

Protection Concerns and Response Capacity Template

Key protection considerations to guide the consultation with the protection mandated agencies

Preamble

In 2005, the United Nations, as part of a larger reform process to improve the humanitarian response system, established, through the Inter-Agency Standing Committee (IASC), a “cluster leadership approach” which organises 11 critical areas of humanitarian response into clusters with designated cluster lead agencies or co-lead agencies.¹ The aim of the cluster and cluster leadership approach is to strengthen system-wide preparedness and technical capacity to respond to humanitarian emergencies by ensuring that there is a high standard of predictability, accountability and partnership in all sectors of activity. UNHCR is the Global Cluster Lead Agency for the Protection Cluster. However, in natural disaster situations or in complex emergencies without significant displacement, three protection-mandated agencies, UNHCR, UNICEF and OHCHR, have committed to consult closely and, under the overall leadership of the Humanitarian Coordinator/Resident Coordinator, agree which one among them would assume the role of Cluster Lead Agency for protection at the country level.² The designation process of the protection lead is to be done either on the basis of existing arrangements or after conducting a common assessment to determine the required operational capacity.³ This option would enable the Resident Coordinator/Humanitarian Coordinator to rely on one protection agency to lead the response for the protection cluster.⁴

In some cases this arrangement resulted in a predictability gap in the designation of a Cluster Lead Agency, at the country level, to provide leadership in the protection cluster in situations of natural disaster. To address this problem, at their meeting of 30 April 2009, the Principals of the IASC agreed

¹ Clusters have been established in the following areas: Protection; Camp Coordination and Camp Management; Emergency Shelter; Nutrition; Water, Sanitation and Hygiene; Education; Agriculture; Early Recovery; Emergency Telecommunications; Logistics, Health,

² A “cluster lead agency” is an agency/organization that formally commits to take on a leadership role within the international humanitarian community in a particular sector/area of activity, to ensure adequate response and high standards of predictability, accountability & partnership. A “cluster lead” takes on the commitment to act as the “provider of last resort” in that particular sector/area of activity, where this is necessary. Per operational guidance on designating sector/cluster leads in new emergencies. *Prepared by the IASC Task Team on the Cluster Approach Geneva, 23 May 2007;*

³ 26 November 2006 Guidance Note

⁴ Cluster Leads at the country level are accountable to the Humanitarian Coordinator for the cluster responsibilities. They do not report directly to Cluster Leads at the global level. However, Humanitarian Coordinators, members of the IASC Country Team and Cluster Leads should treat the global level clusters as a resource that can be called upon for advice on establishing cluster arrangements in the field, for building capacity, and for guidance in assessment and strategy development. IASC. Preliminary Guidance Note of June 2006 and 26 November 2006 IASC Guidance Note on using the cluster approach to strengthen the humanitarian response.

that the IASC Working Group should resolve the issues of concern regarding cluster leadership and division of labour for protection in natural disasters.⁵

This template, as read with the attached standard operating procedures for designating a protection sector/cluster lead agency in the event of a natural disaster at the country level, provides the mechanism for determining the need for a protection cluster and assumption by one of the protection mandated agencies of the lead in the coordination of the protection response in the aftermath of a natural disaster.

PROTECTION CONCERNS:

1. Potential protection concerns (*NB: This does not replace a protection assessment*):

- Have protection concerns already been brought to your attention?
- Have people been displaced due to the disaster?
- Are there/will there be collective shelters?
- Are traditionally discriminated/marginalized groups among the affected populations?
- Is there any indication of children having been separated from their parents due to the disaster or other child protection issues due to the disaster?
- Are there pre-existing child protection issues?
- Are there pre-existing patterns of GBV among affected populations/in affected areas or new ones due to the disaster?
- Are there pre-existing patterns of property related disputes among affected populations/in affected areas? Is there a likelihood that new ones may emerge due to the disaster?
- Is there a break-down of law and order locally/regionally/nationally?
- Are there any known mine affected areas in the concerned locations?

2. Has a protection needs assessment been undertaken in the aftermath of this disaster? What areas has it covered?

3. Is there a pre-existing inter-agency assessment of who the groups at risk and their needs are and of how to reach out to them?

⁵ To this end, at this meeting, the Emergency Relief Coordinator emphasised that “with respect to the cluster approach, there remained a gap in defining the lead agency on protection in natural disasters.” In turn the Representative of the Secretary General on the Human Rights of Internally Displaced Persons expressed his concern with this gap in the protection coordination framework and stated that the IASC should try to resolve this as a matter of urgency. As per minutes of the 30 April 2009, IASC Principals’ Meeting.

ANALYSIS AND RESPONSE CAPACITY:

4. Is there the capacity in-country among relevant national and international partners to
 - analyse and identify what the key protection challenges are?
 - undertake and coordinate a protection needs assessment?
 - identify and register the population in need of protection?
 - monitor the assistance given to the affected population?
 - assist in the consultation with the affected population and with the population at risk?
 - support the national and local authorities in their protection analysis and response?
 - follow-up with local and national counter-parts on identified protection challenges?

LEADERSHIP CAPACITY:

5. Is there a cluster lead agency capacity in-country to fulfil the ToRs for cluster leadership in the context of protection in a manner which ensures the full activation of the protection cluster?⁶
6. Is there a pre-existing inter-agency
 - protection mechanism/response to these areas of concern?
 - protection coordination capacity for
 - o child protection?
 - o GBV?
 - o housing, land and property?
 - o rule of law and justice?
 - o mine action?
 - o other?
7. Is there an institutional willingness on the part of the government to create/engage in/lead
 - a protection cluster?
 - another form of protection coordination?
8. Do the local authorities have the capacity to engage in and coordinate protection activities?

⁶ NB: Partial activation of the Protection Cluster to only cover specific sectors of the protection response is not in conformity with the cluster approach.