Global Protection Cluster

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GLOBAL PROTECTION CLUSTER

RETREAT **NOTES**

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PROMOTING RESPECT FOR INTERNATIONAL HUMANITARIAN LAW (IHL)

The Secretary General's Report of 10 May on the protection of civilians in armed conflict highlights that we are facing a record number of people in need of protection and assistance: the vision of the SG is of a peace continuum, with protection of civilians in the middle. This is a larger picture of protection, with prevention to the fore. So the classical tools of peace-building, e.g. DDR, is being more and more used earlier than before, not just in post-conflict situations- the question is how these tools can be used in our classic humanitarian interventions?

The three tiers of protection of civilians: peace-building, peace-keeping and environment building, broadly correspond with humanitarian protection approaches. The prevalent issues today are:

- Predominant type of conflict is non-international, which brings conflict much closer to civilians
- Remote war and conflict through proxies, who don't have the same degree of understanding of local populations
- Fragmentation of armed groups, which brings a new degree of unpredictability
- Enormous disrespect for IHL not previously known, e.g. attacks on the medical mission


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And these problems have increased the risks to humanitarians- there is a call for more IHL knowledge and training. A toolkit for protection in armed conflict is being developed for country teams: this is a living document and being updated on a continuous basis. The toolkit will try to give techniques for using IHL in operations, particularly in advocacy towards armed groups and governments; it will address essential protection dilemmas, on which operations are asking for advice, e.g. the potential and limits of humanitarian protection, maintaining the civilian character of camps, humanitarian evacuations, safe zones, access and negotiations with armed actors.

How to translate principles into operational modalities? In Iraq, there are a number of actors in the Mosul operation, including ISIS, the Iraqi armed forces, as well as Shi'a militia and armed groups of ethnic minorities- this fragmentation makes it difficult to promote adherence to IHL principles; the operation unfolded at a pace that overwhelmed the humanitarian response; in eastern Mosul there was a humanitarian ConOps (a military term), in which the government held itself accountable for breaches of IHL; humanitarians had to come to terms with a military concept of operations and work within it; the mustering points and screening points are within about 200m of the front lines, and humanitarians are not present so close to the front line- there are many allegations of disappearance; humanitarians are being asked to monitor the screening/ disappearances, which is a human rights task that humanitarians are not very familiar with; it is a difficult line to draw between reporting on human rights violations and humanitarian access.

In Afghanistan it is necessary to understand the groups that are fighting, without which we cannot develop an advocacy strategy; aims, chain of command, the role of community in supporting the fighters; we can have more leverage with some parties to the conflict than others, so what are the minimum conditions to be observed? The interaction with integrated missions will differ from operation to operation; in Kabul we are working together on a common ground to decontamination of mined areas as an entry point for an IHL strategy; resources are needed for an advocacy strategy- this is a 100% job; what are the profiles of humanitarian staff- do they have negotiation experience? Do No Harm principle must not be forgotten, especially as advocacy can expose an affected community.

The AGEs in Afghanistan control 55% of the territory of Afghanistan; there are 30,000 humanitarian workers in government-controlled areas but only 500 in AGE-controlled areas; the government forces are breaching IHL as much as AGEs; the government doesn't have a humanitarian ConOps but has an unpublished POC policy; access is a big issue but coordination is a challenge; picking a particular issue, e.g. child protection, can be an entry point for advocacy on IHL; there should be a mandatory part of each cluster budget devoted to protection mainstreaming; are humanitarian corridors the answer to problems of access?

Humanitarian evacuations are one of the biggest protection dilemmas because we substitute for the state and the self-protection capacity of the community; there is more consolidated practice for medical evacuations but with mass evacuations we enter slippery territory because of the evident risks; the available tools are very helpful in setting minimum standards and the considerations that need to be taken into account; the assumption of risk by humanitarians is enormous; the coordination of evacuation is an enormous logistical challenge; there are very few examples of mass evacuations and we are always operating in sub-optimal conditions; so, embarking on an evacuation is never just an action for protection actors alone- it has to be a systemic response; it is difficult to draw general lessons when the operational considerations for evacuation are so very different from country to country; a thorough understanding of the vulnerability and capacity of the affected community is essential- they must be the master of their fates- it has to be a collective decision and access to the affected population is necessary in order to understand their needs; the population must play an active role in the planning and execution of an evacuation; the civilian character of an evacuation must be ensured through screening (with the active participation of the government or the presence of specialised actors with the expertise); preservation of family unity must be an organising principle; an evacuation must respect the right to return, it should be a temporary solution to an exigency; the assets that are left behind must be protected.

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MINE ACTION

UNMAS is in the process of reinvigorating the AOR to ensure that mine action analysis is integrated better into protection. The evolving nature of conflict means the types of hazards being faced is more complex; work of UNMAS has year-on-year led to a decrease in ERW casualties except this year, because of the evolving nature of hazards;

Iraq: one National Mine Action Authority (DMA) which is mirrored by IKMAA in the Kurdistan region of Iraq; hotline for questions about mine action; four challenges – UNMAS has a lesser role in coordination but to enhance the capacity of National Mine Action Authorities in coordination, given the administrative boundaries in Iraq the Protection Cluster WGs do not align with the areas under the administration of IKMAA, DMA and Gray area, fewer partners in South Central, there is a significant delay from the time the partner provides the data to when it appears on the IMSMA database; sub-cluster is fully integrated into the protection cluster in Iraq; guidance needed on how to establish a sub-cluster when there is already an existing government-led coordination mechanism in place; cross-over between humanitarian and stabilization actors;

Mali: support to mission, training, support to access, clearance activities; capacity development; there has been a decrease in the number of accidents related to ERWs; support to DDR through verification of contamination of cantonments; challenges- not a post-conflict scenario but asymmetrical conflict means end of conflict is pushed further away; potential risks to civilians – shift in MO by TAGs (terrorist armed groups) has lead to less precise attack sthat maximise casualties, the nature of the TAGss- outside groups- recruiting unemployed and disaffected youth, means that they have less stake in the future of the community; new programme to support prevention of violent extremism (PVE) and insurgent activity related to IEDs.e.g. by alternative employment opportunities for youth; pilot to incentivise the reporting of IED-related activity through a call centre; using CIMIC to reduce the risk of compromising neutrality of humanitarians;

Syria: not able to implement or monitor mine action directly, remote management modality; this created the need for creativity in the gathering of information and overcoming silos and building networks; lot of contamination in the most populated areas of Syria; long lead time in identifying a problem and identifying the capacity to deal with it; humanitarian clearance capacity is very localised, so MRE becomes all the more important; partnering with actors present within Syria is the main mode of delivery; necessity is the mother of invention, especially in supporting HLP; mine action is being used as a confidence-building measure;

South Sudan: mine action is much more impactful if we integrate more into protection; at any one time there are 700 hazards on the database, which will take about 10 years to clear; while there are hazards caused by ERWs there is also the problem of blockage to services by the presence of ERWs; integration into protection can help direct where mine action should take place; there are 72 mine action teams across South Sudan, collecting a rich level of data that is not being collated and analysed; we could feed this information better into the protection; three asks- how can we unify protection better? There are too many silos within protection…. We need to say what the story is, the mechanics of humanitarian funding forces us into silos and we need guidance on how to overcome this.

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PROTECTION ANALYSIS

- We need to clearly identify what is happening, drawing on a wide variety of sources of information and turn it into a legal analysis; this is helpful to humanitarians to gear their actions; even when the Iraqi state collapsed in 2014, OHCHR were able to use pre-existing networks to collect information and disseminate through the HCT and protection cluster; this information flow has been critical to adapting programmes to the reality on the ground; this is human rights work in action; a sound analysis of human rights is important to humanitarian action;

- Good analysis is a requirement under chapter 2 of the ICRC Professional Standards in protection work; we need to be aware of bias in the collection and analysis of information; need to understand the applicable legal framework; information is only worth what you do with it, lead to a process of action; information-gathering is not an end in itself and the Professional Standards make that clear; a sound analysis on the ground can serve as an early warning, especially when trends analysis is undertaken;

- Information management is a precondition for sound analysis; where does the analysis take place? Should not just be on a spreadsheet; need to think about the audience for and the purpose of the information – the dissemination of the information needs to be thought of at the beginning of the process; analysis frameworks are present e.g. HRP, cluster strategic plan, strategic operation framework; 3W- these articulate the success criteria; GPC toolkit includes templates for analysis frameworks; sense-making is a discipline in itself; establish a good analysis framework and this will direct how you collect and analyse data;

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- Information about human rights violations belongs to the person themselves and the giving of information implies a relationship of trust, which must be treated with the utmost respect;

- In Myanmar the protection cluster underwent a process of identification of threats, analysis of threats, coping mechanisms; protection incident monitoring report; sense-making through meetings with all partners, ranking the main protection risks for each location; InterAction missions, which supported HCT protection strategy, were helpful; a disability assessment by DRC/Handicap International in the CC/CM cluster is being conducted at the present to integrate reports of people with disabilities being left behind and this type of secondary data is very helpful to protection.

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HUNGER AND THE PROTECTION OF HUMAN RIGHTS

We need to prevent, act and fund.

Famine doesn't happen overnight but in a cumulative way, a multi-faceted way; governance issues contributing to hunger need to be addressed; people are at the end of the tether in coping when we call something a famine, even though hunger is on-going and famine is predictable; protection clusters (and the Humanitarian Programme Cycle) need to be more alert to the seasonality of food production and hunger and plan to address protection problems when they occur;

We need to challenge humanitarian structures that present prioritisation- there should be no competition between food and protection but we must demand how many more lives can be saved if programmes are better integrated with protection, e.g. by addressing the needs of invisible minority groups;

None of the four famine countries achieve more than 20% funding for protection activities; we need to call upon political clout to address the deeper causes of what we are faced with; see the GPC briefing note on the four famines.

Three criteria determine when a famine is declared:

1. At least 20% of households in an area face extreme food shortages with limited ability to cope,
2. The prevalence of acute malnutrition in children exceeds 30%, and
3. The death rate exceeds two persons per 10,000 persons per day.

This is a pretty dramatic scenario, which we see in pockets of South Sudan now but also see that coming in Yemen, Somalia and Northern Nigeria, where 20 million people (of whom 5.4m are children) are affected..

There are three things we can do to address hunger:

1. Gain access to affected people, not just air-drop food,
2. Act early if we are able to get in early and enable people to hold on to their assets, e.g. livestock, stores etc. and this implies being able to work with actors on the ground,
3. Mobilise resources in order to help deliver what people need.

A situation of hunger can quickly slide into famine when the root causes of the situation are not addressed in time. In conflict, a lack of precaution by belligerents or a lack of proactive measures to ensure access to markets can worsen hunger, even when it is not a deliberate tactic to cause hunger. While funding for operations is critical, no amount of money can mitigate the failure to abide by existing norms and states and others need to make a difference to their behaviour; we need to end impunity and break the cycle of conflict and hunger by restoring a better respect for the norms of international law and addressing the political failures behind conflict and the lack of respect for IHL.

There is a real issue about how to bring the centrality of protection to bear on pre-existing risks- how to address the underlying vulnerabilities? In the context of long-standing situations the solutions set becomes very limited programmatically owing to access restrictions, conflict etc. Capacity is key in situations of restricted access. Once you understand the risks how do you broker assistance to affected people? How to negotiate with Boko Haram, Al-Shabab? We need to develop our capacity on front-line negotiations for the staff in the field. What are the peace-building mandates? A study on why young men join Boko Haram shows clear financial reasons, not ideological and this requires looking at tools to broaden livelihood inclusion schemes. But solutions cannot be sectorised and need to be comprehensive in order to counter violence and extremism. Protection has to be central in developing any response to a tangled web which underlies all the crises.

Women and girls face differential risks in situations of hunger. Women are responsible for household-related activities, e.g. fetching water, cultivating gardens, tending livestock, and these activities are directly affected by drought and consequential hunger. Women have to make agonising decisions about how much their children can eat, go to school or how much water they can drink. These stressors expose women to physical violence, which is perpetrated most often by an intimate partner. But there is also a marked increase in sexual violence outside of relationships, even only in reported cases. The number of cases of sexual violence is not well known owing to stigma- being subject to sexual violence can make a woman unmarriageable. There are overlapping protection concerns, e.g. in increased rates of early marriage, and concomitant increased rates of female genital mutilation. Many parents see this from a protection and economic aspect- families cannot protect their girls so it is a better scenario to have girls married off to sometimes very old men, and bride prices are often a factor in causing early marriage. We know from discussions with women that women and girls have to travel very long distances to fetch water, often in insecure areas, up to 60km (this is the distance from Lausanne to Geneva). Protection in hunger emergencies is not getting the funding required because donors do not see our activities as “life-saving” so we need to take opportunities in working with other clusters and integrating GBV concerns in food security, nutrition etc.

Disasters are not natural but man-made and hunger is used as a weapon of war. Protection should be more to the fore in famine response. Why is there a funding shortfall? There is a lack of awareness of the protection needs in famine. It is difficult to prioritise protection in funding applications and this underlines the need to develop easy-to-understand narratives in the context of famine- protection should also be prioritised in pooled funds. Looking to the future, think of Amartya Sen’s wise words that there has never been a famine in a democracy. Addressing the root causes of governance is therefore key to ending hunger.

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HOW INNOVATION CAN ADVANCE PROTECTION

PROTECTION LAB SCOPING STUDY: In 2016, UNHCR, as the lead of the GPC, commissioned a study to identify whether a protection-oriented innovation lab might enhance the GPC's capacity to help address key protection challenges, and if so, what potential models such a Lab might take. The Scoping Study "Strategic Framework for a Protection-oriented Innovation Lab: Holding Innovation to Account for Improved Protection Outcomes" was published in February 2017 to serve as a first step in leveraging relevant approaches in the service of improved protection for affected populations.

After conducting data collection which included a literature review, headquarter and field-based research, the consultants concluded that A: there are innovation approaches that can play an important role in more effectively delivering on protection, and B: an innovation lab can be viable and effective way to manage innovation for the purpose of humanitarian operations.

During the gap analysis stage the consultants identified three challenge areas that characterize experiences in delivering humanitarian protection:

1. challenges associated with generating timely, relevant and actionable information, and with moving knowledge to action in the design of context-relevant protection programs and strategies.
2. challenges associated with practicing protection in the contemporary humanitarian environment, particularly around localizing protection and difficulties stemming from the use of remote-based management practices in insecure environments.
3. challenges associated with mobilizing tools and resources for improved protection outcomes, particularly those stemming from obstacles to aligning local needs with thematic approaches, and difficulties encountered in effective coordination among cluster actors.

The consultants also proposed the goal of the potential Protection Innovation Lab, and identified some Primary Users, Lab's Core Functions and the Capabilities required to deliver the functions.

During the GPC Retreat, the GPC Operations Cell reached out to field protection colleagues who undertook a polling exercise and prioritised challenges associated with practicing protection (localizing protection and remote-based management). Furthermore, the provision of protection in hard to reach areas will be a subject of an active discussion under the GPC Restricted Access Challenge (see below), and thus ideas, practices, and knowledge shared under this challenge will feed into the work of a future Protection Lab.

LAUNCH OF THE RESTRICTED ACCESS INNOVATION CHALLENGE ON THE GPC COMMUNITY OF PRACTICE: The Global Protection Cluster and the UNHCR Innovation Service are launching a new Innovation Challenge looking for ideas on how to enhance work with local partners in hard to reach areas to ensure humanitarian response is meaningful, effective and efficient.

Restricted Access Innovation Challenge

Why run a Challenge? Based on feedback received in 2016, analysis and reports produced by field protection clusters and the discussions on the GPC Community of Practice, the GPC Operations Cell identified a critical gap in remote management programing and approaches. Colleagues have been sharing different practices and approaches they implement in the field, but there is a need to address this gap more strategically and ensure that good practices and approaches inform global guidance, policy and practice.

What is the objective of the Challenge?

- **Consolidate learning and evidence:** New knowledge generated, or the evidence base enhanced around remote management programming and practice
- **Provide an improved solution:** The challenge will highlight or provide new approaches, practices, and tools that will contribute to the effectiveness, quality and efficiency of remote management approaches and programming
- The challenge may contribute to **the wide adoption of an improved solution:** Successful ideas can be scaled up and used by others to improve remote management approaches and programming

What do we expect to achieve? Final gap analysis and good practices report: Share and exchange good practice and approaches taking place in the field that encourage the engagement of national and local actors in the delivery and coordination of humanitarian response. A good practice report will be compiled based on the ideas shared on the platform. The report will be widely shared and it will help inform future practice.

Submitted ideas will receive direct feedback from a panel of experts, in addition to possible funding for the implementation of the successful idea(s).

Please visit the GPC Community of Practice website to view and participate in the Restricted Access Challenge: https://restricted.unhcrideas.org/Page/Home

Please have a look here to learn more about the Restricted Access Challenge process: https://restricted.unhcrideas.org/Page/HowItWorks

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THE NEW WAY OF WORKING

The “New Way of Working” has its origins in Secretary-General Ban’s Agenda for Humanity, prepared for the World Humanitarian Summit, which was translated into a joint Commitment to Action signed by most of the UN IASC Principals. The current Secretary-General has called for more joined up approaches in which humanitarian, development and- where appropriate- peace actors must work jointly and coherently on the ground, especially in protracted crisis situations. It is in the context of protracted crises, that are often driven or exacerbated by conflict- around 80% of the caseload, where the Agenda for Humanity calls for the greatest efforts; leaving no-one behind, and reaching the furthest behind first in a joined-up and interoperable manner.

The “New Way of Working” requires a shift in how we do business; it requires the trust and incentives for all agencies to work together, to instil behaviour change throughout our organisations so we can work and deliver together. These shifts are ultimately measured not by the conversations we have at global policy meetings but by operationalisation on the ground and agency, fund and programme staff are at the forefront of these efforts.

In practice, for the humanitarian system, project timeframes should be flexible and recognised as contributing to protecting hard-earned development gains. Where possible, humanitarian programming can also contribute to resilience before and at the onset of an emergency through contributing to shared data and engaging in joint analysis, capacity building and preparedness activities.

Development actors must be less risk averse, must come in sooner and have the flexibility to quickly adapt their programming interventions to crisis settings, working on institution-building, capacity development, restoring social sectors and services, and graduating humanitarian caseloads as early as possible onto national programmes.

The "New Way of Working" represents an opportunity to achieve step changes in the working methods, efficiency and effectiveness of humanitarian and development actors towards reducing needs, risks and vulnerabilities. However, how this new approach will be applied in protracted conflict situations has generated some concerns mostly around the protection and preservation of humanitarian space vis-à-vis peacebuilding objectives, as outlined in the Sustaining Peace resolutions. In these settings, the "New Way of Working" needs to be carefully considered and its implementation clearly framed.

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