ANNUAL GLOBAL PROTECTION CLUSTER (GPC) CONFERENCE

GPC CONFERENCE REPORT

Bangkok, 28 May – 1 June, 2018

CONFERENCE OBJECTIVES

- to strengthen links and collaboration between the Global Protection Cluster (GPC) and its four Areas of Responsibility (AoRs);

- to facilitate dialogue and learning amongst field based coordinators and practitioners, international organizations, local partners and donors on emerging issues as well as identify areas for further learning and collaboration;

- to focus the protection coordinators on technical issues and representation of the AORs;

- to facilitate shared understanding of key trends and issues, general lessons, and workable approaches. Example: highlight neglected (detention, mine victim assistance) areas of intervention, as well as engagement with the GP20 Plan of Action

Global Protection Cluster

European Union
Humanitarian Aid
and Civil Protection

CONTENTS

1. CONFERENCE OVERVIEW

Each year the Global Protection Cluster (GPC) organises a Field Protection Clusters' Retreat which brings together GPC partners from the field as well as the headquarters. This year, the Global Protection Cluster (GPC) and its Areas of Responsibility (AoR), led by the United Nations Children's Fund, the United Nations Population Fund, United Nations Mine Action Service and the Norwegian Refugee Council joined together in a Protection Conference under the broad theme of the 20th anniversary of the Guiding Principles on Internal Displacement. The Protection Conference 2018 took place from 28 May to 1 June 2018 in Bangkok, Thailand.

The Global Protection Conference in 2018 brought together more than 200 participants from around the world including Field Protection Cluster Coordinators and focal points, country-level AoR Coordinators, local partners, UN agencies, a wide range of organisations, including the Danish Refugee Council (DRC), Norwegian Refugee Council (NRC), International Rescue Committee (IRC), ICRC and donors. The agenda for the retreat was developed in coordination with field clusters and intended to respond to their identified needs and areas for learning and exchange.

The conference was also an opportunity to deliver two trainings on Protection Information Management (PIM) and identification of atrocity and crimes, provided by GPC partners: the Danish Refugee Council (DRC) and the UN Office on Genocide Prevention and the Responsibility to Protect

The three-day conference covered substantial ground through formal presentations, panels and interactive group sessions. Updates were provided on important initiatives such as improving the humanitarian program cycle (HPC), localisation, the Centrality of Protection in the New Way of Working and the GP20 Action Plan.

The conference also had the pleasure of launching the GBV AoR strategy during an evening reception at the GPC Protection Conference in Bangkok. Building on the achievements of the GBV AoR to date, the strategy sets out strategic objectives and priorities for 2018-2020. The strategy development was based on extensive consultations, through key informant interviews, focus group discussions and an online survey. The strategy can be accessed here.

The conference provided much opportunity for network strengthening, learning, exchange and professional development. Throughout the three days, hard-talk sessions in the morning and afternoon covered topics as varied as civil-military coordination; protection needs assessments; advocacy; operationalising the centrality of protection, red lines and humanitarian principles; trafficking; and mine victim assistance. This provided participants with the opportunity to explore areas of individual interest and to learn from each other's experience in smaller groups.

At the conclusion of the conference the GPC Coordinator and the AoRs thanked the participants for their active engagement and the presenters for sharing their insights. The conference is not able to, or designed to, cover every topic but succeeded in addressing those issues that are most likely to affect the operation of protection clusters in the coming year. It further succeeded in sharing tools and innovations for continuing to place protection at the centre of humanitarian action and ensuing appropriate funding to do so.

All presentations, Hard-talk notes and presentations, and guidance shared at the GPC Protection Conference can be found here.

2. SUMMARY OF AGREED PRIORITY ACTIONS

● ● ● ●

© UNHCR

The agreed priorities are detailed below under seven themes:

2.1 Theme 1: The Centrality of Protection in the New Way of Working

2.2 Theme 2: Localisation and inclusion of national & local actors

2.3 Theme 3: Humanitarian Program Cycle (HRP processes/Costing Methodologies)

2.4 Theme 4: Detention programming

2.5 Theme 5: Gender-based violence, children and adolescents

2.6 Theme 6: GP20

2.7 Theme 7: Technical Guidance and Experiences from the Field

▶ Needs assessment, protection monitoring and protection analysis

▶ Civil-military coordination

▶ Advocacy on International Humanitarian Law (IHL) and protection principles

▶ Redlines and Humanitarian Principles

▶ Operationalising the Centrality of Protection

2.1 Theme 1: The Centrality of Protection in the New Way of Working

WHAT IS A COLLECTIVE OUTCOME? THE CENTRALITY OF PROTECTION – WORKING TOGETHER IN A NEW WAY

The session informed protection actors about on-going discussions on collective outcomes so that they can contribute meaningfully at the global, regional and country level discussions; reflect together on how to define a "collective outcome" that can realize human rights and fundamental freedoms; and find ways to advocate for protection to remain central. The Democratic Republic of the Congo (DRC) and Sudan field protection clusters spoke of how the centrality of protection in collective outcomes is ensured in their two respective operations.

HOW TO DEFINE A COLLECTIVE OUTCOME THAT CAN REALIZE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; AND FIND WAYS TO ADVOCATE FOR PROTECTION TO REMAIN CENTRAL?

Practical steps to implement the Centrality of Protection in the New Way of Working at the field level include:

- Support joint analysis of needs, vulnerabilities, risks and capacities by strengthening coordination between the Humanitarian Country Team (HCT) and the United Nations Country Team (UNCT);

- Humanitarian and development actors should share information and analyses to arrive at a shared understanding of the situation that needs to be addressed;

- Promote joint-up programming: humanitarian and development actions should be complementary in order to achieve collective outcomes, avoid gaps in programming, and minimise duplication. At the same time, participants raised certain challenges with regard to this aspect of joint programming particularly in situations of protracted conflict, where the government is party to the conflict. Concerns mainly stem from inherent different principles underpinning the way of working: humanitarians follow principles of neutrality, impartiality, independence while development actors work with Governments to strengthen institutions. Emphasis on joint programming during ongoing/ protracted conflicts, where the State is a party to the conflict, was observed by some as detrimental to maintaining humanitarian principles as it generates a perception of non neutrality and therefore it hinders humanitarian access to areas outside the control of the State to serve all population in need (Afghanistan and Syria were brought as examples;

- Align planning cycles: efforts to make Humanitarian Response Plans (HRPs) multi-year instead of annual gives a unique opportunity to understand the coherence between the HRP and the UNDAF and to put forward a more sustainable solution for affected communities' problems;

- Request human resources and political support from headquarters when necessary;

- Partner with national actors to respond to humanitarian needs to strengthen national leadership and ownership.

WAY FORWARD

Building on the existing programmatic building blocks:

- Avoid reinventing the wheel by using what works currently;

- Focus on comparative advantages of the various stakeholders - look at what is needed;

- Agree on overriding principles;

- Do NOT try and get everyone to agree to everything;

- Allow form to follow substance (coordination to follow programmes), not the opposite

- Implement using harmonized programmatic tools wherever possible (HRP/RRP/UNDAF):

- Break down problems and limit actors to those with capacities to address them;

- Publish the goals and targets to beneficiaries know what to expect;

- Joint forces on: targeting, feedback loops, M&E including reporting.

2.2 Theme 2: Localisation and inclusion of national & local actors

WORKING WITH GOVERNMENT AND LOCAL PARTNERS IN PROTECTION

The session comprised a panel of experts who provided presentations followed by a Q&A. Principled partnerships institutional capacity building and developing Humanitarian Response Plans that are in line with the principle "as local as possible, as international as necessary" were highlighted as priorities for future humanitarian responses. One of the panelists, Mr. Gum Sha Aung from the Metta Foundation in Myanmar, stated there are committed NGOs and CBOs working in Myanmar since 2011 and as a result were able to establish good partnerships with a considerable number of actors. He highlighted that country based pooled funds (23 % of which was allocated to local actors in Myanmar) and the participation of local actors in the HCT (since 2016) were key enablers for localisation. He also underlined some factors that could further advance localisation:

1) recognition of countries' informal humanitarian response mechanisms; 2) partnerships that allow local actors to maintain talent and enables them to lead and manage the humanitarian response; 3) transfer of skills, not only from international to local actors, but also between local actors; 4) increased direct and multiyear funding; 5) the promotion of a single local humanitarian system based on common values. The CP AoR, which is leading on localization on behalf of the GPC, has developed a conceptual framework for localization in coordination and is currently providing both in-country and remote support countries to review their existing humanitarian responses. In-country support to Nigeria and Somalia has been provided, and additional countries can request this support in 2018, if they think it might be helpful.

Good partnerships

The need for more dynamic and creative forms of partnership, that are not sub-contractual in nature and that allow local actors to play a more equal role in the design, implementation and monitoring of a project. The "take it or leave it" approach in terms of projects was seen as highly counterproductive to the coordination objective of achieving maximum coverage and quality. It was pointed out that many international actors conduct a number of partner capacity assessments, but that the actual partnership design does not provide for resources or mutual accountability to implement the recommendations of these assessments; nor are adapted to the context. For many local actors the INGO or UN agency represents the donor – they seldom see the Government funding entity behind the grant.

For local actors to be able to play a more independent role in service delivery and sectoral leadership/participation, they need more collaborative partnerships based on mutual accountability and which draw on coaching and mentoring relationships, rather than sub-contracting/sub-granting. International actors involved in capacity building should be held mutually accountable for realizing capacity building priorities, rather than just monitoring local organizations' compliance. One mechanism to do so would be build this explicitly into partnership agreements or to encourage the hand-over of the programme and to ensure direct access between local responders and the Government funding the programme.

In terms of other improvements suggested, several actors mentioned the need for local NGO Forums or other means to bring different organizations together

to ensure a harmonised local response; and to bolster efforts to promote cross-learning, standardization or compliance with minimum standards. Examples were given from South Sudan, where there are 150 registered NGOs in the protection cluster, from Nigeria were out 58 actors only 8 had access to the population and from one GBV situation, where out of 120 actors, the auditors had identified 15 that had the capacity to implement the programme. Thus different measures of success were listed to indicate credibility of local actors and their ability to access beneficiaries as well as implement programmes in highly complex environments, rather than the number of local actors. Examples were given from Palestine and Myanmar, where a symposium of local actors is working together. At the same time, it was highlighted that when too many international actors depend only on a few partners to implement all programmes over a large spectrum, the quality may suffer.

A Cluster/AoR assessment tool has been developed and has been trialed by 8 GBV Sub-Clusters. This tool is available for any coordination group interested in getting feedback from members about their perceptions – and could potentially be a useful anchor for discussions in advance of a major HPC point.

Institution building

Several participants pointed out that in addition to protection and assistance, local actors are crucial when it comes to building up an inclusive, tolerant and empowered civil society. Many of today's conflicts emerge in highly authoritarian societies, where local actors will continue to be present when the humanitarian situation is solved. The belief and support in "the other" within their own societies was the basis for many local actors involvement and the transformation of the society, rather than "only" protection and assistance was key.

The humanitarian structure or architecture was cited as a limitation for true localisation, including in terms of the imposition of a complex language, assurances, monitoring and norms, in part due to donor pressure. As a result, in terms of ensuring institution building of local actors, partner capacity assessments usually recommend investments in admin, finance and human resources – but these investments are not met by donors or partner organisations. Learning from each other, direct access by local actors to un-earmarked institutional resources, including over multi-year timeframes, were highlighted as crucial mechanisms to overcome these challenges. It was also noted that most humanitarian crises are now protracted,

and institutional capacity building is a necessary condition for peace-building and transition – and that this is something that the current humanitarian funding streams do not seem to take into account. One possibility would be to encourage stronger links between humanitarian and development funding streams – and donor support to coordinate this at both global and country level would be welcomed.

One donor pointed out that it was hard to justify the investment in capacity building if this did not lead to concrete results in service delivery – the coordination system could play a role in helping to articulate this. One actor also pointed to the fact that in low and middle income countries the Government will look to actors with funds, and thus replace the national capacity with internationals. From the donor perspective, it was highlighted that localization was not only about local organisations, but also about local systems and national and local institutions and ensuring that these can respond to sudden shocks. It was highlighted that in terms of the results, international actors are not seemingly being held accountable for institutional capacity building activities, which could be measured for example through a joint partnership reviews during a partnership, systematic reviews of partnership agreements and more longer term handover plans (supported by multiyear funding).

One local actor pointed out that the protection of the most vulnerable are embedded in most communities and many religions, hence this does not have to be "taught", but contextualized. Local actors hiring of staff with disabilities to ensure they can provide for themselves and their families was listed as one example. The "quality" of localization can often be measured by the credibility and confidence that the community has in an NGO or local actor.

An additional capacity building initiative for local NGOs is currently being implemented by IRC on behalf of the GPC.

As international as necessary:

There was a call from local actors to international actors to speak up when Governments or militaries are not protecting its people/citizens. From the side of local NGOs the question to international actors and donors was about how they fulfill their mandate and why they choose to remain in contexts where not much can be done. There was also a short discussion on how actors could engage with all sides to a conflict without being accused of unlawful activities, having strict registration procedures imposed or being held criminally liable by penal or national counter-terrorism legislations; or curtailed access.

At the same time, caution was expressed to the expectations of the humanitarian community, which cannot replace the Government in regards to their obligation to protect. The Mine Action AoR pointed out that as part of DPKO mission settings, they were uniquely placed to play a different role from many other protection actors.

It was also noted that localization does not seek to exclude the international community from supporting humanitarian responses, and that there are times when international involvement is necessary. For example, there are times when government is the perpetrator of protection rights violations, or due to being a party to conflict, may not be able to fully adhere to humanitarian principles.

In all cases, and particularly as coordinators begin preparing new HNOs and HRPs, the challenge will be to find the appropriate balance between what is local as possible, and international as necessary.

WAY FORWARD

- ⊙ Use the upcoming HNO/HRP season to operationalise the principle *as local as possible, and international as necessary;*

- ⊙ Ensure that humanitarian response coordination mechanisms are more inclusive and representative of national and local humanitarian actors by, for example, facilitating the use of the local language at coordination meetings; increasing training opportunities for local actors on the HRP; including national and local partners in the planning and design of humanitarian response programs to enhance effectiveness; considering ways to engage other local actors – academia, diaspora etc;

© UNHCR

- Reducing frequency of coordination meetings by focusing on quality rather than quantity;

- A shared approach to partners' assessments and analysis would contribute to an improved response time by reducing duplication. This would also result in more strategic planning and a more sustainable humanitarian response;

- Reaffirm the (2007) Principles of Partnership by building a culture of Principled Partnership within the Cluster (tools are available from the GPC/AoRs to support this);

- More support and funding tools to national first responders;

- Increase direct funding to local and national responders for humanitarian action;

- Decision making power: ensure local actors can participate in decision making and programme design through the inclusion of local actors in HCTs, Cluster/AoR Strategic Advisory Groups and in pooled and other funding allocations;

- Invest and ensure local actors have access to capacity building, including in admin, finance and human resources (noting that the protection cluster actors may not be the ones with the most appropriate skill set in this area but can use their coordination role to identify and encourage partners to do so);

- Local actors to find ways to maximize their strengths by creating Forums or Consortiums as well as encouraging and creating learning opportunities between local actors;

- Hold international actors accountable for funding received for institutional capacity building, by (for example) using leverage within the cluster (project sheets, prioritisation of principled partnerships for funding, promoting good practices);

- Recognize that the main capital of local actors is the credibility with the beneficiaries;

- Acknowledge that the change needed is in the mind-set, and that was is required is a shift in the power balance to ensure international actors reinforce and do not replace national actors;

- Best practices in localisation need to be shared and replicated.

2.3 Theme 3: Humanitarian Program Cycle (HRP processes/ Costing Methodologies)

The session covered an overview of the Humanitarian Program Cycle (HPC) review and improvement process; joint inter-sectoral analytical initiatives; and shared guidance on costing methodologies. Participants were then split into two groups to look into how to 1) strengthen protection in coordinated assessments and inter-sectoral analysis and 2) protection and costing methodologies.

HUMANITARIAN PROGRAM CYCLE (HPC) REVIEW AND IMPROVEMENT PROCESS

Recurrent challenges with the HPC

- Heaviness of the process: a perceived heaviness due to misaligned timing and competition with operational priorities, un-clarity of purpose (e.g. strategic versus operational versus fund-raising focus), and insufficient capacities to collect and analyse information and to participate in collective analysis and planning, introduction of new parameters, tools, mechanisms;

- Delays in the production of the various outputs, leading to poor linkages between the HNO and the HRP and associated challenges of consolidating needs and funding requirements at global level;

- Weak inter-sectoral analysis of needs and of responses, contributing to a heavy sectoral focus;

- Unsatisfactory process and criteria for prioritizing responses;

- Inconsistent approaches to multi-year planning;

- Lack of continuous monitoring of the situation, needs and response preventing flexible adjustments throughout the year.

In parallel, developments at the global level are calling for closer collaboration between humanitarian and development actors on analysis and planning, and commitments have been made by humanitarian actors and donors to improve the funding efficiency and effectiveness as part of the 'Grand Bargain'. The session emphasised that the time is therefore ripe to take substantive action to overcome persisting challenges and integrate these new dimensions.

Five work-streams are implemented at the global level with the aim of influencing changes in the Humanitarian Program Cycle (2020). These include:

- Purpose of HRP – strategic planning tool and fundraising tool;

- Strengthening inter-sectoral needs and response analysis in the field;

- HRPs to be articulated around desired humanitarian outcomes;

- Establish collective monitoring and accountability framework;

- Capacity to implement the HPC.

Please see here a briefing note on the Humanitarian Program Cycle (HPC) improvement process including focal points at the global level

STRENGTHEN PROTECTION IN COORDINATED ASSESSMENTS AND INTER-SECTORAL ANALYSIS

Inter-sectoral mechanisms to analyse needs and response options must be established or strengthened in the field. Ongoing work on joint inter-sectoral needs analysis and the Grand Bargain on Needs Assessment should be leveraged to provide guidance and help change attitudes towards more data sharing, transparency and collaboration. Protection analysis which involves the continuous analysis of risks people face, of threats, vulnerabilities and capacities of affected people, must be part of joint inter-sectoral analysis. A similar effort must take place to achieve inter-sectoral response analysis, including direct links with needs analysis

PROTECTION AND COSTING METHODOLOGIES

Guidance on activity costing methodologies highlighting the difference between unit based costing and project based costing was shared with participants, to solicit feedback from field protection clusters on the best/most appropriate approach

WAY FORWARD

→ The five work streams are beginning now with a view towards completing in time for next year's HPC (2020). The Global Protection Cluster and AoRs are part of the process. The GPC, AoRs, and field colleagues are welcome to join, as well as provide inputs and ideas on improving protection in the HPC;

→ The GPC to provide guidance on protection and costing methodologies for field protection clusters.

2.4 Theme 4: Detention

The landscape of conflict is changing, with most settings now no longer involving state sponsored armies on a battlefield but rather non-state actors and extremist groups, increasingly blurring the lines between combatants and non-combatants. Conflicts are also increasingly shifting from inter-state to intra state or Non-International Armed Conflict, which IHL is less designed to regulate in some aspects, notably detention, creating a gap in legal guidance for States to refer to when dealing with individuals detained for association with /participating in hostilities.

Common Article 3 and Additional Protocol II provide guidance on protections while in detention (prohibition of torture and summary executions, assurance of judicial guarantees) though do not provide recommendations on how to determine who can be detained or what length / duration of detention is deemed acceptable or what minimum conditions are required in detention settings.[1] International human rights law does provide guidance on conditions for detention, and protections regarding acceptable periods of detention in criminal justice proceedings, particularly for vulnerable groups, but National Security legislation often provides for exceptional detention regimes even in countries where these standards are respected.

In humanitarian settings, aid agencies are increasingly confronted with challenges of providing protective services in detention settings or to individuals in settings that deprive them of their liberty for reasons concerning national security. Conscious of the lack of legal guidance, operational challenges that can arise when programming alongside security actors as well as the risk of setting negative precedents, protection agencies are calling for greater guidance on minimum standards and greater clarity on the legal and ethical implications of programming with populations deprived of liberty, particularly in situations where detention is being used as a national security measure.

The purpose of the session was twofold: i) to identify and debate the specific dilemmas and challenges that humanitarian agencies are facing when trying to respond to the protection needs of civilian populations in securitized environments; and ii) to discuss how our collective response to such issues should be articulated in the broader humanitarian protection sector response strategies

WAY FORWARD

The session unpacked the legal frameworks that are competing in a securitised humanitarian space as well as explored current programming practices in situations of deprivation of liberty and detention facilities. As the securitisation of humanitarian space is an increasing trend, finding a common programmatic framework that adheres to international standards is all the more important. Furthermore, as highly securitized environments emphasize the Centrality of Protection in any response, no program should be operated without a protection component. The lack of leadership, common positions on ethical red lines and donor engagement has hindered a common approach and common standards.

It was concluded that programmes should:

→ address the needs in detention but also work to resolve the situation of detention itself with a legal and advocacy component as shown by promising practices shared by the Iraq Protection Cluster, ICRC and Heart Alliance;

→ continue to build a community of practice and finding innovative ways to share existing guidance and hosting spaces where developing, promising programmatic practices could inform future endeavours.

---

[1]   Under GCIV, Article 78, civilians can be interned only if the Occupying Power "considers it necessary, for imperative reasons of security," and only for so long as they remain a threat. Furthermore, unlike POWs, their cases must be reviewed by a court or administrative board at least twice a year. (See also GCIII, Article 42). Thus, States are faced with adopting status-based criteria or a threat-based criteria, or perhaps some combination of both, for individuals detained in NIACs. https://bit.ly/2voFRdn

2.5 Theme 5: Gender-based violence, children and adolescents

Protection actors play a central role in preventing and responding to sexual abuse by integrating mitigation measures and supporting child friendly services. Response interventions which connect child and adolescent survivors of sexual abuse to specialized services are critical and lifesaving activities. The purpose of the session was to discuss ways to improve assessments to better incorporate the voices of adolescents and children and methods of engaging adolescents in the HNO/HRP process to meet prevention and response needs more effectively.

WAY FORWARD

Participants reflected in group discussions on the agency of adolescents and how to engage them in the HNO/HRP process to better respond to their needs within the humanitarian context.

It was concluded that programmes should:

⊙ Generate knowledge, data, and evidence on needs of and varying impact on adolescent girls;

⊙ Promote adolescent girls friendly SRH services and specialized GBV services and increase access;

⊙ Engage with other actors to ensure needs and considerations of adolescent girls are in the response;

⊙ Build on available resources and global initiatives to improve coordination between Child Protection and GBV actors, notably the Child Survivor Initiative (find more information here).

2.6 Theme 6: Guiding Principles on Internal Displacement at 20 (GP20)

The Guiding Principles on Internal Displacement[2] have become the international normative standard for efforts to prevent, address and resolve internal displacement. The twentieth anniversary of these principles is a unique opportunity to mobilize a broad range of stakeholders for collective action to strengthen global and national responses to internal displacement. Together with the Special Rapporteur on the human rights of internally displaced persons, the United Nations Office for the Coordination of Humanitarian Affairs and the global protection cluster, UNHCR led an inclusive process that began in September 2017 to develop a three-year multi-stakeholder plan of action[3] to advance prevention, protection and solutions for internally displaced persons.

Launched in April 2018, the plan of action identifies four priorities that, if pursued jointly and strategically among the wider community working on internal displacement, can contribute to the overall goal of preventing, addressing and resolving internal displacement: f**acilitating the participation of internally displaced persons**; **developing national laws and policies to enhance protection and promote solutions for internally displaced persons**; **producing quality data and analysis to design effective responses to internal displacement**; and **scaling up solutions in protracted situations**. The plan focuses on mobilizing action and making progress primarily at the national level in recognition of the responsibility – and potential – of States to prevent, alleviate and resolve internal displacement.

The session provided an overview of the recently launched GP20 Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced People 2018–2020 **with a view to refocus interagency attention on internally displaced people and bring in more stakeholders, such as development and peacebuilding actors, and engage governments coping with internal displacement and internally displaced people themselves**. Country Presentations from Colombia (part 1 and part 2), Iraq, Niger, and Yemen focusing on initiatives in their respective operations along the four priorities in the plan of action were delivered.

---

[2]   See the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), which are available from www.refworld.org/docid/3d4f95e11.html.

[3]   See "20th anniversary of the Guiding Principles on Internal Displacement: a plan of action for advancing prevention, protection and solutions for internally displaced people" (2018-2020), which is available from https://bit.ly/2GKMcTB.

© UNHCR

WAY FORWARD

The aim of the GP20 Plan of Action is to garner broad support for IDPs – their protection and prospects for solutions as well as prevention of the root causes of internal displacement; to mobilize more joined up and strategic action among stakeholders; and to achieve progress at the national level with regard to national laws and policies, quality data to measure progress in addressing internal displacement and achieving solutions; determined efforts to facilitate solutions; and IDP engagement.

Collaborative activities on and across these issues will create changes that will contribute to reaching the Plan of Action's goal and laying the groundwork for a possible high-level initiative on internal displacement. National and local authorities, IDPs, host communities, UN entities, NGOs, the International Red Cross and Red Crescent Movement, academia, development finance institutions, human rights bodies and the private sector are called to rally around the goal and objectives of this Plan of Action and take individual or collective action in support of it. Stakeholders may wish to implement the activities suggested in the action plan, or pursue bolder initiatives, especially in situations where IDPs face significant protection risks and humanitarian access is limited.

The plan of action is being implemented at the national level through operational agencies and Resident Coordinators/Humanitarian Coordinators. To map and track this first-ever effort, stakeholders are encouraged to use the plan of action as a framework to see where efforts can be stepped up for the internally displaced in a more collaborative manner. Planned and anticipated activities and initiatives along the four priorities in the GP20 Plan of Action, as well as questions and feedback, can be shared with the GP20 Coordinator at GP20@unhcr.org.

A Steering Group will facilitate implementation and monitor progress of the three-year Plan of Action, while also promoting stakeholder engagement and cooperation at national, regional and global level. The GP 20 Steering Group and the GP20 Coordinator are available to enhance visibility for national level activities and to advocate support for national-level action for IDPs.

UNHCR, with its longstanding IDP engagement, protection leadership, and presence in countries coping with large-scale displacement, has committed to drive this programme for national-level action, in support of the Special Rapporteur for the Human Rights of IDPs and in close collaboration with partners through the Global Protection Cluster (GPC). Consequently, UNHCR will contribute by providing its leadership and also by implementing country-level activities primarily on law and policy and IDP participation.

2.7 Technical Guidance and Experiences from the Field

2.7.1 NEEDS ASSESSMENT, PROTECTION MONITORING AND PROTECTION ANALYSIS

Yemen: The Humanitarian Coordinator (HC) in Yemen (as in Iraq before) requested for a minimum package of protection interventions. The aim is to implement a sequenced/layered approach to deliver a "minimum package of interventions" in which protection services progressively expand in range and depth and new interventions are introduced. The specific context, rather than timeframe, dictates the type of interventions possible in the immediate onset of an emergency.

This approach is currently being implemented in Yemen where the operation is looking into developing a minimum service package, drawing on existing templates and guidance as well as lessons learnt from other operations, most notably Iraq, in order to prioritise and fast track effectively.

Syria: Interference by the authorities (in government-controlled areas) in various activities including their close scrutiny and request for engagement in all phases of protection assessments is an on-going challenge for humanitarian actors in maintaining neutrality and independence. This may be true for all clusters, but the protection cluster/sector is particularly problematic. Literature review shows that the role of the Government in needs assessment cannot be disregarded, whether in secondary data analysis, or in general consultations and dialogue surrounding tools and methodologies. Yet the dilemma in a conflict situation comes when the threshold of participation is elevated to the compulsory presence in data collection and analysis. This calls for the essential role of humanitarian leadership to defend the principles of impartiality and independence of humanitarian needs assessments and to support the protection cluster in asserting this principle with the authorities. In conflict situations, the participation of authorities into the assessment teams should be a clear red line for humanitarian and protection actors to be upheld by the humanitarian leadership to avoid negative consequences on the quality and quantity of data necessary for the Humanitarian Needs Overview (HNO).

Iraq: access no longer an issue since end of hostilities. In the past, access was an issue for the multiple security actors in the country and as such navigating this landscape has been a real challenge. OCHA has had a helpful role with regard to setting up an assessment registry so the humanitarian community can have access to who assessed where, which helped reduce assessment fatigue.

2.7.2 CIVIL-MILITARY COORDINATION

Syria – OCHA civ-mil cell set-up experience with the International Coalition led by the US military and OFDA regarding their action in Raqqa, the ensuing displacement and respect of the rights of IDPs by allied non-State armed Groups (Syrian Democratic Forces), as well as the process of IDP return to Raqqa. The Protection sector was able to engage and flag concerns, particularly in relation to freedom of movement (advocacy against encampment policies and "sponsorship" regimes), due process in security screening, principles of safe, voluntary and dignified return, treatment of specific categories of displaced populations. On experiences in interacting with military actors, the CM-coord cell offers an opportunity to interact with stabilisation actors, albeit there continues to be a need to better understand their presence and modalities of interventions to maintain a clear distinction.

Action Points:

- Establish contact with the Centre of excellence on negotiations and access (UNHCR, WFP, UNICEF).

- The GPC Roundtable on civil-military coordination for Protection Outcomes consists of significant body of practice on civ-mil coordination – Afghanistan, Iraq, CAR, and Nigeria and Syria (North East region). While the theory and practice in Civil-military coordination stems largely from interaction with certain contingents or with the military component of Peacekeeping Missions, challenges on how to address new military actors increasingly operating in the humanitarian space needs to be better debated and developed.

- Palestine Protection Cluster uses IHL violations to frame humanitarian needs within the inter-cluster. For example, as a result of X type of violation the WASH, health, FS needs are etc.

- Yemen: Recommends formalising the relationship between the prrotection cluster and civ-mil coordination whether at level of ICCG or the HCT.

- Iraq – critical protection notes being used in the HCT has not always been a success and some notes are continually ignored for example presence of armed actors in camps – this operational challenge will need to be taken into account with guidance on how to proceed further.

2.7.3 ADVOCACY ON INTERNATIONAL HUMANITARIAN LAW (IHL) AND PROTECTION PRINCIPLES

Iraq

- The presence of actors, such as Non- Violence Peace Force, on the front lines generated substantial information on critical protection issues including illegal detention, torture, screening in camps, and civil-military coordination/ engagement with armed actors;

- The need for concerted efforts to engage with Amnesty International (AI) and Human Rights Watch (HRW) before publication of human rights reports (to understand the recommendations and help target appropriate authorities) is crucial. For example, when recent AI report came out and the Protection Cluster coordinator was asked by the Humanitarian Coordinator about the report including the Protection Cluster involvement, the cluster was able to support and agree with the report recommendations.

Syria

Due to the different contexts, advocacy is often pursued differently in GoS controlled areas and in non-State controlled areas, notwithstanding the equal commitment of all protection cluster/sectors in all "hubs" to advocate for the centrality of protection. The Humanitarian Liaison Group (HLG) in Gaziantep has a standing agenda item on protection (advocacy). In Damascus, the level of scrutiny is much higher and there is a constant concern for possible repercussions on operational space when evidence is gathered for advocacy or advocacy on protection issues is conducted. Advocacy on IHL and protection issues is included on the HCT agenda from time to time.

Examples of advocacy interventions are multiple across the whole of Syria, from interventions in the HCT, to advocacy plans for the humanitarian leadership, to interventions with third parties able to influence parties to the conflict, to high level advocacy

within the Geneva-based Humanitarian Task Force, for international events, or through UN bodies.

Advocacy Challenges/ dilemmas

- Advocacy "how"?: Public advocacy versus quiet diplomacy is a spectrum. When operating in constrained environments, where should the Protection Cluster move in this zone? Is public advocacy at all cost the right approach? How do field protection clusters resolve this dilemma and who in leadership level can assist in resolving it?

- Advocacy "on what"?: There is a difference between advocacy on protection risks and needs of the civilian population and advocacy implying the attribution of violations. In constrained environment, attribution creates risks for operational partners: repercussion of public advocacy may be a shrinking operational space. Duty of care for assessors and those who collect and analyse the information is a continuous gap in certain environments. In addition, advocacy which involves attributing responsibility for violations and calling for accountability requires adequate resources and capacity to do verification and triangulation, establishing rigorous evidence thresholds. In other words, if done, it has to be according to rigorous standards related to fact-finding methodology. This is beyond the human capacity and amount of human resources of protection clusters' partners in certain contexts;

- It is worth considering, as is happening in certain countries (e.g. with a strong OHCHR presence or DPKO Mission Human Rights Department) whether in undertaking of advocacy specifically entailing attribution of violations there should be a division of labour between operational protection partners and other actors solely dedicated to monitoring and investigating on/ attributing violations in order to reduce implications on humanitarian space for protection delivery?

- Affected communities in Syria are calling for actors to play the role of advocating and capacitating change in the behavior of parties to the conflict. How can this be collectively addressed maintaining operational space? **The protection Sector would like to call for a more restricted and internal debate on these points with the participation of Clusters operating in environment with similar constraints.**

Yemen

- In Yemen the Humanitarian Coordinator (HC) draws on the United Nations High Commissioner for Human Rights (OHCHR) reports for advocacy on IHL and HR violations. The Yemen Protection Cluster introduced in December 2017 the Civilian Impact Monitoring Project (CIMP), as a monitoring mechanism for real-time collection, analysis and dissemination of data on the civilian impact from armed violence in Yemen, with the purpose of informing and complementing protection programming. CIMP is a service under the Protection Cluster Yemen and is currently implemented as a pilot project targeting five governorates; Al-Hudaydah, Sa'ada, Sana'a Governorate, Sana'a Capital and Marib. The team at CIMP collect, analyse and disseminate data in real-time to allow for early warning and early protection response directed at communities affected by armed violence, including new and emerging local conflicts. This is done through weekly flash reports on impact from armed violence in the monitored governorates, including protection forecast and information on victim assistance needs. Data collection comes from systematic, open source data on all incidents of armed violence, filtered by the CIMP team in order to evaluate incidents with possible civilian impact and cross referenced to the extent possible, and then supplemented through additional information and verification achieved through partners in the field. Finally, the data is regularly triangulated with other humanitarian databases;

- The OHCHR and the Yemen Protection Cluster co-chair a working group on protection of civilians and IHL to bring IHL analysis to attention at the New York level. The fact that DSS is attending these meetings for information sharing has proved useful;

- Centrality of Protection (CoP) and Human Rights Upfront (HRUF) – are increasingly used to draw on responsibilities of UN agencies to report on IHL violations. Increasingly key IHL key IHL violations are identified and the HC/HCT are called on to report and adovacte with all relevant parties.

2.7.4 RED LINES

Humanitarian principles are grounded in international humanitarian law and have been reaffirmed in various United Nations resolutions. Furthermore, they are integrated into frameworks developed by humanitarian organisations to guide them in their daily work. On the other hand, applying humanitarian principles of humanity, impartiality, neutrality and independence in a relevant manner in concrete operational settings is a constant challenge for protection clusters and the humanitarian community at large. Humanitarian action has never taken place in a political vacuum – it has always been politicised and instrumentalised – but emphasising the apolitical nature of the principles has laid bare a number of tensions and paradoxes within the humanitarian sector.

Burundi

Challenges to humanitarian principles include obstacles to humanitarian access and protection space through introducing restrictive measures targeting human rights actors; prevalence of hate speech towards UN personnel; attempts to divert aid; blocking of aid arriving from Rwanda; notification requirements imposed by the authorities for field missions which impacts emergency response and urgent case management.

The new INGO law passed in January 2017 and its three controversial provisions: bank account to be opened prior to the signature of the agreement within the registration process; special 35% taxation of national staff salaries; ethnic quotas for recruitment, present serious challenges to the humanitarian community on the ground in terms of adherence to humanitarian principles.

Somalia

Humanitarian action is rooted in humanitarian principles, one of the most fundamental of which is impartiality, or the prioritisation of assistance based solely on need. Challenges to humanitarian principles include:

- Assistance is delivered in government held towns, where certain clans are actively prevented from entering the same towns to receive assistance. **This raises the question on the role of humanitarians in reinforcing power imbalances?**

- Previous and current relocations of IDPs in Somalia with some taking place despite assurances and guarantees given by the government. **This raises the question on how to condition humanitarian intervention and assistance in practice to avoid causing harm/ and mitigate risks resulting from power imbalances?**

- How to deal with consistent demands from the authorities for fees upon registration of national staff, taxation and oversight of contracts?

South Sudan

In the context of South Sudan, a recurrent challenge is **how to ensure that humanitarian principles and standards lie at the centre of humanitarian programmes**? Being seen to maintain the neutrality and impartiality of humanitarian assistance is increasingly difficult **raising questions on the impact of humanitarian assistance provided and whether it is doing more harm than good**?

The insecurity of the operating environment, coupled with the direct targeting of humanitarian action, and predatory bureaucratic processes, compromises the pace, scale and effectiveness of the overall response.

Misuse of humanitarian assistance is an ongoing challenge in South Sudan and takes various forms:

- Parties to the conflict in South Sudan exploit humanitarian assistance for their own benefit: manipulation of population movements, denial of access, diversion and looting, taxation of the population or of aid ;

- Parties to the conflict deliberately interfere with the flow of aid, or target humanitarian workers and assets. The movement and flow of humanitarian aid continues to be co-opted by parties to the conflict and at times appropriated in the interests of military objectives. This results in the denial of potentially lifesaving protection and humanitarian assistance to a population that is perceived, for example, to support the opposition;

- Extortion and arbitrary taxation have increased with some humanitarian agencies reporting significant constraints and delays in delivering assistance; authorities have gradually introduced a wide range or arbitrary fees and taxes. These measures have sometimes been coupled with tight restrictions on UN and NGO hiring and procurement procedures.

There is a need to document lessons learnt on opportunities and challenges in establishing red lines in situations of armed conflict with a focus on the role of the Protection Cluster in the broader humanitarian landscape.

2.7.5 OPERATIONALISING THE CENTRALITY OF PROTECTION

Good Practices from Niger

The Protection Cluster regularly provides advice and guidance to the Humanitarian Country Team (HCT) on protection issues. Examples include:

- The centrality of protection including protection mainstreaming are integrated as priority in HRP 2018;

- Protection mainstreaming is discussed and included in the Inter-Cluster Coordination (ICC) action plan;

- Advocacy with the Humanitarian Country Team (HCT) to take into account protection mainstreaming and protection specific related topics is undertaken on a regular basis;

- Extensive capacity building on protection mainstreaming;

- The provision of technical support on protection mainstreaming is provided by Protection Cluster to other clusters;

- Toolkits on protection mainstreaming are available for all clusters' members;

- Protection monitoring reports and protection analysis are shared with all clusters on a regular basis;

- The provision of support to different actors on protection aspects, including various ministries and donors.

APPENDIX

Appendix I: Agenda

Appendix II: List of Participants

Appendix III: Hard Talk Concept Notes

Global Protection Cluster