Declaration), which should be applied to “large movements” of refugees.²⁰ Yet, in the case of this recent influx of refugees into Bangladesh – the first situation of a large international movement of refugees since the adoption of the NY Declaration – the CRRF and its resulting actions were not applied.

Instead, there is now a risk of a forced repatriation. In November 2017, Bangladesh and Myanmar reached a deal to start the repatriation of “Myanmar nationals” within two months of the signing of the agreement. In January, when the Review Team was on the ground, the repatriation was delayed. The Refugee Relief and Rehabilitation Commissioner (RRRC) in Bangladesh was reported as stating that the repatriation has to be voluntary, while adding that paperwork for returning refugees had not yet been finalised and transit camps had yet to be built in Bangladesh.²¹ There have been reports that the UN will be able to oversee the repatriation, but there is also confusion as to the conditions under which the UN agrees to be involved or not.²²

¹⁷ UN, *2017 Monitoring Report*, 25 August-31 October 2017, *Rohingya Refugee Crisis Response Plan*.

¹⁸ UN, *Joint Response Plan September 2017 – February 2018*, October 2017, footnote 25, p. 11.

¹⁹ The Independent, *Bangladesh, Myanmar sign MoU for Rohingya repatriation*, 23 November 2017, <http://www.theindependentbd.com/post/125010>.

²⁰ “The comprehensive refugee response framework will be developed and initiated by the Office of the United Nations High Commissioner for Refugees, in close coordination with relevant States, including host countries, and involving other relevant United Nations entities, for each situation involving large movements of refugees.” paragraph 2, Annex 1: *Comprehensive refugee response framework, NY Declaration*.

²¹ Time, *Bangladesh Says the Repatriation of Rohingya Refugees to Myanmar Will be Delayed*, 22 January 2018, <http://time.com/5112132/bangladesh-rohingya-refugees-repatriation-myanmar-postponed/>.

²² The Independent, *Bangladesh agrees to let UN oversee repatriation of Rohingya refugees to Myanmar*, 12 February 2018, <http://www.independent.co.uk/news/world/asia/rohingya-muslims-bangladesh-united-nations-un-myanmar-refugees-return-repatriation-a8207541.html>.

Learning Point 1: *The refugee context, protection challenges, and UNHCR's role in Bangladesh have been very well documented. To respond effectively to this refugee crisis, humanitarian organisations should familiarise themselves with this documentation, which is available in the public domain.*

3.3 The DEC Appeal

On 4 October 2017, the DEC launched an appeal for funds to support the work of its member agencies in Bangladesh, in response to the mass influx of people fleeing Myanmar. The collective fundraising campaign mobilised GBP 25 million at the time of writing this report, including GBP 5 million matching funds from the UK government. Of the funds directly managed by the DEC, GBP 7.5 million was allocated in October 2017. These funds have been allocated against member agencies' plans involving activities, such as immediate emergency response operations, humanitarian relief, and emergency shelter. This first phase will continue until March 2018, when the second phase will start, and a second allocation of GBP 8 million was already confirmed by the time of writing this report.

Accountability for the proper use of DEC charitable funds is the responsibility of the DEC Secretariat, whilst management of programme expenditure and delivery is delegated to DEC members. The DEC Secretariat requires a range of management information from members to enable it to operate effectively and to ensure proper accountability for the use of DEC funds. DEC Members are expected to deliver their services in accordance with humanitarian principles and standards, including the Core Humanitarian Standard (CHS) and the Sphere Humanitarian Charter and Minimum Standards in Humanitarian Response ('Sphere standards').

The DEC member agencies do not coordinate their operations within a specific DEC framework, but are part of a wider system. All of the DEC member agencies are part of internationally federated structures or networks. The development and implementation of their strategies, plans, and actual operations take place within these structures. Additionally, they work within a country where the state has primary responsibility for the response to refugees on its territory.

4 DEC Member Agencies' Initial Responses

The DEC provides a collective fundraising platform that is greatly appreciated by its members and stakeholders. The 13 member agencies receive flexible, un-earmarked funding in the early stages of large-scale emergencies, allowing them to respond to the initial crisis, as well as into the recovery period. Members are responsible for spending these funds as they best see fit to deliver a relevant, effective, and high-quality response, within the broad margins set by the DEC and in accordance with agreed standards. This approach allows DEC members a great degree of flexibility, something that is often missing with funds from government donors.

Many of the DEC member agencies swiftly responded to the massive influx of refugees. In the first two weeks of September, they had extra staff members on the ground – often deployed from Dhaka or other locations in Bangladesh – who were making assessments of the most urgent needs of the population. As the DEC member agencies are part of international networks or federated structures, many of these assessments were done within these frameworks. They also relied on data and information from other organisations and mechanisms, such as IOM and the Inter-Sector Coordination Group (ISCG),²³ to complement and compare their assessments and analyses. The DEC member

²³ See further section 6.3: Coordination and Accountability below.

agencies were quick to point out that the primary objective of their interventions was to deliver life-saving aid, by providing essential materials and services and improving the refugees' living conditions. They highlighted that it would be problematic to meet quality standards and work on protection issues, given the limitations imposed by the difficult environment and the restrictions of the government. Some of them also noted that conditions would also quickly worsen for the host communities and the refugees who arrived before August 2017.²⁴

Clearly, with such significant numbers of people arriving, DEC member agencies, along with the wider humanitarian community, were overwhelmed by the speed and scale of the influx. Interviews with some of DEC member agencies' representatives who were on the ground as of early September revealed that the Bangladesh military played an indispensable role in creating some order out of a situation where people were arriving and camping wherever possible. Many were taken in, protected, and cared for by Bangladeshis. Others stopped along the sides of roads, often out of sheer exhaustion.

In response to the massive and fast influx, makeshift camps and spontaneous settlements were set up in the areas south of Cox's Bazar. The shortage of dedicated land and the characteristics of the available environment – a hilly terrain with forests and very few roads – present major obstacles for providing emergency relief. The terrain and set-up of the camps also make it incredibly challenging for older people and persons with disabilities to access services, including basic facilities, such as latrines and bathing amenities. In its initial response plan, one DEC member agency noted the growth of one site (reportedly the least covered at that moment) from 100 people before the crisis to more than 21,000 people by early October.

As people continued to arrive in large numbers in September, much of the assistance they received was distributed by the military, provided by the host communities, or brought in through private initiatives, including businessmen and religious foundations from Dhaka and elsewhere. The influence of private initiatives is particularly visible as mosques and madrassas have sprung up in many areas around the camps.

The plans and activities of DEC member agencies and partners responded to many of the needs. Their focus on improving the horrendous living conditions in the camps and the quality of the services and materials delivered was logical. The minimal assistance that people received or that was put in place at the beginning and was of questionable quality has however contributed to the current state of the camps and settlements. Further to this point, and as is explained later in this report, many of the actors and agencies, including DEC members and partners, have never worked in a refugee response in Bangladesh. The Review Team heard several explanations for the initial poor quality responses, including that many who were involved in these efforts lacked the experience or expertise. Further, the immense pressure of the numbers of people arriving implied that the initial focus was nearly exclusively on quantity. As staff from one DEC member noted "the high population density has led to the exhaustion of initially installed temporary services, particularly sanitation, and there has been widespread environmental destruction as plants and trees, including roots, have been taken for fuel."

As a result of the government's policy to treat the refugee situation as a temporary crisis, there have been many limitations imposed on the types of materials that agencies could use to support the refugees. For shelter materials, many refugees bought black plastic sheets on the local market using the limited resources they brought with them. This plastic is a material that is inappropriate for shelter, especially as people are cooking inside their shelters with firewood. The plastic does not breathe and could easily catch fire. There have also been mixed messages from different parts of the government,

²⁴ In fact, the three different groups – the refugees from August 2017, the refugees who arrived before that time, and the host communities – have all become people in need.

where some organisations have been told that they could use more permanent materials, such as concrete steps, only to later be told that such materials would not be accepted.

With regards to the initial water and sanitation facilities put in place, for example, several DEC member agencies noted in their Phase 1 plans that many of these facilities were poorly constructed and became unusable within a matter of weeks. As such, the Phase 1 plans of DEC member agencies included not only setting up new facilities or providing additional services, but also fixing what others had done improperly or inadequately.

Noting these conditions, many DEC members explained in their plans that they saw significant challenges in reaching quality standards, such as the Sphere technical standards.²⁵ Several of them also noted that it was not only the environment and physical conditions that posed serious challenges in providing quality services, but that local authorities and other local actors were unfamiliar with the internationally agreed (minimum) quality levels for humanitarian services.

While the assessment of the conditions not being conducive to reaching the standards is correct, the Review Team noted that, for example, staff of DEC member agencies and partners confused standards with indicators. This common confusion was combined with the fact many also forget that the Sphere standards or UNHCR's Emergency Standards must be contextualised. The Sphere standards are written so that when and where humanitarian organisations cannot reach the standards, despite all their best efforts – which is often the case in this situation – then their assistance must be accompanied with calls to the duty bearers (i.e. the state and mandated international organisations) to make them aware and promote action being action, which includes the need to set context-specific standards. Some DEC member agencies and partners have been trying to push for international standards to be adopted in some sectors, such as health and nutrition. One DEC member was going to have to reject funding from a UN organisation because, despite repeated negotiations, the sector standards would not be met given the changes in the project made by the UN organisation.

***Learning Point 2:** Realising a minimum level of quality services, as set forth by the Sphere standards, implies that humanitarian organisations work together and with others, in particular duty bearers, to collectively put in place the conditions for meeting those standards.*

An immediate challenge facing DEC member agencies, partners, and the wider humanitarian community is the temporary nature of the services and activities for which the government grants approval. There is no question that the government's response has been very generous in terms of receiving the huge numbers of refugees on its territory. At the same time, it is undeniable that the government's policy of emphasising the temporary nature of the refugee crisis and putting restrictions on the quality of services and materials that can be provided, has been a major contributing factor to the current reality of extremely poor living conditions, which are below international quality standards for humanitarian aid. In such an environment, the question is, what have humanitarian organisations done to improve the space in which they can operate? Operating in a response where sub-standard humanitarian services and materials are being provided should raise ethical questions around how to engage with those who have the power to make decisions and to open up space for a more adequate response.

²⁵ Sphere Project, *Humanitarian Charter and Standards in Humanitarian Response*, www.sphereproject.org.

5 DEC Member Agencies' Actual Response: Progress and Challenges

Looking at the situation more than four months into the overall response (and just over two months since the start of DEC-funded operations), the Review Team found that DEC member agencies have managed to scale up their responses, especially in the sectors of health, nutrition, the distribution of non-food items (NFIs), and water and sanitation/WASH. They have increased their presence on the ground; have expanded their partnerships with local and national organisations; have brought in sector specialists and/or emergency response staff and advisers from their international headquarters and other offices; and have set up meaningful activities and projects in one or multiple camps or sites in an effort to fill gaps. In line with their initial plans, some are also providing assistance (or developing plans to do so) to host communities. Many of the delays in implementation have been the result of slow approvals of proposed projects, combined with further inspections of materials, by the national authorities before they can be used. The sections below look more closely at the progress that DEC members have made in their response in various sectoral areas, as well as at issues related to how they addressed priorities, such as working with other organisations, including local ones, and at their engagement with affected communities.

5.1 Site Improvement and Governance in the Camps

The Review Team noted a number of positive steps or initiatives taken by DEC member agencies in addressing the multiple problems related to the poor quality of the overall response. One DEC member's partner has planned and upgraded one block in Kutupalong camp (i.e. put in place good drainage, stairs, shelters, segregated toilets, and solar lighting). The result is a much more accessible and liveable space for the 1,200 households in the block, as compared to other areas in camps and settlements that the Review Team visited. While this block may not be entirely monsoon-resilient, as one expert noted, it is a significant improvement. Moreover, the community was consulted and involved in the development of this "model" block. It was not, however, known how many other organisations or "Camps in Charge" (CiCs; officers put in place by the government who are responsible for camp management) had visited this model block to encourage replication. Another DEC member was discussing models with authorities and others that would use timber and replace corrugated iron before the cyclone season.

Given the lack of site planning at the beginning of the response, many organisations went ahead with setting up *ad hoc* facilities in various locations, which has contributed to the rather disorganised situation that remains. The limited space and nature of available land has led to extreme congestion. For more acceptable living



conditions to be put in place, there is an urgent need for more suitable land where refugee settlements can be established, without risk of flooding and land-slides. Developing more and smaller sites for fewer people would certainly make a difference. The Review Team found the conditions and atmosphere in several of the smaller sites less daunting than in the ‘mega-camp,’ Kutupalong (which has nearly merged with Balukhali camp).

The overcrowding of the camps, which creates all sorts of risks, can only be addressed by relocating refugees to new suitable areas. However, moving people to new sites also poses potential protection risks, given that people are not always relocated with their neighbours whom they have lived beside for several months and developed relationships and, possibly, social cohesion or solidarity. Perhaps even more importantly, the new areas should be safe for the refugees and ensure adequate living conditions. The new extension sites are a good start, but more are needed.

Closely linked to the issue of site planning is camp governance and management. As mentioned above, Camps in Charge are responsible for camp/site management. The governance in the camps is a source of some debate and discussion. A system of “mahjees” was put in place by the military and it is not the first time the system has been used. A male mahjee is appointed as the representative for roughly 100 households, but the individual is often chosen based on their ability to communicate, and not necessarily based on their ability to represent those households. Moreover, the mahjee system does not have an apparent linkage back to the Rohingyas pre-existing community structures.

UNHCR, which is in charge of some of the camps (as UNHCR and IOM divided up the camps during the response²⁶), is looking to institute a different community leadership approach, which will be hopefully more representative. At the same time, instituting such a system several months into the response could risk causing tensions with the mahjees, thus the approach requires careful consideration.

5.2 Water and Sanitation

Linked to the lack of site planning is the rather random distribution and makeshift character of water and sanitation facilities. Latrines and water pumps have been installed unevenly by a large variety of actors: in some areas of the camps, there is an abundance of them, while in other areas – for example, further into the camps, away from the main roads – few of these facilities may be available. Due to the poor construction of latrines, at least 20% of them are not functional.²⁷ Many need to be decommissioned or desludged, an activity in which some DEC member agencies and partners are involved. In addition, water wells have been contaminated as latrines and pumps have been installed too close to each other, which means that new water points, deep wells, and purification plants will need to be built. The result is that some DEC member agencies are working to rectify the poor initial services put in place by others, including by ensuring that the needs of women and girls are considered when building latrines and bathing facilities.

There are several factors that have contributed to the current situation. A range of inexperienced – although well-meaning – actors installed water and sanitation facilities at the beginning of the response. When efforts have been made, including by those in coordination roles, to establish clarity and ensure that only competent agencies would be delivering such services, it was found that many of the initial contractors/organisations that put these facilities in place were no longer around. Admittedly, the Review Team also saw latrines installed by one DEC member agency placed in extremely hard to reach places, due to the hilly terrain. As with other sectors, given the numbers of people arriving, the initial focus was on quantity, which sometimes came at the expense of quality.

²⁶ See further below, section 6.3 on Coordination and Accountability.

²⁷ ISCG, WASH sector report, 25 January 2018.

Given the sheer numbers of arrivals at the beginning, the need to quickly build latrines and dig wells was understandable, in many ways. Whether the latrines and wells could have been built to acceptable standards in the limited time available is not entirely clear. If that was not possible, a plan to rectify sub-standard installations and improve WASH conditions should have been put in place quickly thereafter. The Review Team found that at the Cox's Bazar level, efforts had been made to develop such plans and to scale up the delivery of quality services, but much of this remains to be done, especially in terms of hygiene promotion.²⁸

***Learning Point 3:** When facilities, such as latrines or wells, are put in place at the height of an influx of people to meet an immediate need, but without adequate consideration to quality standards, longer-term plans need to be developed in parallel, including decommissioning such initial facilities to avoid contamination of water supplies and eventual health hazards.*

5.3 Shelter and Living Conditions

As noted, many of the shelter conditions fall below Sphere standards, either because of the lack of space, the materials used (given what the government would authorise), or the lack of quality construction. Also in this sector, the large variety of actors has contributed to the very uneven picture. In the various camps and sites that the Review Team visited, it found tents, shelters covered with corrugated galvanised iron sheets placed on very unstable constructions (which will create serious risks when a storm hits the camps) and many shelters using the already mentioned low quality black plastic sheets. The Review Team also understood that the bamboo used in shelter construction is not treated (given government restrictions), thereby limiting its durability. In essence, the government's policy to treat this situation as a temporary one has had a serious impact on the quality of shelter materials.

The large majority of refugees are cooking with firewood in their shelters, which puts people at risk of respiratory diseases. It is also dangerous because the plastic sheeting used for many of the shelters can catch fire and melt. Overcrowding further exacerbates the risk of fire in the camps. To address such problems, one DEC member agency had set up a number of communal spaces for cooking, in which some 30 refugees can cook and socialise. The communal spaces use gas cylinders or compressed rice husks as fuel. When asked if they appreciated this facility, several refugee women noted that using gas as a fuel was new to them, but it saved them from spending hours collecting firewood, thereby mitigating protection risks and addressing tensions with host communities. The Review Team noted that some DEC member agencies are stepping up their efforts to support refugees for their cooking with fuel and are also planning to distribute gas cylinders and compressed rice husks. Working on these alternatives for firewood will require a dialogue with government.

The importance of offering communal spaces to the refugees, such as a cooking space, should not be underestimated. Due to a lack of space in the camps, there are extremely few opportunities for all refugees (men, women, girls, or boys) to actually have a place where they can sit and meet. As they are not allowed to work and there are limited communal spaces, men and many adolescents simply have to hang around, as mentioned to the Review Team in a focus group. Child-friendly spaces have been put in place by a range of organisations, including DEC member agencies, but children can only spend a few hours per day in these facilities, as they are too few for the numbers of children. A women's safe space set up by one DEC member agency provides an important protective space for women where they can meet, receive psycho-social support, and engage in recreational activities.

²⁸ See ISCG, WASH sector update, 25 January 2018: "WASH sector has prioritised hygiene promotion and household level water treatment but the partners have not been able to scale up the response as required."

By the same token, the situation is even more difficult for older people or persons with disabilities. The Review Team was shown age-friendly spaces set up by one DEC member agency. These are very practical facilities where older refugees can find health services, referrals to other services, latrines that have been built for older men and women, and (separate) spaces in which they can sit in a chair and/or play games and socialise. The creation of this facility can be seen as a great initiative, but to have only a few such places in one camp when a significant part of the refugees are aged 50 or older, speaks volumes. In addition, mobile services are provided to reach out more broadly in the camps and sites, given that many older people have disabilities and so would not be able to access the age-friendly spaces. There is an urgent need to scale up such initiatives.

5.4 Food and Nutrition

Food insecurity has been a major issue since the mass influx. Refugees have sold their valuable belongings and borrowed money to buy food and the majority of refugees are dependent on (food) assistance. Several DEC member agencies are working to address the food situation and nutritional status, including of children. The Refugee Influx Emergency Vulnerability Assessment (REVA), to which several DEC members contributed data, provides detailed information on the factors that contribute to food insecurity and vulnerability.²⁹ Some DEC members and partners also carried out food distributions, including cooked food, in October. The Review Team noted the good practice of DEC member agencies when they asked for real-time feedback during the distribution, with adjustments being made in real-time, as well as post-distribution monitoring. An oft-repeated comment from refugees in the focus group discussions was around the very limited food basket that they receive: rice, lentils, and oil. Refugees noted the need for a more diverse diet, with fish, vegetables, and other sources of nutrients to be added to the food distributions. One way for them to enlarge the food basket would be to provide access to local markets, ideally in combination with the ability to seek employment. The Review Team was told that the level of activity in market areas and shops near the camps has seen a steady increase. Yet, refugees' access to these markets and shops has been constrained due to lack of information and fear of getting lost in the camps. Additionally, in some areas of the camps, some women do not feel – or are not allowed because of purdah (the practice in certain Muslim societies of screening women from men or strangers) to freely move around the camps because they do not have burkas. There is a high demand amongst refugees for opportunities to earn income. Unfortunately, the Government of Bangladesh has prohibited the provision of cash. Attempts to introduce e-vouchers by NGOs were largely unsuccessful, although one DEC member agency is trying to move ahead with paper-based vouchers as an alternative. Others are considering ways to help refugees generate income.

With regards to the nutritional status of the refugees, survey findings from some of the camps in November 2017 indicate the prevalence of acute malnutrition, among all children 6-59 months of age, which significantly exceeds the WHO critical threshold (15%). Less than 16% of children are achieving a minimum acceptable diet (food diversity and food frequency) for their optimal growth and development.³⁰ Partly due to this reality, the majority of children are breastfed, which is a positive coping strategy in the absence of complementary foods.

In light of the acute malnutrition, particularly among infants, some DEC member agencies have integrated – or are working towards – the integration of health and nutrition programme, for example by expanding the number of outpatient therapeutic feeding programmes. Further integration of

²⁹ WFP et al., *Refugee Influx Emergency Vulnerability Assessment (REVA) – Summary Report*, December 2017, <https://docs.wfp.org/api/documents/WFP-0000050429/download/>.

³⁰ WFP et al., REVA, footnote 29, p. 11.

programmes could be explored among DEC members and other organisations to ensure complementary responses. One limitation, however, may be the lack of experienced staff who are familiar with international nutrition standards. The Review Team heard from one interviewee that, in a nutrition sector meeting, only a few out of some 20-25 individuals knew of the relevant Bangladeshi or international standards when a particular issue was being discussed. One DEC member agency addressed this potential challenge regarding technical expertise early on by bringing specialist staff from Dhaka and investing in staff to ensure high staff retention. By having high-quality staff, that member agency has been able to provide technical leadership with regards to the development of guidelines in the nutrition sector.

5.5 Health and Medical Care

Some DEC member agencies and their partners have worked hard on the provision of medical services to improve the health status of the refugees. They are treating, for example, anaemia among children, acute respiratory infections, fevers, and other illnesses, which indicate a high disease burden among the refugees. One DEC member agency made efforts early on in the response to open health facilities in remote areas of the camps and sites: given the lack of roads, staff carried supplies and walked more than an hour to the centres. Setting up clinics in the early days of the response was quite challenging as it was unclear who was the authority giving permission to set up clinics. That same member agency carried out a good practice of conducting exit interviews at their clinics to get a sense of patients' satisfaction. A significant challenge that has not yet been fully addressed is a system for medical referrals. Several agencies have built field hospitals, but what has been missing is an effective system that ensures that refugees with medical needs get referred to these hospitals when needed.

In spite of the efforts to improve the refugees' health status, the month of December saw an outbreak of diphtheria, an infectious disease 'of the past,' as there has been a dramatic decrease in cases worldwide since the 1980s. This disease has hit the camps due to the very low levels of Rohingyas who have been vaccinated and the highly overcrowded nature of the camps. Given the low levels of vaccinations, campaigns have been rolled out to address the risks of further (larger) potential outbreaks of cholera and measles. The diphtheria outbreak has been called a 'blessing in disguise' by some as it forced the development of treatment centres, which could now be potentially used as a basis for eventual cholera/acute watery diarrhoea (AWD) treatment centres.

A further, and potentially formidable, health challenge may arise with the upcoming monsoon and cyclone season. With the rains and poor sanitation and hygiene situation, there is a definite risk of AWD hitting the refugee-hosting areas. Cholera is endemic in the country. Poorly constructed latrines that are full are already seeping into the soil. With a few rains, there is the risk that many of these latrines will slide down the hills, creating massive risks for public health and a potential crisis. While efforts have been made, such as the cholera vaccination, it seems that the humanitarian community is not adequately prepared for a massive outbreak of cholera.

A cause for concern is the state of the health response in addressing the widespread mental health and psychosocial concerns. The Rohingya refugees arrived in Bangladesh with major mental health trauma due to the levels of violence and extreme hardship they endured when they were forced to leave their villages. Many lost family members. In focus groups, several refugees referred to how their dignity has been taken away from them. While a number of agencies, including DEC members have activities in place that provide mental health and psychosocial services (MHPSS), there is a huge variation in the type and quality of the services provided. A clear strategy and consistency in providing MHPSS are lacking, particularly given the absence of government support in ensuring that such essential services are offered to refugees. The government has also held up approvals for mental health programmes, further adding to the challenge of providing consistent MHPSS.

Learning Point 4: *Mental health and psychosocial services (MHPSS) remain a significant gap in the response, given the traumatic experiences faced by the refugees as they fled their homes. While several NGOs have not been able to get government approval for MHPSS services,³¹ organisations that do not require or have secured such approvals should prioritise the outstanding MHPSS needs.*

5.6 Protection and protection

In line with the analytical framework behind this Review, the Review Team spent ample time during the field mission trying to understand what has been done with regards to protection. The double focus on ‘Protection’ and ‘protection’ is to emphasise the multi-level dimensions of the concept. Refugees have rights and these rights must be at the forefront of the efforts of all humanitarian actors in a refugee response. The dimension of protection with a capital ‘P’ looks at questions related to the strategy of humanitarian organisations when it comes to the government’s and other duty bearers’ practices that might deny or contradict these rights. In interviews and the validation workshop, the Review Team asked DEC member agencies, for example, to reflect on the scenario of a forced repatriation.

The small ‘p’ protection relates to the work of humanitarian agencies in the camps and sites and is concerned with ensuring that refugees feel safe and that practices such as preventing gender-based violence and mitigating the risks of trafficking are sufficiently prioritised and, where possible, averted. The Review Team found that DEC member agencies have a good sense of the (small-p) protection risks that come with the overcrowding of the camps and a population that is extremely vulnerable to exploitation and abuse. The fact that most sites are pitch-dark at night, as there is often no lighting, only adds to the risks. Many of the DEC interviewees cited the presence of the military, however, as a critical factor in maintaining security. Refugees noted the presence of elephants as a risk for their safety. The living area of elephants has been reduced as a result of the cutting of trees to create space for the camps.

The Review Team found good practice with one DEC member agency that had developed a strong agenda focusing on measures to address threats to the refugees’ safety and security in the camps. For example, the installation of lighting in the camps, which was carried out by some DEC member agencies, will mitigate protection risks, including rape and sexual violence. The distribution of hand-held solar lamps and dignity kits for women are other positive examples of programming carried out by DEC members that contribute to improved protection. Other measures will need to be taken to mitigate other risks and threats, such as trafficking or ‘survival sex’ and similar negative coping mechanisms. Developing such a protection agenda will also enable agencies to determine what they can do themselves and what should be done by others, which may require lobbying and raising awareness. There is no question that both direct implementation of protection measures and awareness-raising will be essential in improving the living conditions in the camps.

5.7 Environmental Degradation and Deforestation

The degradation of the environment because of the massive deforestation is one of the most visible manifestations of the impact of the mass arrival of refugees on the area. In the search for space to build their shelters and for firewood, there has been a massive cutting of trees. The distribution of compressed rice husks as an alternative to firewood for cooking fuel has yet to be taken to scale. Some DEC member agencies have prioritised the issue of fuel in their future plans, but the urgency of this

³¹ NGOs using foreign funds are required to get government approval for their relief projects through the Foreign Donations, form 7, known as the FD7.

issue does not seem to have been adequately recognised by the broader humanitarian community, as a whole.

A further immediate and serious problem is the availability of clean water. The risk of contamination, the intrusion of saltwater, and the lowering of the water table are all imminent risks, as ground water in several areas was in short supply even when the numbers of refugees were much smaller. DEC members have been decommissioning shallow tube wells and are now digging deeper ones.

5.8 Assistance for Host Communities

For every refugee response, supporting host communities is not an option, but a necessity. The Review Team therefore took a careful look at how DEC member agencies and other humanitarian organisations have addressed the needs of host communities. Many of the host communities have been surrounded by the refugees' sites and settlements or have even been absorbed as such. The Government of Bangladesh and a number of international actors, including the World Bank and the European Union, have also stressed the importance of supporting host communities.

Some of the DEC member agencies have set up programmes for the host communities and are planning on scaling up their activities to have a deeper and longer-term impact on host communities, alongside activities that seek to prevent further environmental degradation. Such steps would be welcome, as tensions within host communities have been on the rise. In a year of elections, some local politicians have organised rallies in which they expressed their anger at aid agencies prioritising the refugees when providing aid.³² At the same time, Rohingya leaders have drawn up a petition to express their conditions and demands before they would consider returning to Myanmar.³³ All of the NGOs with whom the Review Team met noted that it is clear to them that the refugees do not see themselves returning to Myanmar within the near future.³⁴

DEC member agencies suggested a number of actions to address the tensions between the host communities and refugees, including engagement with the local government; the development of appropriate self-reliance opportunities/interventions for the host community; and protection activities for children and women in both refugee and host communities. Pro-active engagement with local media for humanitarian agencies to clarify their intentions and agendas has also been suggested as an option. This engagement seems relevant as the messages from local newspapers may carry considerable weight in maintaining a friendly atmosphere among refugees and host communities.

While these actions would be extremely valuable, the Government of Bangladesh has been reluctant to allow efforts to undertake sustainable development in the area south of Cox's Bazar. When there were fewer refugees in the area, UNHCR made several efforts to develop plans around area development and support for the local communities.³⁵ Unfortunately, many of these ideas did not materialise as the government was worried that area development might be a pull factor for the Rohingyas to cross the border. It is unclear whether the government will allow plans to develop the refugee-hosting areas with infrastructure and economic activity this time. Such efforts to improve livelihoods for refugees and the host communities would help to alleviate many of the current

³² The Review Team witnessed new billboards and banners with such statements in Ukhia, the village that is close to Kutupalong camp.

³³ Siddiqui, Heba, *Exclusive: Rohingya refugee leaders draw up demands ahead of repatriation*, Reuters, 19 January 2018, <https://www.reuters.com/article/us-myanmar-rohingya-petition-exclusive/exclusive-rohingya-refugee-leaders-draw-up-demands-ahead-of-repatriation-idUSKBN1F80SE>.

³⁴ This is also an observation from the focus groups held by the Review Team with refugees.

³⁵ See Kiragu, Esther et al., *States of Denial*.

challenges. The position of the government, to date, of the temporary nature of the refugee situation prohibits to a large degree that the actions and programmes implemented have sustainable and lasting impact. Cash has not been allowed by the government as a modality to provide assistance, apparently out of concern that refugees would start shops and engage in economic activity.

5.9 Accountability to Affected Populations

Engaging the people for whom, and with whom, organisations deliver their work is an essential part of humanitarian action. Within the broader concept of accountability to affected populations (AAP), communicating with communities (CwC) is an essential element. The Review Team saw good practices on the part of DEC member agencies, which are providing refugees with information and guidance in relation to the services and materials they provide. For example, DEC member agencies gathering immediate on-site feedback from refugees at distribution points or interviewing people at health clinics is an important way to ensure that services or materials are well-received and/or used appropriately.

Other activities related to AAP that the Review Team observed were providing refugees a channel to raise issues through complaints boxes and signs with details and contact numbers for refugees to call. Many Rohingyas can neither read nor write, yet most of the signs were in English or Bangla, so the effectiveness of these approaches is unclear. The government does not allow refugees to have Bangladeshi SIM cards, making it very hard for them to call agencies' hotlines. Direct contacts and interaction with aid workers and via camp helpdesks will likely to continue to provide a suitable way for concerns to be raised. For issues and concerns requiring confidentiality, different channels that are accessible to the refugees are needed.

Information sharing with refugees should go beyond the context of the delivery of services. The focus group conversations with refugees pointed to significant gaps in their information. While a number of the refugees were able to refer to organisations for their specific services, it turned out that others had little knowledge of the background of many organisations working in the camps, the extent and duration of the services provided to them, or what they could expect to receive in the future.

An even more prominent gap is the lack of information for refugees regarding relevant scenarios for the near future. During the Response Review Debriefing and Validation Workshop, having more open discussions with refugees was suggested. Refugees with whom the Review Team spoke have not received any information on the possible scenarios of returns, including the scenario in which return is less than voluntary. Refugees told the Review Team that the little information that they had on the return plans came from the news, social media, or shopkeepers. Worth noting is the plan of a consortium of three organisations to launch an initiative to improve the information sharing with the refugees. However, the development of the initiative has taken considerable time, which combined with a lack of funding, means that this important activity has not been adequately part of the response. Furthermore, the Review Team heard of reports that within the Inter-Sector Coordination Group (ISCG) mechanism there had been pushback on talking to communities. One of the reasons for this reluctance may be the lack of approval from the government. It has been reported that the Government of Bangladesh has put limitations on aid agencies' communications with refugees.

Learning Point 5: *Communicating effectively with refugees and host communities is essential in improving the quality of the assistance provided to them. Such communication should cover all issues that are relevant for their well-being and future.*

5.10 Partnerships and Localisation

The Review found generally good practice from DEC member agencies in the area of partnerships. As they have longstanding practice in working with partners, especially in Bangladesh, all the DEC member agencies have engaged with their networks or federations, which include local partners. Many of them have also developed (contractual) relations with other national and local NGOs, which have taken a role in providing services. The Review Team noted the efforts that the DEC and their members have made in ensuring coordination when working with the same partners, for example, when it comes to due diligence, capacity review, and the type of programming. It was as a result of such discussions that a number of the members revisited their initially proposed partners and the overlap across members using the same partners has been limited.

From the several interviews with these partners, the Review Team found that the notion of genuine partnership – which goes beyond the one of sub-contractor and includes dialogue and mutual engagement – seems to be very well applied. One reason for this fact is that the partners, i.e. the DEC member agency and the national or local NGO, have known each other for longer periods of time. They have joint experiences of working together in other areas and projects in the country – mostly in terms of development programmes and responses to natural disasters. The result, however, also means that for most of the national and local NGOs, working with refugees is something new. In discussing this point with these organisations, as well as with the national and local staff members of the DEC member agencies, the Review Team found an urgent need to provide these staff with training to develop a basic understanding on refugee law and protection. This training will help these staff understand the context in which they are working.

Good practice was noted in terms of the contractual relations. Because of the uncertain approval periods for projects that are funded from foreign sources, which need to be authorised by the government (so-called FD7s), the contractual duration may at times be uncertain for local NGOs. One DEC member explained that they had informed the local partner of the uncertainty, but both took the risk to maintain the contract, even with the pending FD7 approval.

An issue that is seen in every emergency, and in this one too, is staff turnover and poaching. The Review Team was told of local NGOs who had lost staff to INGOs or UN agencies. For those (local) staff who have been around from the onset of the crisis, there is also a risk of burn-out, given the very demanding environment, (at times excessive) donor reporting requirements, and the frequency of donor/headquarters visits and reviews.

While the practices from DEC member agencies and partners have been informed by years of working together, the picture seems to be different for UN agencies and some donors. Some of them were quick to choose BRAC, the largest and most commercially oriented development NGO in the world,³⁶ but BRAC has been particularly singled out by many as not having the expertise or experience in providing quality materials and services in a refugee context. Some of the local NGOs also expressed their discontent with BRAC, which is seen as a commercial enterprise. This situation illustrates that the localisation of humanitarian response does not imply simply promoting one (large), national (or local) organisation, but it entails a much more nuanced approach and selection.

³⁶ *BRAC in Business*, The Economist, 18 February 2010, <http://www.economist.com/node/15546464>.

6 DEC Member Agencies' Activities within the Broader Context

6.1 The Overall Strategy and Leadership

The DEC member agencies and their partners are part of a broader humanitarian community. This section will now turn its attention to the broader context in which DEC-funded operations are taking place.

In every humanitarian crisis, but especially in a refugee situation in which people are confined to a camp setting, there is a need for a collective strategy that brings the various actors together on the same page around the overall goal and direction. The work of humanitarian organisations in such a setting is highly inter-dependent, making the need for inter-agency coordination essential. On both issues (the need for an overall strategy and for inter-agency coordination), the Review Team's findings are reason for urgent attention and action.

Coordination on the basis of an agreed strategy is a necessity, not an option. The Joint Response Plan (JRP) issued by the UN on 3 October 2017 was not such a strategy, but rather a collection of activities and projects. The JRP should have brought together activities framed around an overall objective focused on peoples' rights and dignity.

6.2 Not a Natural Disaster

While all humanitarian actors in this situation are responding to the needs of refugees, a refugee response framework has not guided their work. As one senior UN representative said, "the (former) JRP that runs until February was written without using a refugee lens or a framework that puts the rights of refugees upfront."

The reason behind not framing the initial response sufficiently within a refugee rights framework can be partially explained by the predominant experience among many of the organisations that are active in Bangladesh, including several DEC member agencies. The specific context of a refugee crisis makes a significant difference in setting the overall direction and strategy. The primary responsibility for applying a refugee protection framework rests with the government. When a government is unable or unwilling to do so, humanitarian organisations need to try and create the space to work with the government to try and apply such a framework. Some humanitarian organisations will – given their ways of working – apply such a refugee framework, regardless of the government's approach. Many of the staff of humanitarian organisations in Bangladesh have as their reference point the preparedness and response to natural disasters, such as floods and storms, and not as much experience in working with refugees. The relationship with the government will also be fundamentally different in a refugee context compared to a natural disaster setting, particularly when it comes to the case of having to defend refugee rights vis-à-vis the government.

The new JRP, launched in March, should be framed within a strong refugee rights framework that looks at restoring their identity; improving the living conditions in the camps; strengthening the protective environment; and building refugees' resilience in preparation for possible solutions when the time is right to do so. With such a framework in place, the related step would be to look at the overall coordination structure to ensure the implementation of this strategy. This JRP should also help the DEC member agencies and partners to further frame their strategies and plans in ways appropriate to a refugee context.

6.3 Coordination and Accountability

Related to allocating roles and responsibilities, coordination also provides clarity with regards to lines of accountability. These lines of accountability become even clearer as the international legal

framework for refugees clearly puts UNHCR in charge of coordinating a refugee response, given its international refugee protection mandate. In Bangladesh, however, since 2013 the government has tasked IOM to coordinate humanitarian activities under “the National Strategy on Registered Refugees and Undocumented Myanmar Nationals”. These UMN greatly outnumbered the 30,000 or so recognised refugees for which the government allowed UNHCR to carry out its mandate. At the onset of the sudden and massive influx that started on 25 August 2017, the government still maintained its preference for IOM leading the response. In late September (or early October) 2017, the UN took the decision, at the most senior levels, to clearly label the crisis a refugee response, which would place the international response under UNHCR’s leadership.

Still, in terms of coordination, it seems that little changed. Prior to August 2017, IOM had created a cluster-like coordination mechanism in Cox’s Bazar called the inter-sector coordination group (ISCG). This mechanism resembles the cluster approach³⁷. The cluster system, however, was developed at the global level in 2005 in an effort to establish stronger accountabilities for non-refugee responses, i.e. situations of internal displacement or when affected communities have not fled. In Bangladesh, clusters have been set up to respond to natural disasters at the Dhaka level, which has further contributed to the confusion.³⁸

For refugee responses, UNHCR as lead-agency assumes end-responsibility for all the sectors, therefore making the lines of accountability clear. The refugee coordination model does not have a Humanitarian Coordinator (HC) as the overall responsible person, but has the lead-agency (i.e. UNHCR) in charge for the UN system. Compared to the cluster system, the refugee coordination model means that coordination should take place in a more integrated fashion. However, the ‘silo-ed’ approach of clusters seems to have permeated the ISCG response as, reportedly, some of the sectors in which the most urgent needs are found, had not even met to ensure a coordinated overall response.

Given the challenges of implementing a refugee coordination model under UNHCR’s leadership, a Strategic Executive Group (SEG) was set up in December in Dhaka, co-chaired by the Resident Coordinator (RC) and the representatives of IOM and UNHCR. The SEG is to be accountable for the Rohingya refugee response: not UNHCR, as is normally the case in a refugee response. The RC has dotted reporting lines to the UN High Commissioner for Refugees (Mr. Filippo Grandi, based in Geneva) and to the heads of IOM (also Geneva-based, Mr. William Swing) and OCHA (New York-based, Mr. Mark Lowcock) for humanitarian issues. A Senior Coordinator – a newly created function to lead the response on the ground in Cox’s Bazar – has similar dotted reporting lines.³⁹ The rationale or logic behind separating humanitarian issues and refugee issues in such a context is not clear.

The coordination reality is a hybrid UN-led structure that mixes the different coordination models and which works in parallel to the government coordination structure, giving rise to significant confusion. On the UN’s side, in addition to the SEG and ISCG, there is a heads of sub-offices meeting, in addition to the various sector meetings. The Review Team was also told of further coordination meetings of UN

³⁷ The cluster approach was introduced with the 2005 Humanitarian Reform. Clusters are groups of humanitarian organisations, both UN and non-UN, in each of the main sectors of humanitarian action, e.g. water, health, or logistics. They are designated by the Inter-Agency Standing Committee (IASC) and have clear responsibilities for accountability and coordination.

³⁸ Bangladesh’s own cluster system at the Dhaka level is a standing structure, which is activated in the case of natural disasters. A line ministry leads each cluster, with a UN agency as co-chair.

³⁹ The Senior Coordinator reports to the SEG Co-Chairs – UNHCR, IOM, and the Resident Coordinator (RC) – and is supervised by the RC.

agencies with 'their' implementing partners. Another issue raised with the Review Team is the high turnover of UN staff leading the sectors.

On the government's side, there are several coordination forums at different levels and with various departments or actors. The most practical coordination takes place at the camp level, but the Review Team heard multiple stories of how these meetings are unrelated to the UN coordination mechanisms in Cox's Bazar. Further government coordination is taking place with line ministries and with the Refugee Relief and Rehabilitation Commissioner (known as the 'triple RC'), but what is missing is the link between the UN-led structures and the government coordination structures.

That said, all DEC interviewees agree that the government is in charge and that there is an urgent need for a much better integration – or at least coordination – between the various systems. The government is involved in the SEG, but this forum does not seem to have an equivalent in Cox's Bazar, which several interviewees noted as contributing to the gap between the capital and the centre of gravity for the operations.

Many of the interviewees, including senior staff, appeared unaware of the reasoning and policy behind the various coordination models. When explained by the Review Team, several noted that whether they were sectors or clusters did not matter, as long as people received what they need as part of an effective response. While on one level, this approach makes a certain amount of sense, the more fundamental problem with not worrying about whether the refugee coordination model or clusters are in place implies not worrying about where the lines of accountability fall. The cluster system was put in place to address an accountability deficit in non-refugee situations. The current structure in Bangladesh risks creating an accountability deficit among the UN when none should exist, given UNHCR's coordination and accountability role in refugee situations.

With the SEG being the mechanism accountable for the Rohingya refugee response, the result is collective accountability, where no single entity within the UN system can be held accountable for any potential failures or for sub-standard performance. As one of the sector Coordinators noted, "I am expected to coordinate and will be held accountable for the performance of my sector, but I have no authority whatsoever to take action." The Review Team also heard from several senior officials that they were not clear of the accountability lines. As one senior NGO representative put it, "it's a coordination structure in evolution," noting that it was better than what previously existed. The need remains for clearer accountability lines; otherwise, with so many within the SEG being accountable, the risk is that no one entity can be held accountable when something goes wrong.

Learning Point 6: *Understanding the context in which a humanitarian response takes place involves knowledge of the relevant coordination structures and accountability lines. This knowledge can help to hold duty bearers to account when they are not fulfilling their mandates. The primary duty bearer is the government of the host country.*

Donor coordination is another area that the Review Team found requiring further improvement. A number of donor governments split their first contributions between IOM and UNHCR in September/October 2017. This pragmatic solution, however, may not have helped to improve coordination, particularly between these two agencies. Only two donors (DFID and ECHO) have a direct permanent presence on the ground, giving them a thorough understanding of the situation and state of the response. Another international donor has seconded staff to some UN agencies. Most of the donors visit the camp areas with embassy delegations from Dhaka. A further question is whether the donor representatives' knowledge and understanding is sufficiently reflected in the Dhaka meetings, where donor engagement in the SEG changes every week.

6.4 Humanitarian Space

The aspect of space for humanitarian organisations to operate in a principled manner – often characterised as ‘humanitarian space’ – requires more alignment, a stronger push from the side of the UN, and increased humanitarian diplomacy and/or advocacy. One of the immediate concerns for all DEC members, and for all NGOs receiving foreign funds, is to receive their FD7 approvals. The FD7 form requires NGOs to provide details for their projects financed with foreign funds in an emergency response. The UN does not have to undergo the FD7 process.

Due to the level of detail and the number of FD7 applications related to the scale of this crisis, there is said to be a huge backlog on the part of the government Bureau for NGO Affairs in examining the FD7 applications. While many of the DEC member agencies received their FD7 authorisations eventually, valuable time had been usually lost. In many instances, by the time the authorisation was received, much of the allowed period for the project to be implemented under the FD7 had passed. A related problem is that initially approved materials or items for distribution were later disallowed or changed, causing further delays.

In discussing what the UN could have done for NGOs in pushing the FD7 applications, several key informants noted that the UN should have promoted NGO applications, particularly those that were essential in implementing the JRP. After all, even if the government did not own the JRP, it did not object to it either, as one representative said. DEC member agencies recognised the need for alignment, endorsement, and commitment on the JRP by all key actors. Bringing the government and the humanitarian community together around the JRP might ensure collective ownership and have the government recognise the value of (I)NGO projects that are part of the plan. Such an approach could help lift the FD7 authorisation out of an administrative procedure. Engaging the government to find ways to speed up the approval process of NGO projects receiving foreign funds should be an urgent priority, particularly given that such bureaucratic impediments are resulting in insufficient, and often, poor quality humanitarian responses.

The Review Team places the FD7 issue within the context of humanitarian space. Humanitarian space is not always given freely. It needs to be negotiated, especially given that the interest of government and those involved in refugee protection may not always be aligned. This negotiation requires making investments in developing relations with various government departments. While some interviewees held the view that the government treatment of the FD7s was entirely random and unpredictable, others did not feel the same way. Whatever is true, a humanitarian NGO should do everything in its power to convince the government of the NGO’s non-partisan humanitarian agenda and humanitarian principles.

One question the Review Team asked is whether NGOs that are undertaking development activities in Bangladesh could leverage these activities – and the trust that they have gained – in opening further operational space in this emergency. This question is relevant as the large majority of DEC member agencies, as well as several other large UN and non-UN organisations, are also working on long-term development in the country, often involving much larger funds than those for the refugee response. Such leverage, the Review Team thought, could help see the humanitarian-development nexus potentially put into practice, a policy commitment in the Grand Bargain.⁴⁰ Essentially, strengthening the link between humanitarian and development work in Bangladesh would imply that agencies leverage their developmental work to push for improvements for the refugees in the Cox’s Bazar area. The Review Team, however, wonders whether any organisations have considered using their

⁴⁰ Australia et al, *The Grand Bargain – A Shared Commitment to Better Serve People in Need*, 23 May 2016, https://reliefweb.int/sites/reliefweb.int/files/resources/Grand_Bargain_final_22_May_FINAL-2.pdf.

developmental roles as leverage. Several interviewees pointed to large UN agencies, which also have multi-mandates (i.e. involving humanitarian and development aid), which were doing everything not to upset the government in order not to put their development work in the country at risk.

7 DEC Member Agencies Are Responding, But Towards What End?

For the Real-Time Review, one essential part of the process with DEC member agencies in Cox's Bazar has been the Debrief and Validation workshop held on 25 January. In addition to presenting the preliminary top-line findings, the Review Team also asked the DEC member agencies to discuss a number of different scenarios. These discussions would help the organisations to consider their positions and anticipate future developments.

7.1 The Upcoming Monsoon/Cyclone Season

First, with regard to the upcoming monsoon rains, the UN has made a conservative estimate that 100,000 people are at immediate risk of flooding and landslides. They need to be relocated as a matter of priority.⁴¹ Given the state of the camps, there is a real risk that another disaster is waiting to happen. A number of organisations interviewed by the Review Team noted that they are well aware of the risks, but had not yet managed to move beyond the planning stage, partly given challenges with FD7 approvals and the government's approach that the response is to be temporary.

In discussing the scenario of monsoon flooding and possible cyclones at the Debrief and Validation Workshop, DEC member agencies identified a number of priority actions, including the need to work on community-level preparedness in which refugees would be informed about the potential hazards of storms, monsoons, and landslides. As they are no doubt aware of the rains arriving in April, the refugees may have ideas themselves on how they could be better protected. Providing training in first aid for refugees was another suggestion, which is already being started by some DEC member agencies and partners.

Other preparedness actions include the need to prepare for potential outbreaks and the response to these outbreaks, especially AWD and cholera. Partners and stockpiles should be identified, and mobile health and outreach teams put in place. Much of the water and sanitation infrastructure must be upgraded or decommissioned. DEC member agencies also noted a range of actions that they could take in this respect, such as sharing plans with each other so that partners are aware of what others are doing to enable learning and so that members and partners can support each other. Furthermore, DEC members recognised their role in 'responsibilising' other actors, including UN agencies, the Red Cross/Red Crescent movement, and local organisations, which do not require FD7 approvals if they are using local funds.

7.2 Potential Forced Returns (mass repatriation or incremental returns) or Relocation

Part of the analytical framework the Review Team used is related to the search for solutions. Refugee protection and the search for durable solutions are intimately related as no one benefits from a protracted refugee crisis. Voluntary repatriation is generally seen as the preferred solution of the three options that are part of the solutions framework – the other two being local integration and third-country resettlement. As noted, the return of the Rohingyas in the past has been less than voluntary.

⁴¹<http://www.unhcr.org/news/briefing/2018/2/5a742c4d4/unhcr-warns-monsoons-bangladesh-protection-rohingya-refugees-serious-risk.html>

With the signing of the agreement in November by Bangladesh and Myanmar, there remains the risk of another forced repatriation. The Review Team found that while many of the NGOs, including DEC member agencies and partners, noted that in their view repatriation would not start any time soon, many of the interviewees on the UN side had the opposite view on this scenario.

The repatriation was delayed from the original 23 January start date for technical and administrative reasons. As repatriation might start in the coming weeks, the question on the table is, to where would they be returned? The Myanmar government has said that it is ready to receive the returnees in newly (or to be) created, temporary internally displaced persons (IDP) camps. If this scenario materialises, organisations working on the both sides of the border may be faced with a well-known ethical dilemma: to assist the returnees, who may become IDPs for a lengthy period of time, or to opt out by telling both the Bangladesh and Myanmar governments that the only durable solution is return to their original areas of origin.

In discussing this scenario, DEC member agencies agreed on several next steps, including increasing their communications with refugees on all relevant issues. Many refugees with whom the Review Team spoke insisted that justice was required before they return, otherwise “we prefer to die here,” they said. Humanitarian organisations operating in the camps play an indispensable role in sharing information with the refugees and as DEC member agencies noted, the coordinating agencies and sectors have a particular role to play in this regard.

The DEC member agencies also noted the need for linking the work and plans on disaster risk reduction with the scenario of (forced) returns and starting reflections on this linkage, for these plans might impact the process of returns. Above all, they referred to promoting the rights of refugees at different levels – including the global level – to ensure voluntary returns. DEC member agencies noted that their senior executives in Dhaka should also raise the issue with the relevant government authorities and point to the need for any returns to be voluntary and based on a free and informed choice. One point to leverage is the increased support for host communities and upgrading of the entire area infrastructure. DEC member agencies also recognised that in case forced returns would occur, each organisation will have to make hard choices as to whether to speak out and to stop working in a forced return situation.

8 Conclusions

Following the Review, including the Debrief and Validation workshop, the Review Team draws the following conclusions looking at this response:

- 1. DEC member agencies are generally delivering quality services and responding to the needs of affected people, but the relevance of their programmes risk being undermined, given the extremely difficult operating environment and poor state of the overall response.***

From a practical or technical point of view, providing humanitarian assistance to people in camps and settlements should be relatively straightforward, certainly when compared to other humanitarian contexts, such as armed conflicts. Needs assessments can be done per block; services, including accountability and feedback mechanisms, can be provided in an integrated manner (if well-coordinated); and poor practice can be easily identified and addressed, to name just a few of the characteristics. The response so far does not reflect many of these characteristics of a camp response.

Many of the DEC member agencies are doing their best, and are succeeding, in delivering better quality care, but these quality services risk getting lost in the bigger chaotic picture. One suggestion is to

further promote the examples of good practice, especially in DEC phase 2 plans that the Review Team saw. The upgrading of one of the blocks should be an example for all other organisations working in site planning. Furthermore, it is essential that DEC members and partners increase their engagement with UN agencies and other partners to move quickly forward in improving the quality of services and facilities. The duty bearers must take responsibility (and be held accountable) and provide leadership in averting a second disaster.

2. DEC member agencies and partners, alongside the majority of humanitarian agencies did not sufficiently recognise the context in which they are working from the outset.

The lack of a refugee response framework or strategy, focusing on the rights of refugees, from the start has had an impact on the quality of the response. Humanitarian action cannot be focused exclusively on the delivery of services. It must be provided with a Protection mind-set from the outset. In addition, organisations must also analyse the coordination framework in which they are working. The UN – particularly UNHCR and IOM – could have worked with the government to ensure clarity on the coordination model. The model in this case should be the one with UNHCR as lead-agency, not a hybrid of the cluster system with a Humanitarian Coordinator (or, in this case, Resident Coordinator) on top. The mixture between the two models has created greater confusion. The Review Team feels that too few NGOs have a clear understanding of the models behind the UN’s humanitarian coordination – or the legal mandate of UNHCR (in comparison to IOM).

3. The lack of global leadership and a refugee strategy has had a serious impact on the quality of the response.

The DEC did the right thing in launching an appeal in relation to this crisis. The appeal further mobilised the DEC member agencies and provided significant support to the operations on the ground. That said, the Review Team has been raising the question whether this crisis has received the levels of attention and sense of urgency it requires. With 20,000 refugees arriving on some of the days in September, all alarms should have gone off at the global level, as such numbers are reminiscent of the Rwandan refugee crisis following the genocide in 1994. While a number of organisations, including some DEC member agencies, declared it an emergency of the most serious category (often called an L3 in humanitarian jargon), for many, it has been largely their Dhaka offices that responded. The main reason for the muted response from the humanitarian community rests with the lack of leadership. As the UN decided in late September that it would be a refugee response, the question is what efforts UNHCR, other UN agencies, and UN Member States made to assert the UN refugee agency’s leading role. The fact of the matter is that the international organisation mandated to assist and protect refugees was largely absent in the first months of one of the largest refugee crises in recent history. The current sub-standard state of the humanitarian response has multiple reasons and explanations, but leadership from UNHCR early on in the response – and support from others, such as IOM, for UNHCR’s leadership – should have resulted in a better response.

9 Recommendations

- 1) *DEC member agencies are well-placed to work together and with other humanitarian organisations to promote a more strategic response in which duty bearers, including the Government of Bangladesh and UNHCR, fulfil their (legal) responsibilities. The DEC member agencies and partners should also promote the application of the Sphere standards by engaging in a dialogue with the government on how these internationally accepted quality standards for humanitarian action can be achieved.*
- 2) *When innovative approaches are developed, which can be considered “models,” DEC member agencies and partners should showcase the model and share their experiences – in sector meetings, with Camps in Charge (CiCs), and bilaterally with other organisations – so that the model can be replicated, without others having to “reinvent the wheel.”*
- 3) *DEC member agencies and partners should make further efforts to improve access to services for all and to improve living conditions in the camps and for host communities. Such improvements can only be realised when there is a sufficient focus on protection and livelihoods. There is a need to explore alternative approaches, for example by introducing vouchers, food and non-food-items for work, and environmental projects that involve and reward refugees and host communities.*
- 4) *Given the need to further improve water and sanitation facilities, as well as to focus on hygiene promotion, DEC member agencies and partners should consider a stronger and better-integrated focus on these activities in their Phase 2 plans.*
- 5) *Significant protection risks can be mitigated, inter alia, with lighting in camps and lamps provided to households. DEC members and partners should extend such provisions and/or work with others to put in place similar protection measures.*
- 6) *The social and physical benefits of providing age-friendly spaces and mobile services targeting groups at risk should be replicated in all camps and sites.*
- 7) *Scaling up alternatives to firewood, such as compressed rice husks and fuel-efficient stoves, should be considered by DEC member agencies in their Phase 2 plans, given the impacts on the environment, as well as the protection risks incurred, particularly by women and children who are going in search of firewood.*
- 8) *DEC member agencies and partners should ensure that their senior (operational) staff have a basic understanding of the history of the refugee context, refugee rights, protection challenges, and UNHCR’s role in Bangladesh, as well as recent developments at the global level, which have implications for refugee policy.*
- 9) *In improving the living conditions for refugees and host communities, humanitarian organisations, including DEC member agencies and partners, should engage in a dialogue with the government and explain their role in meeting the needs of refugees and host communities in a timely and principled manner. The FD7 approval process should be part of this wider dialogue for opening up humanitarian space in a refugee response.*
- 10) *Given the fast-approaching monsoon/cyclone season and other possible scenarios, DEC member agencies and partners should work with others to ensure that preparedness measures are urgently put in place.*

10 Annexes

10.1 Annex 1: Terms of Reference



EMERGENCY APPEAL FOR PEOPLE FLEEING MYANMAR

RESPONSE REVIEW

Terms of Reference

1. Introduction

The Disasters Emergency Committee (DEC) brings together 13 of the largest UK humanitarian charities⁴² to raise funds in response to major international humanitarian crises. Whilst the members are responsible for the delivery of a quality emergency response, the DEC Secretariat shares accountability for how funds are spent. Therefore, the DEC Secretariat is commissioning a real-time Response Review to assess the initial response, draw learning from this, and thereby inform future direction and planning.

2. Background

In late August 2017, violence broke out in Rakhine State, Myanmar. This has led to one of the fastest population movements in recent decades, with 611,000 – the majority Rohingya women, children and elderly – having fled across the border into Cox’s Bazar in Bangladesh, one of the poorest and most overpopulated districts in the country.⁴³

On 4th October 2017, the DEC launched an appeal for funds to support member agencies in responding to the extensive humanitarian needs in Cox’s Bazaar in Bangladesh. At the time of posting, the collective fundraising campaign has raised over £19 million including £5 million UK Aid Match funding. The thirteen member agencies taking part in the appeal will likely spend DEC funds over a period of one year - split into phase 1 (the first 6 months) and phase 2 (the following 6 months) of the response. An initial allocation of £7.5 million has been made to members to support humanitarian programmes in Cox’s Bazar.

3. Purpose of the DEC Response Review

In order to support members’ activities, harness lessons and inform Phase 2 of the programme, the DEC Secretariat will commission a review of the People Fleeing Myanmar response, to take place in Jan/Feb 2018, with a draft report due by 14th February 2018. This timeline has been set-up in order that the findings can inform DEC member agencies’ phase 2 plans which will be submitted at the end of February 2018.

The Response Review will:

⁴² ActionAid UK; Age International; British Red Cross; CAFOD; CARE International UK; Christian Aid; Concern Worldwide UK; Islamic Relief Worldwide; Oxfam GB; Plan International UK; Save the Children UK; Tearfund and World Vision UK.

⁴³ www.humanitarianresponse.info/system/files/documents/files/171107_iscg_sitrep_one_pager_final.pdf

- provide an overview and assessment of the response so far against appropriate DAC criteria; Core Humanitarian Standard commitments; and Grand Bargain commitments;
- identify good practice in the humanitarian operations funded by the DEC;
- identify priority areas, gaps and areas of unmet needs from both a sectoral and cross-cutting perspective;
- highlight operational and other challenges that may be affecting implementation and the quality of programmes;
- draw out key learning from the response to date, to be incorporated in Phase 2 plans.

The Response Review will also consider how DEC members are addressing the needs of the most vulnerable groups, and what strategies they are adopting to ensure that people who have fled Myanmar since 25 August 2017 are targeted alongside the host communities, consisting of different groups: people who have fled Myanmar into Bangladesh since October 2016, before October 2016, and Bangladesh nationals.

4. Main Response Review Questions

The Response Review will aim to address questions falling under the following areas of enquiry. Broad top-line questions have been listed below; however, it is expected that the consultants will propose a matrix of more detailed questions at inception phase. Final questions will be agreed upon through consultation with the DEC Secretariat and DEC member agencies.

Relevance and appropriateness:

- To what extent are the members' phase 1 plans in line with needs and priorities of those affected, including "different host communities"?
- To what extent are programmes guided by the assessment of needs and evident gaps?
- How relevant are DEC members' programmes in terms of the response modalities and approaches employed?

Effectiveness and efficiency:

- To what extent are the activities of DEC members achieving and/or are likely to achieve their purpose as set out in the phase 1 plans?
- What are likely to be some of the major factors influencing achievement or non-achievement of the objectives? What, if any, were the unintended effects?
- To what extent activities undertaken or still planned are cost-efficient and have member agencies considered different options?

Connectedness and sustainability:

- To what extent have phase 1 programme plans taken into account the medium or longer-term priorities and needs of those affected, including "different host communities"?
- To what extent have members considered how any positive effects might be maintained in the future, after the DEC response?
- What approaches have members used to plan for the various operations, including, for example, the use of contingency planning and identification of scenarios and opportunities?

Coordination:

- To what extent are DEC members maximising coordination with different stakeholders, including implementing partners, local actors, civil society and local authorities, humanitarian and development actors and new actors e.g. private sector, civil society?

Accountability to Affected Populations:

- To what extent are the views of crisis-affected people (including different host community groups) considered in programme design and implementation?
- What mechanisms exist and are being used for prompt detection and mitigation of unintended negative effects?
- What other specific Core Humanitarian Standard Commitments that are observed in the response and what areas require further attention?

Partnership

- How have partners been chosen, what due diligence processes are in place and are partnerships working effectively?
- How have agencies managed particular challenges and opportunities of delivering programmes through partners or through a combination of direct and partner-led delivery?
- How have partners been supported, what capacity development approaches and on-going partner performance monitoring systems are in place?

Cross-cutting considerations:

All areas of enquiry should incorporate questions that will draw out what is working well and what is not working well, as well as identifying gaps, priority areas and unmet needs (from a location and sector perspective).

Appropriate use of protection, safeguarding and ‘do no harm’ approaches should also be incorporated throughout the areas of enquiry.

Methodology

The consultants will outline an appropriate methodology in their proposal, to be developed further in the inception report. DEC has the following expectations regarding the methodology:

- a mixed-methods approach should be used to triangulate data;
- the Response Review will comprise secondary and primary data collection;
- in-country data collection will involve visiting project locations and beneficiary communities;
- a preliminary meeting and a debrief session will be held in London with DEC members;
- an inception meeting will be held with DEC members at the start of the in-country data collection, and a reflection meeting held at the end of the visit at an appropriate location;
- the applied methods will be light, rapid and participatory.

DEC will provide the consultants with relevant information during a briefing meeting in the inception phase, including (but not limited to): member agency plans, situation reports, consolidated outputs, finance dashboards and maps etc.

5. Team

The review team will consist of minimum two consultants (one international and one national) and be appropriately gender balanced. The team should provide the following:

- extensive experience in real-time evaluations of humanitarian programmes - in particular programmes targeting refugees and/or internally displaced people;
- a sound understanding of the context in Bangladesh and the sensitivities around people fleeing Myanmar;
- a good understanding of the DEC and appreciation of the DEC Accountability Framework;
- a sound knowledge of Humanitarian Principles; the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief; the Core Humanitarian Standard on Quality and Accountability; and Sphere Minimum Standards in Humanitarian Response, as well as an appreciation of key challenges and constraints to their application in the relevant context.
- meeting and workshop facilitation skills;
- excellent writing and presentation skills in English

Previous experience of working in the specific context and knowledge of relevant languages within the team is desirable. Experience with DEC or a DEC member agency is a plus.

Note that a DEC Secretariat member of staff will accompany the consultants during the field visit and contribute to in-country briefing and de-briefing; we may also seek further support from the membership if it is necessary to add to the team someone with another specific area of expertise.

6. Roles and responsibilities

The Response Review Consultants:

The Response Review team will be led by a Team Leader, who will be responsible for:

- leading on all aspects of the Response Review;
- leading and coordinating the review team;
- designing the review methodology and data collection tools;
- leading on quality assurance, data analysis, drawing conclusions and learning points, developing recommendations, and report write-up;
- drafting the deliverables (see section 7 below) and sharing these with the DEC Secretariat for feedback and comment, where appropriate;
- delivering a draft report and presentation of draft findings, conclusions and recommendations / the debriefing meeting with members in London by 9th February 2018;
- ensuring that the Response Review report responds to the needs of the DEC Secretariat and members and is actionable;
- arranging the consultants' travel arrangements, including related visas and insurance;
- liaising with the host member agency in the field.

The DEC Secretariat:

As the commissioning agent of the Response Review, the DEC Secretariat will:

- provide a staff member to accompany the Response Review team during in-country data collection;
- organise for a DEC member agency to host the Response Review team during their visits to Bangladesh;
- host an inception meeting and a debriefing session with the consultants and DEC members in London;
- arrange the DEC Secretariat staff member's travel arrangements, including related visas and insurance;

- provide all necessary documentation to the Response Review team, including: contact information for member agencies and their operational partners in UK and in-country; members' programme plans and budgets;
- coordinate members' feedback to the initial draft of the Response Review report;
- disseminate the final Response Review report; and
- support the Response Review team throughout the review process.

DEC host member:

The host member agency will support the Response Review team during their mission to Bangladesh. During the course of the Response Review, they will:

- liaise with the Response Review team and facilitate visits to project locations for data collection purposes;
- organise relevant meetings of DEC members and partners – the inception and the reflections meetings at the start and end of the field work – to share and triangulate findings;
- provide or facilitate access to other logistical support (significant expenditure will be charged to the consultant team or directly to DEC).

Specific details on the level of support required will be agreed with the host member as part of the inception work.

DEC members, where appropriate, will ensure that key partner agencies meet the consultants and ensure the work funded by the DEC is open for scrutiny.

7. Deliverables

The consultants are expected to produce the following, with specific timeframes to be agreed with the DEC:

- an inception report to be submitted to the DEC Secretariat and presented to members as part of an inception meeting in London;
- presentation at the preliminary and debriefing meetings in London;
- presentation at the in-country inception and debriefing sessions with DEC members and, where relevant, their partners;
- a written report on the Response Review (and possibly other visual or audio-visual materials to document findings).

The inception report will include the following elements:

- comments and suggestions regarding development of the review questions;
- a more detailed methodology;
- a detailed work plan and timeline.

The in-country sessions will cover findings, conclusions and recommendations; they should be structured as interactive learning sessions for DEC members and partners.

The consultants will be expected to produce a Response Review report which should be as follows:

- confined to the specific objectives of the mission;
- submitted in Word format, Arial 11, in English;
- a maximum of 25 pages (excluding an executive summary and appendices);
- include a glossary of abbreviations and terms;

- present recommendations⁴⁴ based on empirical evidence gathered during the course of the mission, prioritised and limited to 10 key points;
- include appropriate appendices providing commentary or case studies of individual agencies' performance or good practice where appropriate;
- stay focused on the objectives, and avoid generalisations or speculation as to the possible role of the DEC in current or future emergencies;

The report is not a commentary on the overall relief effort, but a timely snapshot of the efforts and behaviours of DEC members. The report should avoid generalisations or speculation as to the possible role of the DEC in current or future emergencies. If other issues do arise, discussion with the DEC Secretariat will determine how they should be addressed.

The Response Review findings are those of the authors and will be made available to the members as such. Any communication on the findings will make it clear that the report reflects the opinions of the authors alone and not those of the DEC or its members. The report should acknowledge that the review has been funded by DEC which includes UK Aid Match funding. It is intended that the report will be made available on the DEC and ALNAP websites. The DEC may also organise a public launch of the report in UK if there is sufficient interest.

The timeframe and process for the report sign-off (including review and feedback on draft report) will be finalised during the inception phase.

8. Budget

When calculating the overall budget for this work, the bidder should consider the following guidance:

- approximately 2-3 persons as part of the team;
- approximately 8 days for in-country activities;
- approximately 2 days for international travel depending on home location;
- approximately 3-5 days for preparation inception work and 4 days for report writing;
- one day each for briefing and debriefing in London;
- economy class flights to and from Bangladesh;
- modest but safe accommodation and in-country travel costs, which will be reimbursed on delivery of invoice unless separately provided by a DEC member and charged directly to the DEC;
- other costs incurred on field trips.

The bidder is free, however, to propose and justify a different set of expenses.

⁴⁴ Recommendations should specify: what needs to be done; who is to do it; and by when. The introduction to each recommendation should explain why the recommendation is made, and the subsequent text may suggest how the recommendation could be implemented. <http://www.alnap.org/resource/5595>.

10.2 Annex 2: List of Agencies and Others Interviewed or Consulted

During the review period in January and February 2018, the Review Team interviewed or consulted one or more representatives from the following organisations or institutions in Cox's Bazar or Dhaka:

DEC Member Agencies and Partners:

- ActionAid
- British Red Cross
- CAFOD
- CARE
- Caritas Bangladesh
- Coast
- Christian Aid
- Concern Worldwide
- Age International (HelpAge)
- Islamic Relief
- Mukti
- Oxfam
- Plan International
- Save the Children
- Tearfund
- United Purpose
- World Concern
- World Vision
- Young Power in Social Action (YPSA)

Government of Bangladesh

- Refugee Relief and Rehabilitation Commissioner

UN Agencies and Coordination Bodies

- Communication with Communities Sector
- IOM
- GBV AOR
- ISCG NGO coordination representative
- Senior Coordinator, Rohingya Refugee Response, ISCG
- Shelter Sector
- WASH Sector
- UNHCR

Other Stakeholders:

- Assessment Capacities Project (ACAPS) (via Skype)
- Action contre la Faim (ACF)
- BBC Media Action
- Danish Refugee Council (DRC)
- European Commission Humanitarian Office (ECHO)
- International Federation of the Red Cross and Red Crescent Societies
- Médecins sans Frontières (MSF) (via Skype)
- Scottish Catholic International Aid Fund (SCIAF)
- Swiss Solidarity
- UK Department for International Development (DFID)