Where to for protection in humanitarian action?

REPORT: CONSULTATION FOR THE GLOBAL PROTECTION CLUSTER (GPC) STRATEGIC FRAMEWORK FOR 2016-2019 – MELBOURNE, AUSTRALIA

Tuesday 20 October 2015

Introduction

This report outlines the major themes emerging from a half-day discussion on protection in humanitarian action held in Melbourne, Australia, on 20 October 2015. This off-the-record roundtable meeting brought together practitioners, donors and academics with an interest in, and commitment to, improving the protection outcomes for people affected by conflict, disaster and displacement. The dialogue was held in two parts: Part 1 focused on participants' responses to the Whole-of-System Review of Protection while Part 2 elicited recommendations for the Global Protection Cluster (GPC) role and 2016-2019 strategic framework.

The dialogue asked 'where to for protection in humanitarian action'? This question makes explicit a major key assumption behind the dialogue – that tinkering with the current system and associated processes is not sufficient – a fundamental shift in thinking and operating is required if humanitarian actors are to influence protection outcomes for affected populations.

The dialogue sought to examine strategic 'big picture' system issues from a practical perspective – focusing on actions needed to bring about change. The dialogue also sought to give voice to regional perspectives and priorities for global action, particularly those from the Pacific.

Discussion

What does success look like for protection in humanitarian action?

- Humanitarian actors know that protection in humanitarian action needs strengthening but generally fail to articulate what success looks like. Therefore, the steps towards measuring progress are also poorly defined. We talk about needing a strong Monitoring & Evaluation (M&E) framework – which is true – but that will be difficult unless we reach agreement on what 'success' – or the intended outcomes are.

> *If we don't know what we are aiming for, how do we get there?*

- An immediate step that could be taken towards strengthening the evidence-base for protection in humanitarian action is routine resourcing of external evaluations of protection programming. Current evaluations tend to be internal, and generic, with pre-determined results. While the absence of adequate metrics and baselines is an issue, it should not prevent external evaluations and/or programming reviews from occurring.

> *Evaluations are largely internal – we get a sanitised version of what occurred and what was achieved.*

- One of the barriers to improving protection in humanitarian action is defining the affected population. The 'whole' population is not a realistic target – for the cluster, for donors, or for practitioners. The affected population is different according to context. It is also different for child protection, for gender-based

violence and for agencies with mandates such as UNHCR. We have to work within these practical limitations to ensure an overall coherent response that prioritises the most urgent protection concerns. Until we define whom we are targeting, measuring success will remain elusive.

- Currently, success in protection (where it exists) is agency-based and location specific. Getting better at measuring results should not just be about strengthening programme-level M&E or measuring success of individual projects. We need to be measuring, and therefore accountable for, the system-wide response to protection concerns – both in terms of process and outcomes.

- The continued focus of the humanitarian system on protection in conflict settings is not good enough. Many people are affected by natural disasters and we need to get better at articulating a vision of what protection looks like and means in these situations. "Violence, coercion and deliberate deprivation" does not always adequately capture protection risks – there needs to be a better definition that people working in natural disasters can understand and work with. We find it challenging to articulate what protection is outside of a conflict context. We know what to do when there is a perpetrator or a specific violation but we are stuck in this model of framing protection a particular way that doesn't always make sense in natural disasters or in the Pacific. As a result, we don't have a clear message to convey. All human rights cannot receive equal attention and priority in crisis settings – despite the indivisibility of human rights, protection actors still need to prioritise and respond to the most urgent needs in natural disaster settings. Cluster leads in natural disaster must be able to provide leadership on prioritisation.

- How does the protection agenda function in a fragile state, or where the state is unwilling to protect? We need to engage better with the reality of contexts, and not continue to apply frameworks for action that are not suited. Comprehensive primary assessment data about protection concerns is missing in many, if not most, contexts. Yes it is difficult to collect data, because protection risks are context-dependent and very locally defined – more so than assessment of needs in other sectors such as health and WASH. Greater resourcing of assessments is vital if we are to respond to need and measure success.

- The New York Law School's work on metrics for human rights could be further explored for potential applicability in protection in humanitarian action.

- Attempts to promote and strengthen protection mainstreaming should not detract from dedicated protection programming. The system can't measure the success of protection if there is no overarching strategic approach and no dedicated protection response.

- The protection cluster, and protection actors generally, are in a somewhat unique position of drawing attention to things that others are failing to identify, including wilfully failing to identify. Our 'success' can be dependent on the courage and willingness of others.

> *As protection actors, it is often our job to identify what is going wrong and saying it repeatedly… that can make us unpopular within our organisation during the response and during review processes. How to we incentivise a protection approach that is saying, "This is not good enough"? How can we make the whole organisation embrace this? It is a very challenging line to walk.*

First-responders, community self-protection measures and partnership with local actors

- Resourcing to achieve community-based identification and analysis of protection risks and priorities does not back up the rhetoric around the importance of community self-protection.

We need to engage better with realities – how does the protection agenda function when the state is not functioning? We need to allow local actors to define protection for themselves

- Much more could be done to resource local community self-protection measures – if the humanitarian system and its financial systems and processes - could be flexible enough to allow it. This is particularly important in areas with no functioning state, a hostile state, or areas inaccessible to international humanitarian actors.

- However in doing so, the humanitarian system needs to be careful not to shift its moral obligation for protection from international humanitarian actors onto local actors and communities – a balanced and nuanced approach to strengthening community self-protection therefore needs to be taken. Yes we can and should take a locally-defined approach, but this needs to take place within an overall strategic response.

- Supporting community-self protection would likely be more effective if international actors worked more closely with global south actors. How can we work better in partnership on protection? This requires finance and resources.

Politics, leadership and structural impediments within the international humanitarian system

- There is a need for a mechanism to coordinate a whole country team position on protection risks and priorities and provide a process for escalation of protection issues. Current agency risk management frameworks include escalation processes are not being utilised. Why not?

- There are systemic and institutional issues that must be addressed if we are to see any change for the better within the humanitarian system. The Whole-of-System review of protection recommendations are disconnected from the big picture

The Whole-of-System review of protection – it can be distracting to have 160 pages that are useful but one paragraph that is missing: a statement that protection in humanitarian action is fundamentally doomed unless you do something bigger that what is here – we need to look at the failures like Sri Lanka and admit that institutional and individual self-interest prevailed and everyone involved has been promoted. They received the highest level of institutional support. This has to be called out and cannot be repeated.

problems and the fundamental question – why is there resistance to change? It comes down to issues such as institutional interest, a lack of performance

management and a culture of promoting top officials – even when they have been assessed as having manifestly failed.

- If individual and institutional self-interest does not change, then the system will repeat the same mistakes – Sri Lanka is an example of nothing having been learned. Careers and institutions benefited from inaction on protection. We need better documentation and better diagnosis of problems – particularly around decision-making. We need to identify bad decisions, the people who made them, and the people who resisted them. We need to document that there is a pattern – things will not change unless the 'chain of interest' is disrupted.

> *If we want to move forward we have to go back to the people, it begins and ends there. Going back to communities and understanding what people want. I'm all for dissecting the system to expose the weaknesses but in tandem we need to move forward and do something.*

- However, while these 'big picture' issues need to be addressed and system-level changes are required to adequately address protection, many participants argued for concentrating on practical programmatic interests – sitting with affected people and understanding what they need from the humanitarian system.

- As identified in the Whole-of-System review, UNHCR simultaneously operating as cluster coordinator, donor and implementing actor, creates partisan decision-making in the field – strategic priorities, target populations and dispersal of funds are all affected.

- The system is not flexible enough – in the Pacific we need a flexible country-based local ability to operate and not be held back by global definitions and priorities. More resourcing is required – most agencies do not have dedicated protection expertise in the Pacific and protection agencies and global leads are pulling back from our region. We need the ability to design local responses and have different donor response models for the Pacific. Most recommendations assume a Humanitarian Coordinator (HC) to be present – what do these recommendations look like when a HC is not there?

- A continuous approach to building capacity and capability is needed in the Pacific – deploying someone for six months to cover cyclone season does not allow for developing a strategic approach or capacity.

- The strategic approach for protection in humanitarian action needs to be at the Humanitarian Country Team (HCT) level – not just at the protection cluster level. At the cluster level, programming needs to be based on an assessment of protection needs and priorities.

Recommendations to the Global Protection Cluster

Coordination

1. **Maintain a sustained GPC presence at the Pacific regional level**. The Pacific experiences significant protection issues and recurrent disasters but currently has no dedicated Pacific Humanitarian Protection Cluster (PHPC) during the off-season. This hampers preparedness, particularly in light of the fact that national protection clusters are severely under-resourced. Without this, it is becoming increasingly difficult to do protection work, and has a significant negative impact at the national level.

2. **Prioritise national partnerships** including building the system for response. There is a tendency for international actors to 'own' the protection response. Focus on localising protection understanding and activities, ensuring local ownership of this process. This cannot be achieved unless a GPC presence is maintained at regional level (see Recommendation 1).

3. **Invest in building capacity of civil society organisations** including actors such as women's groups and disability inclusion advocates to understand their requirements and priorities during disaster, enabling them to more meaningfully contribute during disaster response. This requires dedicated resources and staffing for civil society organisations as well as recognition of the particular skills and perspectives than can bring to bear on responses. It also involves integration into formal coordination structures, not just training. Pacific civil society organisation must also commit to develop the specific capabilities needed to contribute to the work of the clusters. This includes facilitating the development of mechanisms and coordination structures for engagement with civil society and community leaders from the onset of emergencies, and as part of the cluster system, including facilitating flow of information through to the HC or country team. This cannot be achieved unless a GPC presence is maintained at regional level (see Recommendation 1).

4. **Facilitate protection assessments much earlier**. Protection must be included from the initial response. Collection and analysis of data on specific protection risks and vulnerability must occur from the earliest stages of response to incorporate these findings in programming –protection programming and also the broader humanitarian response. Protection is frequently missed from initial assessments. By the time information is available, funds have already been dispersed for protection-blind activities – some of which can cause or exacerbate risks.

5. **Work with donors to promote the expectation that protection assessments will be funded as part of initial response** – both to inform protection programming, but also to ensure protection risks are factored into the design and implementation of the entire humanitarian programme.

6. **Work with donors to integrate accountabilities for protection mainstreaming and escalating protection concerns into contractual requirements** and ensure this responsibility is extended to implementing partners also.

7. **Work with donors to establish decentralised flexible funding** that can be dispersed quickly to a broader range of actors, including national and civil society actors. Advocate for the Pacific Humanitarian Team to have authority to rapidly approve funding to local actors.

8. **Give much greater visibility to evolving protection issues** – including in lower profile disaster settings (e.g. drought-affected areas) and in lower profile periods (after the initial response). Very limited monitoring of protection issues compounds the lack of initial assessment data. This results in programming and advocacy based on guesswork and assumption and/or based on scaled-up existing agency programming, which is based more on institutional priorities rather than actual need.

9. **Advocate for a senior protection advisor to advise and report directly to the Humanitarian Coordinator in major emergencies**.

10. **Integrate protection into disaster risk management and preparedness mechanisms** including specific protection and protection mainstreaming indicators and activities – to be implemented through the development phase. Addressing gender equality and gender-based violence is critical in the preparedness phase, as are activities that will promote inclusive humanitarian practice.

11. **Create joint protection cluster coordination with an NGO partner at global and field levels**.

12. **Develop an objective system for prioritising the protection risks that are of most concern, and therefore which activities are priorities for funding**. Consider advocating for protection risks to be escalated through existing agency risk management frameworks and processes.

13. **Pay greater attention to facilitating broader gender analysis** within humanitarian response, rather than the current narrow focus on gender-based violence.

14. **Engage more strategically in inter-cluster coordination mechanisms** to promote protection, including mainstreaming and engage in more solutions-based advocacy.

Protection Mainstreaming

15. **Work with other humanitarian actors to articulate how protection mainstreaming interacts with inclusive humanitarian action and related areas** including disability inclusion, safe programming, gender analysis, Accountability to Affected Populations (AAP), Protection from Sexual Exploitation and Abuse (PSEA), rights-based approaches, child-safe/child-friendly approaches, Communicating with Communities (CwC), vulnerability analysis, Do No Harm (DNH), conflict sensitivity, genocide prevention and the prevention pillar of the Responsibility to Protect (R2P), equity, empowerment, humanitarian access, humanitarian negotiation, and people-centred approaches – at an <u>operational</u> level – i.e. what is meaningful and useful to actors on the ground engaging with affected populations - conducting assessments, analysing results, designing and implementing programmes, and monitoring and evaluation action.

16. **Consider establishing a separate Area of Responsibility (AOR) for inclusive humanitarian practice**, integrating the areas outlined in

recommendation 14 to provide a cohesive approach that embraces intersectionality – potentially under an overarching quality assurance and risk management framework.

Louise Searle

Melbourne, November 2015.

This report provides a brief summary of the main points of discussion, and reflects the rapporteur's personal interpretations of the meeting. Recommendations to the Global Protection Cluster are collaged from individual participants. The discussion and recommendations therefore do not necessarily represent the views of the rapporteur or Humanitarian Advisory Group. www.humanitarianadvisorygroup.org.

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