

INTER-AGENCY STANDING COMMITTEE
PRINCIPALS MEETING

**Cluster Working Group on
Protection
Executive Summary**

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I Executive Summary

1.1 Introduction

Subsequent to the September meeting of IASC Principals, the Protection Cluster Working Group (WG) met on 7, 21 and 31 October. The meetings were chaired by UNHCR. Participants included: OCHA, OHCHR, UNDP, UNFPA, UN-HABITAT, UNMAS, UNICEF, UNRWA, WFP, the RSG-IDPs, ICRC, NRC, Human Rights Watch, InterAction and ICVA. It will be recalled that in advance of the September meeting of the IASC Principals, the WG focused on primary UN managerial responsibility and accountability for the protection of the internally displaced and affected populations in complex emergencies. However, the WG also recognized the need to address the broader dimension of the protection response and this was the focus of its discussions in October.

1.2 Improving the Protection Response in Humanitarian Emergencies

The WG recommends a number of different options to the Principals for the designation of the cluster lead for protection depending on the nature of the situation that provoked the need for a humanitarian response.

(a) Protection of IDPs and affected populations¹ in complex emergencies

As agreed at the IASC Principals' meeting on 12 September 2005, as cluster lead, UNHCR should as a rule assume primary managerial responsibility and accountability for the protection of the internally displaced persons and affected populations in complex emergency situations

¹ For the purpose of this framework, affected populations comprise the following categories of persons: host communities where internally displaced persons are living; host communities in areas of return of internally displaced persons; and persons or communities at risk of displacement if their protection problems are not addressed.

(see Annex 1). This recommendation is subject to the understanding that UNHCR's involvement in the protection of the internally displaced should not and could not be undertaken in a manner that might undermine the right to asylum or the protection of refugees in countries facing a situation of internal displacement. In such circumstances, the protection-mandated agencies (OHCHR, UNICEF and UNHCR) will consult closely and propose in a timely manner to the HC/RC (through the Country Team) an alternative agency for the assumption of managerial responsibility and accountability for the protection of the internally displaced.

(b) Protection in natural and human-made disasters and in regard to other situations/groups requiring a protection response

The WG considered it important that a mechanism be established for the protection of all persons displaced as a result of, or affected by, natural and human-made disasters as well as for populations/persons facing acute protection needs that require an international response (even if no displacement has occurred). In such situations, the WG recommends the following options:

- Under the overall leadership of the HC/RC, the three protection-mandated agencies will consult closely and agree which of the three would assume the role of Cluster Lead for protection, either on the basis of existing arrangements or after conducting a common assessment to determine the required operational capacity.
- In the unusual event that none of the three protection mandated agencies are able to assume the lead role, the fall-back option would be to strengthen the capacity of the HC/RC to define an overall strategy and programme to enhance protection, in close collaboration with the focal point agencies (see below).

The WG recognizes that the relationship between the accountability for the protection of internally displaced persons and affected populations in complex emergencies and accountability for the protection needs of other populations may pose coordination challenges at the country level that will need to be addressed on a case-by-case basis. The protection cluster will strive, in so far as is possible, to avoid the duplication of cluster structures and in principle agree to have one protection cluster lead that will coordinate the overall protection response for all populations with the assistance of the other protection-mandated agencies.

(c) “Areas of Responsibility” and “Focal Point” Agencies

In the interests of further ensuring predictability and accountability, the WG agreed that the protection response would benefit from being divided into overarching and generally applicable “areas of responsibility” under the coordination of the cluster lead. The WG has defined nine such areas and their associated activities (found in Annex 2).

The WG also agreed that, under the coordination and primary responsibility of the cluster lead, it was important to identify “focal point” agencies (including in some situations the cluster lead) that would assume responsibility and accountability for these specific areas of responsibility in accordance with their expertise. Under the coordination of the cluster lead, the “focal point” agency would be responsible for ensuring an effective response, in its particular area(s) of responsibility, in collaboration with other participating agencies.

1.3 Capacities and Gaps

Annex 4 provides an overview of the protection capacity that exists at the global level within the cluster and among standby partners, to the extent to which the WG has been able to map this. Mapping the protection capacity and gaps in countries to be selected for priority implementation of the cluster approach awaits a decision by the IASC Principals on country selection, but several agencies have started reviewing their operations.

1.4 Response in Selected Existing Emergencies

The WG has not yet addressed issues concerning support to ongoing emergencies and awaits a final decision by the IASC Principals on the modalities, priorities and timing for unrolling the cluster approach in ongoing emergencies.

1.5 Non-UN Actor Involvement

A key feature of the WG's discussions has been the involvement of non-UN actors, in particular ICRC and NGOs. Increased NGO (and continued ICRC) participation in the activities of the WG at the global level is envisaged in the actionable recommendations and will be pursued by the Chair.

1.6 Cross-Cutting Issues

The WG recognises that all humanitarian actors share responsibility for ensuring that activities in each cluster and other areas of the humanitarian response are carried out with "a protection lens". Each of the Cluster Working Groups and Cluster Leads are responsible for ensuring that the protection concerns related to their respective clusters are addressed. Furthermore, at their September meeting, the IASC Principals requested the Clusters to incorporate several cross-cutting issues, including gender, age and diversity, HIV/AIDS and human rights, into their work.

In addition, the WG has identified several issues that it believes are of concern to all clusters and warrant discussion at the inter-cluster level. These include the need to establish a mechanism for systematic reporting by all cluster leads to the HC/RC on the implementation of the cluster strategy; to ensure that protection and other needs of IDPs and other groups with specific protection needs are properly reflected in humanitarian and development strategy instruments; the need to establish measures for ensuring staff security at the field level; and the need to better address the impunity of those involved in violence against and intimidation of field staff.

1.7 Response Planning and Preparedness Measures

The generic roles and responsibilities of the cluster lead in response planning are outlined in the Outcome Document agreed by the IASC Principals on 12 September 2005. Additional guidance with regard to the protection of internally displaced persons is provided in the Framework for Primary UN Managerial Responsibility and Accountability for the Protection of Internally Displaced Persons and Affected Populations in Complex Emergencies (Annex 1). As concerns

preparedness measures, among the actionable recommendations identified by the WG is the need to increase the global standby protection capacity among members of the WG (particularly focal point agencies) in order to respond to two or three new emergencies of up to 500,000 beneficiaries each during 2006.

1.8 Plan for a Phased Introduction and Recommendations for 2006 Implementation

As per the actionable recommendations (see Annex 3), priority actions for 2006 will be undertaken in the following areas:

- Establishment and effective functioning of the protection cluster at the global level.
- Systematic attention to protection in needs assessments and strategy development.
- Improved and systematic protection coordination.
- Increased and meaningful presence on the ground.
- Enhanced monitoring, reporting and response.
- Effective early-warning and response.
- Enhanced training and capacity development.

1.9 Recommendations on Outstanding Cluster-Specific Issues

The WG identified a number of outstanding cluster-specific issues that require further consideration, notably: the need to review cross-cutting issues with other clusters (including HIV/AIDS issues, responsibility for care and maintenance for IDPs in situations of protracted displacement etc.); development of standards and guidelines for registration; establishing criteria for when displacement ends; elaboration of terms of reference of the cluster support cell.