Global Protection Cluster

MISSION REPORT
COLOMBIA

14 – 21 FEBRUARY 2016

A OVERVIEW OF MISSION

The mission was intended to be for a period of a week to support national and sub-national humanitarian protection actors to enhance and strengthen overall Protection Cluster performance.

The GPC Mission to Colombia aimed to take into consideration the changes that the signature of a Peace Agreement might bring to the humanitarian architecture. In particular, the GPC Mission provided specific support during the Protection Cluster Performance Evaluation Workshop and the Annual Strategic Protection Cluster Meeting to define the National Protection Cluster (NPC) position and priorities regarding the post Peace Agreement scenario. Additionally, the mission was an opportunity to reinforce the importance of the centrality of protection in humanitarian action and the role of the Protection Cluster in a potential Durable Solutions Strategy leaded by the HC, and to discuss the Refugee Coordination model and the role of the Protection Cluster in a situation of mixed migration flows such as the one that occurred at the Venezuelan border in 2015.

Global Protection Cluster

Eva Garcia Bouzas
Protection Officer

www.globalprotectioncluster.org

THE **KEY OBJECTIVES** OF THE MISSION WERE TO:

- Participate to the two day 2016 Strategic Protection Cluster Meeting, together with Mine Action and GVB sub-clusters members and leaders of the Local Protection Clusters to present the new GPC Strategic Framework, to strengthen strategies and synergies between the field and the national protection cluster (NPC), and define the NPC position and priorities regarding the Peace Agreement scenario. This Strategic Meeting will include a session on the 2015 NPC Performance Evaluation.
- Undertake a Field visit in Nariño Department to support a Local Protection Cluster to contribute to the Local Protection Cluster work plan.
- Discuss the role of the NPC regarding the UNSC 2011 Decision on Durable Solutions Framework with the view of advocating for a multipartner strategy to be developed in Colombia.
- Discuss the role of the PC in a situation of mixed migration flows and the Refugee Coordination model (RCM) in light of the risk of a humanitarian crisis in Venezuela.

THE **EXPECTED OUTPUTS** WERE AS FOLLOWS:

- The NPC has a complete picture of the new GPC Strategic Framework, including the GPC strategic Objectives, the role of the GPC and the AoRs in preparedness and emergency response, and the available support to national PCs.
- 2016 Work Plans from the National and Local PCs are aligned with the new GPC Strategic Framework.
- Concrete recommendations regarding the NPC role in a post-agreement scenario are in place, and best practices from countries going through a similar transition process are shared.
- Concrete recommendations on the interaction of the PC and UN Missions are in place, especially regarding the centrality of protection and Rights' up front initiative.
- The NPC has started discussions on a multipartner Durable Solutions strategy for Colombia ensuring that key protection information is available to national development actors. PC recommendations to the HCT are in place.
- Concrete recommendations on the role of the PC in a situation of mixed migration flows are in place. The RCM is discussed with UNHCR, and best practices from countries with a PC and a RCM are shared.
- UNHCR coordinating role as NPC Lead is strengthened.
- Collect best practices and lessons learnt national and sub-national humanitarian protection actors to enhance the GPC Community of Practice.

SOME OF THE **KEY CONCRETE ACHIEVEMENTS** INCLUDED:

- Definition of the NPC position regarding the Peace Agreement;
- Introduction of the role of the GPC among humanitarian actors;
- Presentation of Rights Up Front initiative among NPC members;
- Recommendations to OCHA regarding the centrality of protection on the humanitarian architecture and its impact on the joint local coordination teams ('Equipos locales de coordinacion");
- Recommendation to the HC about a HCT Strategy and the Refugee Coordination Model;
- Recommendation to include a protection analysis on the regional provincial protection gaps into the NPC National Strategy.

THE KEY CHALLENGES WERE:

- Development issues are taking more importance than the humanitarian needs which tends to create confusion and lack of coordination between the humanitarian and development context;
- Lack of understanding of the role of the centrality of protection in the humanitarian response on joint local coordination teams ;
- Lack of logistical and financial support for the NPC activities;
- Both Sub-Cluster of GBV and Mine actions must be strengthened.

B OPERATIONAL CONTEXT

The cluster system was introduced in April 2006, when Colombia's IASC principals decided to include the country in the roll out of the humanitarian reform. Prior to the clusters, coordination took place in mixed humanitarian/developmental sectoral groups, which include donors, Government of Colombia as well as UN agencies. The main agency dealing with protection issues was UNHCR, which focused mainly on working with the Government to reinforce the application of IDP rights and legal framework for victims of the armed conflict, consolidate national mechanisms to improve compliance with national IDP legislation and policies, support state institutions and civil society organizations working with IDPs through capacity-building activities and seek durable solutions for IDPs.

Clusters were set up in Bogota for country-wide response at the strategic level in 2006, while sub-national clusters were formed in Antioquia, Arauca, Choco, Cordoba, Meta-Guaviare, Nariño, Norte de Santander, Putumayo and Cauca-Valle del Cauca. Other than camp coordination and camp management, most clusters are active in Colombia - Shelter, Education, Food Security, Health, Water and Sanitation and Early recovery- but Protection is the solely UNHCR-led Cluster, co-leaded by NRC. The NPC has two Sub-Clusters –GBV and MineAction- although they are as active as they should be according to their ToRs. After the implementation of the OCHA-leaded Humanitarian Local teams (which became in 2015 the ELCs), UNHCR is the leader on protection issues. Currently, there are 5 Local Protection Clusters leaded by UNHCR in Nariño, Putumayo, Norte de Santander, Choco and Valle del Cauca/cauca.

Other than UNICEF and UNFPA, other participants in the NPC are the different UN agencies (UNWOMAN, UNDP, OCHA, MINE ACTION), international organizations (IOM), donors (ECHO), INGOs (NRC) and a variety of national and local NGOs (Caritas, SJR, etc.). ICRC participates as an observer.

The NPC and its members works closely together with the Education Cluster, and in some cases the issues discussed during meetings overlaps between the two clusters. The cooperation with other clusters (Nutrition, WASH, Early Recovery, Health, etc.) is mainly focused on Protection mainstreaming.

The overall coordination was assured by the Humanitarian Coordinator who left on March 2016. In August 2016, a Resident Coordinator was appointed with a one year humanitarian mandate. The humanitarian architecture may change in the coming months due to the signature of the peace agreement. The risk of Humanitarian and protection issues not being considered priorities anymore for the government and the UN system is a major concern.

C PROTECTION CONTEXT

After more than five decades of internal armed conflict and various exhausted and unsuccessful attempts carried out by past Governments to facilitate negotiations, disarmament and demobilizations with irregular armed groups in Colombia, a new dialogue framework was formalized in 2012 with FARC guerrillas to agree on a negotiated exit to the conflict between the parties.

The agreement on transitional justice announced by the Government and the FARC-EP in September 2015, marked a milestone in the process and reinforcing the hope of a final agreement. On 19

January 2016, the government of Colombia and the FARC-EP issued a joint statement reiterating their commitment to achieve a Final Accord for the Termination of the Conflict and the Construction of a Stable and Long-Lasting Peace (Final Accord), including an accord on a bilateral, definitive cessation of fire and hostilities, the leaving aside of weapons, and the launching of effective mechanisms of monitoring and verification, with international accompaniment (a UN political mission), which can guarantee the compliance of the part of the agreement related to end of conflict -the cease fire and demobilization-. From June 2016 a UN Mission ("Mision Internacional de verificacion") will be in Colombia to verify the Peace process until its implementation. The Mission - around 200 women and men as civil and military observers - will monitor the bilateral ceasefire and laying down of arms once the peace agreement is signed on 26 September. In an early stage the mission deployment will be focused in Bucaramanga, Florence, Medellin, Popayan, Quibdo, San José del Guaviare, Valledupar and Villavicencio.

The signature of a peace agreement would open the door to progressively implement durable solutions for the displaced population. However, the period following the signature of the peace agreement might pose the following protection challenges:

- **Displacement by new Actors:** While the FARC-EP and the ELN guerrillas are the main actors of the internal armed conflict, other actors of violence such as post-demobilization armed groups (PDAG), non-state armed groups or criminal gangs may create further displacement because of their competition to control of illicit economies (coca crops, illegal mines, drug traffic corridors) formerly controlled by the FARC. Additionally, former FARC fighters might migrate to other guerrilla groups (ELN and EPL) or to post-demobilization groups maintaining protection risks for communities living there.
- **Displacement in urban areas:** Although the majority of conflict events take place in rural areas- affecting in particular Indigenous and Afro-colombian territories- cities receive the bulk of the displaced population. New dynamics of violence in urban areas may happen as non-state armed groups/gangs may implement mechanisms of social control (threats, imposition of "codes of conduct", etc.) in cities.
- **Displacement in remote areas:** Where institutional presence and capacities for protection are limited (indigenous territories, rural areas, afro-colombian communities) the armed conflict will continue to disproportionally affect the civilian population. Further, the massive arrival of former combatants to areas with limited self-protection mechanisms/ no state presence might generate further displacement because of fear or reprisals.
- **Less visible impact of displacement:** The signing of the ceasefire does not imply a disappearance of violence, and protection incidents affecting the civilian population. As the political focus will be on disarmament, demobilization and the search for durable solutions, less resources will be devoted to identify violation of human rights difficult to monitor such as the use and recruitment of children, selective killings, gender-based violence, mobility restrictions and access constraints, social control, threats and extortion. Additionally protection issues derived from property disputes and ownership of land in models of collective territories (indigenous territories and afro-colombian communities) may continue to require protection and humanitarian assistance.
- **Return of Colombians in need of international protection:** The recent tensions between Colombia and Venezuela, plus the profound Venezuelan political crisis have added new factors of complexity to the humanitarian situation forcing many Colombians in need of international protection to cross the border in the states of Táchira, Zulia and Apure to return to their places of origin without an adequate assistance and support.

D CURRENT PROTECTION RESPONSE

The NPC started in 2006. Since then, the cluster has taken into account issues related to general IDP protection as well as child protection, GBV and MineAction.

The NPC based its intervention on a National Protection Strategy (2016-2017) which includes a prioritized list of objectives (both program objectives and advocacy objectives) and desired results, aiming to achieve the following:

- Responding to immediate protection needs;
- Reducing vulnerabilities and exposure;
- Long-term reduction of threats and violations;
- Developing capacities to protect human rights in conflict related emergencies.

THE KEY ISSUES FOR THE NPC IN ITS RESPONSE WERE:

1. Protection of and assistance to conflict related displaced persons, trough advocacy and the strengthening of existing coordination mechanisms.
2. Coordinate with the National Authorities the humanitarian protection response to displaced persons through a systematic and meaningful engagement with the affected populations, across age, gender and diversity groups.
3. Identify and document protection risks, and vulnerabilities of men, women, girls and boys, and those groups such as older persons, persons with disabilities, persons belonging to minority groups, and persons of diverse sexual orientation or gender identity.
4. Analyse and strengthen the capacities of / the right holders to mitigate threats and risks introduce measures and mechanisms of self-protection.
5. Strengthening of the rule of law and develop strategies for prevention, response and durable solutions.
6. Mainstream early recovery and gender issues into the humanitarian response.

E KEY GAPS, CONSTRAINTS IN RESPONSE SO FAR AND WHY:

At national level, participation of UN Agencies remains limited. Although the take part in Cluster Meetings, they are not heavily involved in the HRP/HNO processes. This hampered the focus of discussions in the cluster, as well as the possibility to implement a joint response. UNICEF is the most active for its role in the SWAG and UNFPA as head of the Sub-Cluster, while UNWOMAN and UNMAS participate intermittently. OHCHR does not regularly attend Cluster meetings. NGOs (NRC, SJR, Caritas, etc.), on the contrary participate actively in meetings and in Clusters products (i.e. advocacy papers, HPC). NRC has been the co-chair since 2006

At local level, the role of the ELC (Equipos Locales de Coordinacion) overlaps the role of the Sub-National Protection Clusters. The ELC is an initiative that seeks to promote interagency coordination both within the United Nations system and between the UN and other international actors in 11 states (Norte de Santander, Antioquia, Arauca, Choco, Nariño, Putumayo, Valle del Cauca-Cauca, Córdoba, Meta-Guaviare, Caquetá y Guajira). The ELC aims to promote a common analysis to define joint strategies in line with the ongoing "dialogue" between the UNCT and the HCT on protection, humanitarian (taking as a framework the HRP - Humanitarian Response Plan) and development issues and issues related to peace building, including early recovery and durable solutions. In theory, in regions where local protection clusters are functional, the ELC will respect the existing structures focusing on humanitarian, development and peace building issues while protection issues will be still discussed in the local Protection Cluster. Additionally, the ELC encourage shared leadership of the agencies with greater presence in the region, being UNDP/OCHA in charge of coordination. In practice, only the ELC in Antioquia is leaded by UNHCR. This is particularly relevant in a context where the main ELC discussions are protection-focused.

Another key constraint is the lack of capacity –and somehow funding- of the Ombudsman Office (Defensoria del Pueblo). While the Defensoria would be an excellent government counterpart for the cluster at provincial level, its lack of human

and financial resources hampers its capacity to participate and take action. The cluster should request an additional budget to be allocated for this purpose providing specific trainings/support to the Defensoria as they remain the best option to carry on the protection work during the post-agreement transition period.

The protection cluster suffered severely from a lack of dedicated resources, both for the functioning of the cluster and its members. There is a need to get the donors more interested in funding protection programs, even though the results of projection projects are generally less visible and more difficult to measure than other sectors.

F KEY ACHIEVEMENTS AGAINST MISSION TORS

- ☑ The GPC actively participated in the two day 2016 Strategic Protection Cluster Meeting leading session on i) New GPC Strategic Framework, (ii) Rights Up Front Initiative, and iii) Concrete recommendations regarding the PC role in a post-agreement scenario including the sharing of best practices from the Democratic Republic of Congo (DRC) and iv) Concrete recommendations on the interaction of the PC and UN Missions including best practices from DRC
- ☑ The GPC has started discussions on a multipartner Durable Solutions strategy for Colombia with the RC emphasizing the key role of the NPC in the EHP when leaded by development actors. (UNDP)
- ☑ The GPC recommended against the activation on a Refugee Coordination Model in a situation of mixed migration flows. The NPC should be the coordination platform where UNHCR can discuss protection concerns arising from the Venezuelan mass population flows as existing coordination arrangements should be strengthen.
- ☑ Best practices regarding working with local authorities and indigenous communities were shared, particularly during the Narino Mission. The NPC was strongly encouraged actively participate in the GPC Community of Practice.

G FINAL CONCLUSIONS AND KEY RECOMMENDATIONS

Protection Cluster Role: The dynamic within the NPC and between the Government-led coordination mechanisms and other cluster is constructive, positive and action-oriented. During the mission, the NPC was consistently acknowledged for its analysis, protection assessments, and documentation in key issues: according to OCHA and the Humanitarian Coordinator, the information shared by the NPC has been crucial to inform HCT priorities and to facilitate a shared understanding of the protection situation in emergency situations (i.e. massive displacements, vulnerability of indigenous and afro-colombian population) He also praised UNHCR's leadership in ensuring that the HCT has strategic protection priorities. Examples of such action were the development of information notes on the Colombia-Venezuela Border crisis, and the follow up on a Durable Solutions Strategy. Although the National NPC has consistently produced information-sharing and advocacy documents to inform the overall humanitarian response, a stronger protection analysis showing gaps at Sub-national level is required to better advocate for protection issues at the ECL.

Capacity Building: The participation of a wide range of actors in the NPC, Defensoria del Pueblo, national and local NGOs, is a very impressive achievement highlighted by several actors at national and sub-national level. The ongoing capacity building activities undertaken by the NPC for governmental officials, Clusters and NGOs on humanitarian principles, protection mainstreaming and international law (IHL, IHRL) was widely acknowledged and appreciated. However, despite important investments in capacity building, there is a high demand for further trainings on the centrality of protection which needs to be factored into the NPC capacity building strategy. This is particular relevant for the Defensoria del Pueblo, as it is perceived as the NPC's natural successor to carry on the Protection work vis a vis the displaced population.

Protection Leadership: The NPC was particularly commended for its efforts to mobilize leadership on protection by the HC. However, as the humanitarian architecture may change after the signature of the peace agreement, there is a high risk of

Humanitarian and protection issues not being longer prioritized by the government or the UN system at large (UNCT).The role of the NPC in this transition period remains crucial to ensure that protection remains central to the humanitarian response, ensuring that Protection remains an ongoing issue at the HCT/UN Country Team agenda. A strong recommendation is made to assist the Resident Coordinator to develop an overarching, comprehensive and humanitarian system-wide protection strategy in a manner that enhances the effectiveness and performance of country-level humanitarian responses addressing the most serious protection risks facing affected populations in the aftermath of the Peace Agreement. An interagency deployee—such a ProCap—could assist on this task.

Operational protection coordination structure review: The multiplicity of governmental, development and humanitarian stakeholders, each with their own perspective, interests, capacity and agenda presents a challenge to achieving a coherent protection programme since parallel coordination structures coexist at national/sub-national level and outside the humanitarian architecture. (i.e. Protection Clusters, ELCs, joint development/ humanitarian platforms. A review of the operational protection coordination structure is recommended to prevent duplication of interventions whilst strengthening coordination. Regarding the Refugee Coordination Model, the GPC strongly recommends to continue using the NPC as the platform to discuss refugee related issues, as long as UNHCR is leading the discussions.

Sub-Clusters: Concerning the sub-clusters GBV and Mine Action, they are integrated in the overall coordination and NPC work-plan, bringing all the various elements of protection together and having sufficient visibility into the analysis of the HNO and HRP. Greater clarity is required on the Role of UNWomen, and the Gender Working Group as it functions across clusters. Given the increased role of Mine Action after the peace process, the greater involvement of Mine Action in the NPC is strongly recommended. Furthermore, the creation of a HLP working group led by NRC is an option to be considered in light of the peace agreement. Finally, the Sub-clusters need to share Information Management (IM) products and utilize the 4W reporting tool to map operational activities in coordination with the NPC IM.

Funding: Despite all the impressive efforts undertaken by the NPC, Protection remains a challenging sector because of the law levels of funding. Although the transition process to a development approach might be one of the explanations to explain the low levels of funding, more advocacy is needed for funding for protection, particularly in areas where protection response remains key (indigenous and afro-colombian territories). The NPC can promote a results-oriented approach, in which protection outcomes are defined and measured by a reduction in risk of exposure to rights violations and by a causal logic linking activities to a remedy or change in outcomes.

The GPC and its AoRs could provide the following support to the Colombian operation:

- Highlight the protection issues in the post peace agreement at global level, with a particular focus in donors (i.e. GPC Alert, Colombia-specific debriefings);
- Advocate to maintain the humanitarian architecture in Colombia;
- Support the NPC to ensure the centrality of protection and protection mainstreaming in all actions implemented by the HCT, UNCT and the UN mission;
- Cross-fertilizing ideas from other operations on relevant issues, such, capacity development in transitioning environments, and innovative approaches to communicate protection (i.e. Communications package) and through the GPC Community of Practice;
- Facilitate consultation with global actors particularly NRC, to ensure their presence on HLP issues;
- Facilitating a dialogue between donors and agencies at global level raising awareness about the possibility of funding protection activities;
- Providing guidance for RC on their responsibilities to make protection central to the humanitarian operation;
- Providing examples of good practice in protection relevant to the Colombia operation, for example on how to transition to a development approach;
- Providing a clear statement of that “life-saving” activities including services the protection

sector can deliver, e.g. physical protection of civilians, livelihood support to survivors of GBV, reunification of children with families, or the clearance of Explosive Remnants of War;

- Provide the EDG note Check-List on "Protection and Accountability to Affected Populations In The Humanitarian Programme Cycle" and;
- Acting a "global advocate" for the NPC issuing specific thematic alerts (i.e. recurrent emergencies, new protection risks in the peace post agreement).

H ANNEXES

Substantive documents arising out of the mission, or related to issues raised in the report might be appended, i.e.: tools developed during the mission, the protection strategy, key assessments, monitoring and referral tools, minutes of major meetings.

a. Terms of Reference Mission

b. Terms of Reference NPC (Spanish)

c. 2016-2017 Protection cluster Strategy (Spanish)

d. Final report of the annual strategic meeting (Spanish)

e. Terms of Reference Equipos Locales de Coordinacion (Spanish)