



PROTECTION WITHOUT ACCESS?

Feature:

Exclusive Interview with the Special Rapporteur on the Human Rights of Internally Displaced Persons



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A WORD from the Global Protection Cluster Coordinator

In this edition of the Global Protection Cluster (GPC) Digest, we keep cluster participants, stakeholders and readers informed on some of the key developments with regard to operational support, advocacy and guidance available to field clusters. As in past editions, the digest provides a window for field protection clusters and practitioners to share their experience with respect to the challenges they face in *current humanitarian emergencies* and the approaches being used to deliver on our common objectives, especially with respect to the theme chosen for this digest: **Protection and Humanitarian Access**. I am very pleased we are able to share with you our exclusive interview with the Special Rapporteur on the Human Rights of IDPs, Dr. Chaloka Beyani at the turn of the 20th anniversary of the mandate he now holds. You will find his perspective on humanitarian access extremely relevant to today's challenges.

This theme is of clear and immediate significance to the GPC and the 25 field protection clusters given the nature of emergencies throughout 2012. The on-going efforts of the humanitarian community to secure and maintain humanitarian access in complex emergencies are faced with a multitude of constraining factors that impact the way we can deliver protection in such contexts. Whether it is due to insecurity affecting humanitarian staff, breakdown of law and order, the complexity of reaching Internally Displaced Persons outside-camps; frequent targeting of civilians or because of explicit obstacles posed by state and non-state actors, protection-mandated agencies are more and more constrained when trying to deliver protection and assistance to millions of internally displaced and other affected persons where and when it is needed. Such factors have called for innovative and proactive measures by the GPC and Field Protection Clusters in order to enable operational delivery of services in the field.

In fact, protection clusters in emergencies in Yemen, Pakistan and Afghanistan, as well as in Somalia and Mali, have been doing just that. I take this opportunity to thank Judith, Bediako and Laurent who have engaged with protection cluster partners in their capacity as field protection cluster coordinators, to share insightful experience from some of these countries, and to the Areas of Responsibility (child protection, mine action, housing, land and property rights, gender-based violence) coordinators for their contributions. The submissions describe the realities of protection response efforts in the face of the changing nature of conflict and humanitarian working environment as we see it today.

These experiences reflect some of the proposed actions emanating from work carried out at the global level, notably through the Inter Agency Standing Committee (IASC) since 2008. For instance, recommendations have ranged from strengthening remote management mechanisms, establishment of peer review networks, a shift in the security risk management paradigm to inter-agency coordination, strategic humanitarian dialogue and mass information campaigns. In cases where integrated missions are present, clear criteria for engagement have been called for. The GPC will therefore elaborate a guidance note on interaction with peacekeeping operations and political missions; we will engage with the IASC Task Force on Humanitarian Space and Civil Military Relations on various aspects of their work and organize a roundtable on humanitarian access and remote protection management later this year in order to learn and share with you the most advanced and expert viewpoint on the subject.

The central role of the cluster system in international efforts to protect and assist the internally displaced was further emphasized by both the UN General Assembly and Human Rights Council (HRC) this year, including in the most recent and landmark resolution of the Human Rights Council (A/HRC/20/L.14) on the Human Rights of IDPs. We have therefore dedicated space for "Technical Briefings" on these developments, which we hope you will find informative and useful. This newsletter is yours: it should be a reflection of field concerns, and a forum for sharing experiences in delivering effective protection to the millions of girls, boys, women, and men affected by humanitarian crises around the world.



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Interview with Dr. Chaloka Beyani, Special Rapporteur on the Human Rights of Internally Displaced Persons

1. The nature of armed conflict has changed over the last years. What has been the implication of this change on the current understanding of humanitarian access? How have these changes influenced access to affected populations and among them IDPs?

Quite right – There has been a great deal of what is referred to as asymmetrical conflicts whereby States are increasingly involved in violent conflicts with non-state groups. This is occurring both within and across borders, and it raises new challenges. For example, it presents challenges to the traditional distinction between international and non-international (or internal) armed conflicts. It can also create challenges both in theory and in practice, with regard to the important distinction between civilians and combatants. In this context, it is especially important that IHL be upheld, and that these distinctions are determined (International Humanitarian Law) according to objective criteria –rather than the political rhetoric of the parties to the conflict. This has implications for the principle of humanitarian access.

One thing remains clear - the principle of humanitarian access is well understood. But in practice, particularly in the last decade, there is less willingness to grant access - more on political grounds and reasons that are often related to the specific nature of the conflict.

The parties to the conflict often want to control the population, especially their movement and their locations. They see this control as vital to their military strategy in the armed conflict. This forced displacement through violence and conflict continues to be an important cause of internal displacement. Internal displacement patterns often also reflect preemptive protection strategies by certain groups. In Afghanistan, for example, IDPs perceived as associated with the government were often seen to flee to government held areas, while those that associated with rebels, fled to rebel held areas. The parties to the conflict will often use forced displacement and IDPs for military purposes and either territorial or political gains, while the populations caught in the midst of it tend to try to second guess where they will be safe and either move or take other measures accordingly. Such factors also have a significant impact on access to humanitarian assistance for IDPs.

An additional problem is that since the 1990's - when there were fewer humanitarian actors taking the lead in trying to negotiate access using its expertise - today we

see a multiplicity of actors trying to negotiate access on their own terms, and with their own concepts of what this means. I think this complicates the picture and clearly has had an influence on humanitarian access in practice. This remains a challenge – in Syria there are now an estimated 1.5 million IDPs. Inability to gain any humanitarian access has caused extreme suffering, and forced many to seek refuge in neighboring countries. As I recently stated in a press release regarding the situation in Syria, on August 9th, the disregard for international human rights and humanitarian law has led to a severe internal displacement crisis in that country. In addition, the lack of access to healthcare, shelter, water, food and other essential services is compounding an already grave situation for IDPs. And as the conflict intensifies and they are forced to move further from their livelihood and social support networks, their vulnerability increases. The UN Humanitarian Coordinator and the rest of the international community need to continue to work to secure safe spaces for IDPs, where they can access humanitarian

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assistance and protection in an impartial and neutral manner, without fear of arrest or discrimination of any kind. Government, opposition forces and other armed groups must all respect these spaces and allow humanitarian actors free and unhindered access to areas in which they operate. All parties to the conflict need to recognize the rights and freedoms of IDPs afforded to them under international law, and which are clearly spelled out in the Guiding Principles on Internal Displacement. This includes the right of IDPs to request and receive protection and humanitarian assistance without being persecuted or punished.

Furthermore, I think military actors should not be engaged in delivering humanitarian assistance. The whole question of “military humanitarianism”, originally explored in the 1990's and then again more recently in Afghanistan for example, has been counterproductive. The involvement of the military in providing humanitarian assistance to civilians in conflict situations blurs the lines between actors, their respective roles and responsibilities.

2. In light of recent resolutions on IDPs adopted by the General Assembly and Human Rights Council this year (GA 66/165 and HRC/20) and explicit recognition of your mandate and work, how do you see your role in facilitating access to IDPs?

I think the recent resolutions have strengthened the mandate and given it an added voice especially in terms of its advocacy role on issues of access, but also in other areas. At the same time, the most recent HRC resolution for example, reveals a new sense of initiative and ownership of states themselves of the internal displacement issue. My role is to draw attention to the human tragedy that conflict and politics often produce. With regard to issues of access to IDPs, I work together with the Secretary General, Humanitarian and Resident Coordinators, and discuss these issues with the Humanitarian Country Team Representatives so that we have a coordinated approach. My mandate also has access to high levels of government, including Ministers, Prime Ministers and Presidents sometimes, and so I raise issues of access and treatment of IDPs with them directly.

3. The central role of the Emergency Relief Coordinator and inter-agency cluster system in the international community's efforts to protect and assist IDPs has been further acknowledged by the General Assembly and Human Rights Council this year. In your view, what are the limitations to the extent to which protection cluster leads can/should engage in dialogue with the leadership of military operations, non-state actors, in addition to traditional, economic, religious and social leaders to secure access?

There are some limitations about gaining access broadly because access becomes a political issue. The cluster system has to rely on the IASC Principals, the Emergency Relief Coordinator herself, or indeed the Office of the United Nations High Commissioner for Refugees where that may be pertinent, at a fairly high level in order to unlock the issue of access.

Humanitarians will deal with the issues at the national level in two ways; first you often have the Representative of the Secretary General or Humanitarian/Resident Coordinator to deal with the national political situation on a day to day basis. One of the limitations is that they have to deal with the military, which invariably see things from a military perspective. Where there is a UN mission, as in Afghanistan or Ivory Coast the mission will often provide some kind of back up support to a cluster-system in some of the areas they operate, which I think is a useful thing.

The other limiting aspect within the structures of coordination sometimes are competing mandates, or mandates that are still kind of vertical, which can't be avoided but where you don't have a coordinated approach, access tends to be sporadic. It's the cross-fertilization of those mandates through the cluster system that employs effective means that are brought to



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bear on the IDP population. So where those competitive approaches between organizations comprising a cluster are minimized then effectiveness of the cluster system is enhanced – which is very important. What is necessary is a principled engagement of the actors enterprising their responsibilities under international law and as reflected in the guiding principles. Humanitarians sometimes do engage non-state actors, with results, for example UNICEF engaged SPLM which led to results, or in Afghanistan some humanitarian actors engaged the Taliban with measured results.

Final point I have is that sometimes the approach by the cluster system has been that as long as food, water and other assistance is given then it is taken that needs are being fulfilled. However, there are some cases where IDPs cannot go back to their areas of origin and yet the provision of humanitarian assistance and actors require them to do so to receive such assistance - those nuances are very important in the cluster system – it's not only about coordinating humanitarian assistance as such, but to ensure that there is also a very strong protection regime which has to be sensitized in relation to the cluster-system as a whole.

4. Has the recent humanitarian reform clarified roles and responsibilities in advocacy to ensure better access? What remains to be done?

It's unfolding very well in clarifying roles and responsibilities as well accountability, and also in making sure that the Principals have a common approach to humanitarian issues which gets filtered down through the cluster system as a whole. I think that what remains to be seen is the way in which it will address IDPs specifically, in order to make sure that IDPs do not fall between the cracks of reform during the transformative agenda process. The challenge is to ensure that they remain a strong focus of the cluster-system at the national level, within the IASC and across the transformative agenda, and I will advocate very strongly to ensure that focus. Otherwise the specific protection and assistance needs and the human rights of IDPs – which were recognized ▶

in the early 1990s and led to the creation of this mandate as well as the development of the Guiding Principles – will become lost and remain unaddressed. The IASC is also renewing its work on the theme of “accountability to affected populations” – here too there has to be further refinement, including in terms of accountability to IDPs as a specific group. IDPs remain a specific group with particular vulnerabilities that arise from the fact of displacement – such as the loss of housing, livelihoods, documentation, social support networks, and family separation – which create specific protection, assistance and durable solutions needs that must be addressed.

5. In your view, how should protection clusters adapt to such contexts and in particular to IDPs who reside outside camps? How successful do you think remote management strategies have been, and what other practical methods are there for protection-mandated agencies to go about their work?

Protection Clusters should adapt from simply providing protection and assistance only in areas where IDPs are visible in well-defined IDP camp sites or settlements, to actually make a concerted effort to get into the host communities, whether urban or rural, where IDPs may be living either on their own or with host families.

I was recently in the Ivory Coast, where the Government policy was to close camps quickly. However, needs continue to exist, even if the IDPs have moved out of the camps into a variety of alternative situations. Some have returned to their villages and are being assisted by host families; others have relocated in different areas than where they came from originally. In many cases though, host communities and families are struggling themselves and have few means with which to help the IDPs. At the moment, the protection cluster is out there in the villages identifying which IDPs are still with host families, the capacity of these to assist them, and what the protection needs and concerns of IDPs and affected communities still are. Even as the camp in Duekoue was closed and 5000 people sent away, the protection cluster has now traced, I believe, about 3000 IDPs, which is an important thing to do. They are also present in informal settlements in Abidjan, which I visited, and where they have identified IDP populations in these urban slum areas. Through their work with local partners and civil society, they continue to work with IDPs and provide at least a minimum follow up for the most vulnerable IDPs. While much more needs to be done in that situation, I think that this is the kind of adaptation that is required.

There are specific protection problems which are difficult – in slums and informal settlements for example which are prone to natural disasters, such as mudslides or flooding. Formal evictions may be planned from such areas for safety reasons, but these should take place in accordance with international standards – and alternative solutions need to be found for persons in these situations, including IDPs, before such evictions. Given that they have lost their housing and often also, livelihood, and usually have few resources, IDPs are often forced to move to these precarious areas, where they once again

risk eviction and secondary displacement. Here again protection clusters would have a role in sensitizing relevant authorities to those specific protection needs of IDPs.

6. In situations of constrained access, to what extent can the Universal Periodic Review (UPR) serve as an effective mechanism for safeguarding the rights of IDPs?

I think the UPR has emerged as a fairly potent mechanism, and looking back we see that when countries know that they are going to appear for review by the Human Rights Council they tend to invite Special Procedures mandates for official country visits. This is a positive development. In this way, the UPR can be used effectively to provide access. Findings and recommendations by Special Procedures which result from country visits can and are also used by different Treaty Bodies and the UPR – and vice versa. My mandate and others as well, will be informed on treaty body and UPR recommendations and use these in our own reports and in dialogue with State authorities. In addition, my mandate is required to work closely with a range of partners, including UNHCR, OCHA, and OHCHR – organizations who provide the mandate with important information on the opportune time and location of future missions, the particular situation in different countries, possible follow-up

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opportunities.

This also means I have the opportunity to be informed from different sources about what problems there are, how to address them when on mission, and on initiatives, entry points and possible recommendations that could constructively build on some of the good work already being done by the UN team and civil society in the field.

This said, the resolution creating the mandate requires me to mainstream issues of IDPs throughout the UN system and I don’t think that issues of IDPs have been mainstreamed enough within the UPR, or Treaty Bodies processes. When I assumed the mandate, after surveying the situation, I thought it would be best to mainstream first from the point of view of the treaty bodies, their processes and procedures, including complaints and reporting and then move to UPR as a related aspect. Mainstreaming the human rights of IDPs within the IASC is also necessary. So I see these three components or pillars as essential to the mainstreaming exercise in relation to the UN.

Key Policy Developments

Humanitarian policy makers and practitioners are developing a range of policy and standards to address issues relating to humanitarian access, including:

● The 2001 **“Guidelines on the Use of Military or Armed Escorts for Humanitarian Convoys”** are currently being updated under the auspices of the IASC Task Force on Humanitarian Space and Civil-Military Relations. Previously presented as a discussion paper and non-binding guidelines, the revised version will provide a more practical document. It aims to better reflect those actors commonly present in humanitarian operations, the evolution of security risk management procedures, and the increasing complexities of delivering principled humanitarian action. It is hoped that the revised guidelines will improve the manner in which humanitarian actors assess the need to use armed escorts through equally considering security requirements and the humanitarian imperative. The revised guidelines are expected to be endorsed by the IASC principals in December.

● Under the direction of the IASC Working Group, the IASC Task Force on Humanitarian Space and Civil-Military Relations was tasked with undertaking **an analysis of field realities to better inform the policy discussion on civil-military related issues**. Through utilising the on-going work of the Humanitarian Policy Group (HPG), specifically a dedicated project on civil-military coordination, the Task Force has recently identified a first round of actions for Working Group endorsement. These actions identify the need to develop cross-cluster guidance on civil-military interaction at the cluster level, the need to strengthen the understanding of protection for different actors engaged in protection of civilian activities, and finally the need to further investigate the impact of civilian-police relations on humanitarian space. As the HPG project draws to its completion in the spring 2013, the IASC Task Force anticipates a further round of actions for Working Group endorsement and Task Force implementation.

● The objectives of humanitarian action and counter-terrorism acts are not necessarily incompatible: fundamentally, both seek the protection of civilian populations from harm. Despite this, a number of humanitarian actors have on occasion found themselves and/or their operations affected by counter-terrorism measures, but there is limited empirical information on their actual impact and consequences. At the request of the IASC Task Force on Humanitarian Space and Civil-Military Relations, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the Norwegian Refugee Council (NRC) have jointly commissioned an independent study on the **“Impact**

of Counter-terrorism Measures on Principled Humanitarian Action”. This study aims to generate a better understanding of the humanitarian consequences of counter-terrorism legislation and measures by reviewing relevant national practices, assessing their impact on principled humanitarian action, and reviewing the actions taken by humanitarian actors to adapt to such measures. Recommendations are expected to be formulated on the basis of the findings.

An Advisory Group has been established to help guide the study and disseminate its findings. The advisors come from Asia, Americas, Europe, and the Middle East, and include prominent lawyers, humanitarian professionals, policy experts, a political scientist, and a finance specialist – all of whom have joined on a *pro bono* basis and in their personal capacity as experts. Research into the major western donor States was undertaken during the first half of 2012. In the coming months, research will be conducted on several key non-western donor States. The study is expected to be released between the end of 2012 and early 2013.

● In January 2012, the GPC launched consultations with field based protection clusters on their **engagement with peacekeeping and other missions** to identify the types of challenges faced, approaches and synergies developed and areas where further guidance is sought by the field. Feedback was received from protection clusters in Afghanistan, Burundi, Cote d’Ivoire, DRC, Haiti, Libya, oPt, South Sudan, Sudan (Darfur) and Somalia and covered engagement with the full range of missions - peacekeeping, political and stabilization missions. A core group of GPC members reviewed feedback in August.

Engagement was strongest with DPKO missions and substantially less with DPA political missions, in part because the fora or mechanisms for engagement are less clear with the latter. Engagement with stabilization forces who are an actual party to conflict was mixed, with a clear advocacy strategy and mechanism for engagement in Afghanistan on the one hand, and essentially no interaction in the context of Somalia (although other constraints, such as lack of staff on the ground, also contributed to this). Some challenges linked to missions included knowing which part of a mission to engage with given the many actors within a mission and the fact that mission components are themselves not well coordinated; lack of understanding by the mission of humanitarian principles and their implications; and ►

frequent rotation of military and police personnel and their lack of contextual understanding.

Challenges particular to protection clusters included a lack of understanding of mission mandates among members, a lack of clarity in what the cluster wanted to achieve though its engagement with the mission; confusion or tension between engaging with versus endorsing a mission, and ensuring independence. There was consensus among respondents that there is a particular need for protection clusters to engage with missions, including fighting forces, in order to seek better protection outcomes for civilians. It was also clear that contexts differ widely and - when it comes to determining the type and scope of engagement that is most appropriate or effective - there can be no one size fits all approach. The GPC is now evaluating what guidance and tools will be most useful to respond to the various issues raised.

● The **“UN Integration and Humanitarian Space”** (Stimson/HPG) study (2011) underlined the need to significantly reinforce measures to ensure consistent implementation of policy provisions that seek to ensure that UN integration arrangements protect humanitarian space. A key conclusion was that more efforts were needed to ensure that context determines the design of UN integration arrangements, including through a more comprehensive and inclusive assessment of the various risk factors as they relate to humanitarian space as part of an up-front analysis.

The study was discussed at a meeting of the Integration Steering Group in November 2011, (attended by senior UN officials including from humanitarian agencies, DPKO and DPA) and an invited NGO (Care International). It was also discussed by the IASC Working Group the same month. There, it was agreed that there was a need for further clarification/definition of situations where integration (or at least, very visible forms of integration, including structural integration of the humanitarian coordination function), could be considered ‘undesirable and risky’.

The IASC Task Force on Humanitarian Space and Civ-Mil Relations has now drafted a paper (**“UN integration and humanitarian space: building a framework for flexibility”**) which seeks to identify such ‘risk factors’ and sets out key elements of the process through which they should be identified their potential impact assessed, and corresponding recommendations elaborated on the form which integration should take in a particular country operation. This paper is awaiting endorsement by the IASC Working Group.

The findings of the study, and subsequent discussions, are also being drawn on in the course of the revision of the Integrated Missions Planning Process Guidelines, which is currently under way. ●

Events



Save the Children

.....
23-25
OCT

Training on Interagency
Child Protection
Information
Management System

unicef 

.....
26-29
OCT

Training of trainers on
Child Protection Rapid
Assessment

.....
05-09
NOV

UNICEF
“Multi-Cluster”
training



UNHCR
The UN Refugee Agency

.....
30.09
04.10

UNHCR Coordination
and Leadership
Training - Cox's Bazar



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A Barrier to Humanitarian Access: “Gatekeeping” in Somalia

The Somalia humanitarian crisis over the last two decades has contributed to mass displacement within the region as well as within the country. By 2012, nearly 1 million Somali refugees are living in the region, with another 1.35 million Somalis internally displaced persons (IDPs). It is estimated that since 1991, the humanitarian community has spent roughly \$13 billion in Somalia.¹ It is therefore, not surprising that profiteers exist who try and benefit from the plight of IDPs. **Known as “gatekeepers” they, in one form or another, hold themselves out to represent the interests of IDPs and thereby impose financial or material demands on the humanitarian community.**

The gatekeeper phenomenon is endemic, entrenched, and prevalent particularly where IDP settlements exist. A gatekeeper usually is an actual land owner, claims to own the land, is a host community authority figure, has connections to the political/military power-brokers, is a business person, is an IDP him/herself, or is a combination of any of those identifiers. **Irrespective of how they represent themselves, gatekeepers dictate what can and cannot be done in an IDP settlement and its associated cost – effectively IDPs are a commodity.** Often gatekeepers decide who within their IDP settlement can be spoken to and who cannot. This has significant protection implications as, if not attuned to this dynamic means that, gender based violence, for example, may not be identified as a problem in that settlement. It is established practice that in order to access and talk to IDPs living in a settlement, the humanitarian community has to, in essence, bargain with gatekeepers. Concessions wrangled from gatekeepers limit the humanitarian community’s financial or material liability but, in practice, often means that the IDPs pay for granted concessions. The cost of access has often meant paying off gatekeepers, a fact the humanitarian community has been uncomfortable in acknowledging.

Removing this access barrier presents a considerable challenge to the humanitarian community given the vested interests gatekeepers have in maintaining the current system. Countless meetings have taken place on how to address the gatekeeper problem but, to date, without much success. It could be argued

that the humanitarian community’s tendency to demonise their existence from the outset has ignored the reality that some gatekeepers, in reality, are *de facto* civil administrators who ensure that the site they control is protected and assistance is available. The State’s failure, or inability, to govern and to provide the necessary security is key to understanding why the gatekeeper phenomenon persists.

The humanitarian community’s past tendency of down-playing or marginalizing the problem seems to be coming to an end. Particularly Protection Cluster participants and OCHA are taking the initiative on thinking through this problem with the view of providing solid analysis and possible solutions. However, given the power of many gatekeepers, and therefore, the security risks associated with confronting this issue openly, concrete recommendations while keeping the safety of IDPs and staff in mind will take time.

Protection Cluster participants agree that three factors must form the foundation of any analysis to the problem. First, there needs to be an understanding on the impact gatekeepers have on the lives of IDPs, especially in relation to protection. Second, gatekeepers will need to be part of any process to ensure that protection considerations are part of assistance and services provided. Third, concomitant to talking to gatekeepers, efforts should be made to ensure that IDP communities have diffused leadership structures so that no one person controls information flows. Critical to any process and conclusions reached is that they abide by the principles of ‘do no harm’, and do not legitimise the gatekeeper’s role in humanitarian action.

Whether the humanitarian community can balance these, at times, competing factors remains to be seen. What is clear is that past attempts to ignore or side-step gatekeepers has neither reduced their authority, nor resulted in better protection for IDPs. ●

¹ *Twenty Years of Collapse and Counting, The Cost of Failure in Somalia*, John Norris and Bronwyn Bruton (A Joint Report from the Center for American Progress and One Earth Future Foundation) September 2011



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Customary Leaders in Mali – An Avenue for Access

In January 2012, the outbreak of conflict between the National Army of Mali and opposition armed groups exacerbated a pre-existing precarious humanitarian situation and resulted in the loss of territorial control by the government of the northern part of the country. As a result of violence and reported gross human rights violations, over 185,000 Malians have been internally displaced and nearly 270,000 have fled to neighboring countries, as of September 2012. In addition, the disruption of public services and the adverse effect of violence and insecurity on livelihoods and food security has been severe. Armed non state-actors¹ have established de facto authority in the northern territories, notably in Timbuktu, Kidal and Gao, including the imposition of Sharia Law on the local population²; some 5,000 people were reported to have been further displaced as a result. In the South, where the majority of the country's humanitarian needs remain, decades of development efforts have been compromised by the conflict and political crisis that followed the military coup which has increased poverty and unemployment - especially in the city of Bamako. Some 10,000 IDPs are hosted within the poorest of communities in the capital.

In this context the ability to provide much needed protection and assistance requires strategic approaches and expertise given limited access, especially in the north, where humanitarian endeavors can be misunderstood and perceived as a threat against the hegemony of the non-state actors in control of the area. While some NGOs providing services in health, food and nutrition have been able to gain access through dialogue and negotiation with non-state actors – for protection actors it has proved to be more challenging. The role of customary leaders in particular has been crucial as a conduit for such dialogues and communication that has facilitated secure access to some

extent, in addition to the management of aid and service delivery to affected populations

For instance, community leaders have demonstrated proactive engagement and responsibility to protect the population and took action and advocacy for preventing violence or facilitating relief assistance. UNICEF is noted to have effectively capitalized on the role of civil society actors by reinforcing the capacity of those leaders and providing training for the use of tools and methodologies for service delivery, referral and community self-protection. It is essential to build on such an approach to further identify and respond to protection needs, adapting remote management and low-profile approaches using staffing from the localities.

The Global Protection Cluster (GPC) has worked in collaboration with UNHCR in Mali, to ensure that the Field Protection Cluster, activated in March, 2012, has sufficient capacity to meet these particular protection response challenges in the country. This has included supporting the formulation of a protection strategy for Mali and assisting in the preparation of the Consolidated Appeal. Moreover, the GPC, within the framework of its newly established Help Desk and Rapid Deployment Mechanism facilitated the deployment, in June 2012, of a Senior Protection Officer in collaboration with the Protection Capacity Project to ensure the interim coordination of the field Protection Cluster. The Global Gender Based Violence (GBV) and Child Protection Focal Point Agencies similarly deployed a member of their Rapid Response Teams to establish the needed coordination mechanisms in these areas of responsibility.

¹ The Islamist groups *Ansar Dine* and *Al-Qaida au Maghreb Islamique (AQMI)* the *Mouvement pour le Jihad en Afrique de l'Ouest (MUJAO)* and the Tuareg autonomous *Mouvement National pour la Liberation de l'Azawad (MNLA)*.

² The regions of Timbuktu and Kidal are entirely controlled by the Salafist movement *Ansar Dine* since 26th June 2012. The region of Gao is partially controlled by the MUJAO including the town of Gao with remaining pockets of MNLA combatants in the *Cercle de Menaka* (south east of Gao).



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Yemen – Negotiations, Dialogue, and Localized Access

The complex emergency in Yemen this year has been testing the ability of humanitarian actors to provide protection and assistance where and when needed. Sectarian armed conflict continues between the Houthis, Salafis and various tribes in the north – where the Houthis have become the de facto authority in Sa’ada Governorate and have been expanding to Hajja and Al Jawf Governorates this year. In the South, the secessionist Al HIRAK movement continues to operate against the Government, and non-state actors took control over significant parts of the south - particularly the Abyan Governorate. 95,000 people have been internally displaced as a result in 2012, bringing the total of registered IDPs to over half a million¹, with dire protection and assistance needs. In this context the constraints on access vary as a direct result of military operations, generalized armed violence and insecurity or due to attempts at political manipulation of humanitarian assistance by de facto authorities and non-state actors, presence of mines and Unexploded ordnances (U XOs), criminality, and abductions of foreigners. Commendable and exemplary steps have been taken in the face of these challenges:

In the north, OCHA led **efforts to develop trust between armed groups and humanitarian agencies in the northern Sa’ada governorate, including meeting with non-State actors** to explain the importance of humanitarian principles and development of a joint inter-agency response plan with humanitarian partners. This facilitated protection cluster participants, including UNICEF and UNHCR to conduct trainings and capacity building with Al Houthi, incorporating Protection, Child Protection and Humanitarian principles. This also opened the avenue for de facto authorities and other non-state actors to participate in coordination and cluster meetings – creating opportunities for practical solutions vis-à-vis access constraints. Relief assistance has increased significantly in comparison to previous years and the resumption of WFP Flights to Sa’ada signal important progress although focused efforts need to continue to ensure that protection and

assistance is provided in accordance with humanitarian and protection principles rather than used as a tool for the gain of political dividends by parties to the conflict.

Moreover, protection actors have invested in “community-based protection networks” (CBPNs) for protection monitoring, referral support, assessments and advocacy purposes. Both IDP and host communities have been engaged to elect members of such networks (over 90 CBPNs have been formed), in addition to many child protection networks and women volunteer groups. With the relevant training, these actors have conducted early warning, monitoring activities and referrals of identified vulnerable cases has been enhanced in areas where international agencies have not been able to move in freely. Furthermore, protection agencies have resorted to increasing localized staff structures and strengthening partnerships with local organizations from the specific region. This has been the case in Sa’ada or in Abyan for example where national staff, mostly from the South, were recruited and trained. Protection actors have further invested in capacity-building for remote programming arrangements in these areas. Such an approach has been reinforced by field visits by well-trained mobile teams, combined with the CBPNs.

The Protection Cluster is actively engaging with YeMAC, the national body for Mines’/UXOs to explore ways of how it can support and scale up its capacity to demine areas, conduct MRE and provide victim support. Agencies have also formed operational partnerships with government counter-parts to develop policy and provide assistance. ●

¹ It is also important to note that in addition to those physically displaced by conflict there is a greater number that are displacement affected, including those in the hosting communities that have received IDPs and those affected by conflict who were not able to flee. –Yemen IRF proposal to PBSO

Child Protection Coordination in Yemen



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In Yemen, the Child Protection Area of Responsibility is active at the national level in Sana'a as well as at the sub-national levels in five locations: Aden in the South, Taiz in central Yemen, and Amran, Hajjah and Saa'da in the North of the country.

As conflict, water scarcity and food insecurity deepen in different parts of the country; these continue to raise great protection concerns for children and are regarded as the main drivers of internal displacement in Yemen. In a recent child protection rapid assessment conducted by the Child Protection Area of Responsibility in six Southern Governorates, consolidated site reports reveal,

amongst other things, that key informants in all districts have observed children associated with the armed forces and groups.

The strategic focus of the Child Protection Area of Responsibility remains the release and reintegration of children formerly associated with armed forces, mine risk education, strengthening birth registration, supporting community-based Child Protection, establishing Child Friendly Spaces, provision of legal aid, and working with separated and unaccompanied children.

Constraints in Assisting Women in the Tribal Areas of Pakistan

In the North West region of Pakistan in the Federally Administered Tribal Areas (FATA) and in Khyber Pakhtunkhwa (KP), where the humanitarian community continues to support IDPs in the hundreds of thousands, humanitarian access has become extremely limited and restricted. FATA is ruled by sharia law and traditional justice systems, and implementation of women's rights related programming is challenging. In recent months there has been an increase in cases of violence, including murder - targeting women's rights activists. Gender-Based Violence (GBV) is common in KP/FATA, including extreme forms of violence, such as honor killing. However, over the past year, the FATA Disaster Management Authority and the FATA Social Welfare Department have shown an increased willingness towards addressing GBV. The GBV AoR Rapid Response Team deployed its Asia Adviser to Pakistan in June-July 2012. Key issues related to GBV prevention and response in the context of limited humanitarian access in KP/FATA were identified during this mission:

The availability of female staff has been reduced, thus, mobilizing female staff to conduct assessments or to work in protection and health programming is particularly difficult. As a result, 89% of key informants in recent multi-sectoral assessments were men, and information related to GBV is very limited and biased

Limited presence of International NGOs to deliver GBV prevention and response programming in return areas due to administrative constraints

Limited humanitarian access prevents monitoring and on-site capacity-building and technical support to community-based organizations

Security and safety concerns for staff working on women's rights in FATA and KP is a major factor that limits the identification and reporting of cases due to safety concerns for both staff and survivors



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Mines Restrict Movement in South Sudan

Rescued by Deminers, Young Landmine Victim Looks Forward

Seven-year-old Stephen Gatwech was travelling with his grandmother in the volatile Unity State, close to its capital Bentiu, when their bus detonated an anti-tank mine.

The road was known to have been recently mined, and several accidents had already occurred in the area. At the request of UNMISS, the UN Mine Action Service South Sudan (UNMAS) deployed a MECHEM Route Clearance and Verification Team to the area in July 2011, just prior to South Sudan's independence.

"Rebel militia groups have been laying new mines in the northern border states of South Sudan since November 2010," said Lance Malin, UNMAS South Sudan Programme Manager. "This has resulted in a serious spike in mine-related incidents, causing at least 75 casualties to date, of which 35 were fatal. The movement of humanitarian personnel, local populations, and UNMISS staff, in the three states has been severely restricted."

In this region of patchy connectivity and struggling health care facilities, help for the accident victims would likely have been limited, if the deminers had not been nearby.

The boy, along with eight other wounded passengers, was transferred to Unity Hospital for treatment. Two of the wounded later died of their injuries, including Stephen's grandmother. Stephen's leg was amputated just below the knee and the boy, accompanied by his father, was flown to Juba where he received a prosthesis and treatment at an ICRC centre.



The accident took place on a road branching off from Bentiu town.
Photo © MECHEM



As his father looks on, Stephen shows his new prosthesis. Photo © UNMAS

He has a long way ahead. After the initial treatment, Stephen must return to Juba every two years for maintenance services and to receive new prostheses to match his growth. The family is considering a move to Juba to accommodate his needs, and thanks to the rapid assistance Stephen received through MECHEM and ICRC, the family's dreams – whether a solid education or a confident return to the soccer field – are still very much a possibility.

Unlike the mine that detonated under Stephen's bus, most mines and other explosive remnants of war (ERW) in South Sudan have not been newly laid. These hazards have been left in South Sudan's fields, riverbeds and mountains during the decades-long civil war, rendering land unsafe, preventing vital agricultural activity and maiming and killing scores of people each month. Approximately 800 known threats of various sizes remain and new suspected hazardous areas are continually being identified.

Through partners such as MECHEM, UNMAS South Sudan works to address the threats posed by mines and other ERW. Over 1,070 square kilometres of land have been cleared or verified as being free of ERW by the agency's implementing partners, enabling the construction of schools, health clinics, and agricultural projects. To spread awareness of the dangers of mines and other ERW, mine risk education has been delivered to over 1.3 million men, women and children. In addition, over 3,185 landmine survivors and other persons with disabilities have received victim assistance interventions. ●

Protection Mainstreaming in Action



Protection Mainstreaming is a key priority in the GPC 2012-2014 Strategic Framework. In the spirit of the Principles of Partnerships which guide the work of the GPC, World Vision leads a task team which carries out activities in the GPC workplan geared towards supporting efforts by field protection clusters and other clusters to mainstreaming protection in all humanitarian sectors.

The GPC has developed a Protection Mainstreaming Support Package which is available on the GPC website and will be tested in the field in a few selected contexts with the view to enhance as much as possible its relevance and utility for clusters at country level. The GPC Protection Mainstreaming Task Team has also engaged in close collaboration with four global clusters (Camp Coordination & Camp Management, Food Security, Shelter, and WASH) at their request or based on technical expertise/capacity available within the team.

The International Rescue Committee (IRC) is particularly active in the GPC Protection Mainstreaming Task Team. In March 2012, the IRC launched the Sida-funded Protection Mainstreaming in Camp Settings initiative to ensure the sustainable incorporation of protection principles across all IRC programs and all technical sectors. The IRC is carrying out protection mainstreaming assessments and trainings in six countries where the IRC is already providing services in refugee and IDP camp settings (i.e. Kenya, Ethiopia, Burundi, Iraq, Pakistan, and Thailand). The project will rigorously capture the lessons learnt and best practices regarding protection mainstreaming in order to ensure improved quality of service provision for, and increased participation of beneficiaries.

Protection Mainstreaming in Camp Settings – Project Components:

1. Protection Mainstreaming Training and Assessments: Initially a two-three day interactive training is conducted for staff on protection mainstreaming principles and also highlighting practical implementation of these principles into sectors (e.g. WASH, Education, Health). Protection mainstreaming assessments are then completed in each focal country program which assesses the extent to which protection principles are being incorporated into program interventions. The IRC has developed a Protection Mainstreaming Training Manual, which is currently being field tested. Training tools have been shared with the GPC Protection Mainstreaming Task Team, which has also been an essential resource for the IRC to pool experience and tools to further develop its own modules.

2. Protection Mainstreaming Action Plans and Remedial Action Fund: The assessments conducted in each focal country are used for the development of 'Protection Mainstreaming Action Plans' (PMAPs) which provide guidance about enhancing the incorporation of protective elements into the sector programs. A small fund is available to these country programs to implement any immediate actions identified in the action plans. The project then provides close mentorship with the country teams to ensure that any protection action plans developed are implemented within a dedicated time-frame.

3. Learning Forum and Best Practices Guidance: A crucial element of this project is to capture the lessons learned, and to identify best practices following the implementation of the concrete and measurable changes that the Protection Mainstreaming Action Plans (PMAPs) may have initiated. The IRC Governance & Rights Unit Protection Mainstreaming Coordinator will be responsible for synthesizing the learning from field implementation into a series of 'best practices guidance notes' that will provide direction for the IRC in the future development of sectoral interventions. In early 2013, the IRC will hold a learning forum in Geneva with the six focal country programs to validate the lessons learned and best practices in protection mainstreaming. The finalized best practice guidance notes will be disseminated both internally within the IRC and also externally with peer agencies, the Global Protection Cluster (GPC) and with selected donors. It is also hoped that these guidance notes will be shared in research fields through journal publications thus contributing to global learning around effective protection mainstreaming interventions.

The IRC's initiative brings a critical field perspective to the work of the GPC on protection mainstreaming, while at the same time the IRC benefits from the GPC community of expertise as a source of specialist technical guidance and good field practices from other protection actors. Building from the collaboration in 2012, the IRC and GPC protection mainstreaming task team are discussing an expanded initiative in 2013, notably with the view of piloting the protection mainstreaming package at the field level. ●

Ageing and Emergencies

Urgent Need to Effectively Include Older Persons in Humanitarian Responses

As already recognised by the Inter-Agency Standing Committee, between 2006 and 2050 the number of persons aged 60 and over will triple from 650 million, or 11% of the world's population, to 2 billion people, or 22%. By then, older persons will begin to outnumber children aged 14 and under. Over 80% of the world's older persons will be living in developing countries, compared to 60% today¹.

The publication of this newsletter coincides with the international day for older persons celebrated each year on 1st October. On this occasion, the Global Protection Cluster and HelpAge International urges all humanitarian actors to effectively include older persons in emergency responses with the aim to address their specific protection and assistance needs in an appropriate manner.

Older persons are generally a neglected group in relief efforts. Experience shows that humanitarian actors hold a series of strongly held but incorrect beliefs concerning old age, and as a result humanitarian assistance is often not accessible or adapted for older persons. As the global focal point of the humanitarian community on ageing and as an active participant in the GPC, HelpAge International works to make older persons visible and their specific needs recognised in humanitarian interventions. Below are four of the most common "myths" and corresponding "realities" about older persons in humanitarian emergencies. ►



MYTH "In emergencies, older persons are taken care of by their families and communities."

FACTS Compounded by gender-based discrimination, changes in the socio-economic context (particularly the drive to market economy in a growing number of societies, and urbanisation) and the erosion of traditional family values increasingly lead to the marginalisation of older persons in modern societies. With this backdrop, and contrary to common beliefs, at times of emergency many of them are actively excluded by their own families and communities in the competition for goods. Even when willing to assist and protect, families and care-takers are often overwhelmed by the crisis and are hence unable to provide the levels of support older people require. Although families should be recognised and supported as the entity where coping mechanisms are set up, the common assumption of a "safety net" that would automatically protect older persons may also be questioned, as it further contributes to their neglect in emergency situations.

REALITY "Most older persons cannot count on adequate family and community support to meet their needs during humanitarian emergencies."

¹ *Humanitarian Action and Older Persons An essential brief for humanitarian actors*, Inter Agency Standing Committee, 2008.

MYTH “The needs of older persons are catered for by humanitarian operations.”

FACTS Humanitarian practitioners still largely view the specific needs of older persons as an afterthought, to be considered if and when time and resources are available. Two consecutive rounds of research (2010 and 2012) looking at over seven thousand individual projects included in the Consolidated Appeal Process showed that less than five per cent made an explicit reference to older people as vulnerable groups, and only 1 per cent were actually funded. The common assumption that the specific needs of older people are met as part of the overall humanitarian effort is therefore wrong. Furthermore, older persons often face significant difficulties in accessing goods and services, and, when they do, these goods and services are often inappropriate.²

REALITY “Older persons are often ignored in the planning and implementation of humanitarian operations.”

MYTH “The protection risks of older persons are the same as for the rest of the population.”

FACTS Over and above the overwhelming risk of being invisible to or marginalised from humanitarian assistance, older persons are exposed, in emergency situations, to a range of protection risks highly specific to their condition. From housing, land and property rights being ignored, to being exposed to violence, abuse, segregation; from being incapacitated to leave (or return to) home to having to care for children or not being able to earn a living. Older women are also exposed to further risks of violence and abuse, because of isolation, or traditional beliefs and behaviours.

REALITY “Older persons are exposed to specific protection risks, which are generally ignored.”

MYTH “In order to address the specific needs of older persons, more and specialised resources are needed.”

FACTS Providing humanitarian assistance in a way which is adapted to the needs of older people often requires only minor adjustments. Collecting Sex- and Age-Disaggregated Data only requires small additional effort and resources. A huge difference can be made in several sectors of assistance by introducing marginal and often cost-free changes, for example, equipping latrines with a handrail, organising separate distribution queues for older persons, or using more friendly means of communication accessible to all.

REALITY “Addressing most of the specific needs of older persons in emergencies is possible within the existing budgets and operational arrangements.”

The key resource humanitarian practitioners can refer to when considering ageing concerns is [Older people in emergencies – identifying and reducing risks](#) (HelpAge, 2012). This short, 13-page document systematically reviews the main risks (defined as potential adverse consequences of a crisis) older people are exposed to in emergency situations. It is intended for humanitarian actors involved in the design and implementation of emergency programmes. For each risk, under “key actions” the document also lists simple measures that can be taken within the standard programming and funding parameters of humanitarian organisations to reduce risks for older people in emergencies. At the end, the document points to essential technical references for further reading. More information on ageing and humanitarian action is available on the on the [GPC](#) and [Help Age](#) websites. ●

² A study of humanitarian financing for older people and people with disabilities, 2010–2011 ; HelpAge International, Handicap International, 2012.



Making Good on Commitments to Enhance Field Support

The Global Protection Cluster is committed to ensuring that its work is orientated towards support to field protection clusters – in terms of both operational support and global level engagement. The GPC, under the leadership of UNHCR at the global level and the newly formed GPC Steering Committee, has taken significant steps to prioritize support to field clusters in emergency situations - as reflected in its 2012-2014 Strategic Framework and 2012 work plan. The GPC Steering Committee was established in 2012 to support the effective work of the GPC and to assist it to fulfill its strategic objectives and prioritize its work.

Launch of the Official Website of the Global Protection Cluster



The GPC is pleased to announce the launch of its official website which can be visited at www.globalprotectioncluster.org

We hope the site will serve as a useful portal to further bridge the distance between developments at the global and field level, and to serve as a web-based resource and communication tool. Details on the strategy of the GPC, its annual work-plan and other news and events can be consulted on the site as well as information and tools for delivering protection in field operations.

In particular, the portal for Field Support on the GPC website features Help Desk functionalities to enable requests for support and advice to be communicated to the GPC; and information on available capacity building programmes. Furthermore, and in addition to the Help Desk facility, information about possible GPC Support Missions to the field are also outlined - including the reports and outcomes of all previous such missions. Finally information from field protection clusters is available on dedicated pages for each emergency.

The Tools and Guidance portal specifically provides advice and references on essential aspects of protection leadership and coordination and the most significant publications of the GPC will be continuously posted on the site for GPC partners and the general public.

Moreover, essential information on Age, Gender and Diversity, Gender Based Violence; Housing, Land and Property Rights; Human Rights in Humanitarian Action, Internal Displacement, Mine Action and Protection in Natural Disasters and Protection of Civilians features on individual sections for each of these key areas.

The GPC Support Cell

The GPC Support Cell continues to serve as the avenue for liaison with all GPC participants, field protection clusters, AoR coordinators, task team leads and key players such as the Special Rapporteur on the Human Rights of IDPs, and has been further strengthened this year. Furthermore it plays a facilitative role for the overall implementation of the GPC work plan, fulfills the secretariat functions for the GPC and offers support in key areas such as information management and communications, promotion of protection mainstreaming, advocacy, donor engagement and resource mobilization – all in collaboration with relevant existing elements of the GPC.

General communications, notices and correspondence from and to the GPC Support Cell is conducted through gpc@unhcr.org, or for more targeted correspondence please see the “Essential Contact List” included in this digest.

We look forward to continue our interaction with the field!

GPC Help Desk and Rapid Response Facility

The GPC Help Desk and Rapid Response Facility has been established to facilitate the provision of expert advice and rapid deployments in response to requests from the field. Experts from the Global Protection Cluster – including Rapid Response Teams of GPC Areas of Responsibility, task teams and their networks can provide immediate “remote advice” on particular protection issues or technical areas, or refer to relevant examples of good practice, existing guidelines, tools and publications. Alternatively, the Help Desk complements existing stand-by capacities for short-term deployments and can facilitate access to these mechanisms.

Field Protection Clusters can currently send to the GPC Help Desk at helpdesk@globalprotectioncluster.org, and visit the [GPC website](#) for more information.

Already in 2012 various deployments have taken place, for example the emergency in Mali benefitted from the rapid deployment of a roving ProCap Senior Protection Officer through a special arrangement between ProCap and the GPC. In addition, rapid response teams were deployed by the Child Protection and GBV AoRs in Mali, the Philippines, Yemen, Pakistan, Niger and South Sudan.

GPC Tools and Guidance for the field

In response to on-going demand from the field, the GPC has developed and compiled “Essential Tools and Guidance” and a “Protection Cluster Tool Box” addressing key areas such as cluster coordination, protection-related information and data management, protection mainstreaming and advocacy - including the Handbook for the Protection of IDPs.

In addition, various similar such tools specific to child protection, gender-based violence, mine action and housing land and property – among other areas have also been developed and are readily available. Please visit <http://www.globalprotectioncluster.org/en/tools-and-guidance.html> for direct access to this material.

GPC Coordinator’s Dialogue with the Field



This year, the GPC Coordinator has taken the initiative to engage in dialogues with field protection clusters. This takes shape through direct talks with cluster coordinators on a regular basis; the aim of these conversations is to reinforce direct communication between field operations and the GPC, enhance the awareness of current affairs and situation on the ground, in particular in terms of implementation of the six core functions of clusters, namely to ensure:

- Strategic Direction and Coordination
- Standards setting and implementation
- Needs assessment, resources mobilization and allocation
- Information management and reporting
- Capacity-development
- Advocacy and promotion

The Global Cluster Coordinator has thus far held strategic and focused dialogues with Somalia, Democratic Republic of Congo, Chad and Pakistan - with a view to cover all field protection clusters.

Furthermore, GPC Support missions are planned on a need-basis, and based on request from field protection clusters or the Cluster Lead Agency. Such missions are planned and organized to provide targeted support in cluster leadership and coordination, specific technical support or more broad-based and general support pertaining to implementation of the cluster approach. This year one such mission took place to Haiti at the end of January and one more is expected to take place to the Democratic Republic of Congo in 2012. Previous missions have also taken place to Ivory Coast, Namibia, Pakistan, the Philippines, Nepal, Afghanistan.

Kampala Convention Update

Fourteen states have become state parties to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), bringing the Convention ever closer to its entry into force. States which have already ratified the Convention include Benin, Central African Republic, Chad, Gabon, Gambia, Guinea Bissau, Lesotho, Nigeria, Niger, Sierra Leone, Togo, Uganda and Zambia. Thirty six states have also expressed their initial commitment to the Convention through signature. Burkina Faso is the 14th ratifying state of the Kampala Convention by depositing its instrument of ratification on 9 August 2012.

According to Article 17, the Convention shall enter into force 30 days after the deposit of the instruments of ratification or accession by fifteen states. The African Union policy organs, the Special Rapporteur on the Human Rights of Internally Displaced Persons, the friends of Kampala Convention (an inter-agency platform chaired by UNHCR), donors and civic organizations continue to advocate for and support the ratification of the Convention. The entry into force of the Kampala Convention is expected to generate a momentum for its implementation including through the development of national policies and laws on internal displacement. Ongoing national initiatives in Kenya and Nigeria on development of national policies has been supported by international humanitarian organizations and Special Rapporteur.

The Human Rights Council and the Protection of IDPs

New resolution strengthens a human rights-based response to internal displacement

The year 2012 marks the 20th anniversary of the establishment of the mandate of the Special Rapporteur on the Human Rights of Internally Displaced Persons (the Special Rapporteur). In these two decades, the United Nations human rights system has played a key role in the protection of IDPs by promoting a coordinated international response to the problem of internal displacement, establishing the mandate of the Special Rapporteur who was tasked with the responsibility of promoting the human rights of IDPs, examining thematic and country-specific reports which led to the adoption of wide-ranging recommendations, and overseeing the development of relevant normative standards on the protection of IDPs, especially the UN Guiding Principles. Through the annual reports of the Special Rapporteur to the General Assembly, the Human Rights Council has also influenced the role of the General Assembly which regularly adopts resolutions on “protection of internally displaced persons.”

Notwithstanding its long engagement with internal displacement, the Human Rights Council’s adoption of Resolution A/HRC/20/2 at its 20th Ordinary Session held between 18 June and 6 July 2012 is a milestone. Key factors set the resolution apart from previous decisions adopted by the former Commission on Human Rights and the Human Rights Council. Titled “the Human Rights of Internally Displaced Persons,” the scope of the resolution is quite comprehensive (14 preamble and 24 operational paragraphs), covering a range of key protection areas. Second, unlike previous resolutions by the Commission and the Human Rights Council, the new resolution is not aimed at renewing the mandate of the Special Rapporteur, but lays out key provisions dealing with a wide range of issues. These include identification of protection challenges, the need to adapt operational programs, strategies and tools to new challenges of internal displacement, the role and capacity of national authorities, the rights and freedoms of IDPs, and the role of international cooperation.

National responsibility: The resolution reinforces the primary responsibility of the state to address the root causes of displacement, deliver protection, provide assistance and ensure durable solutions for persons displaced, including as a result of natural disasters and armed conflicts. It specifically urges states to adopt national laws and policies on internal displacement, designate appropriate national focal points and allocate sufficient budgetary resources. The participation of IDPs including those who are outside of camps in the designing and implementation of domestic legislations, national policies and programs have also been underlined. It identifies the critical role of local authorities and municipalities in addressing urban displacement.

Human Rights of IDPs: the resolution stipulates that IDPs are entitled to the full exercise of their rights and freedoms as other nationals of the state. It acknowledges all human rights and freedoms as identified in the Guiding Principles which it recognizes “as an important international framework for the protection of IDPs.” Among others, it highlights the freedom of movement and residence and the right to education including in emergencies. Its provisions also underline the special needs and vulnerabilities of women, children, older persons and persons with disabilities. The resolution also links a human rights-based approach of addressing internal displacement with policies and strategies regarding disaster risk reduction, poverty reduction and sustainable development.

Operational response: The resolution adopts the age, gender and diversity framework, and calls for national efforts aimed at supporting risk reduction and building resilience. It calls for the adaption of existing operations to the unique vulnerabilities and risks of affected people in urban settings, people with disabilities and host communities. It urges relevant United Nations organizations and their partners to implement the framework on durable solutions adopted by the Secretary General Policy Committee. Noting the importance of disaggregated data, the resolution encourages governments to use, on a voluntary basis, “the services of the Joint IDP Profiling Service (JIPS), which has been set up to offer technical support in this regard”.

The role of international and regional mechanisms: The resolution recognizes the role of international and regional mechanisms including in providing assistance and strengthening the capacity of states by availing their expertise and resources. The “central role” of the cluster system has also been duly noted. It encourages the Special Rapporteur to work with governments, humanitarian and protection actors in sharing best practices, building capacities and supporting states to respond to internal displacement including those generated by climate change and natural disasters. Recognizing the adoption of the Kampala Convention as “a significant step towards strengthening the national and regional normative framework” it calls other regional mechanisms to develop similar regional approaches

Facilitated by Austria which has traditionally played the role of a sponsor of the Human Rights Council’s decision regarding the mandate of the Special Rapporteur, several countries have co-sponsored the resolution. A more focused and strategic advocacy is required to encourage the active participation by countries facing challenges of internal displacement. The resolution provides a fresh tool for advocacy and is an “eye opener” on how such omnibus resolutions can be used as tools for promoting a human rights-based approach to internal displacement in the future. It will also complement similar resolutions by the General Assembly and creates opportunities to examine challenges in humanitarian action from a human rights perspective.

Supporting rule of law: justice and security aspects of protection

Strengthening justice and security during a humanitarian emergency is essential to ensure the protection of civilians and facilitate access to those communities and individuals most under threat. Such work is also critical for peace-building and longer-term development, and is a major priority for various UN actors working in conflict and post-conflict environments. To date, however, the support provided by the UN to strengthen the rule of law has been affected by a lack of clarity and coherence – often making efforts disjointed or ineffective. To address this and improve both the quality and timeliness of rule of law assistance, agreement was reached in June 2012 to appoint UNDP and DPKO as new joint Global Focal Point for the Rule of Law in crisis-contexts (covering justice, police and corrections). This is an important outcome of the Secretary-General’s Civilian Capacity Review process and is designed to make global UN support to entities on the ground more effective. UNDP and DPKO have now assumed responsibility as joint Global Focal Point, and will work closely with all relevant UN agencies to implement this new arrangement. Specific areas of work include improving joint approaches to assessments, planning and implementation of rule of law assistance, ensuring better quality and greater interoperability of rule of law rosters, and strengthening global knowledge management. An important aspect of this will be to ensure the provision of timely and effective services on issues related to justice, police and corrections to country level UN presences, including in-country Humanitarian Protection Clusters, bringing together the wealth of UN system expertise and knowledge. An interim work plan has been agreed by the two organizations, and work is underway to operationalize the focal point system, including the co-location of rule of law experts from UNDP, DPKO and a number of other UN agencies.



25 Protection Clusters in the Field

While protection cluster operations have ceased or transitioned in Burundi, Kenya, Libya, Uganda and Iraq, new emergencies in Mali and Peru have required the activation of protection clusters in these countries this year. There are currently 25 protection clusters activated across Africa, Asia, Central and South America and the Middle East.

Field Protection Clusters			
Country	Type of Emergency	Lead Agency	Co-Facilitator
Africa			
Central African Republic	Complex Emergency	UNHCR	
Chad	Cote d'Ivoire	Complex Emergency	UNHCR
Ethiopia	Guinea	Complex Emergency	UNHCR
Sudan	Zimbabwe	Complex Emergency	UNHCR
Mali		Complex Emergency	UNHCR
DR Congo		Complex Emergency	UNHCR
Mozambique		Natural Disaster	UNICEF
Niger		Natural Disaster	UNICEF
Somalia		Complex Emergency	UNHCR
South Sudan		Complex Emergency	UNHCR
Asia			
Afghanistan		Complex Emergency	UNHCR
Indonesia		Natural Disaster	UNICEF
Laos		Natural Disaster	UNICEF
Nepal		Complex Emergency	UNHCR
Pakistan		Complex & Natural Disaster	UNHCR
Philippines		Complex Emergency	UNHCR
Americas			
Colombia		Complex Emergency	UNHCR
El Salvador		Natural Disaster	UNICEF
Haiti		Natural Disaster	OHCHR
Peru		Natural Disaster	UNICEF
Middle East			
Occupied Palestinian Territories		Complex Emergency	OHCHR
Yemen		Complex Emergency	UNHCR

In line with the Principles of Partnership, UNHCR has engaged closely with both UN and NGO partners in the leadership of the protection cluster both at the global and field level. At the country level, UNHCR leads 17 field protection clusters out of which 8 are co-chaired with NGOs. For example, the Danish Refugee Council co-chairs the protection clusters with UNHCR in the Central African Republic and in Somalia, while the Norwegian Refugee Council does so in South Sudan, Afghanistan and Colombia. Save the Children co-facilitates the protection cluster in the Democratic Republic of Congo, where Oxfam previously had this role. The International Rescue Committee currently co-chairs the protection cluster with UNHCR in Pakistan and the Adventist Development and Relief Agency co-chairs the protection cluster with UNHCR in Yemen. Sub-National protection clusters also have co-chairing arrangements with NGOs in Pakistan and Somalia for example.

UNICEF currently leads six and OHCHR two so far in 2012. UNICEF also has co-chairing arrangements with Save the Children in Laos and Mozambique, and with a governmental department in El Salvador.

For more details on country operations:
www.globalprotectioncluster.org

OCHA Supports Access Monitoring and Reporting Framework in the Field



OCHA designed and is rolling-out or has rolled out the humanitarian Access Monitoring and Reporting framework (AMRF) in 14 countries. This helps the humanitarian community to more accurately pinpoint key challenges, while also providing a more comprehensive basis on which to engage stakeholders in formulating responses to overcome challenges on access. The Secretary General began, in 2010, reporting systematically to the Security Council on challenges and constraints to humanitarian access. It is hoped that the provision of this information will provide the basis for a more rigorous focus and for timely action by the Council.

Incidents where access has been constrained, and their impact

The AMRF consists of nine types (or categories) of access constraints. Country offices select the most significant and relevant ones by developing context-specific indicators for each type of constraint (suggested indicators are provided). Indicators are monitored to establish trends over time as well as patterns within trends (for example, where are access constraints occurring, who is affected, what is the impact of the constraint, who is responsible). Data may be collected by OCHA staff or other members of the humanitarian community, including groups with specific expertise (e.g. UNDSS on security-related constraints, logistics cluster on restrictions due to physical environment, protection cluster on restrictions placed on affected communities or the presence of mines).

To identify **patterns**, the following information is recorded for each event:

- Date of incident
- Geographic location
- Actor responsible
- Type of agency affected
- Sector affected
- Impact of the incident on affected community or humanitarian activities
- Donor affected (optional field, which can be useful for advocacy)

Data collected can be supplemented with other information (e.g. perception surveys, cluster/HCT contextual analysis) to describe the implications of constraints. This can be combined with population figures and gender disaggregated data such as morbidity/mortality rates and information on needs to describe the consequences of access constraints.

Formal or Informal Policies Affecting Access

Along with information on specific incidents that restrict access, the AMRF allows country offices to record information on **formal or informal policies instituted by State and non-State actors** to restrict access.

For example, host government policies on issuing or renewing visas.

In addition, it monitors **policies, practices and measures within the UN system or by humanitarian organisations themselves** which have an effect on access,

For example, cancellation or rejection of field visits due to security policies.

AND policies by other actors which affect the ability of humanitarian organisations to operate and to access affected populations.

For example, policies of donor governments which regulate or prohibit contact with non-State armed groups as a condition of funding

Note: even if policies or other measures have been in place for some time, they should be recorded if they continue to have implications for humanitarian action

Action Taken and Outcome


Finally, the AMRF allows for monitoring of the steps taken to address constraints, and to establish or enhance humanitarian access.


For example, HC negotiation with host government to simplify procedures on the movement of people and goods within the affected country.


The Protection Cluster Coordination Learning Programme


The Task Team on Learning finalized the revision of the Protection Cluster Coordination Learning Programme. The objective of this Programme is to build the protection coordination capacity of cluster coordinators and participants in field protection clusters, including government counterparts, staff from international, national/ local civil society organizations and UN agencies. It comprises two phases: 1) self-study phase and 2) a four day workshop.

The objective of the pre workshop reading is to provide all participants with a common level of knowledge to ensure their meaningful and active participation and contribution at the workshop. The pre workshop reading is a compilation of reference materials, policy and guidelines with a summary of the key messages and is based on the following four questions:

 What is the Humanitarian Reform?

 What is Protection?

 What is the Cluster Approach?

 How does the Global Protection Cluster work?

It will be published on the GPC website in order for it to be available to staff and partners in cluster operations, as well as staff from national and local civil society organizations and government counterparts.

The second phase of the programme is a four day residential workshop. The objective of the workshop is to enhance participants' knowledge and skills across the following areas:

- Humanitarian Reform
- Implementation of the Cluster Approach
- Normative Framework and Definition of Protection
- Presentation of the Global Protection Cluster
- Protection Analysis Tools
- Protection Strategy Development
- Communication skills
- Presentation skills
- Effective coordination skills
- Conducting effective meetings
- Effective teams



QUESTIONS & ANSWERS



Protection Cluster Coordination Training
PRE WORKSHOP READING

Three Protection Cluster Coordination Learning Programmes Implemented in 2012:

27 – 31 August 2012

Mindanao, the Philippines

This pilot launch of the programme has been undertaken and initial feedback has been very positive. (delivered in English)

15 – 19 October 2012

Dakar, Senegal (delivered in French)

November 2012

Kinshasa, Democratic Republic of the Congo
(delivered in French)

The programmes integrate Protection in Natural Disasters training, designed to give a comprehensive overview of the following:

- i. Protection concerns in natural disasters,
- ii. The normative framework for protection in natural disasters
- iii. Preparedness for and response to protection concerns in natural disasters.

Training on Protection in Situations of Natural Disasters:

Based on the pilot training conducted in Namibia last year, the stand-alone “Protection in Situations of Natural Disasters Training” has now been standardized to provide guidance on contingency measures and protection response for various actors in the humanitarian field, including those in the protection and development arena. As such, the now regularized program will be delivered in Fiji from 18-20 October, 2012 and continue as a regular programme.

Gender Based Violence

UNICEF, with the support of Irish Aid, organized a 5-day training on Prevention and Response to Gender-based Violence (GBV) in Emergencies in Limerick, Ireland. This included a focus on prevention and response programming and coordination as well as efforts to ensure that interventions to prevent and respond to GBV are mainstreamed across the humanitarian response. Facilitators used case studies and practical examples to ensure that knowledge is applied and grounded in field-based experiences/realities. This learning opportunity aimed to increase the pool of qualified roster members who can be deployed to an emergency setting to support inter-agency efforts to address GBV. Participants were roster members from various UNICEF stand-by partner organizations such as Irish Aid, CANADEM, Red-R and the Norwegian Refugee Council (NRC), as well as UNICEF staff from Bangladesh, Philippines and Jordan. As a supplement to its widely-utilized Managing Gender-based Violence Programmes in Emergencies E-learning Course (available at: <https://extranet.unfpa.org/Apps/GBVinEmergencies/index.html>)

UNHCR Coordination and Leadership Learning Programme in 2012:

Two of the planned Coordination and Leadership trainings have successfully taken place so far this year - both in Nairobi, Kenya on 21 to 25 May and 25 to 29 June, 2012. The third is now scheduled to take place in Cox's Bazar, Bangladesh, from 30 September to 4 October 2012.

While the focus of the program has been to further strengthen UNHCR's internal capacity to coordinate and lead clusters at the field level, given the wider that exists the trainings have accommodated participants from various organizations and agencies, including those who also either lead or participate in the protection cluster in differing contexts. Beyond a training programme, the coordination and leadership training is an experience that focuses on self-awareness and on the strengthening of positive attitudes. It also provides plenty of opportunity to practice core skills for (cluster) coordinators, including but not limited to, meeting management, facilitation, presentation, conflict management, stakeholder mapping, trust-building and feedback. The inter-agency sessions also offer an opportunity for sharing of “real – time” experiences among staff in the field and at headquarter level, fruitful interaction all with the guidance and coaching needed to apply a collaborative, non-directive mind-set (attitude) to cluster coordination.

AoR Training Initiatives:

In similar fashion as the Co-Lead, UNICEF is due to deliver its new “Multi-Cluster” training, the first of which is planned from 5-9 November, 2012 in Sandö, Sweden which would include training for Child Protection and GBV AOR coordinators in the field and who haven't yet received formal training or those that will be deployed and need training as coordinators.

Child Protection in Emergencies (CPIE) Training:

A first face-to-face meeting of the Curriculum Development Committee for the Post-Graduate Diploma on Child Protection in Emergencies was held in June in South Africa. The purpose of the meeting was to finalise the overall structure of the course, to develop necessary documentation for the Universities' Administrative bodies and to select the academic and practitioner partners who will draft the course modules over the coming months.

Registry of CPIE Trainers: The open registry of CPIE trainers, which was established to register trainers who are available to develop materials and/or conduct basic or mid-level CPIE workshops, has grown to include 20 independent trainers. Consultant trainers are encouraged to register, whilst managers organizing training sessions, or developing new materials, are encouraged to request a match for the required skill-sets (or other related assistance).

CPIE TRAINING: the CPWG Capacity Building Focal Point, facilitated a 5-day training on CPIE for CP Area of Responsibility participants including UN agencies, government representatives and NGO and FBO members in Harare, in June, 2012. The trainer conducted a Training of Trainers on Mainstreaming Child Protection and led a 1-day workshop on mainstreaming Child Protection for Cluster Coordinators and Senior Programmers from other sectors.

Calendar of Events

September		3	10	17	24
		4	11	18	25
		5	12	19	26
		6	13	20	27
		7	14	21	28
	1	8	15	22	29
	2	9	16	23	30
October	1	8	15	22	29
	2	9	16	23	30
	3	10	17	24	31
	4	11	18	25	
	5	12	19	26	
	6	13	20	27	
	7	14	21	28	
November		5	12	19	26
		6	13	20	27
		7	14	21	28
	1	8	15	22	29
	2	9	16	23	30
	3	10	17	24	
	4	11	18	25	
December		3	10	17	24
		4	11	18	25
		5	12	19	26
		6	13	20	27
		7	14	21	28
	1	8	15	22	29
	2	9	16	23	30

Event	Led by	Date / Place
Launch of the GPC Website	GPC Support Cell	27 SEP
UNHCR Coordination and Leadership Training - Cox's Bazar	UNHCR	30. SEP - 04. OCT, Bangladesh
Protection Cluster Coordination Learning Programmes (conducted in French)	GPC Task Team on Learning and Training	15 – 19 OCT, Dakar, Senegal Last week of OCT, Kinshasa, DR of the Congo
Protection in Natural Disasters	GPC Task Team on Learning and Training	18-20 OCT, Fiji
Training on Interagency Child Protection Information Management System	Save the Children	23-25 OCT, Geneva
Training of trainers on Child Protection Rapid Assessment	UNICEF	26 - 29 OCT, Geneva
Launch of Minimum Standards for Child Protection in Humanitarian Action	TDH	29 OCT, Geneva
CPWG Annual Meeting	CP AoR	30 OCT - 1 NOV, Geneva
UNICEF "Multi-Cluster" training	UNICEF	5-9 NOV, Sandö, Sweden
Seminar on Humanitarian Access and Protection Assistance	GPC Support Cell	7 NOV
Annual Reference Group Meeting	Mental Health and Psycho social Support Reference Group	SEP
Training of Psycho social Trainers	Mental Health and Psycho social Support Reference Group	1-9 OCT, Harnosand, Sweden
Training on the IASC MHPSS Guidelines	Mental Health and Psycho social Support Reference Group	SEP, Pacific Region
Mine Action AoR meeting	Mine Action AoR	11. OCT, Palais des Nations
GBV AoR Meeting	GBV AoR	23. OCT
GPC Steering Committee meetings	GPC	11 OCT, 8 NOV, 13 DEC
GPC Coordination Meeting	GPC	8 OCT, again in NOV, DEC, Nepal
GPC Support Mission	GPC	DRC - November
GPC Dialogues with the Field	GPC	SEP, OCT, NOV, DEC

GPC Essential Contact List

Name	Title	e-mail	Tel.
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Child Protection AoR

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Mine Action AoR

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Housing, Land and Property AoR

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Protection Coordination Toolbox

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Protection Advocacy Task Team

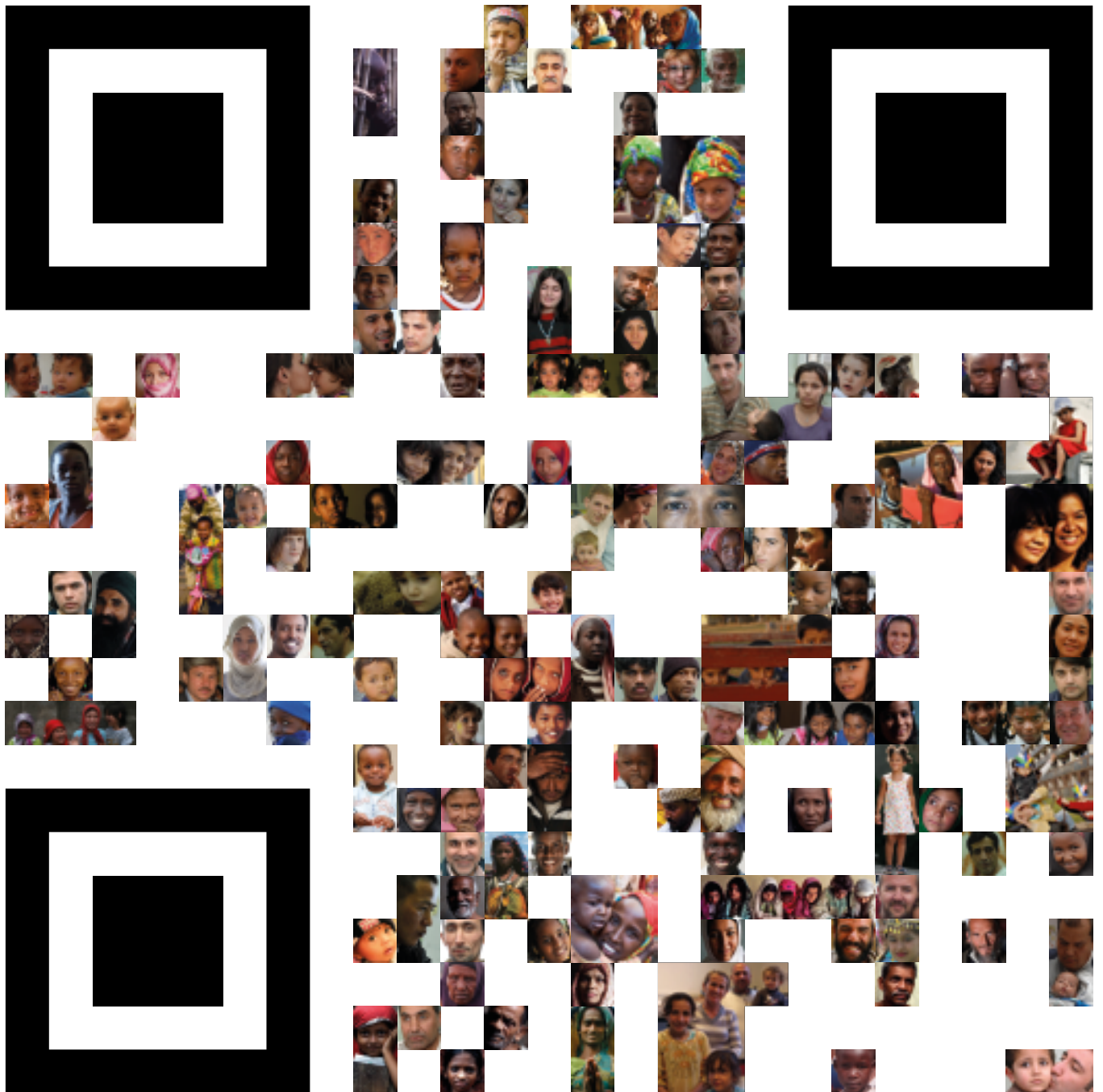
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GPC GOES ONLINE



www.globalprotectioncluster.org