

SUMMARY CONCLUSIONS FROM DISCUSSIONS BETWEEN UNHCR AND OCHA ON PROTECTION AND INTERNAL DISPLACEMENT¹

1. INTRODUCTION

UNHCR and OCHA discussed their distinct and complementary roles and responsibilities to ensure that the needs and rights of populations affected by conflict and natural disasters are met. This document summarizes the main outcomes of these discussions.²

UNHCR and OCHA acknowledged that, often field-based actors do not share common views on the underlying causes of protection challenges, including those for IDPs and affected communities. This complicates efforts to agree on shared priorities and to develop coherent strategies that effectively engage the full spectrum of stakeholders. This can also lead to a fragmented approach to protecting civilians, including *vis-a-vis* military, security and political actors. More determined leadership at field and headquarters levels, alongside clear roles, responsibilities and comparative advantages is, therefore, key to effective humanitarian responses, including to situations of internal displacement.

2. ROLES AND RESPONSIBILITIES

2.1 OVERALL

States ultimately have the responsibility to ensure the human rights of all citizens, including ensuring that those displaced internally within their territories are protected without discrimination. Within the IASC coordinated framework, in locations where countries have provided consent to humanitarian assistance, overall accountability for meeting that response, particularly for the internally displaced, ultimately rests with the Humanitarian Coordinator (HC). Specifically, the HC is accountable and responsible for ensuring an effective, coherent and realistic response to the protection and humanitarian assistance needs of affected populations, particularly IDPs, including through advocacy and resource mobilization.

It is the primary role of OCHA to support the HC in meeting these responsibilities. In addition, OCHA supports the HC to ensure that cross-cutting protection concerns, including those of IDP's, are adequately reflected and addressed in the work of all clusters through its inter-cluster coordination role.

At the same time, field-based protection clusters, as the primary coordination forum for protection, “play a crucial role in supporting humanitarian actors to develop protection strategies, including to mainstream protection throughout all sectors, and to coordinate specialized protection services for affected populations”.³ UNHCR, in its capacity as lead of the Global Protection Cluster and field-based protection clusters, will, as appropriate, provide advice to the HC and HCT on protection. Field-based protection clusters ensure that the HC is equipped to adequately address protection needs by supporting advocacy and informing the overarching protection strategy for the humanitarian response.

¹ The term “protection” throughout this document refers to protection in humanitarian responses, and does not refer to UNHCR’s international protection mandate for refugees, returnees and stateless persons.

² In advance of the high level OCHA-UNHCR dialogue on 24 April 2014, three meetings were held among senior colleagues, on 11 February, 15 and 23 April 2014.

³ IASC Principals Statement on the Centrality of Protection, December 2013.

2.2 HUMANITARIAN COORDINATOR

In line with the Terms of Reference for Humanitarian Coordinators and the statement issued in December 2013 by the Inter-Agency Standing Committee (IASC) on the centrality of protection in humanitarian crises:

- it is clear that ultimate country-level accountability for the delivery of effective and realistic responses to the protection and humanitarian assistance needs of affected populations, including to internally displaced persons, therefore rests with the Humanitarian Coordinator;
- in supporting the HC to ensure this accountability, “HCTs and Clusters need to develop and implement a comprehensive protection strategy to address risks and to prevent and stop the recurrence of violations of international human rights and humanitarian law – a strategy that clearly articulates and identifies the complementary roles and responsibilities among humanitarian actors to contribute to protection outcomes”;⁴ and
- in recognition of the centrality of protection in humanitarian crises, HCs need to actively seek advice from the protection cluster on the overarching protection strategy of the operation, and in identifying and addressing critical protection issues.

2.3 PROTECTION CLUSTER

The protection cluster supports the HC and HCT, particularly by:

- placing protection at the centre of the humanitarian response by working closely with the HC and the HCT to undertake analysis, identify core protection priorities and develop a coherent, overarching protection strategy for IDPs and affected populations;
- collecting (e.g., population movement tracking) and analyzing information on the protection needs of IDPs and affected populations, including and also going beyond child protection, and sexual and gender-based violence (SGBV);
- delivering, through its diverse membership, specialized services such as community-based protection, child protection, SGBV prevention and response, documentation, advice on housing, land and property rights, and mine action;
- mainstreaming protection across all sectors, including with support from OCHA’s inter-cluster coordination; and
- ensuring effective delivery to address the specific protection related vulnerabilities of IDPs and affected populations.

Since the protection cluster is the primary forum responsible for coordinating protection responses, parallel structures should not be established, unless in exceptional circumstances when the HC requires particular expertise.

2.4 UNHCR

With its particular expertise in protection, UNHCR leads the Global Protection Cluster and field-based protection clusters in situations of conflict-induced displacement, thereby assuming responsibility for:

- providing strategic direction and advice on core protection challenges, to the HC and HCT;
- delivering concrete protection services, including to IDPs;

⁴ The IASC Principals Statement on the Centrality of Protection underscores the collective responsibility for protection of IDPs and affected populations.

- serving as provider of last resort for protection services; and
- mainstreaming protection across sectors as per its *droit de regard* and the principle of “do no harm”.

2.5 OCHA

OCHA has the following responsibilities: i) supporting the HC in fulfilling his/her leadership responsibilities; ii) supporting the HC to ensure that cross-cutting protection concerns, including those of IDPs, are adequately reflected and addressed in the work of all clusters through its inter-cluster coordination role; and iii) supporting the HC to ensure an effective and coherent multi-cluster response to IDPs, including through consolidation, analysis of data and information across all clusters.

In particular, OCHA:

- advocates for and works with the HC/HCT, in close collaboration with the protection cluster, to ensure that core protection priorities are incorporated within Humanitarian Needs Overviews and Strategic Response Plans and broader advocacy efforts by the HC or the Emergency Relief Coordinator (ERC);
- supports the HC to ensure a comprehensive response to internal displacement and complementary actions by partners;
- supports the protection cluster to fulfill its cluster responsibilities, to build synergies with other key actors (such as UN missions), and to mobilize adequate resources for protection activities;
- supports the HC, in collaboration with the protection cluster, to ensure that overall needs are identified and addressed across clusters through inter-cluster coordination; and
- ensures protection cluster inputs into high level fora and mechanisms, such as the UN Security Council Expert Group on the Protection of Civilians, relevant Secretary-General country-specific and thematic reports and statements of the Secretary General or the ERC.

3. NEXT STEPS

- The “whole of system” review of protection in humanitarian crises, which the IASC WG requested the Global Protection Cluster to carry out, is a chance to strengthen the performance of the humanitarian system in delivering protection, including through more effective synergies with non-humanitarian protection actors;
- OCHA and UNHCR will also work together to highlight more prominently the specific protection-related and assistance vulnerabilities and durable solution needs of IDPs in relevant fora, such as the agendas of the World Humanitarian Summit and post-2015, and in high-level advocacy by the ERC and the UN High Commissioner for Refugees;
- OCHA, within the context of reviewing its policy instruction on protection and developing its action plan for IDPs, will take into account these Summary Conclusions, and share the draft with UNHCR for comments before its finalization. Reciprocally, UNHCR will reflect the content of these discussions in guiding field operations;
- OCHA and UNHCR will collaborate to follow up on relevant recommendations of the GPC’s study on the funding of protection;
- OCHA and UNHCR will collaborate on field-based training activities for staff, which will include disseminating practical tools to respond to situations of internal displacement and will build on UNHCR’s basic training on IDPs as well as more specific material from other relevant international standards;

- OCHA and UNHCR will jointly explore ways in which the consolidation of existing information on internal displacement (collected by all clusters) can be enhanced, including more systematic referencing of data sources;
- UNHCR, through the Global Protection Cluster, field-based protection clusters, and with support from OCHA, will contribute to broader efforts by HCs to ensure more systematic discussions on protection in the HCT and to strengthen their expertise and engagement in ensuring coherent responses to protection needs (including through better use of HC compacts with the ERC);
- UNHCR and OCHA, welcoming these positive preparatory discussions, will convene regular meetings on protection and IDP situations, which will, in turn, facilitate joint efforts to monitor developments in relation to the roles and responsibilities summarized in this paper. One of the topics retained for upcoming discussions is to focus on solutions for IDPs;
- OCHA will work towards reflecting the centrality of protection in all HC compacts with the ERC. UNHCR will help support the related training needs of HCs.