

Terms of Reference

**IASC Review of the Implementation of the IASC Protection Policy
30 November 2020**

***(Developed by IASC Results Group 1 on Operational Response &
Endorsed by IASC Operational Policy and Advocacy Group)***

Background

The UN Secretary General's 2012 Internal Review Panel on United Nations Action in Sri Lanka (IRP Report) led the IASC Principals to adopt protection as a priority agenda item for the IASC. In December 2013 the IASC Principals adopted a [Statement on the Centrality of Protection in Humanitarian Action](#), highlighting that the "*protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-state parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond.*"

In 2015, the IASC subsequently commissioned an independent [Whole-of-System Review of Protection in Humanitarian Action](#) to examine the functioning of the humanitarian system against the aspiration presented in this policy statement by the IASC Principals and explored three questions:

- What is the current humanitarian response system for protection and how is it intended to work?
- How is that system functioning in practice?
- What actions are needed to ensure more effective and consistent achievement of protection outcomes in the humanitarian system?

Drawing in part on the findings and recommendations of the review, in 2016 the IASC then developed and adopted the [IASC Policy on Protection in Humanitarian Action](#) (hereafter referred to as the IASC Protection Policy or IASC PP) to further elaborate on expected means of fulfilling the aspiration set out in the Centrality of Protection Statement.

The Policy identified four ways in which all humanitarian actors, irrespective of their sector-specific expertise, could contribute to protection of affected persons. That is, by committing to:

- Address protection issues that intersect with their formal mandates and sector-specific responsibilities;
- Engage collectively to achieve meaningful protection outcomes that reduce overall risks to affected persons by decreasing threats, reducing vulnerability and enhancing capacities;
- Mobilize other actors within and beyond the humanitarian system, as appropriate, to contribute to collective protection outcomes; and
- Evaluate commitments and progress towards placing protection at the center of the humanitarian response.

Following the adoption of the IASC Protection Policy, protection was subsequently dropped as an IASC priority agenda item and there was no coordinated system-wide rollout or explanatory guidance to support its implementation. In 2018, a [Stocktake on the IASC Protection Policy and the Centrality of Protection](#) was convened under the auspices of the Global Protection Cluster and involved a diversity of humanitarian actors, including NGOs, UN entities, a diversity of cluster representatives and sectoral specialists, Humanitarian Coordinators, ICRC, and donor government representatives. As noted in the Stocktake report, discussions revealed significant challenges related to adjusting ways of working to more

effectively approach protection as an outcome and to do so collectively through multi-disciplinary strategies, including greater investment in dialogue with State and non-State parties to conflict.

In 2019, the IASC adopted a new two-year work plan and structure, including the *Operations, Policy and Advocacy Group* (OPAG) and five 'Results Groups' (RG) to coordinate around IASC priorities. RG 1 focuses on Enhancing Operational Response, including among others, a focus on 'mainstreaming protection' to "ensure that protection is mainstreamed throughout the humanitarian response, beyond the actions taken by the protection cluster". Seeking to revitalise coordinated efforts for the Centrality of Protection and support an IASC protection agenda, RG1 established a working group on Centrality of Protection (CoP WG) involving various UN and NGO stakeholders. Five years after the adoption of the IASC PP, the present Review is being undertaken in support of this IASC priority.

Purpose

To provide the IASC Principals' with an analytical review of IASC Protection Policy implementation and provide recommendations to strengthening protection outcomes, manifested as the reduction of protection risks, over the next five years.

Scope

The Review will consider implementation of the Policy¹ across the humanitarian system and in range of humanitarian crises, including those related to armed conflict, other situations of violence, pandemics, and disasters.

1. It will examine whether and how:

- a. There are changes in ways of working at global, regional and country level in relation to the IASC Protection Policy, including how the notion of protection outcomes and ways of working set out in the IASC PP, are understood and implemented in practice by individual local, national, and international NGOs, NGO consortia, and UN entities, and reflected in the leadership, approaches and practices (including of the Humanitarian Programme Cycle) and of inter-agency fora, including clusters/sector working groups and sub-clusters/working groups, inter-sector working groups, Humanitarian Country Teams, IASC entities, including the Emergency Director's Group.
- b. There are changes in senior humanitarian leadership awareness, approaches, and practices in relation to the IASC Protection Policy at global and country-level, including by Humanitarian Coordinators, Humanitarian Country Team representatives, and the IASC Principals.
- c. Individual organizations have sought to absorb and reinforce their roles and responsibilities and carry out concrete steps to place protection at the center of humanitarian action including through, for example, internal organizational policy, guidelines, toolkits, training, new

¹ The 2016 IASC Protection Policy does not encompass sexual exploitation and abuse (SEA) by humanitarian personnel and the scope of this Review does not encompass a focused review of SEA risk or Protection from Sexual Exploitation and Abuse (PSEA) policies and practices of the humanitarian community. However, as with other prominent risks faced by vulnerable people and other complementary initiatives in support of protection, the Review may find significant insight and learning arising from PSEA-related issues and approaches.

management practices, how resources are allocated in support of protection outcomes, or other means.

- d. The four commitments of the Policy are being implemented, including as they relate to preparedness measures and the mobilization of stakeholders beyond the humanitarian community, for example, peacebuilding and development actors, for their contributions to protection outcomes.
- e. Donor entities have sought to absorb and support humanitarian actors to adopt the ways of working set out in the IASC Protection Policy through policies and guidelines – for example to enhance ways of working to achieve protection outcomes -- funding priorities, or management of partnerships.

2. The Review will also examine examples whereby:

- a. Significant investment has been made by any organization, inter-agency forum, or individual in a leadership role to adapt ways of working in accordance with the IASC Protection Policy, and what influence this has had on their decision-making, protection strategies, cultivation of relationships with other stakeholders, and programming.
- b. Notable progress against protection outcomes has been made, how this progress is manifested, and the strategies and underlying practices and ways of working that contribute to this progress, including from the perspective of affected persons.

3. The Review will also provide an analysis of key challenges faced in implementation of the Policy and recommend steps to address these gaps. Recommendations will identify future priority actions, by the IASC as well as individual humanitarian actors and donor entities, to support and empower creative implementation of the Policy. This could include possible linkages with other IASC policy and accountability frameworks (e.g. IASC Gender Policy) or initiatives that could reinforce the Policy such as the UN Secretary-General's '[Call to Action for Human Rights](#)' (2020). In addition, it will provide information and recommendations for action to take now that will facilitate a future review of the impact of the Policy.

Methodology, Timeline, and Key Deliverables

Methodology for the Review will include:

1. Desk review of key documents associated with the IASC Protection Policy and selected major studies/reviews of protection
2. Key informant interviews and/or questionnaires² at multiple levels and representative of the diversity of the humanitarian community, geographic regions and crises situations people work in. Interviews and questionnaires should be sure to include senior leaders and technical specialists in the humanitarian community as well as other, non-humanitarian, stakeholders, including:
 - Individual humanitarian organizations – local and community-based organisations, national, and international NGOs and NGO consortia; UN entities; ICRC; donor entities. This should include frontline staff, programme managers, country directors/heads of office (especially members of

² Provision should be made for confidential interviews and questionnaire responses.

Humanitarian Country Teams), regional level coordinators/directors, as well as HQ level policy and operational directors/leadership.

- International NGOs and UN entities working in humanitarian crises with a programmatic focus and/or mandate for peace operations, peacebuilding, and/or development.
 - IASC Principals, IASC Deputies Forum, Chairs, participants of OPAG and Directors Group and other inter-agency mechanisms (such as the Peer to Peer Support and others).
 - Resident Coordinators / Humanitarian Coordinators (RC/HCs) and Deputy Humanitarian Coordinators (DHCs) (past and present).
 - Global Clusters, country level and sub-national cluster and AoR coordinators and active members of clusters and AoRs (e.g. core members and Steering Advisory Groups).
 - Individuals leading and participating in IASC Results Groups.
 - Other key individuals (e.g. expert staff deployed to RC/HC offices such as ProCap, GenCap or Human Rights Advisors, academics, etc.)
 - Lead actors and other stakeholders of other initiatives (such as the Call to Action on Protection from GBV in Emergencies).
3. Workshops / Focus Group Discussions designed, tailored, and facilitated for critical reflection and dynamic discussion of key issues and themes emerging during the Review. These may include diverse participation or, alternatively, be designed to explore issues among a small sub-set of actors (e.g. a cluster; a group of HCs; a group of regional, national or local actors, etc.) within the humanitarian community and with affected people. In addition to providing an opportunity for deep dives into critical issues and scenarios, these discussions are expected to stimulate ownership and buy-in for the Review and its findings and recommendations.
4. Documentation of examples: while comprehensive country case studies are not expected, the Review should document a few detailed examples which illustrate the key issues and themes emerging from the findings. (Orientation on types of contexts that would be most relevant to focus on, e.g. ongoing armed conflicts, at least one L3, etc., to be developed during the inception phase).

Key Deliverables will be:

1. An Inception Report providing the planned analytical approach, including detailed methodology and an initial identification of key issues and questions to be explored, priority benchmarks against which progress may be assessed, interviews and workshops to be conducted, and potential key issues to be documented.
2. A draft Review report (this should include a comprehensive outline/structure of the overall report, notional recommendations, and its annexes, and at least 65% of the main body of the report should be completed)
3. A final Review report, including:
 - Explanation of the analytical approach, methodology, and constraints encountered
 - Essential and critical findings
 - Documented examples illustrative of the key issues, themes, and dynamics observed

- Practical recommendations to strengthen IASC PP implementation, including ways of working at HQ and field level programming, to achieve protection outcomes in humanitarian action. These recommendations should avoid reiterating past recommendations but rather address opportunities to systematize good practice and overcome persistent and systemic constraints and barriers that inhibit achievement of protection outcomes and fulfillment of the aspiration articulated in the *IASC Principals Statement on the Centrality of Protection*. This may include inter-agency structures and decision-making practices.
 - Annexes, including list of individuals interviewed (including organization and job role), documentation and literature consulted, documentation from workshops/focus group discussions held (including agenda, composition of participants, 1-page discussion summary)
4. Presentations of findings and recommendations in various inter-agency fora, including the IASC Principals, OPAG/EDG and other subsidiary bodies (TBD, as appropriate).

Sequence and timeline

The total expected time for the Review is estimated at 10 months. The consultancy is expected to start [TBD/2021] and to be completed by [TBD/2021].

Phase 1	<ul style="list-style-type: none"> • Initial review of the ToR and associated documents • Consult with key stakeholders regarding expectations of the Review and its methodology • Design detailed Review methodology and sequencing • Produce draft Inception Report • Receive input from RG1, OPAG Review Committee, and finalise Inception Report 	6 weeks
Phase 2	<ul style="list-style-type: none"> • Desk Review • Key Informant Interviews and surveys • Stakeholder Workshops/FGDs • Documentation • Analysis and report drafting • Produce draft report by the end of this Phase 	20 weeks
<p>Interim progress check-ins with the RG1 CoP Group and the OPAG Review Committee will be arranged during this period to clarify outstanding questions, address challenges, etc.</p>		
Phase 3	<ul style="list-style-type: none"> • Draft report presented to RG1 and OPAG Review Committee and circulated for comments including on attention to the objectives, scope, structure, and findings • Determine final steps for information gathering, documentation, analysis and finalization of report 	3 weeks
Phase 4	<ul style="list-style-type: none"> • Wrap up interviews, workshops, etc. • Validation workshops • Finalise report 	6 weeks

- Presentation of findings and recommendations to the IASC OPAG, Principals and other fora

Management and Administration

Upon completion of the Review, the IASC's Operations, Policy and Advocacy Group (OPAG) will develop a Management Action Plan to facilitate IASC-wide absorption and meaningful action on the Review findings and recommendations.

Donor governments will be requested to fund the Review and a team of consultants will be commissioned to carry out it out in accordance with the Terms of Reference. The consultants will work independently and undertake the Review in a manner independent of any sectoral or organizational interest.

A small committee of IASC members will be formed to ensure system-wide support for the Review, perform oversight over the Review process, and act as a sounding board for the consultants. Regarding the substance of the issues being addressed, the full RG1 and its CoP sub-group will be the main fora for input on the Inception Report and draft Review report and will be expected to support a diverse cross-section of inputs.

One organization will be requested to take on the role of host agency for the administration of the Review process, including:

- act as the budget-holder for the Review
- lead the bidding and hiring process of the consultancy team with the support of small and diverse peer group of IASC members
- contract and manage the consultants
- facilitate in-country hosting arrangements as needed
- administrative support (travel, etc.)

Estimated Budget

TBD

Consultants Key Requirements

The consultancy team should include the following expertise and experience among its core members:

1. Experience in leadership positions in the humanitarian system working in situations of armed conflict and other insecure environments
2. Experience in outcome level design and evaluation of complex and multi-level programmes and organizational change processes
3. Knowledge and experience of protection outcomes in practice, including experience undertaking dialogue or negotiations with State and non-State parties to conflict
4. A high degree of familiarity with international law and policy related to armed conflict and other humanitarian crises, including familiarity with contemporary issues related to the conduct of military operations

5. Familiarity with the complex dynamics and challenges associated with armed conflict, disasters (including slow onset) and pandemics and humanitarian responses to related crises
6. Familiarity with the major policies, processes, structures, and entities of the international humanitarian system as well as its current debates and challenges
7. Previous experience with accountability to affected populations, working with local civil society and community-based organizations, and effective inclusion (gender, age, disability, and other considerations)
8. Strong analytical and conceptual capacity and systems thinking skills
9. Fluency in languages other than English, particularly Arabic and French
10. Strong communication skills including ability to communicate orally and in writing in succinct, straightforward, and jargon-free language