

Chapter 3:

The International Institutional Framework

Key message:

While protecting internally displaced persons is the responsibility first and foremost of the State concerned, when national authorities are not fully able or ready to do so on their own, the international community has a critical protection role to play in promoting and supporting an effective national response. A wide array of international actors – humanitarian, human rights, development, political and, in some cases, also peace-keeping or peace-building missions – will need to be engaged. An effective international protection response to internal displacement therefore requires a collaborative response and well-coordinated approach among a range of actors.

This chapter provides an overview of the international institutional framework for humanitarian action. It outlines the coordination arrangements at the global and country level which underpin the **collaborative response**, including the “**cluster approach**” introduced in 2005 to ensure that critical gaps, including in protecting and assisting internally displaced persons, effectively are addressed. These arrangements set the spirit and direction that we should follow in our work. In particular, understanding this framework is important to ensure that our respective efforts are complementary and contribute towards a comprehensive protection response.

A Collaborative Response

Internal displacement and humanitarian crises often occur in complex emergencies, characterized by a partial or even complete breakdown of State authority, including the capacity, and in some cases willingness, to ensure the protection of civilians. Responding to such crises typically requires a **multi-dimensional response – humanitarian, human rights, development, security, political** – and the combined efforts of an array of actors, at both the **national and international levels**.

For the international community, the scale of such crises and the scope of human suffering call for a **wide-ranging humanitarian response that lies beyond the mandate or capacity of any single agency or organization**. In fact, a great number of international humanitarian, human rights and development actors, from both within and outside of the UN system, undertake activities in support of IDPs and other civilians at risk.¹ It is a joint, or collaborative, effort which requires a well-coordinated approach.

The **Emergency Relief Coordinator (ERC)**, who also is the UN Under-Secretary-General for Humanitarian Affairs, is responsible for ensuring inter-agency coordination of humanitarian action, both in complex emergencies and in natural disasters. A core function of the ERC is to ensure that all humanitarian issues, including any which fall between gaps in existing mandates of agencies -- as has been the case for protecting and assisting internally displaced persons -- effectively are addressed. The ERC undertakes global advocacy on protection and assistance, mobilizes political and financial support for humanitarian action, and engages in active dialogue with humanitarian agencies and NGOs governments and other relevant actors.

The ERC advocates regularly on issues of the protection of civilians in armed conflict and also can bring particular humanitarian situations or issues of concern to the attention of the UN Secretary-General or the Security Council.

For recent briefings by the ERC, see: <http://ochaonline3.un.org/AboutOCHA/Organigramme/TheUnderSecretaryGeneral>

¹ See Annex III to the Handbook: Overview of Key International Protection Actors in Situations of Internal Displacement.

The **Inter-Agency Standing Committee (IASC)**, which is chaired by the ERC, is the principal inter-agency forum for coordination and decision-making on issues of humanitarian action. It brings together a broad range of UN and other international humanitarian, human rights and development actors.² The IASC develops humanitarian policy and tools (see BOX), advocates for the respect of humanitarian principles, agrees on a division of responsibility for the various aspects of humanitarian action, and works to address any identified gaps in the overall response.

The **collaborative response** essentially is about working as a team. It draws upon the different mandates, expertise and operational capacities of the wide range of humanitarian, human rights and development actors, pooling their efforts together to ensure a comprehensive and predictable response.

In practice, however, this has been easier said than done. Clear responsibilities for action at times have been lacking, coordination among the different actors has been inconsistent, and critical gaps have resulted, in particular regarding protection of IDPs.³

A review in 2005 of the international humanitarian response capacity confirmed that despite certain improvements over the years, significant gaps remained, in particular regarding **protection** and in ensuring a consistent and comprehensive response to internal displacement. Towards filling these gaps, the IASC agreed to a comprehensive reform of the humanitarian response system, including strengthening the collaborative response through what is called the **“cluster approach”**.

The Cluster Approach⁴

In essence, the cluster approach represents a substantial strengthening of the collaborative response. It seeks to ensure **greater leadership and accountability** in key sectors where gaps in humanitarian response have been identified as well as to **enhance partnerships** among humanitarian, human rights and development

Policies and tools developed by the IASC relevant to IDP protection include:

- **Protection of Internally Displaced Persons**, Policy Paper (1999)
- **Implementing the Collaborative Response to Situations of Internal Displacement**: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams (IASC, 2004)
- **Growing the Sheltering Tree: Protecting Rights Through Humanitarian Action** (2002)
- **Gender Handbook** for Humanitarian Action (2007)
- Operational Guidelines on **Human Rights and Natural Disasters** (2006) and Manual (2007)
- Guidelines on **Mental Health and Psychosocial Support** in Emergency Settings (2007)

These documents and other information on the IASC's work are available at:

<http://www.humanitarianinfo.org/iasc/content/default.asp>

² Participants in the IASC include UN humanitarian, human rights and development agencies, the International Organisation for Migration (IOM), three consortia of major international NGOs, the UN Representative of the Secretary-General on the Human Rights of Internally Displaced Persons and, as observers, the Red Cross Red Crescent Movement represented by the International Committee of the Red Cross (ICRC) and the International Federation of Red Cross and Red Crescent Societies (IFRC).

³ Several evaluations since the early 1990s have drawn attention to these challenges, including their impact for the protection of the internally displaced. In 2004, it remained the case that:

“Over the past decade, United Nations Agencies have become increasingly involved in providing food, medicine, and shelter to displaced populations, but have *fallen short in assuring respect for their physical safety and human rights...Overall, the UN's approach to safeguarding the rights of internally displaced has been largely ad hoc, driven more by the personalities and convictions of individuals than a system wide agenda*” [italics added].

Walter Kälin, Representative of the UN Secretary-General on the Human Rights of Internally Displaced Persons, and Dennis McNamara, Director of UN OCHA's Internal Displacement Division, Foreword, *Protect of Neglect* (Brookings-SAIS Project on Internal Displacement and OCHA, 2004).

⁴ For more information, see, in particular, the *Guidance Note on the Using the Cluster Approach to Strengthen Humanitarian Response* (IASC, Nov 2006).

actors, both within the UN and with its partners. In so doing, the cluster approach also aims to address the repeated calls for a more predictable, effective and accountable inter-agency response to ensuring protection and assistance for internally displaced persons.

The collaborative response, along with the cluster approach being applied within this framework, operate at two levels: (1) the **global (headquarters) level**; and (2) the **country-level**,⁵ each of which is outlined below.

1. GLOBAL Clusters and Sectors of Humanitarian Response

Several “clusters” or areas of humanitarian activity that were critically in need of strengthened coordination and response have been identified.

Protection counts among these (for the full list of global clusters, see Table 1).

Each cluster/sector is led by an international agency or organization with particular expertise in the area (see Table 1). This agency is accountable to the Emergency Relief Coordinator (ERC) for ensuring predictable and effective inter-agency preparedness and response within the particular cluster or sector of activity.

In addition, the cluster lead is responsible for chairing and coordinating the work of the relevant **global cluster working group**, which brings together all those international humanitarian, human rights and development actors which are particularly engaged in the specific area of activity. The cluster working groups are responsible for:

- **Standard and policy-setting** through the consolidation, dissemination and, as necessary, development of standards and policies and identification of best practices;
- **Building response capacity**, in particular through training at the local, national, regional and international levels, establishing and maintaining surge capacity and standby rosters, and establishing and maintaining material stockpiles; and
- **Providing operational support**, including through timely assessments of needs for human, financial and institutional response capacity; emergency preparedness and long term planning; securing access to appropriate technical expertise; advocacy; resource mobilization and pooling; and ensuring complementarity of efforts through enhanced partnerships.

These clusters complement a number of pre-existing “sectors” of humanitarian activity, e.g. food and refugees, for which clear leadership and accountability already existed and thus did not require a new coordination arrangement. Indeed, a **cluster essentially is a sector group**. The objectives are the same: filling gaps and ensuring adequate preparedness and response in a particular area of humanitarian activity.

⁵ The cluster approach currently is being applied in all major new humanitarian emergencies (including disasters) and applied, as needed, in existing complex emergencies.

Table 1: Overview of global clusters⁶ and sectors

	Area of activity		Lead agency
CLUSTERS			
<i>Cross-cutting areas</i>	Protection	▪ IDPs (<i>from conflict</i>)	UNHCR
		▪ Civilians affected by conflict (other than IDPs)	UNHCR / OHCHR / UNICEF ⁷
		▪ Disaster situations	
	Camp coordination and management	▪ IDPs (<i>from conflict</i>)	UNHCR
▪ Disaster situations		IOM	
	Early recovery		UNDP
<i>Technical areas</i>	Emergency shelter	▪ IDPs (<i>from conflict</i>)	UNHCR
		▪ Disaster situations	IFRC ⁸
	Health		WHO
	Water, sanitation and hygiene		UNICEF
	Nutrition		UNICEF
	Education		UNICEF and Save the Children
<i>Common service areas</i>	Agriculture⁹		FAO
	Logistics		WFP
	Emergency telecommunications		OCHA / UNICEF / WFP
SECTORS			
	Food		WFP
	Refugees		UNHCR

Human rights, attention to **age, gender and diversity, HIV/AIDS** and the **environment** are cross-cutting issues to be mainstreamed into the work of each cluster/sector and of each agency or organization. Focal points exist to provide guidance and support for such efforts. Specifically:

Table 2: Cross-cutting Issues

	Focal point
Human rights	IASC Reference Group on Human Rights in Humanitarian Action ¹⁰ (led by OHCHR)
Age, gender and diversity	IASC Sub-Working Group on Gender and Humanitarian Action (led by UNFPA)
HIV/AIDS	Inter-Agency Task-Team on HIV/AIDS (led by UNAIDS)
Environment	UN Environment Program (UNEP)

⁶ See *Guidance Note on Using the Cluster Approach*.

⁷ UNHCR is the lead of the global Protection Cluster. At the country level, in disaster situations or in complex emergencies without significant displacement, the three specialized UN protection agencies (UNHCR, OHCHR and UNICEF) will consult and, under the leadership of the HC/RC, agree which among them will assume the lead for protection. See later in this chapter for further information on applying the cluster approach at the country level.

⁸ IFRC acts as a ‘convenor’ rather than ‘lead’ of the cluster for emergency shelter in disasters. In this capacity, it is committed to provide leadership, consolidate best practice, map capacity and gaps, and lead a coordinated response. However, IFRC does not accept obligations beyond those defined in its own Constitutions and policies; it is independent from and not accountable to the UN system.

⁹ Agriculture was designated a cluster subsequent to, and thus is not reflected as such in, the *Guidance Note on Using the Cluster Approach* (November 2006). However, see www.humanitarianreform.org

¹⁰ This Reference Group (which pre-dates the cluster approach) works closely with the Global Protection Cluster in supporting integration of attention to protection and human rights in all areas of humanitarian activity.

The Protection Cluster

The **Global Protection Cluster Working Group (PCWG)** is the main forum at the global level for the overall coordination of activities supporting protection in humanitarian action. Chaired by UNHCR as global protection cluster lead, the PCWG's members include UN humanitarian, human rights and development agencies as well as non-governmental and other international organisations particularly active in the area of protection.¹¹

The role of the PCWG is to **lead standard and policy setting relating to protection**, identify and disseminate **good practices**, and support the development of **strengthened protection capacity**.¹²

The PCWG also can provide, within the limits of its capacity, **operational field support to humanitarian country teams**, in both cluster and non-cluster countries, in particular by:

- Undertaking **support missions** to assist country teams to identify protection gaps and to develop strategies for response;
- Providing guidance and support for mainstreaming **human rights**, attention to **age, gender and diversity**, and **HIV/AIDS**;
- Supporting **advocacy on protection**;
- Providing **technical support and policy advice** on protection issues;
- **Strengthening the protection capacity** of humanitarian actors and other stakeholders (national and local authorities, affected populations etc.), including through training programs;
- Supporting efforts to **address identified protection concerns** in a given country;
- Supporting **resource mobilisation for protection** activities.

As protection is such a wide-ranging activity, and with the aim of further ensuring predictability and accountability, the PCWG has subdivided its work into a number of specific areas of responsibility, each led by a focal point agency. Specifically:

Table 3: Particular Areas of Protection Activity

Area of Responsibility under the Global Protection Cluster	Focal Point(s)
Rule of law and justice	UNDP / OHCHR
Prevention of and response to gender-based violence	UNFPA / UNICEF
Protection of children	UNICEF
Protection of other persons/groups with specific needs	UNHCR
Prevention of and response to threats to physical safety and other human rights violations	OHCHR / UNHCR
Mine action	UNMAS
Land, housing and property rights	UN HABITAT
Promotion and facilitation of solutions	UNDP
Logistics and information management support for the cluster	UNHCR

¹¹ For further information on the participants and work of the PCWG, see <http://www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=79>

¹² See *Mission statement and terms of reference for the Protection Cluster Working Group*, March 2007.

It is important to understand that **protection is not only the concern of the protection cluster but also is a cross-cutting issue**, which is to be integrated into the work of *all* aspects of humanitarian response. All humanitarian actors share a responsibility for ensuring that their activities do not lead to or perpetuate discrimination, abuse, violence, neglect or exploitation, but promote and respect human rights and work to enhance protection. The Protection Cluster exercises a “*droit de regard*” in this respect, meaning it has a role in ensuring that protection is integrated into the work of other clusters and sectors.

The Global Protection Cluster can assist other cluster/sectors to mainstream protection in their activities in various ways, including by:

- Encouraging other cluster/sectors to establish **focal points for protection**;
- Offering **technical expertise and advice** to other clusters/sectors as well as individual agencies, organisations and governmental counterparts;
- Supporting and participating in **joint assessments** and analysis, development of joint strategies, monitoring exercises and evaluations;
- Providing or supporting **training** on protection and human rights, with a special focus on internal displacement;
- Participating in the **meetings of other clusters/sectors** and invite their representatives to participate – as appropriate – in the meetings of the protection cluster;
- Convening **joint meetings or workshops** among different clusters/sectors on themes of common concern; and
- Maintaining a **regular dialogue** and sharing information on issues of common concern, calling the attention of a particular cluster to identified protection concerns relating to the cluster’s specific area of activity.

2. COUNTRY- level Coordination

At the country-level, ensuring coordination of humanitarian action, including protection and assistance to IDPs, in complex emergencies is the responsibility of the **UN Humanitarian Coordinator (HC)**, who is appointed by the ERC, in consultation with the IASC. In a number of cases, the UN Resident Coordinator (RC), who is the most senior UN official in the country, is designated also as the HC. In countries affected by displacement but where an HC has not been appointed, the RC is responsible for ensuring an effective international response to internal displacement.

To support the HC, a field presence of the Office for the Coordination of Humanitarian Affairs (OCHA) usually is deployed.

The responsibilities of the HC include:

- ✓ ensuring that any **protection gaps are addressed**;
- ✓ **promoting respect for human rights and humanitarian law** as well as for the *Guiding Principles on Internal Displacement*;
- ✓ **advocating** with the national authorities and other actors for respect for humanitarian principles, including unimpeded access to affected populations; and
- ✓ promoting **gender mainstreaming** and women’s rights at the policy, planning and implementation levels; and
- ✓ **resource mobilization** for the humanitarian response.¹³

In carrying out these responsibilities, the HC and/or RC should act in full consultation with UN agencies present as well as with the broader network of international humanitarian partners (including other

¹³ See *Revised Terms of Reference for the Humanitarian Coordinator* (IASC, Dec. 2003).

international humanitarian organizations, NGOs and the International Red Cross and Red Crescent Movement). Generally, an **inter-agency Humanitarian Country Team** is formed to bring together this range of actors and facilitate consultation and coordination among them.

The Country Team, under the leadership of the HC/RC, and in consultation with relevant partners, will decide upon specific coordination arrangements to put in place at the country level, including whether in the particular situation the collaborative response would be strengthened by applying the **cluster approach**.¹⁴

To enhance predictability and accountability, **coordination structures at the field level generally should mirror those in place at the global level**. This principle, however, should be applied flexibly, depending upon the situation on the ground and taking into account the mandate, expertise and capacities of international agencies and organizations that are operating in the country or region concerned. In some cases, a particular cluster or sectoral group may not be necessary (e.g. an Emergency Telecommunications or Logistics Cluster may not be required beyond the early stages of major new emergencies) or it may be appropriate for certain sectors to be merged (e.g. Health & Nutrition, or Food & Agriculture). For early recovery, the global level cluster recommends that rather than establishing a country-level cluster, that early recovery planning be integrated into the work of all field-level clusters/sectors, where necessary supported by the formation of an ad hoc “early recovery network”.¹⁵

Protection, however, given that it has been a recurring critical gap in the humanitarian response, is an area where focused attention and coordination almost certainly will be required (for guidance, see section below).

Role and Responsibilities of Country-level Cluster Leads¹⁶

At the field level, each cluster/sector lead agency – in addition to its normal agency responsibilities – is accountable to the HC/RC for ensuring effective and timely assessment as well as response in the particular area of activity. Specifically, the responsibilities of the cluster lead agency include:

- ✓ Ensuring effective inter-agency coordination, including through: chairing and coordinating the work of the cluster; joint needs assessments and analysis; contingency planning and preparedness; planning and strategy development; ensuring compliance with relevant international law, policies and standards; monitoring and reporting; advocacy; mobilising resources; and supporting training and other capacity-building efforts;
- ✓ Coordinating, as appropriate, with national and local authorities, state institutions, local civil society and other relevant actors, including displaced and other affected communities;
- ✓ Ensuring that participatory and community-based approaches are used in all needs assessments, analysis, planning, monitoring and response;
- ✓ Ensuring that cross-cutting issues – age, gender and diversity; human rights; HIV/AIDS and the environment – are integrated and mainstreamed in all activities. This must include gender-sensitive programming which ensures that the needs, contributions and capacities of women and girls as well as those of men and boys are addressed;
- ✓ Acting as both a **“first point of call”** for the HC and **“provider of last resort”** for the particular area of humanitarian activity. The lead agency is not expected to carry out all required activities in a

¹⁴ Regardless of whether the cluster approach is formally adopted in a given country operation, it is recommended that the basic principles of the cluster approach – in particular the delineation of clusters/sectors and designation of an accountable lead agency as well as the principle of partnership – are implemented to the extent possible. Country teams that do not apply the cluster approach should in any case be guided by *Implementing the Collaborative response to Situations of Internal Displacement: Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams* (IASC, 2004).

¹⁵ See *Guidance Note on Using the Cluster Approach*.

¹⁶ *Generic terms of reference for sector/cluster leads at the country level*, IASC, 24 Nov 2006. See Annex 1 to this chapter.

cluster. However, where critical gaps exist, it is responsible for filling such gaps, provided that access, security concerns and resources allow. If such constraints impede a response, the lead agency must work with the HC and relevant partners to mobilise resources, continue advocacy efforts and attempt to fill the gap to the extent possible.¹⁷

The cluster lead also should plan for and ensure a timely and effective **transition from emergency relief to longer-term recovery and development**, including by putting in place early recovery strategies and procedures for a gradual phasing out and seamless handover of activities.

The clusters are forums which bring together the various relevant humanitarian actors on the basis of an equal partnership. **Participation in each cluster** is based on each agency or organisation's mandate, expertise and operational capacity in the area of activity concerned. Participating agencies are expected to be responsive as well as proactive partners in all aspects of the response in the area of humanitarian activity concerned, including during assessments, development of strategies, implementation of joint projects and programmes, resource mobilisation, and monitoring and evaluation.¹⁸

Any concerns about the way in which a lead or focal point agency carries out its responsibilities can be discussed within the cluster or brought to the attention of the HC/RC, who can recommend alternative arrangements if necessary. Should gaps still remain, the ERC can take these concerns up at the global level in the IASC.

Cluster coordinators

Effective coordination requires an investment of time as well as of experienced staff, with solid leadership and managerial skills.

The cluster lead agency has a responsibility to deploy personnel, with the necessary seniority, skills and technical expertise to perform the role of a cluster coordinator.

Many of the skills needed -- in particular leadership, consensus-building, and diplomacy -- are discussed, with guidance given, in Part VI of this Handbook.

Protection: A Key Area for Country-Level Coordination

Protection is a wide-ranging activity, in which a number of different international actors have a role to play. However, it also has been a recurring gap in terms of predictability and accountability in the international response. For both of these reasons, it is essential that there be effective coordination arrangements for protection at the country-level.

In the area of protection, experience has shown that an effective collaborative response (regardless of whether or not the cluster approach is applied) at the country-level generally can best be ensured by taking two steps: (1) identifying a protection focal point; and (2) ensuring effective inter-agency coordination on protection issues through the establishment of a protection cluster or working group.

→ Step 1: Identifying a Protection Focal Point / Lead Agency

In complex emergencies, i.e. situations of conflict, **primary responsibility and accountability for the protection of the internally displaced and affected populations**¹⁹ as a rule should be assumed by UNHCR, in line with its role as lead agency for the global protection cluster.²⁰

¹⁷ See *Guidance Note on Using the Cluster Approach*.

¹⁸ It may be valuable, for instance for the purpose of information sharing, to enable certain agencies or organisations who formally are not participating agencies in the cluster to nonetheless participate in an observer capacity. For instance, this is the case with the ICRC/IFRC, in the protection cluster.

¹⁹ Recall, as set out in the introduction, that the PCWG has defined the term "affected populations" as it relates to internally displaced persons to include host communities where IDPs are living; host communities in areas of return of IDPs; and persons or communities at risk of displacement if their protection problems are not addressed.

²⁰ UNHCR's role in any particular situation is subject to the agency's criteria for operational involvement (including consent of the state and the agency's ability to operate without undue political or military influence). UNHCR's taking on the role of protection

In other situations, for instance, in complex emergencies without significant displacement or in situations relating to **natural or human-made disasters**, the protection mandated agencies (OHCHR, UNHCR and UNICEF) together with the HC/RC will decide which agency is best placed to assume the lead role for protection. In the event none of them can assume the lead, all relevant stakeholders are expected to contribute to the HC/RC's capacity to coordinate the protection response.

The extent to which it is valuable for the various **focal points for particular protection activity areas** (e.g. mine action; solutions) established at the global level (see Table 3) to be replicated at the field level is an issue for decision by the Country Team. It will depend on the context, including an assessment of protection risks and gaps, which may change over time, as well as the presence, expertise and operational capacity of the different focal point agencies.

→ Step 2: Establishing a Protection Working Group

Establishing a protection working group can be essential to ensuring that protection receives focused attention and is effectively addressed in the collaborative humanitarian response. Regardless of the particular format for such a group – including whether it is formally designated as a cluster – protection working groups should aim to **bridge gaps, build partnerships, and improve the protection response overall, through increased accountability, predictability and effectiveness.**

IN OUR WORK: specific areas of activity for a Protection Working Group usefully may include:

- ✓ Carrying out joint needs assessments and analysis;
- ✓ Forging consensus as to common priorities for response;
- ✓ Developing joint protection strategies and plans of action;
- ✓ Mapping operational capacity, agreeing on geographic areas of responsibility when appropriate, identifying gaps, and mobilising resources;
- ✓ Adapting and applying inter-agency tools to support operational responses;
- ✓ Raising awareness of the human rights situation and protection concerns;
- ✓ Advocacy with relevant stakeholders (parties to a conflict, state authorities, UN, donors etc.);
- ✓ Measuring the protection impact and relevance for persons of concern of the inter-agency response;
- ✓ Linking up with the Global Protection Cluster, as appropriate, regarding protection activities, impact, best practices, and challenges, to inform the global response and, as needed, trigger support for efforts at the country level.

In general, a PWG should be established at least at the **national level**, tasked with overseeing and coordinating the country-wide protection response. In emergency situations that span large geographical areas or where protection concerns differ significantly from one part of the country to another, it may be important to establish PWGs at the **provincial or local level** as well. Needless to say, close coordination between the national PWG and any regional/local level PWGs is essential.

The national level PWG should be **chaired by the**

IN OUR WORK:

On the establishment and basic modalities of a Protection Working Group, see the Checklist in Annex 2 of this chapter.

For specific guidance on facilitating the effective functioning of a PWG, see Part V of this Handbook on Skills, Chapter on Facilitating Protection Coordination Meetings.

cluster lead depends upon a determination that this will not undermine the right to asylum or the protection of refugees, i.e. not interfere with UNHCR's mandated responsibilities in this regard. In such cases, the protection mandated agencies (UNHCR, OHCHR and UNICEF), in consultation with the HC/RC, are to agree upon alternative arrangements.

protection lead agency for the country. Ideally, this would also be the case for provincial or local PWGs; however, especially if the lead agency is not present in the area, this role can be delegated to agencies or organisations (including NGOs) that are present and have the required expertise and operational capacity. In acute protection crises, effectively coordinating and supporting the work of the country-level PWG may require a full-time staff with the necessary seniority, skills and expertise.

PWGs should bring together all relevant international human rights, humanitarian and developmental actors. **Participation** will vary in different contexts, depending on which protection actors are present and active on the ground. Moreover, the nature of participation may vary, with some actors choosing to serve as observers.

In situations where **peace-keeping or peace-support missions** are present, particularly when these have a mandate for the protection of civilians,²¹ it can be useful to involve them in the PWG, or at the very least for the PWG to liaise closely with them.

In some cases, it may be appropriate and indeed beneficial for the **national and regional or local authorities** to participate (see BOX).

²¹ Increasingly, international as well as regional peace-keeping, peace-building and peace-support missions are being mandated with responsibilities for the protection of civilians. The specific activities such missions may undertake in this regard depends upon the context, in particular on the formal mandate of the mission (e.g. UN Security Council resolution), as well as the capacities put at the disposal of the mission. Examples of such activities include: ensuring the civilian character of IDP and refugee camps; undertaking patrols among communities at risk; and intervening directly with parties to the conflict when the security of civilians is threatened. In a number of cases, human rights officers and child rights specialists are deployed to these missions to monitor and report on human rights concerns. Such missions also often include a civilian police component to contribute to the restoration of law and order.

National authorities and protection working groups

National authorities bear primary responsibility for the protection of all persons within their jurisdiction. In order to address root causes of protection concerns and ensure the sustainability of our protection efforts, it is important to engage national authorities and work to strengthen their capacity to fulfill their protection responsibilities.

To what extent and how should government officials be included in the work of the PWG?

This is a key question for each PWG to ask. The answer will depend very much on the context. In some cases, the participation of government representatives has proven beneficial to protection efforts, for instance in facilitating the PWG's access to populations. In other situations, however, this clearly would not work given the level of government involvement in rights violations, and it might deter group members from discussing protection concerns or make them fear retaliation for doing so.

Defining an appropriate relationship of the national authorities with the PWG should be an issue for careful reflection, discussion and decision for the PWG.

Depending on the context, possible steps that the PWG can consider in developing its relationship and working methods as regards the national authorities can include, for instance:

- Engaging the **national human rights commission**, where one exists, to participate in the work of the PWG (National human rights commissions are bodies officially established and recognized by the Government, with varying degrees of independence including membership that may be comprised of leading members of civil society. These bodies can play a very valuable protection role and be an important partner and link for protection actors.);
- **Informing** the national and regional/local authorities about the establishment of the PWG and encouraging them to regard it as a resource to support an enhanced national protection response;
- Offering **technical advice** and support to national and local authorities on protection initiatives, for instance in training national/local authorities or in the development of national laws and policies to enhance protection;
- **Exchanging information** about the PWG's activities and protection concerns in meetings (through the chair or a small delegation of the PWG) with the national authorities and other relevant actors;
- Establishing a **regular forum**, such as a protection liaison group, to facilitate dialogue and cooperation;
- Inviting relevant authorities to attend and participate in **specific meetings** on particular protection issues of concern;
- Considering, in appropriate contexts (i.e. when the authorities are willing to participate and contribute constructively to the process), to invite the relevant authorities to **regularly attend and potentially even to co-chair** the PWG.

In all cases, care must be taken by the PWG to ensure the **confidentiality** of information and to maintain **independence and impartiality** in its work.²² Doing so is critical to the safety of internally displaced persons and other affected populations with whom we work and also to the security of humanitarian personnel, in particular national staff.

²² See Part 1, Chapter 1: The Fundamentals of Protection for a discussion of these principles as they relate to humanitarian action and protection.

Mobilizing resources for protection

In situations of complex emergency, the HC/RC, together with all relevant agencies and NGOs engaged in the response, leads an annual **consolidated appeals process (CAP)**. This entails the formulation of a common humanitarian action plan (CHAP) -- a joint strategy analysing the political, social and security situation of the particular country or crisis, projecting long-term and short-term humanitarian needs, assessing the capacities of the agencies involved in addressing these needs, and proposing a common set of objectives, actions and indicators for success. Complementing this, a Consolidated Appeal then sets out the specific projects and resources required to meet these objectives. Together, these documents serve as the primary tool for resource mobilisation at the field level in complex emergencies (although agencies and organisations can also apply for bilateral funding). A shorter Flash Appeal can also be prepared to enable more rapid resource mobilization and actual response.

In addition, grants and/or loans are available from the **Central Emergency Response Fund (CERF)** to support activities to respond to rapid onset or under-funded emergencies. Managed by the ERC, the CERF is intended to complement existing funding mechanisms by providing seed funds to jump-start critical operations and fund life-saving programmes that are not yet funded.

At the global level, an appeal for Building the Global Humanitarian Response Capacity has been launched in 2006 and 2007 to support the work of the global clusters, including the protection cluster.

All appeals, as well as funding needs and contributions, can be accessed online through the Financial Tracking Service (FTS), hosted by OCHA, at <http://ocha.unog.ch/fts2>.

IN OUR WORK: the common funding mechanisms can be important channels to mobilize resources for our efforts to enhance protection. We should, for instance:

- ✓ Be familiar with the Consolidated Appeals Process (CAP) and work with partners to ensure timely submission of protection programmes and projects for inclusion in the CAP;
- ✓ Work with other clusters/sectors to identify and develop projects that directly or indirectly contribute to enhanced protection, and assist them in mainstreaming protection concerns into their project submissions to the CAP.
- ✓ Consider, if working in a rapidly evolving or under-funded emergency, whether certain projects could qualify for funding from the CERF;
- ✓ Explore in addition, together with partners, the possibility of seeking funding from the private sector.

Protection staffing and standby arrangements

Protection requires not only financial inputs; it also very much depends on human resources, i.e. protection staff. When emergencies occur, getting staff quickly into place in the field is a priority. However, the rapid deployment of protection staff with experience in IDP protection and inter-agency coordination skills to lead and support the collaborative protection response has been a challenge. To address this gap, emergency response rosters and deployment schemes exist within many individual agencies and are being strengthened.

For more information on ProCap and other protection stand-by rosters and surge deployment schemes see: <http://ocha.unog.ch/ProCap/Online> and contact your agency or organization's focal point.

In addition, there are inter-agency mechanisms. The Protection Capacity (ProCap) project consists of a core team of Senior Protection Officers who are on permanent rotation to the field, deployed on a short-term basis (2-9 months) to support and strengthen the strategic and operational response of the Humanitarian Country Team and/or individual protection agencies. Country Teams and individual UN agencies have drawn

upon ProCap, for instance, to support the development of protection policies, mechanisms, tools and strategies as well as to build the in-country protection capacities of local, national and international actors.

Several stand-by arrangements provide “surge” protection capacity to agencies through the deployment on short-notice of personnel on a temporary basis (3-11 months). The International Rescue Committee’s Surge Project; the Danish Refugee Council (DRC), the Norwegian Refugee Council (NRC), Save the Children (Denmark, Sweden, Norway), and Austcare manage such rosters.

References and Tools

Collaborative Response Overall:

- **Human Rights Guidance Note for Humanitarian Coordinators** (IASC, June 2006).
- Revised **terms of reference for the Humanitarian Coordinator** (IASC, Dec. 2003).
- **Implementing the Collaborative response to Situations of Internal Displacement:** Guidance for United Nations Humanitarian and/or Resident Coordinators and Country Teams (IASC, Sept 2004).
- **Protection of Internally Displaced Persons** (IASC Policy Paper, 1999).
- **Protect or Neglect: Toward a More Effective United Nations Approach to the Protection of Internally Displaced Persons** (OCHA/Brookings-SAIS Project on Internal Displacement, 2004).
- **Humanitarian Response Review** (OCHA, August 2005). Available at: www.humanitarianreform.org

Cluster Approach:

- **Guidance Note on the Using the Cluster Approach to Strengthen Humanitarian Response** (IASC, 2006). Also available in Arabic and French.
- Questions and Answers on the **Cluster Approach** and Cluster Implementation Issues (OCHA, 2006).
- **Operational guidance on designating sector/cluster leads** in major new emergencies, and Operational guidance on designating sector/cluster leads in ongoing emergencies (IASC, May 2007)
- Generic **terms of reference for sector/cluster leads** at the country level (IASC, Nov 2006).
- **Protection Cluster Working Group** Mission statement and Terms of Reference (2007).

These and other documents regarding the cluster approach are available at the Humanitarian Reform Website: www.humanitarianreform.org

Selected websites:

Global Protection Cluster Working Group:

<http://www.humanitarianreform.org/humanitarianreform/Default.aspx?tabid=79>

Humanitarian Reform Website: www.humanitarianreform.org

Inter-Agency Standing Committee: <http://www.humanitarianinfo.org/iasc/content/default.asp>

Humanitarian Appeal Website: www.humanitarianappeal.net

Central Emergency Response Fund: <http://ochaonline2.un.org/Default.aspx?tabid=8770>

Financial Tracking Service (FTS): <http://ocha.unog.ch/fts2>

Protection Standby Capacity Project (ProCap): <http://ocha.unog.ch/ProCapOnline>

ANNEX 1 - Generic Terms of Reference for Sector/Cluster Leads at the Country Level

The Cluster Approach operates at two levels. At the global level, the aim is to strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies by designating global Cluster Leads and ensuring that there is predictable leadership and accountability in all the main sectors or areas of activity. At the country level, the aim is to ensure a more coherent and effective response by mobilizing groups of agencies, organizations and NGOs to respond in a strategic manner across all key sectors or areas of activity, each sector having a clearly designated lead, as agreed by the Humanitarian Coordinator and the Humanitarian Country Team (To enhance predictability, where possible this should be in line with the lead agency arrangements at the global level).

The Humanitarian Coordinator – with the support of OCHA – retains responsibility for ensuring the adequacy, coherence and effectiveness of the overall humanitarian response and is accountable to the Emergency Relief Coordinator.

Sector/cluster leads at the country level are accountable to the Humanitarian Coordinator for facilitating a process at the sectoral level aimed at ensuring the following:

Inclusion of key humanitarian partners

- ✓ Ensure inclusion of key humanitarian partners for the sector, respecting their respective mandates and programme priorities

Establishment and maintenance of appropriate humanitarian coordination mechanisms

- ✓ Ensure appropriate coordination with all humanitarian partners (including national and international NGOs, the International Red Cross/Red Crescent Movement, IOM and other international organizations), through establishment/maintenance of appropriate sectoral coordination mechanisms, including working groups at the national and, if necessary, local level;
- ✓ Secure commitments from humanitarian partners in responding to needs and filling gaps, ensuring an appropriate distribution of responsibilities within the sectoral group, with clearly defined focal points for specific issues where necessary;
- ✓ Ensure the complementarity of different humanitarian actors' actions;
- ✓ Promote emergency response actions while at the same time considering the need for early recovery planning as well as prevention and risk reduction concerns;
- ✓ Ensure effective links with other sectoral groups;
- ✓ Ensure that sectoral coordination mechanisms are adapted over time to reflect the capacities of local actors and the engagement of development partners;
- ✓ Represent the interests of the sectoral group in discussions with the Humanitarian Coordinator and other stakeholders on prioritization, resource mobilization and advocacy;

Coordination with national/local authorities, State institutions, local civil society and other relevant actors

- ✓ Ensure that humanitarian responses build on local capacities;
- ✓ Ensure appropriate links with national and local authorities, State institutions, local civil society and other relevant actors (e.g. peacekeeping forces) and ensure appropriate coordination and information exchange with them.

Participatory and community-based approaches

- ✓ Ensure utilization of participatory and community based approaches in sectoral needs assessment, analysis, planning, monitoring and response.

Attention to priority cross-cutting issues

- ✓ Ensure integration of agreed priority cross-cutting issues in sectoral needs assessment, analysis, planning, monitoring and response (e.g. age, diversity, environment, gender, HIV/AIDS and human

rights); contribute to the development of appropriate strategies to address these issues; ensure gender-sensitive programming and promote gender equality; ensure that the needs, contributions and capacities of women and girls as well as men and boys are addressed;

Needs assessment and analysis

- ✓ Ensure effective and coherent sectoral needs assessment and analysis, involving all relevant partners

Emergency preparedness

- ✓ Ensure adequate contingency planning and preparedness for new emergencies;

Planning and strategy development

- ✓ Ensure predictable action within the sectoral group for the following:
- ✓ Identification of gaps;
- ✓ Developing/updating agreed response strategies and action plans for the sector and ensuring that these are adequately reflected in overall country strategies, such as the Common Humanitarian Action Plan (CHAP);
- ✓ Drawing lessons learned from past activities and revising strategies accordingly;
- ✓ Developing an exit, or transition, strategy for the sectoral group.

Application of standards

- ✓ Ensure that sectoral group participants are aware of relevant policy guidelines, technical standards and relevant commitments that the Government has undertaken under international human rights law;
- ✓ Ensure that responses are in line with existing policy guidance, technical standards, and relevant Government human rights legal obligations.

Monitoring and reporting

- ✓ Ensure adequate monitoring mechanisms are in place to review impact of the sectoral working group and progress against implementation plans;
- ✓ Ensure adequate reporting and effective information sharing (with OCHA support), with due regard for age and sex disaggregation.

Advocacy and resource mobilization

- ✓ Identify core advocacy concerns, including resource requirements, and contribute key messages to broader advocacy initiatives of the HC and other actors;
- ✓ Advocate for donors to fund humanitarian actors to carry out priority activities in the sector concerned, while at the same time encouraging sectoral group participants to mobilize resources for their activities through their usual channels.

Training and capacity building

- ✓ Promote/support training of staff and capacity building of humanitarian partners;
- ✓ Support efforts to strengthen the capacity of the national authorities and civil society.

Provision of assistance or services as a last resort

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

Humanitarian actors who participate in the development of common humanitarian action plans are expected to be proactive partners in assessing needs, developing strategies and plans for the sector, and implementing agreed priority activities. Provisions should also be made in sectoral groups for those humanitarian actors who may wish to participate as observers, mainly for information-sharing purposes.

ANNEX 2 - CHECKLIST: Establishing a Protection Working Group

Establishing an inter-agency forum where protection issues regularly are discussed can be critical to ensuring that these concerns effectively are addressed in a comprehensive and coordinated protection response. In any given situation, the specific shape that such a protection working group takes will depend upon an assessment of the context, including taking into account any other protection coordination forums (local, national or international) that already exist. In setting up such a forum, close consultation with the Humanitarian Coordination and Country Team is essential.

Initial Phase: Establishing a Protection Working Group

- ✓ **Identify and assess any existing protection coordination arrangements and structures** (international as well as national), ensuring that any protection working group that is to be established complements and closely coordinates with these mechanisms.
- ✓ **Identify all relevant partners.** These should include all human rights, humanitarian and development actors that form part of the UN and broader international inter-agency country team. It may also include national partners, both governmental and NGOs (see below on Participation as well as Box in chapter on the relationship between national authorities and protection working groups).
- ✓ **Convene** all relevant stakeholders within the country team to discuss and come to agreement on the following issues:
 - **Terms of reference:** These should be based on the generic terms of reference for cluster/sector leads at country level (see Annex 1), adapted to the particular context and the common priorities of key protection actors. While information-sharing may count among the aims, the role of the PWG must not be limited to this, but be **strategic and action-oriented, focused on ensuring a coordinated and comprehensive protection response.**
 - **Chairing arrangements:** Various chairing arrangements are possible. Preferably, the cluster lead agency for protection will chair or at least co-chair with a partner agency/NGO. It may be decided to periodically rotate responsibility for chairing among different participating agencies. In any case, it is important to remember that overall responsibility and accountability for the work of the PWG rests with the lead agency.
 - **Coordination arrangements:** These generally should mirror arrangements adopted at the global level, taking into account the local context as well as existing operational capacities. The establishment of task-forces, sub-working groups or focal points on specific issues may facilitate the work of the group. Moreover, it is important to consider whether a country (national) level PWG will suffice or will whether regional/local WGs also be required, and if so, to ensure that these different levels of PWG effectively coordinate with one another.
 - **Participation:** The PWG should be a broad-based inclusive forum bringing together protection actors. All international agencies and NGOs who are engaged in protection should be invited to be present, whether as participating agencies or simply as observers. The participation of local NGOs / civil society as well as how the WG will relate to the national/local and other authorities are key issues for the PWG to discuss and decide upon.
 - **Meeting arrangements:** How often the PWG will meet and who will take responsibility for convening meetings, drafting the agenda, recording meeting notes and action points for follow-up must be clearly agreed upon. It generally will be most practical for the lead agency and Chair of the PWG to assume these functions.

Ongoing:

- ✓ **Meet regularly** (at least monthly; in emergency contexts, meeting more regularly, even weekly, may be advisable) and set clear agendas.
- ✓ Ensure that the discussion goes beyond information-sharing and is **action-oriented**, resulting in agreed action-points, with clearly defined responsibilities and time-frame for implementation.
- ✓ **Follow-up** on agreed action points, revisiting these at subsequent meetings particularly if implementation is outstanding.
- ✓ Maintain regular contact, close **cooperation and coordination with any other PWGs** established in the country (e.g. between the national PWG and any regional / local PWGs), sharing information on protection activities and concerns as well as developing, as appropriate, joint response strategies. Support and assistance, as needed, may be sought from the global level PWG.
- ✓ Ensure that the work of the PWG is in line with international **standards, laws, policies and good practice**, including the humanitarian principles of independence and impartiality, and that adequate safeguards are put in place to maintain confidentiality of protection information that could put individuals at risk.
- ✓ Ensure that **cross-cutting issues** – including age, gender and diversity, HIV/AIDS, the environment and early recovery issues – are mainstreamed in the work of the PWG as well as into the activities of individual partners.