



Policy Instruction

**OCHA'S ROLE IN SUPPORTING PROTECTION:
INTERNATIONAL AND FIELD LEVEL RESPONSIBILITIES**

Approved by:
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**POLICY INSTRUCTION ON
OCHA'S ROLE IN SUPPORTING PROTECTION:
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ANNEXES

For reference on the mandated functions of the Emergency Relief Coordinator (ERC), Humanitarian Coordinators (HCs), OCHA field offices, and the Protection Cluster, an *aide-memoire* in text and matrix form are included in Annex 1 and Annex 2 respectively.

A. PURPOSE

The purpose of this Policy Instruction is to clarify the role and responsibilities of OCHA, at both the international level and in the field, concerning the protection of civilians in crisis and disaster settings.

B. SCOPE

This Policy Instruction is for all OCHA staff. It sets out what OCHA is expected to do taking into account its core coordination responsibilities and the role and function of various partners including national/local authorities and entities with protection-specific mandates. Compliance is expected.

C. RATIONALE

It is widely acknowledged that protection is a core element of all humanitarian action. OCHA's specific role in relation to protection is to support an effective and coordinated approach. Thus, the rationale for

this Policy Instruction is to clarify OCHA's role and responsibilities in order to contribute to timely and effective action on protection.

D. POLICY

Protection is broadly defined within the Inter-Agency Standing Committee (IASC) policy framework as "all activities aimed at ensuring full respect for the rights of the individual in accordance with international human rights law, international humanitarian law, and refugee law."

As a coordination entity, OCHA does not provide *direct* protection services as do protection-mandated agencies such as the UN High Commissioner for Refugees (UNHCR), the Office of the High Commissioner for Human Rights (OHCHR), the UN Children's Fund (UNICEF) or the International Committee of the Red Cross (ICRC). However, it is widely agreed that attention to protection is essential for effective humanitarian action and, as such, all humanitarian actors – including OCHA – have a role to play in protection.

OCHA's role is aimed at supporting protection activities, as in other areas of humanitarian response and action, by providing assistance to the HC and the IASC Country Team in establishing the overarching priorities and direction for humanitarian programming.

OCHA's role is based *inter alia* on General Assembly resolution 46/182, the Secretary General's 1997 reform programme that outlined the ERC's core functions (A/RES/52/12), as well as the IASC *Terms of Reference for HCs* (2003). As part of the humanitarian reform process, OCHA's role, particularly on protection, is also determined by the *IASC Generic Terms of Reference for Cluster Leads* at the country level and the role and function of the protection cluster (for reference on the mandated functions of the ERC, HCs and OCHA field offices and the role of the protection cluster, please refer to Annexes 1 and 2).

In cases where OCHA is working with a Deputy Special Representative of the Secretary General/Humanitarian Coordinator (DSRSG/HC) as part of an integrated mission, OCHA is also guided by the *Note from the Secretary General: Guidance on Integrated Missions* (17 January 2006).

At the international level

At the international level – and based on inputs from OCHA field offices and other relevant actors – OCHA supports the ERC in discharging his/her mandated responsibilities to advocate for respect for humanitarian laws and principles and realization of objectives, including:

- Reporting to the Security Council on the protection of civilians (POC) in armed conflict, including recommendations for action.
- Reporting to the Security Council on protection concerns arising in specific crises.
- Reporting to other UN bodies such as the General Assembly, the Economic and Social Council (ECOSOC) and the Human Rights Council, on protection of civilians.
- Substantive liaison at the UN inter-departmental and inter-agency level on peace missions, Security Council mandates, and structure of UN peacekeeping missions (S/RES/1674).
- Facilitating advocacy and engaging the good offices of the ERC on protection-related issues.

- Consensus-building on protection issues through engagement with Member States, regional organizations and other international stakeholders.
- Leading/contributing to the development of policy, standards and tools on specific protection issues (e.g., small arms, sanctions, sexual exploitation and abuse).
- Guidance and support to HCs, Resident Coordinators (RCs) and OCHA field staff and other key constituents, including through orientation and training.
- Providing policy support and guidance on protection matters to field offices and staff as required/requested.

At the field level

At the field level (including regional offices), OCHA's role is to support HCs, in both complex emergencies and disasters associated with natural hazards, to implement their responsibilities as outlined in the IASC *Terms of Reference for HCs*. This includes supporting all relevant actors, together with government or other authorities, to enhance protection of civilians. Such action also includes reporting to the ERC on specific protection concerns.

In light of the humanitarian reform process, OCHA's role in countries or settings where there is a designated protection lead is to support the coordination of protection activities that fall within the overall framework of humanitarian action. In practical terms, this means that OCHA has a role to play in the following aspects of humanitarian action as it relates to protection¹:

- **Preparedness and contingency planning**
 - Ensure that preparedness and contingency planning processes identify potential protection and gender-specific issues and that these are addressed in related preparedness programmes.
- **Coordination**
 - Advocate for, and facilitate as appropriate, the establishment of protection coordination mechanisms, such as protection working groups (PWGs).
 - Contribute to the work and deliberations of PWGs.
 - Provide direct support to PWGs (such as chairing/co-chairing, secretariat services) if requested by the protection lead.
 - Encourage inclusiveness of PWG meetings/initiatives (e.g. ensure broad NGO participation) as well as linkages to relevant fora.
 - Ensure incorporation of cross-cutting issues such as gender, age, and HIV and AIDS, in the humanitarian response.
- **Safeguarding humanitarian space**
 - Support HCs in safeguarding humanitarian space *vis-à-vis* the parties to a conflict, including advocating for the right of all civilians to be treated as non-combatants and to benefit from humanitarian action.
 - Advise HCs on maintaining the humanitarian principles of independence, impartiality and neutrality in the context of integrated missions.
 - Advise and support advocacy by HCs (with national authorities and Designated Officials) on the safety and security of UN and associated personnel.

¹ It should be noted that a given OCHA field presence will not necessarily undertake all these activities all the time but that it will depend on the specific country context.

- **Negotiating access**
 - Help secure and/or negotiate safe and unimpeded access to populations in need.
 - Facilitate common agreement among partners on acceptable approaches and conditions for obtaining access.
 - Bring issues that impede or restrict humanitarian access to the attention of the HC and/or ERC, as appropriate, with recommendations for action.
 - Support the HC in maintaining respect for humanitarian personnel and assets.

- **Monitoring and reporting**
 - Advocate for, and support the creation and/or maintenance of, protection monitoring mechanisms and reporting in line with approved policy guidance and headquarters frameworks.
 - Contribute to protection monitoring and reporting through the provision of information on, and analysis of, protection concerns.
 - Ensure incorporation of age and gender-related issues in monitoring, reporting and analysis.

- **Analysis and information sharing**
 - Help ensure, and contribute to, analysis of protection concerns, identification of trends and patterns, including development of recommended actions.
 - Support cross-cluster analysis and ensure that protection concerns raised in different clusters are shared with the protection cluster and action taken (including recommendations for the HC and headquarters).

- **Assessment and strategy development**
 - Support the implementation of protection assessments and analysis of requirements needed to secure the safety and protection of civilians.
 - Support the development of appropriate protection strategies, ensuring attention is paid to cross-cutting issues such as gender, age, the environment and HIV and AIDS.
 - Ensure that protection perspectives inform the overall humanitarian strategy.
 - Ensure prioritisation of the protection strategy within the Common Humanitarian Action Plan (CHAP) or similar strategy document.
 - Ensure that protection is reflected in the strategies of other cluster/sectors.

- **Advocacy**
 - Promote humanitarian principles in day-to-day activities such as meetings with key partners, government officials etc., and encourage coordinated advocacy messages among different international and local actors.
 - Contribute to the development by the protection cluster of an advocacy strategy.
 - Support the protection cluster to undertake advocacy initiatives on specific cases/trends and patterns of violations of human rights or international humanitarian law.
 - On behalf of the protection cluster, raise issues of concern with the HC, ERC and donors with recommendations for action.

› **Transition**

- As situations transition from emergency to recovery, advocate for the revision of the protection strategy and the availability of appropriate mechanisms and capabilities to address continuing protection and gender concerns.

› **Policy**

- Ensure that all relevant IASC policies and documentation from UN bodies are transmitted to the protection cluster and to the HC. Assist, when requested by the protection lead or the HC, in the implementation of chosen policies.
- Facilitate the transmission of policy requests to relevant IASC and headquarters bodies as requested by the HC and/or protection lead.

E. TERMS AND DEFINITIONS

Protection is broadly defined as all activities aimed at ensuring full respect for the rights of the individual in accordance with international human rights law, international humanitarian law and refugee law.

F. REFERENCES

- GA Res 46/182 (1991)
- GA Res 52/12 (1997)
- IASC *Terms of Reference for Humanitarian Coordinators* (2003)
- S/Res/1265 (1999)
- S/Res/1296 (2000)
- S/Res/1674 (2006)
- Commission on Human Rights Res. 2005/46 (para. 15)

Related guidance

- Protection Cluster Working Group, *Progress Report to the IASC Principals* (12 December 2005)
- Hugo Slim and Andrew Bonwick, *Protection – An ALNAP Guide for Humanitarian Agencies* (2005)
- *Note from the Secretary General: Guidance on Integrated Missions* (17 January 2006)
- OCHA, *Aide Memoire for the Consideration of Issues Pertaining to the Protection of Civilians* (2004)
- OCHA, *Frequently Asked Questions, International Humanitarian, Human Rights, and Refugee Law* (2004)
- OCHA, *Glossary of Humanitarian Terms in Relation to the Protection of Civilians in Armed Conflict* (2003)

G. MONITORING AND COMPLIANCE

Roll-out and implementation of this Policy Instruction will be undertaken and jointly monitored by IDD (until 31 December 2006; thereafter, by Displacement and Protection Support Section) and PDSB. Compliance with Policy Instruction is expected.

H. DATES

The current Policy Instruction will be reviewed no later than two years from approval date.

I. CONTACT

- Until 31 December 2006: Deputy Director, Internal Displacement Division / After 01 January 2007: Chief, Displacement and Protection Support Section
 - Chief, Policy Development and Studies Branch
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J. HISTORY

This SOP was created on 18 September 2006 and has not been amended.

SIGNED:

Jan Egeland

DATE:

18/09/06

ANNEX I

OCHA's role in support of efforts to enhance inter-agency protection responses and in coordination of assistance and protection for the internally displaced: Mandated functions of ERC, HCs and OCHA field offices

What is the inter-governmental mandate for protection and displacement functions?

- A/RES/52/12 (November 1997): *Renewing the United Nations*: the ERC's functions will be more focused on three core functions..: 1) policy development and coordination functions ... **ensuring that all humanitarian issues, including those which fall in gaps of existing mandates of agencies such as protection and assistance for internally displaced persons, are addressed.**
- A/RES/58/177 (March 2004): *Protection of and assistance to IDPs: Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons*, and welcoming initiatives taken in order to ensure better protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them; ...*Emphasizes the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement*, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;
- S/RES/1674 (2006): *Protection of civilians in armed conflict*: Expresses its intention of continuing its **collaboration with the United Nations Emergency Relief Coordinator...** Reiterates its invitation to the Secretary-General to continue to **refer to the Council relevant information and analysis regarding the protection of civilians** where he believes that such information or analysis could contribute to the resolution of issues before it, requests him to continue to include in his written reports to the Council ...observations relating to the protection of civilians in armed conflict, and encourages him to continue consultations and take concrete steps to **enhance the capacity of the United Nations in this regard**
- S/RES/1296 (2000): *Protection of civilians in armed conflict*: Invites the Secretary-General to **bring to its attention situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where their camps are vulnerable to infiltration by armed elements** and where such situations may constitute a threat to international peace and security,
- Commission on Human Rights Res. 2005/46 (para.15): **“Encourages the Emergency Relief Coordinator, in his capacity as head of the Office for the Coordination of Humanitarian Affairs, to lead the efforts aimed at promoting an effective, predictable and collaborative response** among all relevant international agencies and bodies with regard to protecting and assisting internally displaced persons, at headquarters as well as in countries with situations of internal displacement.

What is the IASC mandate for protection and displacement functions?

For the ERC (May 1997):

- The role of the ERC with respect to IDPs should entail: **advocacy on assistance and protection; resource mobilization and identification of gaps** in the international response; **assignment of responsibilities** among agencies, including for camp management; information management; and **support to field operations**, including in the negotiation of humanitarian access.

For HCs supported by OCHA field offices (HCs' TORs, 2003):

- The HC is responsible for establishing and maintaining comprehensive coordination mechanisms based on facilitation and consensus building. These mechanisms should be inclusive of **all the actors involved at the country level in provision of humanitarian assistance and protection...**
- The HC is responsible...for ensuring that **any gaps or overlaps in protection**, that could arise as a result of the respective mandates of the agencies, can be resolved in practice.
- The HC is responsible for overseeing the **development of a comprehensive strategic plan for responding to the assistance and protection needs of IDPs** and identifying the most appropriate collaborative arrangements amongst operational agencies for implementing that plan, ensuring that all needs are met. The strategic plan should be integrated in the Common Humanitarian Action Plan (CHAP) and the Consolidated Appeal (CA).
- The **HC's responsibility vis-à-vis IDPs** stems directly from the ERC's role as focal point for IDPs. In discharging his/her duties in this regard, the Humanitarian Coordinator will be guided by the IASC Protection Policy Paper and the Supplementary Guidance to HC/RC on their responsibilities in relation to IDPs.
- The HC has responsibility for **advocating with the relevant parties for the application of humanitarian principles** on behalf of the victims and of the humanitarian community. This will include: (a) Promoting, assisting and, if necessary, leading negotiations to obtain free, safe and unimpeded access for humanitarian assistance to those in need, in a manner consistent with the operational requirements of the various partners; (b) **Promoting respect for human rights and humanitarian law as well as the Guiding Principles on Internal Displacement**; (c) Seeking acceptance by all parties to the civil conflict in question on the **principle of neutrality and impartiality that underline humanitarian action**, as well as on other fundamental issues such as the access to those in need, the security of humanitarian personnel, and the need to be accountable to donors and beneficiaries for the aid provided; (d) Carrying out **advocacy initiatives** with the local and international media, the international community, the civil society and the public at large.
- The HC is responsible for promoting and monitoring the implementation of the relevant policies and guidelines adopted by the IASC. These include:
 - Guiding Principles on Internal Displacement (1999)
 - Policy Paper on Protection for IDPs (1999) [superseded by IASC, *Implementing the Collaborative Response to Situations of Internal Displacement – Guidance for United Nations Humanitarian and/or Resident Coordinators* (September 2004)].

ANNEX II – MATRIX OF RESPONSIBILITIES

| Activity | Protection Cluster/Protection Lead Responsibility ² | OCHA Field Responsibility | OCHA HQ |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Preparedness and Contingency Planning | <ul style="list-style-type: none"> ▪ Identify potential protection and gender issues and include provision for response in preparedness and contingency planning processes. | <ul style="list-style-type: none"> ▪ Ensure that preparedness and contingency planning processes identify potential protection and gender-specific issues and that these are addressed in related preparedness programmes. | <ul style="list-style-type: none"> ▪ Support the development of relevant guidance and training as required/requested. |
| Coordination | <ul style="list-style-type: none"> ▪ Establishment and running of Protection Working Groups (PWGs) at the capital, regional and/or local level. | <ul style="list-style-type: none"> ▪ Advocate for, and facilitate as needed, the establishment of protection coordination mechanisms, such as PWGs. ▪ Contribute to the work and deliberations of PWGs. ▪ Provide direct support to PWGs (chairing, secretariat support) if requested by the protection cluster lead. ▪ Encourage inclusiveness of PWG meetings/initiatives (e.g. ensure broad NGO participation) as well as linkages to relevant fora. ▪ Ensure incorporation of cross-cutting issues such as gender, age, and HIV/AIDS, in the humanitarian response. | <ul style="list-style-type: none"> ▪ Engagement with the Global Protection Cluster Working Group ▪ Engagement with Member States and Regional Organisations. |
| Safeguarding Humanitarian Space | <ul style="list-style-type: none"> ▪ Advocate for the right of all civilians to be treated as non-combatants and to benefit from humanitarian action. | <ul style="list-style-type: none"> ▪ Support HCs in safeguarding humanitarian space <i>vis-à-vis</i> the parties to a conflict, including advocating for the right of all civilians to be treated as non-combatants and to benefit from humanitarian action. ▪ Advise HCs on maintaining the humanitarian principles of independence, impartiality | <ul style="list-style-type: none"> ▪ Advocacy for humanitarian space with the Security Council and Member States ▪ Support the development of relevant guidance and training as required/requested. |

² The responsibilities listed in this column should be undertaken by OCHA (a) at the outset of an emergency pending the designation of a protection cluster lead; (b) in the non-cluster context or in the absence of a formally designated lead for protection. OCHA field offices should develop an exit strategy determining when and under what conditions it will handover these responsibilities. In addition, following the designation of a protection cluster lead or, in the non-cluster context, the designation by the HC of a lead agency for protection, OCHA must at all times monitor and advocate for the fulfilment of these responsibilities by the protection cluster lead/protection lead agency.

| Activity | Protection Cluster/Protection Lead Responsibility ² | OCHA Field Responsibility | OCHA HQ |
|----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>and neutrality in the context of integrated missions.</p> <ul style="list-style-type: none"> ▪ Advise and support HC advocacy (with national authorities and Designated Officials) on the safety and security of UN and associated personnel | |
| Negotiating Access | <ul style="list-style-type: none"> ▪ Protection (and all) clusters bring access issues to the attention of the HC and inform OCHA. | <ul style="list-style-type: none"> ▪ Help secure and/or negotiate safe and unimpeded access to populations in need. ▪ Facilitate common agreement among partners on acceptable approaches and conditions for obtaining access. ▪ Bring issues that impede or restrict humanitarian access to the attention of the HC/ERC as appropriate with recommendations for action. ▪ Support the HC in maintaining respect for humanitarian personnel and assets. | <ul style="list-style-type: none"> ▪ Provide support as requested. ▪ Support the development of relevant guidance and training as required/requested. |
| Monitoring And Reporting | <ul style="list-style-type: none"> ▪ Establishment and implementation of field-based monitoring and reporting mechanism. | <ul style="list-style-type: none"> ▪ Advocate for and support the creation/maintenance of mechanisms for protection monitoring and reporting. ▪ Contribute to protection monitoring and reporting through the provision of information and insights on protection concerns. ▪ Ensure incorporation of age and gender-related issues in monitoring and reporting. | <ul style="list-style-type: none"> ▪ Liaison with OCHA field offices, ECHA colleagues and the broader humanitarian community to prepare the Secretary Generals reports and the briefings of the Emergency Relief Coordinator to the Security Council. ▪ Support the development of relevant guidance and training as required/requested. |
| Analysis And Information Sharing | <ul style="list-style-type: none"> ▪ Based on the monitoring and reporting, analysis of protection concerns, trends and patterns, including development of recommended actions. | <ul style="list-style-type: none"> ▪ Help ensure, and contribute to, analysis of protection concerns, identification of trends and patterns, including development of recommended actions. ▪ Support cross-cluster | <ul style="list-style-type: none"> ▪ Development of an analysis and information sharing framework on the protection of civilians in armed conflict. ▪ Ensure that such protection concerns are |

| Activity | Protection Cluster/Protection Lead Responsibility ² | OCHA Field Responsibility | OCHA HQ |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | analysis and ensure that protection concerns raised in different clusters are shared with the protection cluster and action taken (including recommendations for HC and HQ). | included in all relevant reports/briefings. |
| Assessment and Needs Analysis | <ul style="list-style-type: none"> ▪ Undertake protection assessment in cooperation with protection partners. | <ul style="list-style-type: none"> ▪ Support the implementation of protection assessments and analysis of requirements needed to support protection of civilians. | <ul style="list-style-type: none"> ▪ Support the establishment of set standards in protection assessments and needs analysis. ▪ Support the development of relevant guidance and training as required/requested. |
| Strategy Development | <ul style="list-style-type: none"> ▪ Develop appropriate protection strategy and ensure its incorporation in CHAP or similar strategy document. | <ul style="list-style-type: none"> ▪ Support development of appropriate strategies, ensuring attention is paid to cross-cutting issues such as gender, age, HIV/AIDS and the environment. ▪ Ensure that protection perspectives inform the overall humanitarian strategy. ▪ Ensure prioritisation of the protection strategy within the CHAP or similar strategy document. ▪ Ensure that protection is reflected in other cluster/sector strategies. | <ul style="list-style-type: none"> ▪ Support the development of relevant guidance and training as required/requested. |
| Advocacy | <ul style="list-style-type: none"> ▪ Undertake advocacy on protection concerns with relevant actors. | <ul style="list-style-type: none"> ▪ Promote humanitarian principles in day-to-day activities (meetings with key partners, government officials etc.) and encourage coordinated advocacy messages among international and local actors. ▪ Contribute to the development by the Protection Cluster of an advocacy strategy. ▪ Support the protection cluster to undertake advocacy messages on specific cases/trends and | <ul style="list-style-type: none"> ▪ Provide advocacy and other support as requested. ▪ Support the development of relevant guidance and training as required/requested. |

| Activity | Protection Cluster/Protection Lead Responsibility ² | OCHA Field Responsibility | OCHA HQ |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>patterns of violations of human rights or international humanitarian law.</p> <ul style="list-style-type: none"> ▪ If requested by the Protection Cluster lead, undertake advocacy initiatives on specific cases/trends and patterns on behalf of the Protection Cluster. ▪ On behalf of the Protection Cluster, raise issues of concern with the HC, ERC and donors with recommendations for action. | |
| <p>Transition To Recovery</p> | <ul style="list-style-type: none"> ▪ As situation transitions from emergency to recovery, revise the protection strategy accordingly, including ensuring the continued existence/establishment of a new protection structure. ▪ Ensure that planning for return and resettlement of displaced populations begins early. | <ul style="list-style-type: none"> ▪ Advocate for the revision of the protection strategy and the availability of appropriate mechanisms and capabilities to address continuing protection and gender concerns. | <ul style="list-style-type: none"> ▪ Support the development of relevant guidance and training as required/requested. |