

SITUATION ANALYSIS

The GPC Strategic Framework 2012-2015 sets out the background in which protection risks arise in humanitarian settings and the then response. While there is continuity in the background, since the elaboration of the first Framework in 2012 there have been significant changes both in the context for humanitarian action and the response. While strong positive global developments need to be borne in mind, including massive reductions in poverty, growing middle classes, increased life expectancy, reductions in maternal mortality and child deaths, increased access to water and sanitation, a spread of banking services, huge reductions in crime levels spreading to countries like Brazil and major advances in the application of science and technology to everyday life, the focus of this analysis is on the continuing violations of human rights of people in armed conflicts and disaster settings.

Several negative changes since 2012 include the reaction to and continuing fall-out from the wave of uprisings in 2010 and onwards in the Middle East and North Africa, referred to as the “Arab Spring”- that bald statement encompasses enormous displacement both within and from Syria; the intensification of rivalry between regional powers in the Middle East, the humanitarian implications of which are being seen most catastrophically in Yemen; the destabilising power of disease, allied with weak governance in fragile states; the renewal of rivalries in Europe left over from the collapse of the Ottoman and Hapsburg Empires and the Cold War; the re-emergence and strengthening of Salafist movements in Western Africa, the Sahel and the Middle East as a reaction to the failure of good governance; the intensification of climate-change related disasters in Asia-Pacific; the failure of political change and continuing and repetitive crises in the Great Lakes region and increased criminal violence overwhelming national governments in Central America.

These are just some examples of cyclical or re-emerging situations with new dimensions or new events, occurring in tandem with the growth of the World’s population, continuing movement of people from rural to urban areas, climate change, environmental degradation and decreased biodiversity, growing microbial resistance, trans-national criminal networks, rising inequality and continuing challenges to political participation. At the same time, the capacity of the international system to prevent and resolve crises is being tested to its limits and the international community’s willingness to work together to solve problems is absent, illustrated by sclerosis within the Security Council on Syria.

Quite how intractable situations can become is illustrated by the seemingly never-ending crisis in Afghanistan: according to UNAMA, the civilian loss of life and injury reached unprecedented levels in 2014 with 10,548 documented civilian casualties. At the end of March 2015, UNHCR and its partners assessed that there were 850,377 conflict-induced IDPs, an increase of 50,000 since the end of 2014. In 2014, 81 aid workers were killed in the performance of their duties, underlining again the supreme sacrifices being made to assist people in need and the challenge of responding in insecure environments.

Displacement is now at a magnitude not seen since the end of the Second World War. Over eight million people were displaced in 2014 alone, the highest annual increase in a single year, with 59.5 million people displaced worldwide by the end of 2014 owing to persecution and conflict, generalised violence or human rights violations. Of these, the Internal Displacement Monitoring Centre estimates 38 million people have been internally displaced worldwide by conflict or violence, the highest number ever recorded. UNHCR records that 51% of refugees are children, the highest proportion in a decade. The desperation of people in flight has been transmitted vividly in the passage of migrants in the Mediterranean, the Gulf of Aden, the Caribbean and Bay of Bengal. At the same time, the number of refugees returning to their countries of origin fell to 126,800 persons, the lowest figure recorded since 1983. The High Commissioner for Refugees has called these levels of displacement “a paradigm change, an unchecked slide into an era in which the scale of global forced displacement as well as the response required is now clearly dwarfing anything seen before”. It is not only the size of the displaced populations that is causing concern but the acceleration in the pace of displacement.

Part of the reason the numbers of displaced persons is so high is that most situations of displacement are now protracted, persisting an average of 25 years. Displaced persons have a right in international law to a durable solution but, more broadly, solutions to displacement are indispensable for national, regional, and international peace and security and for creating the stable and secure conditions that are essential for achieving sustainable development goals. On 4 October 2011, the Secretary-General endorsed a preliminary Framework on Ending Displacement in the Aftermath of Conflict, to improve the clarity and predictability of UN responses in post-conflict periods. Progress in achieving those objectives has been uneven.

Against this background the humanitarian response system has been challenged to act faster and better, particularly in protection of the human rights of crisis-affected people. The need for further improvements in existing emergency response mechanisms, thus ensuring speedy and effective delivery in new crises continues to be a defining priority for the humanitarian system. Since 2012, the Humanitarian Reform has itself undergone further reform through a Transformative Agenda, leading to system-wide declarations of major emergencies (or “Level 3”, currently in South Sudan, Iraq and Yemen) and consequential actions, such as Operational Peer Reviews.

The November 2012 report of the Secretary-General’s internal review panel on UN action in Sri Lanka criticized the UN’s failure to do everything in its power to counter targeted attacks on civilians. The Human Rights Up Front Plan of Action that flows out of the Sri Lanka panel report represents a significant attempt to place human rights on the agenda of senior UN staff members, who can no longer claim that protection is not their responsibility. The May 2013 OHCHR/UNHCR joint background paper for the IASC on the protection of human rights in humanitarian crises echoed one of the IRP criticisms that “the notion of ‘protection’ loses

its specificity when it is used to refer to a broad range of humanitarian activities”, running the risk of obscuring the very limited extent to which the UN’s protection actions actually served to protect people from the most serious risks. The paper asserts that “humanitarian assistance activities may have a protective impact, but are not necessarily the same or a substitute for protection activities and protection outcomes”.

A September 2013 Study on Protection Funding in Complex Humanitarian Emergencies identified *inter alia* the need to build a simpler conceptual framework for humanitarian protection, to step up advocacy for protection within humanitarian organisations, to place protection at the centre of humanitarian response, to engage donors, to increase the amount of development funding for protection, to develop a framework for reporting protection results and to understand better the costs and benefits of protection mainstreaming.

In December 2013, the IASC adopted a Statement on the centrality of protection in humanitarian action, requiring all Humanitarian Country Teams to place protection as the objective of their work in a crisis. The statement is part of a three-pronged approach, including an independent Whole-of-System Review of protection and an IASC Protection Policy, to improving humanitarian response. The Review highlighted three main areas for improvement:

1. Protection actors need to be aware of instrumentalisation by donors and to be more diverse, also in understanding of and approach to protection:
 - a. “Looking ahead, it is fair to assume that there may well be more fragmentation, that the universality, which has been at the centre of the traditional humanitarian ethos, will be increasingly confronted by new thinking and practices and that there will be far more diversity in the humanitarian arena”.
 - b. “Indigenous coping strategies are critical and often neglected by humanitarian agencies”.
 - c. “The humanitarian system will, increasingly, be working in contexts where national and local authorities have, rightly, invested in developing or strengthening disaster response capabilities. Indigenous crisis response systems and customs do not necessarily fit easily with mainstream humanitarian approaches and point to the importance of engaging with the different models of humanitarianism that already exist and will likely play a bigger role in the future”.
2. The definition of protection requires explanation
 - a. “The *existing* IASC definition should be unpacked in a manner that makes it accessible to a broad range of individuals and entities. It is *not* about engaging wordsmiths in this task although language is important. It is about

addressing the need for a *practical* operational explanation of humanitarian protection responsibilities and what this means in practice”.

3. The division of labour and linkages between the parts of the system needs clarification:
 - a. “Humanitarian actors experience with different UN peacekeeping operations illustrates the importance of a clear understanding of the different responsibilities of key stakeholders including in relation to analysis and contingency planning, particularly in volatile settings. Experience also highlights the importance of insulating humanitarian action from partisan politics; this helps avoid blurring distinctions and facilitates productive interaction”.
 - b. “Experience in disaster and conflict settings has highlighted the relationship between chronic and acute threats and the need for a mutually reinforcing relationship between humanitarian, development and early-recovery programming”.
 - c. “Despite the child protection (CP) and gender based violence (GBV) area of responsibility (AoRs) active role in the GPC fora, the PC and AoRs lack a coherent overall approach. AoRs tend to operate independently from the PC and focus on their own strategic objectives without contributing to overarching protection objectives or outcomes. Division of labour is based on agency mandates rather than an overarching analysis of, or approach to protection. Some donors found this approach too fragmented and would prefer an integrated protection strategy from the PC”.

The Review also criticized the tendency for the protection cluster and other clusters to focus, almost exclusively, on IDPs, although in December 2014 the Brookings-LSE Project on Internal Displacement came to the opposite conclusion- that IDPs were being lost in humanitarian action, even as protection assumes greater importance.

The Review notes that few protection actors are innovating and that the protection sector is lagging behind other areas of inquiry in the evaluation of humanitarian action. Change is a constant and there is no reason why approaches to protection in humanitarian action should remain as static as they do: much more emphasis needs to be placed on learning about the protection outcomes of interventions like cash-based interventions, the use of social media in humanitarian action or remote observation technologies.

The High-Level Independent Panel on Peacekeeping Operations identified “significant, chronic challenges” in the way that UN peace operations work. It noted that real progress has been made in promoting norms and frameworks for the protection of civilians but the gap between what is asked and what peace operations can deliver has widened in more difficult environments. The Panel calls for four essential shifts in the way UN peace operations are approached, including the primacy of politics in the design and

implementation of peace operations, more tailored approaches to the context on the ground, a higher focus on conflict prevention and peace and a greater orientation to the field by UN headquarters.

The Whole of System Review merely underlines the reality of humanitarian response but one which is rarely reflected in discussions of humanitarian protection. Nigeria, Equatorial Guinea, Gabon, Tunisia, and the Democratic Republic of Congo were among the top ten donors to post-earthquake Haiti; the two largest individual contributors to the Haiti Emergency Relief Fund were Brazil and Saudi Arabia. Azerbaijan opened its international development agency, AIDA, in September 2001. India made the largest contribution to the Pakistan Emergency Relief Fund following the earthquake in 2010. Iran and Pakistan are among the top two refugee hosting countries in the world. In 2011, the Organization for Islamic Cooperation replaced the UN Office for the Coordination of Humanitarian Affairs as the lead coordinating agency in Somalia. The bulk of humanitarian assistance within Syria is being programmed by informal civil society and volunteer networks. After Hurricane Katrina, Sri Lanka offered aid to the United States. ASEAN played a key role in facilitating international relief to Myanmar following Cyclone Nargis. Islamic NGOs were at the front line of the relief effort in Aceh and Mali.

The above examples are indicative of a changing landscape of international humanitarian aid. Southern states and organisations are no longer merely recipients of aid, but donors contributing to international aid and relief operations. South-South humanitarianism is not a new phenomenon, but the diversity of actors and their growing contributions and influence makes it an opportune moment to examine the nature and implications of southern partnerships for humanitarian assistance. As a recent Humanitarian Policy Group report on humanitarian action in Syria stated, “it is clear that the formal humanitarian system needs to rethink how it responds to needs in Syria and potentially in similar conflicts elsewhere. The formal system has seen many changes over recent years; some have improved it, others have not, but none has been what one might call radical or fundamental. Even if radical change is unrealistic in the short term – and it probably is – the formal system should take Syria as an example of the challenges to come. It needs to explore creative ways of responding, and do so not in isolation but by involving new players, even unfamiliar ones.”

The World Humanitarian Summit 2016 is already bringing in the views of “non-traditional” humanitarian actors to bear on the understanding of protection in different contexts and may lead to new frameworks for action in conflict and disaster settings, including normative frameworks. The challenge facing the Global Protection Cluster is to ensure that differences in understanding of the concept of protection enhance, rather than restrict, the assistance provided to populations affected by crises.