

PROTECTION CLUSTER AND PROTECTION OF CIVILIANS

Protection of Civilians in the DRC

The Protection Cluster's global objective is to *enhance* the protection civilian populations affected by conflict and insecurity. The specific objectives as outlined in the Humanitarian Action Plan (HAP) 2012 are twofold:

- (i) Prevent, reduce and anticipate risks of protection incidents through monitoring, analysis of information and regular/timely sharing of information as well as advocacy with relevant stakeholders.
- (ii) Improve response as well as access to assistance, justice, compensation, rehabilitation and restitution.

Achievements

- UNHCR's Protection monitoring continues to be one of the few widely and regularly circulated reports/ analysis on the protection concerns of the day. These have been the basis of advocacy initiatives, used in the updating of protection matrices while efforts are ongoing to improve referral of cases.
- A number of early warning initiatives have been put in place, notably the Community Alert Network (CANs) by MONUSCO Civil Affairs Section and initiatives by the NGO War Child in the realm of Child Protection.
- Much needed humanitarian responses to SGBV continue where there are serious gaps, few actors as well as in zones not covered by the STAREC funding mechanism. NGOs such as CRS, Heal Africa and COOPI operate in /difficult to access areas, improving/providing access to services and working with communities (although in a more limited manner) on prevention.

Challenges

- Outcome indicators, designed to evaluate impact and not just volume of activities remain difficult to measure. Inability to properly document impact of protection activities has affected visibility within the humanitarian community and before donors.
- Difficulties in using/applying the outcome indicators have also prevented evaluation of the quality of protection activities across the board. This is important where accountability to beneficiaries is concerned.
- Despite inclusion of the Cluster's strategy in the HAP, different donors within the Pooled Fund system have different perspectives on what activities should be funded. Protection is often considered to be less tangible in terms of results, hence challenges in securing necessary funding. Funding for protection covered 30% of its budgetary needs in 2010 and only 23% in 2011 (as per the HAP).
- Engaging government, local actors and communities as real partners is important in ensuring durability of activities in place. These efforts which tend to be "training oriented", with mid to longer term impact, are not favourably perceived/received by donors interested primarily in "life-saving", short term, easily measurable activities.

The Protection Cluster

Based on an OCHA-led mission in November 2005, the Humanitarian Coordinator and members of the Humanitarian Advocacy Group (HAG) in Kinshasa decided to implement the cluster approach in order to fill the gaps identified and strengthen the overall humanitarian response in the DRC. UNHCR was duly appointed Protection Cluster lead at national level and in the provinces where it is present¹.

Leadership and coordination

In the course of the years, due to its structure, the nature of the protection problems in the DRC, the Protection Cluster has become a forum in which all civilian protection issues are discussed.

¹ The Protection Cluster was initially co-chaired by the then MONUC Civil Affairs Section (CAS) although the latter relinquished co-chairmanship in the summer of 2008. This was due to MONUC's own mandate issues and some discomfort felt by certain NGOs and organisations vis-à-vis the Cluster's independence and humanitarian character. CAS remains a key actor within the Protection Cluster, both at the national and provincial levels.

In a complex operational environment, the Protection Cluster has allowed protection actors with divergent capacity, geographical presence and interests to prioritise activities, mobilise resources efficiently and present a global strategy while taking into account province-specific issues.

Over and above the technical, day to day functioning of the Cluster, UNHCR as agency lead is called upon to represent and defend the interest/position of the Cluster at high level inter agency forums such as the Humanitarian Advocacy Group (HAG), the Senior Management Group on Protection (SMG-P) as well as before media and humanitarian observers. Unlike other Clusters, the Protection Cluster has a political dimension especially in the types of advocacy it undertakes e.g. addressing issues of violations committed by State forces

Membership

The Protection Cluster comprises the Child Protection Working group led by UNICEF and in view of the National Strategy on Combating Gender Based Violence, the Cluster now engages with the Sexual Violence Unit in MONUSCO as well as the five pillars within the Strategy in so far as SGBV related information sharing and co-ordination activities are concerned. Other working groups on land and inter-community conflict have also been established in certain provinces. Partnerships within the Cluster have been open and inclusive although issues of NGO independence, presence and capacity of local actors and collaboration with MONUSCO continue to be discussed. The presence of donors in the Cluster has also been a subject of debate and requests by donors to be part of the Cluster have been treated on a case-by-case basis.

Achievements

- The Protection Cluster have participated in inter-agency needs assessments, developed contingency plans as well as standards and indicators for the evaluation of protection activities. The Emergency Response Cell in South Kivu is an example of an established mobile team within the Cluster designed to facilitate immediate response.
- There has been improved coordination on protection-related issues, between the humanitarian community and the military wing of MONUSCO. The protection matrix is one such joint planning tool which has allowed for protection actors to advocate for deployment in areas of need.
- In efforts to respond to the humanitarian consequence of impunity and problems within the security sector, actors within the Protection Cluster have carried out capacity building of civil and military judicial authorities on the rule of law and administration of justice, as well as training and sensitization for the FARDC and the PNC.
- Practical tools have since been developed in terms of best practices, indicators and monitoring and evaluation. There have also been developments in terms of referencing and information sharing protocols, for example in Province Orientale and South Kivu.

Challenges / areas of improvement

- Inclusiveness vs. Efficiency. The Cluster often finds itself with members who may not have decision making power. Capacity to follow up on recommendations can also be challenging.
- Relations between the national and provincial Cluster could/should be improved with greater understanding of respective expectations and responsibilities. Improved collaboration will also assist the provinces in getting issues raised/made visible at higher levels.
- Absence of government focal points at national level has hindered the Cluster from making direct advocacy and representation on protection issue, hence relying on MONUSCO who are limited in their capacity and mandate.

Resources: Cluster costs and staffing

The current staffing of the Protection Cluster includes a dedicated full time team in Kinshasa, consisting of a Protection Officer at P3, a National Officer and a data manager (who has just arrived). A P4 Senior Cluster Coordinator is also expected at national level. A Senior Cluster Coordinator is ready to take up his post in Goma, and two dedicated Cluster Coordinators (for Bunia and Bukavu) have been recruited pursuant to the Pooled Fund Cluster reinforcement project. The Cluster has been further reinforced in the last two years by the presence of NGO co-facilitators funded by ECHO. Four co-facilitators, two based with OXFAM are now present in

Bukavu and Bunia while two others with Save the Children have taken up their duties in Goma and Kinshasa.

Challenges/Needs

- Cluster leadership is time and resource intensive. UNHCR as agency lead is expected to cover a wide range of tasks from secretarial duties, coordination activities to substantive protection work (advocacy with MONUSCO and local authorities).
- Recent development also has seen more and more responsibilities designated to Cluster leads, particularly on an operational and programmatic level, such as monitoring and evaluating protection activities, following up on protection projects financed by the Pooled Fund and interfacing with donors. This requires dedicated and programme specific human resources.

Way forward and the Cluster in 2013

Outlook for 2012-2013

Visibility and funding

- Continued efforts to improve impact measurement of protection activities while sensitising partners especially donors on certain specific aspects of protection.
- Tools to measure and evaluate activities such as training and sensitisation, which may already be available, should be used/applied in our efforts to monitor protection activities.
- Funding outside the Pooled Fund: much effort goes into preparing and lobbying for envelopes although in perspective, the Pooled Fund provides an average 70 million dollars yearly to be shared across the 8 sectors. Noting full well the gap-filling purpose of the Pooled Fund, the Cluster would do well to find more sustainable funding with donors who may be keen to consider mid-longer term activities.

Advocacy and protection mainstreaming

- A clear advocacy strategy needs to be developed to ensure that we are getting the right messages to the right audience, as well as making reasonable and realistic/actionable recommendations. This will assist us in follow up and evaluating impact of advocacy efforts.
- Inviting government focal points as members of the Cluster as well as undertaking high level bilateral dialogue with government will promote direct advocacy on protection and reduce “dependency” on MONUSCO.
- Protection mainstreaming remains a key task of the Protection Cluster; it forms part of capacity building and ensures that “do no harm” is duly respected.

Leadership, coordination and membership

- The Cluster has to remain dynamic; balancing information sharing, coordination and decision making on strategies and advocacy. As such, Cluster members should ideally have the necessary protection mandate/expertise or contribute actively to the Cluster.
- The presence and involvement of senior colleagues in the Cluster is essential to supporting the technical team, getting key decision makers around the table and gives Cluster advocacy more political weight.

2013 and beyond:

- Capacity building efforts (training, sensitising, mentoring) of government counterparts can be a more positive/constructive approach towards combating impunity over and above advocacy or “naming and shaming”.
- Real partnership at coordination level, e.g. government involvement in co-facilitating the Cluster should be part of the Cluster’s longer term objectives. Paving the way for greater government involvement will reinforce both durable solutions as well as prevention efforts.