

Joint Protection Mission to Mali
19-23 August 2013
Mission Report

Background and Context

Key protection concerns in Mali have been identified by various actors, including the Protection Cluster (PC), the UN Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and OHCHR. On this basis, and in light of the Protection Cluster's work and MINUSMA's protection mandate, and taking into account the fact that MINUSMA is a structurally integrated mission, the development of a comprehensive understanding of protection concerns between MINUSMA and other protection partners and a clear strategy for engagement between the two was identified as key to ensure that protection concerns are effectively addressed as a key aspect of their respective mandates. In support of this, OCHA proposed a field mission comprising different Protection Cluster members to visit Mali, which resulted in a joint protection mission with participation from DPKO/MINUSMA, INGOs operational in Mali (as represented by Oxfam and the Danish Refugee Council), OCHA, OHCHR, UNHCR and UNICEF.

Throughout the joint mission¹, there was a lack of clarity among both humanitarians and MINUSMA as to the mandates, goals and roles of the other, and some apprehension on the humanitarian side as to the implications of some elements of the MINUSMA mandate and potential repercussions of its implementation, including for humanitarian action. Some of this is the natural consequence of the arrival of a new Mission, that brings new UN integration arrangements (i.e. structural integration) and that has a strong protection mandate. In addition, MINUSMA is still very much in the start-up phase and has had to focus its immediate attention on a number of key issues, namely the Ouagadougou agreement, presidential elections and the re-hatting of AFISMA, prioritizing this over the establishment of coordination structures.

The focus of the joint mission was to engage both the Protection Cluster and MINUSMA on their interaction on protection concerns and responses, although a number of issues have broader implications. In that regard it is recognized that there have been efforts to facilitate dialogue between the Humanitarian Country Team (HCT) and the Mission - such as the HCT position paper and MINUSMA's draft recommendations in response - and the recommendations of the joint mission are made within that broader context.

There is a need to move forward with an understanding that both humanitarian actors and MINUSMA have as part of their mandates a responsibility and desire to improve protection for people affected by the crisis in Mali. Engagement between them should be grounded in and serve this objective. Concurrently, not all goals are shared and there is a need for clear distinction between the political and military objectives of the Mission and humanitarian objectives and operations. The recommendations outlined in this report are aimed at facilitating this outcome and offered for consideration by actors on the ground.

¹ 'Joint mission' is used to refer to the field mission carried out by OCHA, OHCHR, UNHCR, UNICEF, DPKO and INGOs, as represented by the Danish Refugee Council and Oxfam, while the peacekeeping mission is referred to as MINUSMA or the 'Mission'.

This Joint Mission Report contains 3 substantive segments:

1. Recommendations, arranged according to the joint mission's objectives referenced below in boxed text preceding each set of recommendations;
2. The corresponding rationale for these recommendations set out in a narrative that highlights the most pertinent points of discussion that emerged during the joint mission's consultations, and;
3. An explanatory background to the rationale of the Joint Mission.

1. Recommendations

- *To provide advice and guidance on strengthening engagement between the Mali Protection Cluster and MINUSMA and assist in developing an effective and appropriate strategy for engagement between the Protection Cluster and MINUSMA at the earliest opportunity/mission start-up phase, including ensuring their respective activities are complementary and not duplicative and in a way that safeguards humanitarian principles;*
- *To feed into MINUSMA planning in support of its protection mandate, including its assessment of protection threats and vulnerabilities, development of its PoC strategy, and to explore jointly with MINUSMA the establishment of mechanisms for coordination with the Humanitarian Country Team and other external human rights and humanitarian actors.*

For UNHCR as Protection Cluster lead agency, DRC as INGO co-lead and PC members

- Deploy a strong and dedicated Protection Cluster (PC) Coordinator capacity and INGO co-lead at the Bamako level, as soon as possible and for the longer term. Dedicate capacity for strong cluster coordination at the field level and commit to active participation across key cluster members.
- Expand upon the “points d’entrée” document under development within the PC, that is aimed at increasing understanding by PC members of MINUSMA actors and roles, to also include the range of protection actors within the PC (and relevant national counterparts), and the nature and extent of protection related activities they undertake, to facilitate better understanding by both.
- Structure engagement with MINUSMA on the basis of the PC’s overall assessment of protection concerns, and in particular against its own objectives as identified in the PC strategy and future assessments, and focus on identifying and achieving concrete goals.
- Consult with MINUSMA when reviewing or updating the PC’s protection strategy.
- Establish a body on Human Rights under the PC to facilitate information-exchange on and respond to reports/cases of violations of humanitarian and human rights law within the broader context of addressing a gap on access to justice issues identified among those interviewed.

For MINUSMA

- Establish an internal mechanism that brings together all the relevant protection actors within the Mission at the earliest opportunity for collective analysis and to inform strategic decision-making by MINUSMA on protection issues. This coordination body should have a strong link to the SRSG and should include the PC Coordinator and OCHA, and the possibility for the participation of the INGO PC co-lead. This coordination mechanism will allow progress in establishing a comprehensive assessment of protection risks², a pre-requisite for the Mission to determine how it will respond to protection risks and implement its protection mandate.

² Risk is referred to in this report in two contexts. Protection risk assessment refers to an analysis of threats to and vulnerabilities of affected populations, and an assessment of the subsequent risks they may face. Risk analysis refers to an upfront analysis of risks and benefits to the ability of humanitarians to preserve neutrality, impartiality and operational independence or perceptions thereof. For example, the participation of the PC INGO co-lead in MINUSMA bodies would be based on such a risk analysis.

- Encourage external outreach by relevant Mission actors to the PC and other protection actors, including through participation of relevant civilian sections in the PC.
- Consult with the PC to determine the scope and content of MINUSMA's protection risk assessment, design its internal coordination mechanism and develop its eventual strategy, including communication elements, whether focused on its mandate to protect civilians under imminent threat of violence or broader protection roles.
- Put in place a system of focal point(s) for the Protection Cluster as a means to help maximise the efficiency and effectiveness of the interaction between the two.

For both

- Design mechanisms for establishing clear channels of dialogue between the Protection Cluster and MINUSMA so as to address principle concerns raised by PC members;
 - a) the need to ensure that demands for information from both sides are streamlined and thus more manageable;
 - b) supporting the cluster in understanding internal MINUSMA structures and facilitating follow-up, and vice-versa, and;
 - c) the need to ensure that humanitarian principles are respected, including to thoroughly analyse any risks to the neutrality, impartiality and operational independence of humanitarians and whether/how these can be addressed.³
- Establish corresponding field mechanisms as a matter of priority following such a risk analysis.
- Develop separate but complementary strategies on protection issues responding to the different internal constituencies, roles and objectives.
- Pursue identified areas to train each other and train together.
- Continue to draw upon and support government and civil society capacity to address the protection needs of the most vulnerable conflict-affected people.

- *To review the information management needs of the protection cluster and possible support to comprehensive analysis on protection, including inter-cluster;*
- *To review protection monitoring plans for protection cluster and MINUSMA to verify whether there will be any overlap and the need for mechanisms for sharing of information.*

For both

- Work together on a protection risk assessment that can support the work of both, building upon analysis conducted by the PC to date.
- Establish clear protocols on information sharing that define modalities and safeguards for such engagement between MINUSMA and the PC. Facilitate information sharing as close as possible to where the protection concerns are once appropriate mechanisms are in place.
- Match reporting on violations with response to victims' and witnesses' needs, including by establishing appropriate referral and response mechanisms alongside monitoring and reporting mechanisms, and ensuring the PC remains the primary humanitarian coordination body for referrals or delivery of humanitarian assistance.

³ See footnote 2.

➤ *To examine the implications for the Protection Cluster in light of the risks to civilians and civilian objects in the event of military operations by MINUSMA;*

For MINUSMA

- Deploy the planned Advisor to the Force Commander on risk mitigation.⁴
- Define the articulation between its PoC and broader protection mandates, and its stabilization mandate, including the potential tension resulting from performing both mandated tasks.
- Define, on this basis, actions that can be taken in order to mitigate any risks resulting from its operations and ensure that these are fully taken into account in its strategies and interactions with all actors in the country, particularly the humanitarian community. Consult with and inform the PC on these issues so that the PC can both influence decisions and respond appropriately once decisions are made.

For the PC

- Determine the most appropriate means of interfacing with the Advisor to the Force Commander on risk mitigation.

For both

- Identify the specific concerns linked to MINUSMA's stabilization mandate, whether with regard to protection of affected populations or humanitarian principles and space, and what measures may serve to mitigate these. This assessment should be context specific and regularly reviewed.

➤ *To review the role of MINUSMA in creating a sustainable, safe, secure and dignified environment for the return of internally displaced persons and refugees, in collaboration with agencies such as UNHCR;*

For the UNCT, UNHCR, the PC and MINUSMA

- Develop a strategy for durable solutions for displaced people, with specific input from UNHCR with reference to refugee returns, and ensure that support for voluntary return and reintegration is undertaken in a holistic framework of area-based support, based on need and vulnerability rather than individual status. This will necessitate a careful calibration of initial humanitarian assistance and actions in support of early recovery.
- Maintain the HCT and P C as the primary fora for durable solutions, including return related planning, with active participation of all the relevant Clusters.

⁴ OHCHR has concerns that the function of this post would need to be carefully consulted to avoid duplication and ensure that the focus is rights based.

2. Rationale

- *To provide advice and guidance on strengthening engagement between the Mali Protection Cluster and MINUSMA and assist in developing an effective and appropriate strategy for engagement between the Protection Cluster and MINUSMA at the earliest opportunity/mission start-up phase, including ensuring their respective activities are complementary and not duplicative and in a way that safeguards humanitarian principles;*
- *To feed into MINUSMA planning in support of its protection mandate, including its assessment of protection threats and vulnerabilities, development of its PoC strategy, and to explore jointly with MINUSMA the establishment of mechanisms for coordination with the Humanitarian Country Team and other external human rights and humanitarian actors.*

For the Protection Cluster

The outgoing PC Coordinator has been instrumental in bringing together the diverse constituencies represented in the PC, facilitating the development of common assessments and tools and reaching out to MINUSMA upon its arrival. This coordination capacity is essential, both for the proper functioning of the PC, but also to ensure a predictable and reliable interlocutor for dialogue with MINUSMA. UNHCR is committed to ensuring adequate staffing support to the Cluster, including at a minimum, a dedicated PC Coordinator post at the P4 level and information management support, and has also developed a Memorandum of Understanding (MoU) with the Danish Refugee Council on co-leadership of the cluster. It is important that the MoU is signed without delay and that both posts (coordinator and co-lead) be filled with long-term deployments as a matter of urgency.

Strong cluster coordination at the field level and a commitment to active participation across key cluster members is also required in order to establish effective coordination mechanisms beyond Bamako. With the exception of Mopti, these cluster coordination mechanisms are still to be established. The coordination within the PC should be reinforced via strong and effective inter-agency mechanisms more generally at the regional level.

The PC has already started to identify, together with MINUSMA colleagues, the different protection-relevant components and sections of MINUSMA and their roles in an effort to better understand the Mission through the “points d’entrée” document. This document could be expanded to facilitate better understanding by MINUSMA of the range of protection actors within the PC by including the PC’s different members (including UN agencies, NGOs and Government) and their roles and thereby facilitate mutually beneficial entry points for both the PC and MINUSMA.

It is important for PC members to view engagement with MINUSMA, not simply as a means to influence the Mission, but as a means to achieving better protection outcomes. To facilitate this, the PC should structure its engagement with the mission on the basis of overall protection concerns, and in particular against its own objectives as identified in the Protection Cluster strategy. The PC, based on the “points d’entrée” document, could identify those parts of the mission relevant to each of its objectives (either directly or indirectly) and their different, complementary activities. This could serve as a basis for

engagement in support of concrete objectives. Concurrently, the PC could identify, per objective, the outstanding questions it might have for the Mission and any potential concerns already foreseen. This could then serve as a basis for dialogue with or advocacy toward the Mission. Such an approach may help *inter alia* to focus engagement around reducing protection threats and achieving better protection outcomes.

Prior to the establishment of MINUSMA, there was a Working Group on Human Rights in which information on violations of humanitarian and human rights law was shared. This was led by OHCHR staff serving under the previous UN political mission in Mali (UNOM). A similar body should be re-established within the P C to resume this information exchange, in particular because this body can ensure more sensitive and appropriate treatment of individual case information and management. To ensure complementarity and avoid duplication, it should address cases of violations in close collaboration with other relevant mechanisms that address violations at the case level, such as the UN-led Monitoring and Reporting Mechanism on Grave Child Rights Violations in Situations of Armed Conflict (MRM) that regularly reports on child rights violations to the Security Council (SC Resolution 1612). Discussions throughout the joint mission also highlighted a general gap in the area of justice, legal assistance and advice provided to victims. It was further noted that housing, land and property issues related to displacement and possible return also merited attention. Efforts are being made within the PC to map actors and contribute to overall referral mechanisms.

There was some discussion around whether the PC should pursue a single or multiple points of entry into MINUSMA, and there was marked desire for simplicity and efficiency. It was noted that the PC Coordinator routinely received multiple requests from the Mission for the same information, and that serving these overlapping requests was burdensome. There was acknowledgement that a single entry point to the Mission was unrealistic, and that focal points are likely to emerge along thematic lines (i.e. Child Protection Advisors for children's issues, Women Protection Advisors for SGBV and related issues, the Human Rights Section). In that vein, it has been suggested that a system of focal points within MINUSMA for the PC may help maximise the efficiency and effectiveness of the interaction. This mirrors preliminary conversations between the HCT and MINUSMA prior to the joint mission about designating humanitarian action focal points among different sections of the Mission.

For MINUSMA

It's important that MINUSMA establish an internal coordination mechanism that brings together all the relevant protection actors within the Mission at the earliest opportunity. The Mission has a number of mandated tasks that support protection (whether specialised such as PoC, child and women's protection, or overall human rights protection, police, military, etc.) that underpin a comprehensive approach to protection analysis and response, and for which Mission actors themselves need to develop a common understanding of roles and determine the appropriate linkages to be established across MINUSMA. Some of the questions external actors have about how they can best engage with MINUSMA will be informed or shaped by these internal approaches and divisions of labour. As such the establishment of this internal mechanism is, *inter alia*, a precursor to clarifying broader relationships with external partners.

It is recommended that this coordination body have a strong link to the SRSG and Senior Management Team directly and that it includes all relevant section across pillars and components of the mission to ensure effective whole-of-mission response.

It is further recommended that this body also include the PC Coordinator and OCHA, and the possibility of the INGO PC co-lead, to ensure representation by and appropriate linkages with broader protection actors, including the different Areas of Responsibility (AoRs)⁵ leads and the HCT. The precise nature of this participation (i.e. as full member or as observer and the meaning attached to such titles) would need to be defined by the Mission and those participating. The participation of the INGO PC co-lead would also be guided by a risk analysis. Concurrently, external outreach by Mission actors, particularly civilian ones, should be encouraged, including their participation in the PC to explain their function and, importantly, their added value, and engage in the work of the PC, as relevant.

Such a body will also be central to finalizing a comprehensive and commonly agreed vulnerability and threats analysis necessary for assessing risks to the affected population and effective implementation of the Mission's protection mandate. Furthermore, certain external time-lines, such as establishment of the UN-led SCR 1612 MRM on grave child rights violations, or establishment of the SCR 1960 Monitoring, Analysis and Reporting Arrangement (MARA) on sexual violence in conflict require this internal thinking to have taken place.

One pertinent question that arose was how broadly MINUSMA should frame its protection approach, with regard to its protection risk assessment, its internal coordination body and its own strategy, i.e. should the mission focus on its mandate to support the protection of civilians under imminent threat specifically, or incorporate the full range of mandated activities such as human rights protection and promotion, child protection, women's protection, etc. While only the Mission itself can answer this question, a number of relevant points emerged through the discussions that may be considered.

There was consensus that a Mission-wide strategy should outline how the Mission would support the protection of civilians under imminent threat at the very least, and that any strategy pursue a whole of mission approach detailing the roles and responsibilities of all mission components. On the one hand there was concern that an exclusive focus on the protection of civilians under imminent threat might overshadow broader mandated Protection tasks such as the protection of human rights, children and women, and would not necessarily respond to, *inter alia*, other critical and long-term protection needs and outcomes. Internally to the Mission, there was concern that, should MINUSMA take a broad approach to its protection strategy, it might run the risk that respective roles and responsibilities of mission components in protecting civilians from imminent threat of physical violence gets lost and could diffuse overall mission accountability to deliver on its PoC mandate.

⁵ AORs in the PC context refer to specific thematic areas that certain agencies have agreed to serve as focal point for in light of their specific expertise. At the global level these are Child Protection (UNICEF), Gender-Based Violence (UNFPA/UNICEF), Land, Housing and Property (UN-Habitat), and Mine Action (UNMAS).

Externally, there was also concern that a very broad approach might be confused with or duplicate the work of the PC, which is guided by the IASC definition⁶ of protection, with potential knock-on implications for humanitarian principles and space. It was stressed that it will be important that communication strategies around the mission's mandate did not contribute to any potential blurring of distinction.

There was a shared concern that any coordination mechanism that MINUSMA establishes should not undermine the PC. These fora should ensure that the responsibilities, objectives and principles of their particular constituencies are respected, just as they would have clear synergies that should be tapped. The PC includes a broader range of actors (i.e. Mission actors and UN agencies but also local and international NGOs and the Malian Government). It is the primary humanitarian forum for coordination of programmatic response to protection concerns and, though a humanitarian coordination mechanism, engages in both humanitarian response and broader environment building activities underpinning a wide range of protection objectives.

In this vein, it's recommended that MINUSMA consult with the PC in developing its protection risk assessment, coordination mechanism and strategy. The interest in ensuring effective channels of communication between MINUSMA and the PC can also be partially addressed through inclusion of the PC Coordinator and OCHA, and possibly the INGO PC co-lead, in MINUSMA's coordination mechanism. Similarly, it is recommended that MINUSMA and the PC should have separate but complementary strategies.

For both

Opportunities to train each other and train together were identified and should be pursued among those interested. For example, the opportunity to develop scenario-based exercises was embraced by both MINUSMA and the PC, and discussions held in relation to the potential for interaction in this regard. Considering the number of actors conducting training on a variety of protection related issues, it was suggested that field actors explore how to avoid duplication and to ensure consistency through, e.g. developing a mapping of training conducted by various actors. Different UN and other possible entities can bring their specific expertise to the table in the discharge of the training expectations within MINUSMA's mandate, targeting either the Mission or Malian forces. For example, UNHCR can address issues of international refugee law, which in the context of Mali would include traditional aspects of refugee protection but would also need to embrace the situation of those refugees that choose to return. OCHA can assist in sensitizing the Mission on how the humanitarian community is organized, the principles by which it operates and the reasons therefore, while the PC can provide more detail on the approach by humanitarians to protection.

MINUSMA and the PC should seek to reinforce appropriate domestic protection systems and include transition planning during the development of their operations. This could be pursued along several lines. For example, identification of referral pathways for victims and witnesses of human rights violations and other protection related incidents to appropriate protection actors, including government or civil society services, should be included in planning. The joint mission learned that the identification of some of

⁶ "All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law)."

these services is underway in part through the mapping of protection services in northern Mali. MINUSMA and the P C should also seek to support the government in its efforts to strengthen its prevention and crisis response measures as well as its overall resilience to political violence.

- *To review the information management needs of the protection cluster and possible support to comprehensive analysis on protection, including inter-cluster;*
- *To review protection monitoring plans for protection cluster and MINUSMA to verify whether there will be any overlap and the need for mechanisms for sharing of information.*

For both

Given the complexity of the situation in Mali, all actors interviewed expressed the value and importance of a comprehensive understanding of the operating environment, including of PoC threats, vulnerabilities and risks. While not all actors may necessarily draw the same conclusions, an understanding that brings together the expertise and perspectives of different actors will be stronger.

Regarding information sharing, it is important that both PC members and MINUSMA staff have clarity on how information either provided or received will be handled, and a clear protocol for information sharing should be established between the two for this purpose. Areas that will require clarification include ensuring confidentiality of victims and witnesses in case of specific case or incident reporting, how information provided will be used or shared further, with whom and for what purpose, the possible protection impact on victims and witnesses of the public use of their information, and modalities for verification. On the point of verification, a key concern was to ensure that victims and witnesses of abuse and violations are not interviewed repeatedly and that appropriate consent is sought on the further use of their information. A concern was also raised that the use of military escorts while conducting investigations could have an adverse impact on protection and that due consideration to the protection of victims, witnesses and the communities should be taken into account in this respect.

It was highlighted that different approaches are possible for different types of information, i.e. trends and analysis can be shared more broadly, but individual case information more narrowly. There is a concern among humanitarians to distinguish clearly between information-sharing on the one hand and intelligence gathering on the other, as the latter would compromise humanitarian principles.

The primacy of information sharing as close to the issues and responses as possible, i.e. most often at the field level, once appropriate mechanisms are in place was emphasized, although, until such time, information is better shared centrally at Bamako level. Deliberate efforts should be made to ensure effective ways of working at Bamako level are replicated at field level taking into account context specificities and capacities and a risk analysis. The need to streamline requests for information and to ensure predictable follow-up to requests, either for information or action, were stressed.

PC members expressed concern that monitoring and reporting of violations needs to be matched with response to victim's needs, and expressed concern that MINUSMA's monitoring and reporting mandate, in particular the MARA, may raise expectations of

response that the humanitarian community and state authorities may not be able to provide given constraints on access and capacity, including of protection INGOs. It is important that this inherent tension be recognized and steps taken by both MINUSMA and the PC to alleviate it, such as through managing information provider expectations and ensuring that appropriate response mechanisms are established alongside monitoring and reporting mechanisms, and that the PC should remain the primary humanitarian coordination body for referrals or delivery of humanitarian assistance.

➤ *To examine the implications for the Protection Cluster in light of the risks to civilians and civilian objects in the event of military operations by MINUSMA;*

MINUSMA is mandated to stabilize key population areas, including to “deter threats and take active steps to prevent the return of armed elements,” giving rise to the possibility of offensive operations by MINUSMA against armed groups. There is potential tension between this and the Mission’s broader mandate of protection, including protection of civilians under imminent threat of physical violence. As such, SCR 2100 notes the need for MINUSMA and all parties to abide by international humanitarian, human rights and refugee law, and for MINUSMA to take into account the need to protect civilians and mitigate risk to civilians and civilian objects in the implementation of its mandate.

Indeed, should MINUSMA conduct offensive military operations, either itself or jointly with the Malian Defence and Security Forces, to deter threats, its forces may cause harm to civilians in the course of operations or be perceived as a party to the conflict and targeted as such. This, in turn, would adversely impact its ability to perform tasks of protection by presence, given that its very presence in an area could represent a threat. There may also be potential gaps in awareness among military contingents on their legal obligations.

The Advisor to the MINUSMA Force Commander on risk mitigation that is envisioned by MINUSMA was acknowledged by most joint mission members as a potential resource both for the Mission to fulfil its responsibilities under international law and for the PC. The Advisor is expected to have links with a number of Mission actors, across the military, police and civilian components, particularly the PoC team, and provides a conduit for protection actors to inform the development of risk mitigation mechanisms.

MINUSMA needs to define the articulation between its protection, notably PoC, mandate and the authority it has to take active steps to prevent the return of armed groups to populated areas, especially as far as the potential tension resulting from performing both mandated tasks is concerned.

It’s important to recognize that MINUSMA is mandated to support the transitional authorities of Mali – and is therefore not neutral vis-à-vis other parties - and to support stabilization and restoration of state authority in areas where counter-terrorism operations have paved the way. These concerns underlie the high level of caution among humanitarian protection actors regarding their engagement with the mission. Clarity between the activities being carried out by French troops and the division of labour between the Mission’s stabilization tasks and any counter-terrorism activities, will be key to minimizing problems of perceived lack of neutrality by humanitarians associated with the Mission, ensuring they can safely access those in need. How the context evolves

and how the Mission interprets or adapts the implementation of its mandate will be key, including for the engagement between MINUSMA and broader humanitarian actors. All actors need to be regularly evaluating the operating environment and the optimal level and nature of interaction - whether for the UN family or for non-UN humanitarian actors.

➤ *To review the role of MINUSMA in creating a sustainable, safe, secure and dignified environment for the return of internally displaced persons and refugees, in collaboration with agencies such as UNHCR;*

Discussions on the prospects for voluntary returns, and the related conditions that would be required to ensure the sustainability of returns in conditions of safety and dignity, were a recurrent feature of the consultations undertaken by the joint mission. In the context of the specific objective of reviewing the role of MINUSMA in creating a sustainable, safe and secure environment for the return of internally displaced persons and refugees, a number of key points emerged.

There was broad acknowledgement that current conditions are not conducive to the promotion of return, as reflected in the Humanitarian Country Team's position paper on return, and the observation that emerging patterns of spontaneous return appear to indicate substantial movement of IDPs, with considerably lesser numbers of refugee returns. Patterns of return also seem to depend on the ethnic group of those displaced. Since the conclusion of the joint mission, the HCT has developed a system of benchmarks, including a series of security and socio-economic conditions, based on which assistance to return would be determined. MINUSMA can play an important role in providing input to the level to which these conditions are met.

Return data generated by the *Commission Mouvement de Populations*, under the auspices of the P C, provides contextual information to guide humanitarian action, however there is no desire, and no clear added value, to instigate a formal registration of returnees per se. This should not however preclude a protection focus on encouraging the civil registration of returnees who are currently unregistered or undocumented as a means of facilitating the full enjoyment of their rights as citizens. There is a need for stronger protection monitoring to follow-up on the conditions of those who have returned in order to assess their needs and ascertain the durability of return.

There was strong consensus on the importance of humanitarian assistance being civilian-led and delivered on the basis of need and vulnerability, rather than status. This is in part based on the recognition that, while displacement and return could be one aspect of a vulnerability assessment, some people that remained in situ in the North did so because of a high level of vulnerability. Avoiding an exclusive focus on returnees in favour of area-based responses can mitigate the risk of communal tension between returnees and those who stayed throughout.

MINUSMA's mandate includes an obligation to contribute to the creation of a secure environment for the voluntary return of internally displaced persons and refugees in close coordination with humanitarian actors. Coordination of return related planning with the PC and the HCT is useful to ensure that efforts in this regard are as effective and appropriate as possible.

- *To discuss the draft GPC Diagnostic Tool and Guidance on Engagement with UN Peace Missions currently under development within the Global Protection Cluster to garner feedback from the field, gauge its utility and incorporate field examples, including best practices and lessons learned;*

While the draft GPC diagnostic tool and guidance note was circulated among and explained to PC members and time allotted for its review, the discussion between PC members and the joint mission team focused on current perspectives and concerns on engagement with MINUSMA. It was decided to skip discussion on the draft itself in favour of understanding better the questions and concerns specific to the context in Mali. However, those questions and concerns mirrored very much those outlined in the draft, which was itself positive feedback on the relevance of its approach.

3. Background to the Joint Mission

The Mali P C, led by UNHCR, established sub-clusters for both gender-based violence (GBV) and child protection in April-May 2012 and identified key protection concerns in its strategy paper of December 2012. MINUSMA has initiated a PoC risk assessment which will inform the mission PoC planning and response. At the same time, OHCHR, through two fact-finding missions and the United Nations Security Council mandated missions in Mali (UNOM and MINUSMA) has and continues to monitor human rights and international humanitarian law violations.

SCR 2100 establishing MINUSMA mandates the mission to protect civilians under imminent threat of physical violence, provides for a strong human rights mandate and calls for the deployment of Child Protection and Women Protection Advisors. The Council calls upon MINUSMA to create a secure environment for the delivery of humanitarian assistance and voluntary return of IDPs and refugees, and makes reference to assistance being civilian-led and in accordance with humanitarian principles.

In light of the P C's work and MINUSMA's protection mandate, and taking into account the fact that MINUSMA is a structurally integrated mission, the development of a comprehensive understanding of protection threats and vulnerabilities between the mission and other protection partners and a clear strategy for engagement between them will be key to ensure that protection concerns are effectively addressed as a key aspect of their respective mandates.

In support of this, OCHA proposed a field mission comprising different P C members visit Mali, which resulted in a joint protection mission with participation from DPKO/MINUSMA, INGOs operational in Mali (as represented by Oxfam and the Danish Refugee Council), OCHA, OHCHR, UNHCR and UNICEF. Annex I provides a list of individual participants. The specific objectives that were agreed for the joint mission are outlined in the Terms of Reference, included as Annex II.

The joint mission team met with a number of UN agencies and a range of MINUSMA personnel, including among its military, policy, civilian substantive and Mission support components. Annex III provides a detailed list of meetings held. The joint mission team also engaged the Protection Cluster Strategic Advisory Group at length, and met with the

Malian Ministry of Social Development as a courtesy to explain its visit. The overwhelming majority of those interviewed expressed appreciation of the mission's objectives and that discussion around these was timely.

In addition to this mission report containing recommendations, the joint mission team had as two of its desired outputs the immediate support to protection coordination efforts at country level and feedback on the draft *GPC Guidance and Diagnostic Tool on Engagement with UN Peace Missions*, and progress in these two areas has already been substantially advanced.

4. Annexes

- I) Joint Mission participants, including contact information
- II) Joint Mission Terms of Reference
- III) List of persons interviewed

Annex I

Joint Protection Mission to Mali Mission Participants and Contact Details

MISSION TEAM				
Name	Agency	Title	Location	Email
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TERMS OF REFERENCE

Joint OCHA-OHCHR-UNHCR-UNICEF-DPKO-NGO Mission to Mali
31 July 2013

BACKGROUND

A range of protection concerns are currently prevalent in Mali. The human rights situation deteriorated substantially during the seizure of the north of the country by armed groups. Recent military operations undertaken to reclaim this territory and expel armed groups raised separate protection concerns, although such operations have since decreased. OHCHR, through two fact-finding missions and the United Nations Security Council mandated missions in Mali (UNOM and MINUSMA) has reported internally and publicly on human rights and international humanitarian law violations. At the same time, the Protection Cluster, led by UNHCR, established sub-clusters for both gender-based violence (GBV) and child protection in March-April 2012 and identified key protection concerns in its strategy paper of December 2012. MINUSMA has initiated a POC risk assessment which will inform the mission POC planning and response.

SCR 2100 establishing the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) mandates the mission to protect civilians under imminent threat of physical violence, provides for a strong human rights mandate and calls for the deployment of Child Protection and Women Protection Advisors. The mandate also makes reference to the Human Rights Due Diligence Policy (HRDDP). The Council calls upon MINUSMA to create a secure environment for the delivery of humanitarian assistance and voluntary return of IDPs and refugees, and makes reference to assistance being civilian-led and in accordance with humanitarian principles.

MINUSMA is also mandated to stabilize key population areas, including to “deter threats and take active steps to prevent the return of armed elements,” which may give rise to tensions with the mission’s POC mandate and will need to be thought through. Concurrently, the resolution also notes the need for MINUSMA and all parties to abide by international humanitarian, human rights and refugee law, and for MINUSMA to take into account the need to protect civilians and mitigate the risk to civilians and civilian objects in the implementation of its mandate.

In light of MINUSMA’s protection mandate and taking into account the fact that MINUSMA is a structurally integrated mission, the development of a shared understanding of protection threats and vulnerabilities between the mission and other protection partners and a clear, shared strategy for engagement between them will be key to ensure that protection concerns are effectively addressed as a key aspect of their respective mandates.

The Global Protection Cluster has been developing guidance for field-based protection clusters on engagement with UN peacekeeping and political missions, in which UNHCR and OHCHR are key actors. A draft of this guidance is currently being finalized. It could be useful – both for the actors on the ground and in order to refine the guidance itself – to examine its possible application in a concrete setting. MINUSMA has a Human Rights Component of 22 Human Rights Officers which will be substantially increased to approximately 50 by the end of 2013 and 80 by 2014. In addition, DPKO Headquarters has meanwhile deployed an advisor from its Protection of Civilians team within the Department of Policy, Evaluation and Training to MINUSMA to act as the mission Senior POC Advisor during the mission’s start-up phase. The joint mission is an opportunity to engage both DPKO and the Protection Cluster on their interaction on protection concerns and responses.

Lastly, the Mali Protection Cluster has established a protection monitoring system that is currently being piloted but faces constraints in developing strong analyses. The joint mission is

an opportunity to review the information management needs of the protection cluster and the possible role that OCHA, OHCHR, MINUSMA or others could play in supporting comprehensive analysis on protection, including inter-cluster. For example, OHCHR is currently in the process of setting up its human rights information management system (data-base currently rolled-out in 15 countries, of which 9 are in human rights components of peace missions) that could play a key role in this regard.

SCOPE AND OBJECTIVES

The objectives of the joint mission would be:

- To provide advice and guidance on strengthening engagement between the Mali Protection Cluster and MINUSMA and assist in developing an effective and appropriate strategy for engagement between the Protection Cluster and MINUSMA at the earliest opportunity/mission start-up phase, including ensuring their respective activities are complementary and not duplicative and in a way that safeguards humanitarian principles;
- To discuss the draft *GPC Guidance and Diagnostic Tool on Engagement with UN Peace Missions* currently under development within the Global Protection Cluster to garner feedback from the field, gauge its utility and incorporate field examples, including best practices and lessons learned;
- To feed into MINUSMA planning in support of its protection mandate, including its assessment of protection threats and vulnerabilities, development of its PoC strategy, and to explore jointly with MINUSMA the establishment of mechanisms for coordination with the Humanitarian Country Team and other external human rights and humanitarian actors;
- To examine the implications for the Protection Cluster in light of the risks to civilians and civilian objects in the event of military operations by MINUSMA;
- To review the information management needs of the protection cluster and possible support to comprehensive analysis on protection, including inter-cluster;
- To review the role of MINUSMA in creating a sustainable, safe, secure and dignified environment for the return of internally displaced persons and refugees, in collaboration with agencies such as UNHCR;
- To review protection monitoring plans for protection cluster and MINUSMA to verify whether there will be any overlap and the need for mechanisms for sharing of information.

METHOD

It is foreseen that the joint mission team will conduct:

- Consultations with the Mali Protection Cluster Coordinator and members (UN agencies, INGOs, local NGOs, etc.) on key protection priorities and objectives, common areas of concern and possible synergies, opportunities in engaging with the mission, potential risks and challenges that may be encountered and how these can be anticipated and mitigated, etc. that can help to develop a strategy for engagement between the Protection Cluster and MINUSMA;
- Consultations, together with the Mali Protection Cluster, with MINUSMA staff, chiefly the acting Senior PoC Advisor, Women Protection Adviser, Child Protection Advisor and Human Rights division, as well as the DRSGs, military and police components, Civil Affairs and Political Affairs staff, to discuss the same;
- A briefing to the SRSG and both D-SRSGs, and the UN/Humanitarian Country Team, on the findings/recommendations of these consultations at the end of the mission.

DATES AND PARTICIPATION

Proposed timing for a one week mission is 19-23 August. This will enable the mission to take advantage of the deployment by DPKO of an interim Senior Protection Advisor to MINUSMA during its start-up phase and to benefit from the experience of the current Protection Cluster Coordinator before her end of mission. It is envisioned that participants will be at the technical level.

OUTCOMES

The joint mission is expected to have as its outcomes:

- Immediate support to protection coordination efforts at country level
- Feedback on the draft *GPC Guidance and Diagnostic Tool on Engagement with UN Peace Missions*
- A mission report noting conclusions and recommendations as agreed among the mission participants

Annex III

Joint Protection Mission to Mali List of persons interviewed

Name	Organization
Marie Antoinette Okimba	UNHCR Representative
Mme Kamissoko	Ministry of Social Development
Protection cluster, Child Protection and GBV AoR and Strategic Advisory Group members	
Fernando Arroyo	OCHA Head of Office
Stefano Pes	Emergency Programme Coordinator, IOM
Marianne Traore Chazal Noel	Liaison Officer, IOM
Francoise Ackermans	UNICEF Representative
Abdoulaye Bathily	D-SRSG/Political
David Gressly	D-SRSG/HC/RC
Mireya Pena	Judicial Affairs Officer
Prosper Nyandagazi	Programme Officer – O/DSRSG
Guillaume Ngefa	Chief, Human Rights Division
Aurelie Proust	Senior Protection of Civilians Advisor
Lucien Vermeir	Police Commissioner
Augustin Some	Senior Women Protection Advisor
Col. Lavault	Deputy Chief of Staff/Operations
Laurent Guepin	Chief, Civil Affairs Section
Bruno Mpondo Epo	Chief, Political Affairs Division
Col. Souleymane Thioune	Chief, JOC
Marc Vaillant	Programme Officer, UNMAS
Bernadette Sene	Senior Child Protection Advisor
Jean-Pierre Esnault	Chief, Integrated Mission Training Center