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Protection Cluster in Samoa DRAFT Terms of Reference

I. Background

On 29 September at 06.48 hour local time, a powerful magnitude 8.0 Earthquake struck to the south of the main Samoan Island chain with its epicentre 190 km south of the Samoan capital of Apia. The Pacific Tsunami Warning Centre issued a series of Regional Tsunami Warning and related advisories. A series of quake-triggered tsunami waves hit American Samoa, Western Samoa, and the small northern island of Niuatoputapu in Tonga around 0700 hours local time. The quake and the high waves, some of which are said to be as high as 6 metres, have caused serious casualty and damages to the affected Pacific Island countries.

As of 30 September, the Government of Samoa (GoS) reported 110 deaths and 146 injuries. The number is expected to rise as search and rescue operations are continuing.

GoS has declared a “State of Disaster” and is being assisted by foreign missions and the United Nations. Assessments and the distribution of relief have been mobilized by the National Disaster Council with assistance from international and local partners. The worst affected areas are reported to be the South and South Eastern coast of the island of Upolu.

Damage to family homes, community buildings, resorts, roads, power lines and water supply close to coastal areas has been widely reported. Oxfam NZ reports that the Poutasi hospital has been destroyed and that water supply and electricity are down in many of the affected areas. Some villages on Upolu, Monono and Savaii islands are still reported to be under water. Communications by email and telephone remain difficult.

Key needs identified at this point are water, food, shelter supplies and psychosocial support.

II. Definition of Protection and relevant standards

In the spirit of the IASC definition, protection is the responsibility of the State, with humanitarian and development actors playing an important role. All activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of relevant bodies of law, including the Universal Declaration of Human Rights, relevant international human rights obligations applicable to the Government of Samoa and the relevant national laws including the Constitution.

III. Cluster Chair, Co-chair and Membership

The global protection cluster leads UNHCR and OHCHR are not present in Samoa. However, OHCHR Suva has come to Samoa to provide substantive leadership and chair meetings without assuming full provider of last resort responsibility. UNICEF and Save the Children take the lead on child protection.

Cluster meetings are open to all UN agencies, international NGOs, local and national NGOs, the ICRC and the IFRC with a focus on protection issues. UN agencies with a protection mandate are expected to actively participate and support the functions of the cluster. In consultation with

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cluster participants, the Chair will invite Government bodies, donors and other relevant partners to attend cluster meetings on an ad hoc basis.

IV. Working Principles

All activities will be conducted in a transparent and sensitive a manner with due regard for principles of informed consent and confidentiality. All cluster participants are responsible for ensuring an inclusive working environment and be sensitive to local custom and needs.

VI. Objectives of the Protection Cluster in Samoa

IASC protection principles constitute the foundation for all activities of the Protection Cluster. In pursuit of this, the Protection Cluster in Samoa aims:

- To develop an understanding of emergency protection issues in Samoa by providing awareness-raising, materials and advice to all relevant actors.
- To actively encourage and technically support other clusters/sectors of the humanitarian community to mainstream protection into their activities.
- To identify protection issues and gaps and to use that information to :
 1. advocate with the Government and support it through capacity building initiatives aimed at preventing and addressing protection concerns;
 2. coordinate agencies to respond to identified gaps;
- To focus attention primarily and given limited resources on displacement and durable solutions, child protection and access to services.

Chairing, venue and frequency of meetings

OHCHR will chair the cluster meetings. The meeting venue can rotate as agreed by cluster members. Meetings will be held as agreed.

Agendas, action points and minutes

OHCHR will draft meeting agendas, summary record and action points from meetings, and be responsible for circulating them to cluster members.

Reporting

OHCHR will coordinate contribution of cluster participants to a daily situation report produced by OCHA.

Information Management

The highest standards of consent and confidentiality must be adhered to in all management of information going through the cluster.