

**Memorandum of Understanding**  
**The Office of the United Nations High Commissioner for Refugees (“UNHCR”)**  
**and**  
**the Danish Refugee Council (“DRC”)**  
**on Protection Cluster Co-Coordination in Yemen**

**I. Background**

UNHCR is the Global Lead Agency for the Protection Cluster as designated by the Inter-Agency Standing Committee (“IASC”) and takes overall responsibility for the proper and effective functioning of the Protection Cluster. In Yemen, UNHCR is the lead agency for the Protection Cluster and the Shelter/NFI/CCCM Cluster. DRC began working in Yemen in 2008 in response to the mixed migration flows from the Horn of Africa. Since then, DRC expanded its sectors of intervention and is now providing humanitarian assistance in ten governorates throughout the country, including in Protection.

**II. Objective of Co-Coordination of the Protection Cluster in Yemen**

The overarching objective of this Memorandum of Understanding (this “MoU”) between UNHCR and DRC (collectively the “parties”) is to improve the effectiveness of the humanitarian response of the Protection Cluster in accordance with the Cluster TORs and the guidance notes of the IASC relevant to cluster coordination to meet high standards of transparency, predictability and accountability to affected communities. With the support of DRC, the DRC Protection Cluster Co-Coordinator will work with the designated Senior Protection Cluster Coordinator of UNHCR to:

- Strengthen effective management of the cluster, particularly at the level of thematic / technical working groups and sub-national clusters;
- Improve the capacities and representation of national NGOs and other key stakeholders, including civil society organizations;
- Reinforce the centrality of protection in the humanitarian response, including through protection mainstreaming;
- Improve the accountability of the humanitarian response;
- Strengthen the analysis of protection concerns and risks and information collection in general; and
- Support the Protection Cluster in advocacy and resource mobilization.

The DRC Protection Cluster Co-Coordinator will work on a day-to-day basis with the Senior Protection Cluster Coordinator of UNHCR to support the management of the Protection Cluster at the national level in Sana’a and the sub-national Protection Clusters located in Ibb, Hudaydah, Sa’ada and Aden in order to ensure that the Protection Clusters, as well as the broader humanitarian effort, are responsive to the protection needs of the conflict- and displacement-affected populations. In contrast to the Senior Protection Cluster Coordinator of UNHCR, the DRC Protection Cluster Co-Coordinator will be required to place greater focus on supporting the work of the Protection Cluster’s sub-national and technical-level bodies, namely to ensure that the coordination effort translates into concrete improvements to the lives of the Protection Cluster’s beneficiaries.

### **III. Time Frame**

This MoU shall enter into effect on the date of its signature and shall remain in effect for one (1) year from the date of its signature. This MoU may be reviewed and can be revised and extended with the consent of the parties.

### **IV. Geographic Coverage**

The Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator coordinate the Protection Cluster at the national level and will support and coordinate the sub-national Protection Clusters and facilitate the link between the different levels. With reference to what is mentioned with respect to Protection Cluster co-ordination at the sub-national levels in the last paragraph of Section II above, this MoU does not determine arrangements for Protection Cluster co-ordination at the sub-national level.

### **V. Roles and Responsibilities**

#### **a) Generally**

The DRC Protection Cluster Co-Coordinator will support the Senior Protection Cluster Coordinator of UNHCR to carry out activities outlined in the Protection Cluster TORs. Activities will be shared and divided as agreed, with the ultimate responsibility remaining with the Senior Protection Cluster Coordinator of UNHCR to report through UNHCR as the Protection Cluster Lead Agency in the humanitarian response architecture. The parties are both responsible for undertaking tasks outlined in the relevant guidelines of the IASC; however, UNHCR as the Protection Cluster Lead Agency maintains the sole responsibility for being the provider of last resort.

The Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator will be equally responsible for coming to an agreement on a joint work plan that outlines their specific tasks and timeframes.

#### **b) Specific Responsibilities of the DRC Protection Cluster Co-Coordinator**

##### *Co-Coordination of the Protection Cluster*

- As agreed with the Senior Protection Cluster Coordinator of UNHCR, coordinate and lead thematic or technical working groups on protection programming, ensuring strategic direction, guidance and tools for effective protection assistance and service delivery on activities including protection monitoring, psychosocial support, legal assistance, cash assistance and community-based protection;
- Support sub-national Protection Clusters in the development of hub and governorate-specific tools and work plans and ensure a coordinated protection response to meet the needs of the Protection Clusters' populations of concern;
- Support the capacities and participation of partners, especially the national actors, in the Protection Cluster coordination by engaging them bilaterally and multilaterally, providing them technical support upon request and sharing with them guidance and direction on protection programming and strategy;
- Support the establishment and maintenance of effective protection information management mechanisms and tools, with, among others, the Protection Cluster's Information Management

- Officer, to provide quality analysis of protection trends and issues;
- Co-Chair the Protection Cluster meetings, including the Strategic Advisory Group as well as, together with or in his or her absence as agreed, represent the Senior Protection Cluster Coordinator of UNHCR in other Protection Cluster and inter-cluster meetings, as needed;
  - Support the Senior Protection Cluster Coordinator of UNHCR with respect to engagement in OCHA-led processes, e.g. Yemen Humanitarian Pooled Fund, Humanitarian Needs Overview, Humanitarian Response Plan and contingency planning, and other national coordination mechanisms and working groups set up in Yemen;
  - Support coordination among humanitarian partners in responding to needs and filling gaps, ensuring prioritized coverage of geographic areas or activities, or through focal points for specific issues and/or sites where necessary;
  - Support the Senior Protection Cluster Coordinator of UNHCR in providing legal and technical support in drafting strategies, position and policies for the Protection Cluster and the humanitarian community;
  - Co-represent the interests of the Protection Cluster and its members in discussions with stakeholders on prioritization, resource mobilization and advocacy; and
  - Otherwise support timely and coordinated action to meet the protection needs of the Protection Cluster's populations of concern.

*Centrality of protection / Promotion of protection mainstreaming*

- In coordination with the Senior Protection Cluster Coordinator of UNHCR, work with other Protection Cluster coordinators and agencies in the promotion and implementation of protection mainstreaming commitments;
- Ensure the integration of protection considerations in sectorial needs assessments, analysis, planning, monitoring and response; ensure gender-sensitive programming and promote gender equality;
- Ensure that the needs, contributions and capacities of women, girls, men and boys of all background are reflected in partners' programming;
- Promote and support training of humanitarian partners and other Protection Cluster members to improve mainstreaming of protection into sectorial responses through implementation of concrete protection mainstreaming commitments;
- Help to ensure that protection and non-protection actors incorporate protection mainstreaming indicators, having worked with other clusters to determine the indicators that are most appropriate for their sectors and to encourage other clusters to use these indicators to monitor partners' mainstreaming efforts at the cluster level;
- Support the development and/or harmonization of vulnerability criteria for targeted assistance; and
- Otherwise work closely with cluster coordinators and co-coordinators of other clusters to ensure the centrality of protection within key processes, tools and approaches.

*Training and capacity-building*

- Support Protection Cluster members and humanitarian partners in programming for protection, including through technical guidance and support on areas ranging from protection monitoring, psychosocial support, cash assistance and community-based protection;
- Promote and support training of humanitarian partners and other Protection Cluster members to improve mainstreaming of protection into sectorial responses; and
- As the situation allows, support the capacities of a national NGO to eventually assume coordination responsibilities within the Protection Cluster.

*Monitoring, reporting and analysis*

- Support proper reporting on the protection activities and functioning of the information management system for the Protection Cluster, including through drafting or consolidating the reports from partners for information sharing;
- Support efforts to harmonize protection monitoring tools, reporting or vulnerability assessment formats in consultation with Protection Cluster members;
- Support adequate reporting and effective information sharing, with due regard for age and sex disaggregation; and
- Streamline methods to share information including reports with partners, as well as to be submitted to OCHA and UNHCR (including weekly updates, bulletin, website, etc.).

*Advocacy and resource mobilization*

- Identify core advocacy concerns for the Protection Cluster through consultative processes, including resource requirements;
- Contribute key messages to broader advocacy initiatives of the Humanitarian Country Team (“HCT”) and other relevant actors and support local interventions when violations of international standards and principles occur; and
- Support the Protection Cluster’s advocacy for adherence to international humanitarian and international human rights laws and instruments, the Guiding Principles on Internal Displacement, and other relevant instruments.

**VI. Representation of the Cluster**

When representing the Protection Cluster, both the Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator commit to neutrally representing the Protection Cluster and not UNHCR or DRC, respectively. Whenever possible, meetings that relate to the Protection Cluster, inter-cluster or cluster representation should be attended by both the Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator. For example, when the Protection Cluster is invited to the HCT and other inter-sector coordination fora, both the Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator should be able to represent the Protection Cluster jointly. Where this is not possible, representation at meetings should be equally and strategically divided between the Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator through mutual agreement of the parties, including through coordination of respective mission and absence schedules. In any meeting where one party is not present, key talking points should be agreed on between the parties prior to the meeting and outcomes or minutes of the meeting be communicated by the party present in the meeting to the party not present in the meeting within a reasonable period of time afterwards.

**VII. Reporting Lines**

The DRC Protection Cluster Co-Coordinator reports internally to DRC on the development and implementation of work plans. The Senior Protection Cluster Coordinator of UNHCR reports internally to UNHCR as the Protection Cluster Lead Agency.

**VIII. Resource Allocation**

As a requirement for Protection Cluster Co-Coordination, DRC is responsible for ensuring that a full-time dedicated staff with adequate skills in coordination, with sufficient access to technical knowledge and ability related to the Protection Cluster, is assigned as, and actively supported by DRC to carry out the role of, the DRC Protection Cluster Co-Coordinator.

### **IX. Mechanisms for Dispute Mitigation and Resolution**

In case of any disagreement regarding the understanding of the implementation of this MoU or any dispute arising in connection with this MoU between the parties, an open dialogue, with reference to the MoU and other supporting documents, will be undertaken between the Senior Protection Cluster Coordinator of UNHCR and the DRC Protection Cluster Co-Coordinator. Should the disagreement or dispute not be resolved through this open dialogue, it will be referred to the respective line managers of the parties. This can be taken up during the quarterly meetings, unless there is a need for an urgent resolution. If the disagreement or dispute cannot be resolved at this level, the disagreement should be taken to the DRC Country Director and the UNHCR Country Representative. Any disagreement or dispute which is not settled at the level of the DRC Country Director and the UNHCR Country Representative may be referred by a party to arbitration in accordance with the UNCITRAL Arbitration Rules then obtaining. The parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such disagreement or dispute.

### **X. Privileges and Immunities**

Nothing in or relating to this MoU shall be deemed a waiver, express or implied, of any of the privileges and immunities of the United Nations, including its subsidiary organs and/or of UNHCR (as a subsidiary organ of the United Nations).

### **XI. Security**

Each party maintains responsibility for the security of its staff. Each party's security protocol will apply to their respective staff. All activities that fall under this MoU are proposed on the assumption that security conditions allow their implementation, as assessed by the respective party.

**UNHCR Representative**

30<sup>th</sup> August 2018

*A. Estharaibel*  


**DRC Country Director**

30<sup>th</sup> August 2018

*[Signature]*  
