Frequently Asked Questions about:

No Objection Certificates (NOCs) for projects to be implemented in Khyber Paktunkhwa and FATA.

1. ***What is an NOC?***

    A 'No Objection Certificate' issued by the government is a document to prove that a program/project is authorized and supported by the government. It is a legal requirement that implementers have an NOC before initiating work. The NOC certificate is also a document of 'proof of authorisation' which can be shown to local authorities during implementation.

2. ***Why do we need an NOC?***

The process of application ensures that adequate coordination with the government, and humanitarian clusters, has taken place to ensure an appropriate response, to a clear need, according to accepted standards, by a credible organization without duplication has been undertaken. The certificate itself proves that coordination is complete. Finally, NOCs registration allows for maintenance of a 'who is doing what and where data-base on which monitoring can be based.

3. ***Which kind of program/projects need it?***

All relief, humanitarian and early recovery programs/projects in Khyber Paktunkhwa (KP) and the Federally Administered Tribal Areas (FATA). This includes projects in existing PHRP, and ERF projects.

(NB authorization of development projects is done through PND departments of KP and FATA and PaRRSA, not the P/FDMA NOC process)

4. ***Who has to apply for it?***

The **'Owner'** of the project alone needs to apply for an NOC.

5. ***Is a separate NOC necessary for each program/project?***

Yes every separate *program/project* needs a separate NOC.

7. ***Who is the owner?***

The owner is the agency (National/international NGO or UN) that has requested funds from a donor and which is answerable to the donor for how the funds are spent. The owner may implement directly using their own staff or may organize and manage implementation through an Implementing Partner (IP)

8. ***Does an Implementing Partner (IP) need a separate NOC?***

No. Each program/project needs only one NOC. However, **each individual IP will be specifically named** on the NOC. Each IP will be given a copy of the NOC by the owner.

9. **Can an agency be both an 'Owner' and an 'IP'?**

Not in the same program/project however the same organsation can be an 'Owner' in one project and an 'IP' in another separate program/project authorized by a separate NOC.

10. Who does the 'owner' apply to?

PDMA for programs/project to be implemented in Khyber Patunkhwa and FDMAfor programs/project to be implemented in FATA .

11. How many NOCs does a project/program need?

Only one, which is issued by P/FDMA and given to to the program/project 'owner'.

12. How are the line departments involved/consulted and what authority do they have?

Line department will each have a specific focal point for the cluster. They are informed of the project/program NOC application as a part of the cluster vetting process. Line departments are co-chairs of clusters and in regular contact with their counterpart co-lead. To ensure that line departments agree with the issuance of an NOC they are also officially informed by the co-lead when vetting is completed and recommendations forwarded t o P/FDMA. The Line Department is then invited to provide feedback to both the co-lead and P/FDMA within 5 working days, if they have any concern. Thus Line Department consultation is an integral part of the NOC process and an NOC officially affirms their approval. If they do not register any objection the 5 days their agreement will be assumed.

(NB. P/FDMA will begin to process the application immediately after receiving a cluster recommendation but will not issue the NOC until either the line department has given positive feedback or 5 days have elapsed – whichever comes first.)

13. How are the line District Coordination Offices and Political Agents involved/consulted and what authority do they have?

Neither the DCO or PA have the authority to issue or revoke an NOC, It is essential however, that the 'owner' and/or IP coordinate closely with the DCO and other district level coordination bodies to ensure smooth and well facilitated implementation.

14. How are the military involved/consulted and what authority do they have?

The Military do not issue a separate NOC. In D I Khan, Tank and all of FATA the military have to give approval of the program/project and the IPs before P/FDMA can issue an NOC. In addition military on the ground may request to see a copy of the NOC.

15. Will this project implementation NOC, automatically allows the presence of an International Staff to operate in the area of the project?

No.   Travel of international staff requires a separate type of NOC in all areas, especially in FATA where access is most strictly governed.

16. How is an application made?

By filling in the form available on PDMA website (http://www.pdma.gov.pk/PaRRSA/Humanitarian_Coordination.php) or FDMA website (http://www.fata.nocpakistan.pk/) coordinating with the humanitarian cluster to facilitate their vetting and providing the required supporting documents. (NB the owner must provide all documents relevant to all IPs to be included in the NOC)The completed application package' may be

sent electronically or hard copy to P/FDMA. (NB An on-line system is being developed, once it is completed application will be made on-line but vetting processes and the need for supporting documentation will remain the same.)

17. *Why do clusters/ERWG have to vet programs/projects?*

To ensure that the program/project meets identified needs, has acceptable technical standards and does not overlap or duplicate any other existing or pending work.

18. *How long will the cluster/ERWG vetting take?*

Not more than 5 working days.

19. *What does cluster/ERWG vetting mean?*

That the cluster lead has answered the following question:

- The 'owner' has coordinated with the cluster
- The technical components of the program/project are acceptable
- The program/project meets a known need
- The program/project is not duplicative.

and, if the answers are affirmative recommend the proposal for an NOC.

In addition the cluster lead will ensure that the relevant line-department is informed of the proposal and has had an opportunity of 5 working days to comment.

20. *What happens if the cluster/ERWG lead is away?*

It is the responsibility of the cluster lead UN agency to ensure that a cluster lead is designated and available during all working hours.

21. *How long does it take to get an NOC?*

In KP (except DI Khan and Tank) five working days after submission of the cluster vetted application, **including all supporting documents.** In FATA and DI Khan and Tank a precise time-line is not possible because the military also review each NOC proposal and that takes a minimum of one month.

22 . *How do we know what the status of an application is?*

By checking the P/FDMA tracking document on-line. It shows, application date, date final supporting documents were submitted and the status of the application (pending, approved or rejected) and the reason.

23. *What happens if P/FDMA approves <u>some but not all the IPs</u>?*

An NOC is issued for the program/project and the approved IPs will be specifically named. At that point implementation can begin with the **'approved named' IPs.** Solutions will be sought by the 'owner' and P/FDMA for the remaining IPs. Once approval for them, or replacement IPs, is given, a new certificate naming all the finally approved IPs will be issued and implementation of all components may begin.

24. What is the process for contesting a decision or making a complaint about delays in processing an NOC?

There are several ways to raise concerns including directly with the P/FDMA focal point; at the Operational Coordination Meeting (OCM) or the Early Recovery Working Group (ERWG) meeting; or by asking OCHA to enquire on your behalf.

25. How long does an NOC last?

In KP (except DI Khan and Tank) an NOC will last for six months. In FATA, D I Khan and Tank an NOC lasts for 3 months.

26. What is the process for an extension application?

A letter of request, briefly explaining the reason for needing additional time and a program/project progress report should be sent to P/FDMA.

27. How long does it take to get an extension?

Five working days as long as the progress report is comprehensive.

28. Can an NOC be revoked?

Yes if monitoring shows that implementation is not in line with the proposal and or mal-practice is identified and not immediately resolved.

29. What are P/FDMA responsibilities after issuing an NOC?

To ensure that the military and all civilian authorities are aware of, respect the NOC and when necessary support and facilitate implementation. To monitor implementation and advice the owner as necessary.

30. What are 'owner' responsibilities after receiving an NOC?

To coordinate as necessary with line departments and humanitarian coordination groups as necessary. To monitor implementation, ensure adequate reporting and adjust program/project as necessary.

31. What are IP' responsibilities after receiving an NOC?

To coordinate at the local level with DCOs, line departments and relevant coordination groups. To implement in accordance to the proposed work-plan and report regularly using an agreed system.

32. Who will provide support if there are problems regarding authorization during implementation, including from line departments, PAs, DCOs and/or the military?

P/FDMA and/or OCHA.