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Humanitarian
Policy Group

Protective action
Incorporating civilian protection into humanitarian response

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About the authors

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Acknowledgments

About the Humanitarian Policy Group

The Humanitarian Policy Group at ODI is one of the world's leading teams of independent researchers and information professionals working on humanitarian issues. It is dedicated to improving humanitarian policy and practice through a combination of high-quality analysis, dialogue and debate.

HPG Reports present the detailed findings of the Group's major research projects.

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Acronyms

CAP	Consolidated Appeals Process
CIDA	Canadian International Development Agency
CRC	Convention on the Rights of the Child
DFID	UK Department for International Development
DRC	Democratic Republic of Congo or Danish Refugee Council
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICISS	International Commission on Intervention and State Sovereignty
ICRC	International Committee of the Red Cross
IDMC	Internal Displacement Monitoring Centre
IDP	internally displaced person
IHL	international humanitarian law
IO	International Organisation
IOM	International Organisation for Migration
IRC	International Rescue Committee
MDM	Médecins du Monde
MSF	Médecins Sans Frontières
NGO	Non Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	UN Office for the Coordination of Humanitarian Affairs
OFDA	US Office of Foreign Disaster Assistance
OHCHR	UN Office of the High Commissioner for Human Rights
RtoP	Responsibility to Protect
SIDA	Swedish International Development Cooperation Agency
UN	United Nations
UN RC/HC UN	Resident/Humanitarian Coordinator
UNHCR UN	High Commissioner for Refugees
UNICEF	UN Children's Fund
USAID	US Agency for International Development
WFP	World Food Programme of the United Nations

Chapter 1
Introduction

Protecting civilians from the worst effects of violence and abuse is, more than ever before, an active concern of aid actors. An unprecedented number of humanitarian organisations now undertake protection activities; the response to the Darfur crisis represented a watershed in this regard, with 41 agencies engaging in protection in 2006, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA) (Pantuliano and O'Callaghan, 2006). The scope of the protection agenda has also changed. No longer primarily related to refugees and civilians and ex-combatants in conflict, protection now includes people displaced as a consequence of all forms of disaster, as well as broader at-risk populations. The situations in which humanitarians undertake protection activities have also changed, to encompass organised armed conflict, ongoing generalised violence, natural disasters and post-conflict situations (Slim and Bonwick, 2005). Expertise and specialisation are increasing, with dedicated programming in areas such as child protection, sexual and gender-based violence and access to justice.

This report forms part of a wider body of work by the Humanitarian Policy Group on the protection of civilians in conflict. Other reports in this series include *Concepts of Protection*, which analyses how different actors – political, military, human rights and humanitarian – understand and approach the protection of civilians. This includes a discussion of the differences between protection and rights-based programming. A further report on *Protected Status* incorporates analysis by various authors of the legal and material consequences of being classified as a civilian, a refugee or an internally displaced person (IDP).

This report focuses on the role of non-specialist humanitarian agencies in protection. Despite the recent prominence of protection, many humanitarian agencies remain unclear as to their role. There is confusion around what humanitarian protection means, and how it can be translated into practice. Pressure to engage in protection has led many agencies to deploy protection officers to emergencies, but without clear institutional policies and guidance, and with little success. This report highlights the important contribution that all humanitarian actors can make in promoting the protection of civilians in crisis. Its overall recommendation is that every humanitarian agency should incorporate a minimum commitment to protection into their work. This would ensure greater clarity and predictability, and enhance complementarity across the humanitarian sector. The report proposes a framework with five main elements for establishing the content of such a core commitment, and discusses the organisational and programmatic implications of doing so. It is intended both for those whose work is directly concerned with protection, and managers who have to decide how to locate protection issues within their organisation's business.

1.1 Structure of the report

The report is divided into two main sections. Chapters 2 and 3 discuss the rise of protection, and how it has been interpreted by humanitarian agencies. Chapter 2 explains why protection has increased in importance in humanitarian and other circles, and discusses whether this represents a new departure for humanitarianism. Chapter 3 charts the various roles and responsibilities in humanitarian protection, and discusses how they have evolved, particularly over the past two decades. It highlights how the involvement of new actors has changed humanitarian concepts of protection, and discusses the emergence of practical, as opposed to legal, interpretations.

The second section, comprising Chapters 4, 5 and 6, is more practical in its focus, with an analysis of whether humanitarian agencies should increase their engagement in protection, and how this might be approached. Chapter 4 discusses some of the implications – positive and negative – of increased engagement in protection. It argues that each humanitarian agency has a basic or 'core' commitment to protection, which involves minimising risks to communities and assisting them to keep safe. Chapter 5 sets out the organisational and programmatic requirements involved in incorporating this minimum commitment, and Chapter 6 discusses different approaches to more comprehensive engagement. Chapter 7 concludes the report, and sets out some recommendations for action.

1.2 Methodology

This report draws on an initial literature review, which included a review of academic sources and grey materials, such as proposals, reports and evaluations. Three field case studies were also undertaken:

- *The Protection Crisis: A Review of Field-Based Strategies for Humanitarian Protection in Darfur* (Pantuliano and O'Callaghan, 2006).
- *Protection in Colombia: A Bottom-Up Approach* (Bonwick, 2006).
- *Humanitarian Protection in Uganda: A Trojan Horse?* (Dolan and Hovil, 2006).

The report also incorporates material from conferences held in Geneva and Washington DC, which brought together protection analysts and practitioners to discuss key themes. The conference reports, together with the case studies listed above, can be found on the HPG website: www.odi.org.uk/hpg/protection_practice.html. In addition to the qualitative research for the field case studies, interviews with a select group of protection experts were also undertaken.

Chapter 2
The protection of civilians: the emergence of an international agenda

2.1 What is protection?

Put simply, protection is about seeking to assure the safety of civilians from acute harm. While protection needs can occur during natural disasters and famines, it is usually situations of armed conflict or protracted political instability that put civilians at the greatest risk of harm through violence, abuse or deliberate deprivation. The fundamental objectives of protection are to reduce these risks, by minimising the level of threat or limiting civilian exposure to threats, or enhancing the opportunities civilians have to be safe. HPG asserts that there are three main factors in civilian safety. The first, and most critical, concerns the actions and motives of the parties to a conflict: the degree to which warring parties adhere to the rules of war is the fundamental factor in the level of risk facing civilians. The second concerns the steps that civilians themselves take to protect themselves from the direct and indirect consequences of the actions of warring parties. The final factor concerns the interventions of third parties in protecting civilians. Whether viewed in terms of physical or legal safety, the protection of civilians is the primary responsibility of national governments, given their sovereign responsibility for, and authority over, all those living within their territory. It is only when protection by national governments is inadequate, due either to a lack of willingness or capacity, that external actors from the international community may have a responsibility to protect civilians in other countries.

Protection by warring parties is based largely on the concept of restraint, rather than proactive efforts to keep civilians safe. The approach centres on maintaining a distinction between military targets and civilian persons or objects. The rationale for making this distinction rests on the recognition of a moral imperative to safeguard civilians, and an assumption that targeting civilians results in little military advantage, so that acting with restraint in the use of force and allowing the provision of relief assistance does not significantly retard the military interests of the warring parties. While this assumption has been challenged in recent conflicts, it is this basic philosophy – together with a concern for sick and wounded combatants and prisoners of war – that inspired the development of international humanitarian law (IHL). Arms carriers are, through restraint, understood as the principal agents of protection in war. Thus, an essential element of this legal regime is the commitment of the parties to the conflict to abide by the rules of war (Bruderlein and Leaning, 1999). National authorities, as the parties responsible for the security of persons in their territory, are obliged to ensure respect and adherence to these rules. Thus,

states are obliged to control the actions of all armed forces on their territory and to prosecute those in breach of IHL. States are also responsible for providing redress when protective measures fail, through the provision of assistance for protected persons or by facilitating access to assistance from other agencies.

The most serious threats to civilians are rarely the consequence of an inadequate legal framework. Clear legislative protection is laid down in IHL, human rights law and refugee law, all of which offer civilians minimum safeguards in conflicts and disaster. The re-energising of the human rights movement during the 1980s and 1990s has led to a raft of new international treaties protecting civilians.[1] Many countries have gone further. Uganda, Angola and Colombia, for example, have incorporated the Guiding Principles on Internal Displacement into their national legislative framework. However, as Rieff (2002: 72) states, 'no century has had better norms and worse realities'; in other words, it is the failure to adhere to these laws that creates the enormous protection needs that exist in so many conflicts and disasters.

In many situations, civilians are directly targeted and laws are deliberately broken by all sides. Examples such as Darfur, Sri Lanka and Burma demonstrate how the state authorities with the greatest responsibility to protect civilians are in fact amongst the main perpetrators of violence against them. In other situations, the protection function of the state is extended only towards dominant or wealthy sections of the community. Bonwick describes the situation in Colombia, where the state runs a number of innovative protection schemes, including an early warning risk assessment and alert programme (*Sistema de Alerta Temprana*); a communities-at-risk programme, which develops human rights action plans to protect endangered communities; and an IDP protection scheme to provide assistance to newly displaced people. However, with annual homicide figures in the region of 18,000, continuing government support to paramilitary groups and mass expropriations of land and resources at the expense of civilian populations, the government is simultaneously a source of protection and a threat to civilians (Bonwick, 2006a: 10). In contexts such as Somalia and Afghanistan, state authority is so weak that it is not clear whether the deficit in protection stems more from a lack of capacity than from a lack of will.

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1 Examples include the 1979 Convention on the Elimination of all Forms of Discrimination against Women, the 1984 Convention against Torture, the 1989 Convention on the Rights of the Child and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, of 1997.

While protection is unequivocally the primary responsibility of states, a focus on responsibilities obscures the practical realities on the ground. Individuals themselves, unlike states, do not have a *duty* to protect, but people facing risk are always the central protagonists in their own protection; they frequently have the most nuanced information about threats, and adopt resourceful strategies to keep safe, generally involving either avoiding or escaping violence, mitigating the threat through negotiation or payment or active resistance. Protection activities that build on these strategies and that empower at-risk communities to keep themselves safe is likely to be both more effective and durable (Mahony 2006: 24). This is especially the case in highly organised and developed communities where civilians have the power to negotiate with warring parties. Actions taken by civilians to survive or withstand violence are though often ignored by humanitarian agencies. (Bonwick 2006b: 274). While insecurity may limit the available options to keep safe, even under extreme duress, a range of self-protection strategies may still be available to maintain assets, escape violence and mitigate threats.

In conflict situations, the most common strategy adopted by civilians is to escape through flight. Decisions on where to flee are rarely arbitrary, and sanctuary is sought in places where there is a measure of assistance and security, provided through familial or kinship relationships, national authorities or humanitarian agencies. In Darfur, many families fled up to four times before reaching safety. Others split the risk, with women and children fleeing to displacement camps and men joining the insurgency. Still others fled to rebel-held areas, where there were reports of population increases of up to 60% (Pantuliano and O'Callaghan, 2006: 5). Displacement will often be temporary, to avoid periods when the threat is most severe or imminent. In northern Uganda, for example, an estimated 40,000 child 'night commuters' travel to the relative safety of towns each night (Dolan and Hovil, 2006: 5). Communities may elect to tend their farms by day, and move to the surrounding bush, hills or caves once night falls. Other avoidance strategies include the establishment of 'community watches' in high-risk areas. These have proved effective in villages in North Kivu in the Democratic Republic of Congo (DRC), and in camps in northern Uganda.

A second strategy involves engaging with armed groups and negotiating or purchasing safety. Research in Darfur and the DRC highlights the widespread levying of 'taxes' in cash or food to pay for protection. While this may manage the threat in the short term, it risks impoverishing communities, and allegations of collaboration may lead to these communities being targeted by other armed groups (Rana, 2006: 22). The third strategy, active resistance, may involve communities setting up self-defence groups, vigilantes or more formalised militia. Box 1 describes a well-known example, whereby indigenous people in Colombia have sought to create 'Peace

Box 1: Resistance as protection: Peace Communities in Colombia

The Consejo Regional Indígena del Cauca (Regional Indigenous Council of Cauca, CRIC) was established in the 1970s in response to the persecution of indigenous people in Colombia. Following lobbying by the indigenous movement, the 1991 Constitution allowed for the creation of reserves in which indigenous people are given responsibility for security and judicial processes. Communities remain neutral and do not participate directly or indirectly in the conflict. Internal mechanisms enforce these rules, through volunteer policing which investigates infiltrators, an unarmed protection force, early warning systems and judicial punishment. External visibility and denunciation strategies at national and international levels, in addition to judicial mechanisms, ensure collective action, both in terms of negotiation with arms carriers and decisions on whether to remain or flee. Results have been mixed. Although armed groups have stayed out of some reserves entirely, or agree to pass through the reserves without harassing communities, many civilians continue to face intimidation, and thousands of indigenous leaders across the country have received direct threats.

Other, non-indigenous communities have tried to 'resist' by declaring themselves outside the conflict. Created in 1997, this 1,300-strong community was supported by the Church in its efforts to negotiate with all armed actors to respect its neutral status. Despite consistent international advocacy, accompaniment, material aid and many high-profile visitors, the community has been accused of supporting the guerrillas and has faced attack on that account. During its ten years of existence, its people have been displaced on multiple occasions and an estimated 178 community members have been assassinated. As a project to increase safety these initiatives are an abject failure, since the risks faced by the population are considerably higher than those confronting people in the surrounding areas. All but three of the several dozen communities that have tried this approach have collapsed.

Communities' apart from the conflict. Communities may also actively resist through the provision of support to one of the warring parties, either through military participation, political backing or financial help.

2.2 Protection by humanitarian agencies

In the past, the protection role of humanitarian agencies largely related to upholding the rights of non-combatants and refugees. It was considered the preserve of the UN High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), whose mandates derived from the 1959 Refugee Convention and the Geneva Conventions respectively. More recently, the UN Children's Fund (UNICEF)

and the UN Office of the High Commissioner for Human Rights (OHCHR) have been added to the group of agencies with a mandate to protect civilians. Other humanitarian agencies have begun to consider whether they too have a part to play when national authorities do not meet their responsibilities. The realisation that, in many crises, the overwhelming direct threat to the civilian population is not lack of material assistance but lack of safety has caused many aid actors to reconsider the role of assistance in crises, and ask whether it should be accompanied, or even driven, by protection concerns. Many agencies have developed dedicated or 'stand-alone' protection activities, including in child protection, sexual and gender-based violence and rule of law. These agencies and others have also made efforts to mainstream protection approaches into their work, ensuring not only that their programmes do not put populations at greater risk, but that they also reduce people's exposure to that risk or help keep them safe.

There is much debate as to how far humanitarians can and should go in terms of protection. Key issues are the degree to which protection coincides or clashes with the humanitarian principles of neutrality and impartiality, as well as whether humanitarians can meaningfully protect at-risk civilians. However, there is confusion over the terms of the debate. What actually constitutes protection by humanitarian actors? How does this humanitarian viewpoint relate with the views of other actors? This confusion stems in large part from how protection is defined. Rather than focusing on the threats that civilians face (protection from what?), the current definition focuses on the legal entitlements of civilians. Developed in the 1990s as a result of a consultative process between humanitarian and human rights agencies, it is viewed as an all-encompassing framework, rather than a clearly defined agenda for action:

> [Protection is] all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law). Human rights and humanitarian organisations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender) (ICRC, 1999).

Although much contested and debated, this concept of protection has gained traction in humanitarian circles: it has been adopted by the Inter-Agency Standing Committee (IASC), and provides a working framework for many humanitarian agencies.

2.3 Why has engagement increased?

Conflict and disasters have always exacted a brutal toll on civilians, so why the rising prominence of this agenda now? What has precipitated the increased involvement of humani-

tarian actors in protection? In many ways, the current emphasis on protection is a response by the humanitarian sector to a number of interconnected developments during the 1990s and early 2000s, which profoundly changed perceptions of the relationship between humanitarianism and warfare. While many of these developments are linked, they have been categorised below into four different areas: the increasing civilian death-toll in wars, and a growing appreciation of the effects of war on civilians; increasing recognition in international policy spheres of a responsibility to protect; recognition of the negative impacts of humanitarian assistance on conflict; and the inter-relationship between humanitarian action and the wider policy agenda.

2.3.1 The rising civilian death-toll in conflict

The past century has seen an increase in the proportion of non-combatant deaths in conflict. The distribution of conflict has also changed, with North America, Asia and Western Europe becoming increasingly peaceful, and Africa and the Middle East becoming increasingly volatile and conflict-prone (Ramsbotham, 2005: 62). During the First World War, an estimated 5% of casualties were civilians. In the Second World War, the figure was 50%. Today, some have argued that up to 80–90% of war casualties are civilians, the majority of them women and children (Collier et al., 2003). Countless more die from the indirect effects of conflict, from disease, famine and lack of services (Stewart and Fitzgerald, 2001). Millions are displaced or made refugees. Torture, sexual violence, exploitation, forced recruitment into fighting forces and other forms of abuse also frequently accompany conflict, and are now more commonly documented as a feature of warfare.

A growing recognition of the toll conflict exacts on civilians has caused humanitarian agencies to question the provision of material assistance alone, when safety is often the overriding issue for civilian populations in conflict. Headlines speaking of the 'well-fed dead' during the Bosnian war in the early 1990s highlighted the futility of relief provision in situations where the main threat to civilians was not hunger or disease, but direct violence. Such concerns were only reinforced by the Rwandan genocide in 1994, and the subsequent re-arming of Rwandan *genocidaires* in the Zairean refugee camps humanitarian assistance was supporting. These failures and others triggered a new era of introspection within the aid community about the role of relief aid in conflict. In the past, most humanitarian activities were located outside of countries in conflict, often in refugee camps, and the emphasis was on basic assistance such as food, shelter and medical services, rather than protection issues. Today, humanitarian workers are closer to the point of violence, and are therefore more frequently direct, first-hand witnesses to abusive behaviour, and are more regularly dealing with its immediate effects. As such, protection can be understood as a pragmatic and programmatic effort on the part of the humanitarian community to expand the focus on material needs to encompass questions of safety as well.

2.3.2 Developments in international policy and law

The increasing involvement of humanitarian actors in protection corresponds with, and is reinforced by, developments in broader international policy concerning the responsibility of states to protect civilians. In 1992, then UN Secretary-General Boutros Boutros-Ghali published *Agenda for Peace*. This sought to challenge the presumption that civilian suffering in other countries was the sole responsibility of the government of that country by promoting an end to absolute sovereignty and pressing for greater 'human security' (Boutros-Ghali, 1992). *Agenda for Peace* also affirmed the right of the UN to intervene in a state under Chapter VII of its Charter, in order to protect citizens' human rights. In 2001, the International Commission on Intervention and State Sovereignty (ICISS) established the doctrine of the Responsibility to Protect (RtoP), which holds that, where a population is suffering serious harm, the principle of non-intervention yields to an international responsibility to extend protection to that population. The ICISS identified a responsibility to prevent, react and rebuild, and declared that this responsibility included the application of coercive measures, and in extreme cases military intervention. Meanwhile, the UN has declared protection its 'most important obligation', and has acknowledged that the protection of civilians in armed conflict is now essential to its mandate.[2] The mandates of the seven most recent UN peacekeeping missions have included some element of civilian protection. At the UN World Summit in September 2005, representatives of 109 governments publicly recognised the importance of civilian protection, and endorsed the use of force to achieve it in certain circumstances.[3] Although there is a view that this declaration is potentially regressive in its emphasis on military intervention, rather than on the broader questions of civilian protection, it is clear that the terms of the debate have shifted dramatically. The central question is no longer *whether* third-party states have a role in the protection of civilians in other countries, but the *extent* of this role, and the most effective means of fulfilling it.

There has also been renewed dynamism in international law, with the adoption during the 1990s of six major international treaties relating to civilians in war (Roberts, 1999: 20). The Guiding Principles on Internal Displacement, presented by the Representative of the Un Secretary-General on Internally Displaced Persons, Francis Deng, to the UN Commission for Human Rights in 1998, set out the rights of the displaced *within* the borders of their own country. While the principles have not been codified into an international treaty, they reflect and are consistent with binding international human rights and humanitarian law, and guide the international community's work with displaced people (IASC, 1999: 5). Recent years have also seen efforts to improve compliance and enforcement, most notably in the establishment of the International Criminal Court (ICC) and courts to try cases of human rights abuse in the conflicts in the Former Yugoslavia, Rwanda and Sierra Leone. These developments have been underpinned by the expansion of OHCHR, which is becoming increasingly present and active in crises involving high levels of human rights violations.

2.3.3 The inter-relationship between assistance and the economics of war

Another development forcing a re-examination of the role of humanitarian action in conflict has been a new understanding of the importance of economics, as well as politics, in the causes, costs and consequences of conflict. Analysis of the political economy of war suggests that violence cannot be properly understood without an appreciation of the economics driving it: violence may be initiated in the defence of economic interests in addition to or in place of political grievance; conflicts often create war economies that may enhance the wealth and power of particular groups and disadvantage others; and individuals and groups may use violence as an instrument to gain or claim power or wealth, so that the perpetuation of conflict becomes an object in itself (Duffield, 1994; Keen, 1998; Ballentine and Sherman, 2003; Berdal and Malone, 2000; Collier and Hoeffler, 2000).

As far as humanitarian actors are concerned, political economy analysis encouraged awareness about the possibility that relief can itself be a part of the war economy. Assistance is viewed as an economic and political resource and, as with other resources, like oil or diamonds, may be subject to the same manipulation by warring parties in their attempts to gain economic, political or military advantage.[4] To that extent, assistance may prolong the very situation giving rise to the humanitarian crisis it is intended to relieve. Potential negative impacts include sustaining or financing combatants; enhancing the credibility or authority of warring parties by casting them as interlocutors with international actors on behalf of civilian populations; reinforcing the war economy through the unintended disruption of markets as a result of the influx of aid resources; affecting inter-group relations by reinforcing tensions between groups; or creating 'dependency' by substituting for local responses.

The Do No Harm doctrine, developed by Mary Anderson in the late 1990s, promotes an approach to aid based on the Hippocratic tradition. It seeks to avoid harm through in-depth assessment of the factors causing or inhibiting conflict, the impact on conflict of assistance and the actions of aid organisations, and opportunities to reduce tensions and increase harmony (Anderson, 1999). Do No Harm has had its critics. The significance of aid in fuelling conflict has been questioned, and some commentators have argued that undue

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2 S/Res/1296, 19 April 2000, para 5: 'the deliberate targeting of civilian populations or other protected persons and the committing of systematic flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security'.

3 United Nations World Summit 2005 Outcome, Final Document (http://daccessdds.un.org/doc/UNDOC/GEN/N05/487/60/PDF/N0548760.pdf?OpenElement)

4 In this context it is worth noting the enormous recent increases in humanitarian assistance, from $2.3 billion in 1990 to $8.4bn in 2006 (Randel and German, 2006).

attention on the potential for harm has led aid actors to engage in conflict resolution activities which have diverted efforts away from relief and have potentially undermined neutrality (Stockton, 1998). It is also argued that Do No Harm approaches could lead to the classification of some potential beneficiaries as 'undeserving victims', a response which runs counter to the principle of universality central to the humanitarian imperative (Fox, 2001). Despite this, a more progressive approach emerged which again questioned the utility of traditional relief efforts and advocated politically-informed programming (Collinson, 2000; Le Billon, 2000). This approach emphasises the value of contextual analysis, focusing on the root causes of conflict from historical, geographical and political perspectives. Vulnerability is viewed in terms of powerlessness – as a process of neglect, exclusion or exploitation – as opposed to simple material need. This approach, it is argued, allows aid agencies to adapt their programming to identify and respond to needs more effectively; understand relations between different actors, as well as the security implications at a field level; and provide assistance that avoids undermining positive processes (Collinson, 2000: 13). This approach has promoted a broader form of humanitarian action, which includes advocacy and protection. Political economy analysis is central to livelihoods programming, which is increasingly being used in situations of conflict and political instability (Young, 2005). These approaches highlight how humanitarians are increasingly moving beyond pure relief to also consider and address the wider impact of conflict on civilians.

2.3.4 'New humanitarianism' and rights-based approaches

The fourth factor promoting a greater emphasis on protection has been the emergence during the 1990s of what has been called the 'new humanitarianism'. This more activist, outward-looking approach sought to increase the 'coherence' between political, security and humanitarian responses to crises. 'New humanitarians' would 'reject the political naivety of the past, assess the long term political impact of relief and [be] prepared to see humanitarian aid used as a tool to achieve rights and political goals' (Fox, 2001: 275). The morality and practicality of humanitarian principles, especially neutrality and impartiality, were questioned, and there was a new willingness to condition assistance on the basis of its ability to support broader objectives in justice, peace and development. Thus, as agencies sought to develop a greater appreciation of the political economy of conflict in order to mitigate the negative consequences of their assistance, so they became more open to the possibility that they might go further and assist in conflict-reduction and peace-building (Macrae, 2002). The assumption that humanitarian assistance can be an ineffective instrument in reducing conflict and building peace has since been questioned (Macrae and Harmer, 2003: 33), and expectations about what humanitarian action can achieve in this area have been tempered. Nonetheless, military interventions in Afghanistan and Iraq, designed at least on the premise of human rights and humanitarian concerns, and more integrated responses to these

Box 2: Rights-based approaches in the United Nations

Two landmark developments prompted a move towards mainstreaming rights into the work of the United Nations. The first was the 1993 World Conference on Human Rights in Vienna, at which 171 states a Declaration and Programme of Action. The declaration called on all agencies of the UN to engage in the formulation, promotion and implementation of human rights.[5] The second milestone was the Program for Reform, announced by UN Secretary-General Kofi Annan on 14 July 1997. Designed to streamline the UN's work while improving its coordination and management structures, the programme acknowledged human rights as both a principal goal of the organisation, and a means by which its other goals could be advanced. The Program for Reform states that:

> *Human Rights are integral to the promotion of peace and security, economic prosperity, and social equity. For its entire life as a world organization, the UN has been actively promoting and protecting human rights, devising instruments to monitor compliance with international agreements, while at the same time remaining cognizant of national and cultural diversities. Accordingly, the issue of human rights has been designated as cutting across each of the substantive fields of the secretariat's work program (peace and security; economic and social affairs; development cooperation; and humanitarian affairs). A major task for the UN, therefore is to enhance its human rights program and fully integrate it into the broad range of the UN's activities.*

and other crises, such as DRC and Sudan, suggest that the trend towards increased coherence has continued.

The integration of human rights into humanitarian action appears to be more readily accepted in humanitarian circles, for reasons of principle as well as pragmatism. Human rights agencies, like humanitarians, emphasise individual wellbeing over political, military or geostrategic questions, and are concerned with the empowerment of the weak. As Terry (2002) states:

> *International humanitarian law imposes limits on permissible behaviour during war; human rights law sets the minimum standards to which individuals are entitled by virtue of their membership in humanity; and humanitarian action seeks to restore some of those rights when individuals are deprived of them by circumstance.*

Unlike needs, rights are accompanied by corresponding duties to act. Understanding assistance as a right, rather than as

5 United Nations World Conference on Human Rights (1993), Vienna Declaration and Programme of Action, A/CONF.157/24 (Part I), Chapter III.

charity, moves the humanitarian endeavour beyond the voluntary provision of assistance to the provision of assistance on the basis of a legitimate claim for it on the part of its beneficiaries (Darcy and Hofmann, 2003: 23). This involves a conceptual shift whereby 'victims' or 'beneficiaries' become rights-holders, and humanitarian agencies become their advocates. The notion of a *right* to assistance has proved compelling. It is asserted in the Sphere Humanitarian Charter, based on an interpretation of the right to life; and agencies such as CARE and World Vision have adopted a rights-based approach as the central tenet of their work. Arguably, this reflects the original conception of humanitarianism, which goes beyond 'simple human survival' to embrace 'respect for the human being', and includes the recognition of rights well beyond merely the right to life (Slim, 1997: 350; Leader, 2000). Alternatively, it can be seen as a departure from humanitarian principles, and has been sharply criticised for prioritising justice over people, abandoning the notion of universality and allowing humanitarian response to be subject to unpredictable political and human rights objectives (Rieff, 2002; Stockton, 1998; Fox, 2001; Terry, 2002).

Some commentators have downplayed concerns about the adoption of rights-based approaches, stating that it has little significance in practice and to date has been the preoccupation of policy analysts at headquarters, rather than humanitarian practitioners in the field (Macrae, 2002: 32; Darcy and Hofmann, 2003: 23). Nonetheless, humanitarian programming is becoming increasingly intertwined with human rights activities. Rule of law and access to justice programmes are common features in humanitarian response, and human rights and humanitarian agencies increasingly share information and coordinate responses. As one interviewee stated: 'protection was seized upon in order to be able to talk about human rights'. Child protection, sexual and gender-based violence and returnee monitoring activities are programmatic and pragmatic responses by humanitarian agencies to violations of the rights of civilians.

Agencies increasingly construe their role as advocates on behalf of the victims of crises, and even agents for change, particularly in the context of complex political emergencies. Stoddard notes that there is a general community-wide trend towards increased advocacy efforts, supported by new internal structures such as policy departments and headquarters- and field-based advocacy positions (Stoddard, 2006: 69). The UN too has become a more active and vocal advocate on humanitarian issues, through the auspices of the Emergency Relief Coordinator as well as via new UN Security Council monitoring and reporting mechanisms. Whether these are appropriate roles for humanitarian agencies is still debated; what is clear is that they represent a radical shift in the nature and form of humanitarian action in favour of greater coherence with broader political, security and human rights agendas.

2.4 Assistance transformed?

Over the past decade in particular, humanitarians have increasingly acknowledged the political determinants of humanitarian crises, and have accepted the need for deeper political analysis and awareness. This work is seen as critical to situating humanitarian action in conflict, and ensuring that its potential negative impacts are reduced. Many humanitarian agencies have also adopted the *principle* of rights-based approaches to humanitarian action. While many may not agree with using a rights framework to underpin humanitarian work, there is greater acceptance that humanitarianism is more than simple charity, and that disaster-affected communities have a right to assistance. Greater coherence between humanitarian and broader political, security and human rights agendas has meant that the increased prominence of protection in international policy circles has been matched by an increased engagement by humanitarian agencies in protection work. This sharper emphasis on protection has manifested itself most obviously in the introduction of distinct programmatic activities. The pressure for tangible outcomes and the 'projectised' approach to humanitarian action have meant that the challenges of going beyond meeting the basic needs of civilians have been met largely by way of a sectoral response. Thus, 'stand-alone' protection programmes, such as child protection, sexual and gender-based violence and returns-monitoring activities, have proliferated. Meanwhile, there has been rather less emphasis on incorporating protection concerns into ongoing assistance programming, not least due to confusion about how this can be done.

There is a lack of consensus on whether protection's new prominence represents a fresh departure for humanitarian actors, or simply a renewed commitment to a traditional humanitarian concern. Arguably, humanitarians have always been interested in questions of civilian safety, and humanitarian action has never solely been about relieving the symptoms of crisis. According to Slim, humanitarianism has been wrongly commodified into a minimalist package of goods such as shelter, food and medicine, when the Geneva Conventions go beyond questions of mere survival to include a broader array of civil and political rights (Slim, 1997: 345). Groups like InterAction state that the perceived distinction between protection and humanitarian assistance limits the development of holistic approaches to humanitarian work. This division, InterAction argues, is artificial, and agencies with varying sectoral expertise can contribute to protection without departing from their humanitarian mandate and traditional roles (InterAction, 2004: 2). On the other side, however, ardent defenders of humanitarian principles of neutrality, impartiality and independence, such as Médecins Sans Frontières (MSF), caution that humanitarian agencies can do little to protect civilians facing imminent harm and that, in their efforts to do so, they transfer the burden of responsibility away from those with greater potential to affect protection outcomes. Questions as to why protection has received such attention in recent years can be explained as a programmatic response by humanitarian agencies to the nature of contemporary warfare and an evolving policy environment. However, the exact remit of humanitarian agencies in protection is much harder to define.

Chapter 3
The roles and responsibilities of humanitarian agencies in protection

The previous chapter explained the various factors driving humanitarian organisations' increased engagement in civilian protection. This chapter examines in more detail the different roles of humanitarian agencies in this area. In particular, it charts the emergence of a new emphasis on the role of humanitarian agencies in helping to secure civilians from the most deleterious effects of violence. This shift has also included efforts to bridge the traditional dichotomy between assistance and protection, although these efforts remain under-developed. The chapter ends by examining initiatives to increase coordination and collaboration by different humanitarian organisations.

3.1 The traditional protection agenda

Traditionally, protection by humanitarian agencies was largely understood as the province of 'mandated actors' – agencies with a specific mandate under international law to perform specific protection activities. Until the 1990s, protection programming in the humanitarian sphere was largely the preserve of two organisations: the ICRC and UNHCR.

The ICRC, viewed as the 'guardian' of IHL, has a unique status in that it is the only International Organisation (IO) with an explicit mandate in international law, one that is specifically recognised in the 1949 Geneva Conventions (see Box 3). This mandate sets out a dual role of protection and assistance during conflict. Both are integrated and mutually reinforcing, and are intended to preserve victims' physical integrity and human dignity. The ICRC acts as a neutral intermediary between warring factions, both state and non-state. It maintains a confidential dialogue with warring groups, reminding them of their responsibilities towards civilians and encouraging their adherence to IHL. At the same time, it responds directly to urgent needs with humanitarian assistance, evacuation and family-tracing activities.

The other humanitarian organisation with a specific international mandate is UNHCR.[6] Traditionally, its work centred on ensuring international protection for refugees, principally through safeguarding the availability of asylum in other states and promoting the resolution of 'refugee problems'. Its role in coordinating assistance – now one of the organisation's major functions – was very much subsidiary in its original Statute. Protection and assistance were largely undertaken in parallel, and the protection focus was on *non-refoulement* and asylum, rather than on the safety of refugees in camps (Minear et al., 1994: 10) (see Box 4).

6 The mandate was derived from the Statute of the Office of the United Nations High Commissioner for Refugees, adopted by General Assembly Resolution 428 (V) of 14 December 1950.

Box 3: IHL and civilian protection: Article 3, common to the four Geneva Conventions of 1949

'In the case of armed conflict, not of an international character, occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

'(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion, or faith, sex, birth or wealth, or any other similar criteria. To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognised as indispensable by civilised peoples.

'(2) The wounded and sick shall be collected and cared for. An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.'

Box 4: Who is a refugee?

According to the 1951 Refugee Convention, a refugee is a person who has crossed an international border and has a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion'. While there is right to *seek* asylum, there is no universal 'right of asylum', that is, there is no legal obligation on states to grant protection to refugees. The key safeguard of the Refugee Convention rests on the principle of *non-refoulement*, which holds that a refugee shall not be denied entry at a national border or expelled if there is a likelihood that they will be persecuted in their home country. A process called 'refugee status determination' establishes whether such threats exist, and thus an asylum-seeker cannot be expelled before such a determination has been made.

While the ICRC and UNHCR had many differences in approach, not least in terms of the location of action – ICRC operating in the midst of conflict, UNHCR working with refugees in third countries – there were key similarities between them. In both organisations, protection work centred on legal obligations, and both agencies worked with national actors to encourage them to abide by these rules: restraint in the conduct of war in the case of ICRC, and *non-refoulement* in the case of UNHCR. Protection was largely afforded through the auspices of national actors and institutions, rather than through direct support to affected populations. However, at times of acute risk, each agency assisted with safe flight options, through evacuation and third-country resettlement. The overall protection approach as understood by these two agencies was, and remains, quiet, diplomatic and persuasive, rather than denunciatory. This is especially the case for the ICRC, which operates on the basis of confidentiality. Protection is made available to civilians as a consequence of their connection to conflict or persecution, rather than on the basis of individuals' universal human rights. Protection is largely afforded to the broad civilian or refugee population, rather than driven by the needs of specific groups of victims, such as women, children or the internally displaced (Bruderlein, 2001).

3.2 Protection roles transformed

Increasingly, the work of both the ICRC and UNHCR is being complemented, and in some cases undermined, by a considerably broader protection agenda and the entry into protection of a much wider group of actors. The opening up of the protection field described in Chapter 2 marked an end to what Slim (2001) has called 'IHL protectionism' by the ICRC, which had until then given the impression that IHL was its remit alone, and largely irrelevant and unavailable to other organisations. Meanwhile, as refugees became increasingly characterised as a 'burden' to hosting states, UNHCR's core protection activity was undercut. Its overall approach diversified to embrace root causes as well as short-term solutions, development as well as relief and a progressive broadening of the range of persons of concern, to include those caught within, as well as those outside, national borders (Darcy, 1997).

These changes were accompanied by a proliferation of new protection actors. Two of today's most prominent protection players, UNICEF and OHCHR, are relative newcomers to protection, and to the family of 'mandated' protection agencies. The post of High Commissioner for Human Rights was established in 1993 on the recommendation of that year's World Conference on Human Rights.[7] The new position and its Office were intended to provide advisory services and technical help to members of the UN General Assembly to promote the recognition of human rights through education, legislative and treaty development and support to national structures and institutions. Where member governments agreed, Special

Rapporteurs and field officers were appointed to monitor human rights. OHCHR was also given responsibility for integrating human rights thinking and standards throughout the work of the UN. OHCHR provides support to the Representative of the Secretary-General on IDPs, the Commission on Human Rights and other human rights mechanisms. In 2005, OHCHR's operational capacity was significantly increased when the UN World Summit pledged to double its budget over five years, chiefly to allow the agency to establish a field presence for human rights investigations and capacity-building, and to ensure greater integration of human rights across the UN (OHCHR, 2005).

UNICEF has also become a key actor in developing country-level monitoring and reporting mechanisms, related specifically to the protection of children in armed conflict. UNICEF was founded as an emergency relief body in the aftermath of the Second World War. Initially it focused on child nutrition and health, later progressing into education, shelter and water and sanitation. A focus on child protection, rather than simply child survival, emerged in the late 1980s with the adoption of the Convention on the Rights of the Child in 1989 (see Box 5). By the mid-1990s, the agency had established programmes in child protection. This work focuses on preventing and responding to violence, exploitation and abuse of children, including the recruitment of child soldiers, sexual exploitation, trafficking, child labour and harmful traditional practices. UNICEF has been central to the development of country-level monitoring and reporting mechanisms to feed into the UN Security Council Working Group on children in armed conflict.[8]

The work of 'non-mandated' humanitarian actors in protection is also of growing importance. As well as coordinating

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7 Vienna Declaration and Programme of Action, Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, available at www.ohchr.org/english/law/vienna.htm.

8 The Working Group was established under Security Council Resolution 116. Reports can be found at www.UN.org/children/conflict.

Box 6: OCHA's protection role

OCHA assumed a leadership role in protection for the first time in Darfur (2003). This was largely by default, as other UN agencies were reluctant to take on the responsibility themselves. Although operational agencies were broadly positive about OCHA's approach to protection, its lack of experience meant that it struggled to deploy specialist protection staff and to achieve the level of influence its leadership role required. There was also heated debate about OCHA's place in protection, both within the organisation and between it and other UN agencies, which were concerned that OCHA was taking on the responsibilities of a 'mandated' actor. OCHA's role has since been formally articulated in its 2006 policy instruction. Activities are underway to train staff to perform the primary functions outlined below, as well as a number of other related tasks.

At the international level: supporting protection reporting to the UN Security Council and other international bodies; facilitating international advocacy, particularly through the Emergency Relief Coordinator (ERC); and developing policy guidance, standards and tools.

At the field level: facilitating and supporting protection coordination mechanisms; negotiating humanitarian access and safeguarding humanitarian space; supporting information management, monitoring and reporting and strategy develop-ment on protection; and undertaking advocacy.

Source: OCHA, 2006.

international humanitarian action, OCHA has a role in supporting the UN Security Council in its work on the protection of civilians. In 2002, OCHA established a department charged exclusively with developing policies and guidelines to meet the needs of IDPs.[9] A policy instruction elaborating OCHA's role in protection was issued in September 2006 (see Box 6), following many years of internal and external debate on the proper extent of its responsibilities. Another agency, the International Organisation for Migration (IOM), assists with the movement or voluntary return of endangered populations, and is engaged in important work in the area of people-trafficking.

NGOs have also became increasingly active in protection. The International Rescue Committee (IRC), the Norwegian Refugee Council (NRC) and the Danish Refugee Council (DRC) have complemented national refugee resettlement programmes with protection and assistance to refugees in camps, in partnership with UNHCR. Save the Children UK's programming in protection has mirrored UNICEF's in that the Convention on the Rights of the Child is a guiding instrument in its work. Many NGOs have

developed specialist protection expertise in programmatic areas, including rule of law and access to justice, sexual and gender-based violence and child protection in conflict. Some, such as Oxfam and World Vision, have concentrated on integrating protection approaches into their ongoing assistance activities. Meanwhile, bearing witness, or *témoignage*, has become a defining feature of MSF's approach to humanitarian action since the mid-1990s, when the organisation formally established advocacy as a central mode of action. NGOs have also become active in protection-related research and policy-setting. The NRC runs an International Displacement Monitoring Centre (IDMC), which monitors conflict-induced internal displacement worldwide, and IRC houses the Women's Commission, which researches and promotes policy and practice on displaced women and children, including issues such as gender-based violence.

3.3 A new pragmatism in protection

The growing involvement of humanitarian actors in protection led to the establishment of a consultative process in the 1990s between humanitarian and human rights agencies, led by the ICRC.[10] The process was intended to consider how best to protect civilians affected by conflict, and how the different approaches of humanitarian and human rights actors could work in concert. Concerns had been raised, particularly by ICRC, about overlap and duplication in certain areas, while other needs remained unmet. In what was a new area of engagement for many agencies, standards and methodologies were not yet established, decreasing effectiveness and, in some instances, damaging the interests of those requiring protection. The consultations confirmed the need for a complementary approach to protection (Giossi Caverzasio, 2001: 28).

The consultative process set out three forms of protection activities, depicted in the form of an 'egg model' to highlight the interdependent and complementary nature of the interventions (the model is shown in Figure 1). Protective activities include res-ponsive action, which aims to prevent or halt a specific pattern of abuse or alleviate its immediate effects; remedial action, which takes place after abuse, and aims to restore people's dignity and ensure adequate living conditions through reparation, restitu-tion and rehabilitation; and finally environment-building, which aims to foster an environment conducive to respect for the rights of individuals in accordance with the relevant bodies of law (Giossi Caverzasio, 2001: 21). These activities are to be taken for-ward in parallel with other actors (political, military and human rights) as part of what is considered to be a collective obligation to protect civilians when the responsible actors fail to do so.

The consultation process also adopted the legally oriented definition of protection quoted in Chapter 2. Despite broad acceptance of this definition and its adoption by the IASC, senior international protection specialists report widespread

9 In April 2001, the Special Coordinator of the Senior Network on Internal Displacement recommended the establishment of a non-operational Internal Displacement Unit within OCHA. This Unit later became the Inter-Agency Internal Displacement Division (IDD). This division is now called the Displacement and Protection Support Section (DPSS) following a restructuring in early 2007.

10 For an account of the process and its outcome, see Giossi Caverzasio (2001).

Figure 1: Types of protection activity

Environment-building action is aimed at creating and/or consolidating an environment – political, social, cultural, institutional, economic and legal – conducive to full respect for the rights of the individual. Environment-building is a deeper, more structural process that challenges society as a whole by aiming to change policy, attitude, belief and behaviour. It is likely to involve the establishment of more humane political values, improvements in law and legal practice, the training of security forces and the development of an increasingly non-violent public culture.

Responsive action is any immediate activity undertaken in connection with an emerging or established pattern of violation and aimed at preventing its recurrence, putting a stop to it and/or alleviating its immediate effects. Responsive activities have a sense of real urgency (but can last for many years) and aim to reach a particular group of civilians suffering the immediate horrors of a violation. They are primarily about stopping, preventing or mitigating a pattern of abuse.

Remedial action is aimed at restoring people's dignity and ensuring adequate living conditions subsequent to a pattern of violation, through rehabilitation, restitution, compensation and repair. Remedial activities are longer-term and aim to assist people living with the effects of a particular pattern of abuse. This might include the recuperation of their health, tracing of their families, livelihood support, housing, education, judicial investigation and redress.

Environment-building

Remedial action

Responsive action

Pattern of abuse
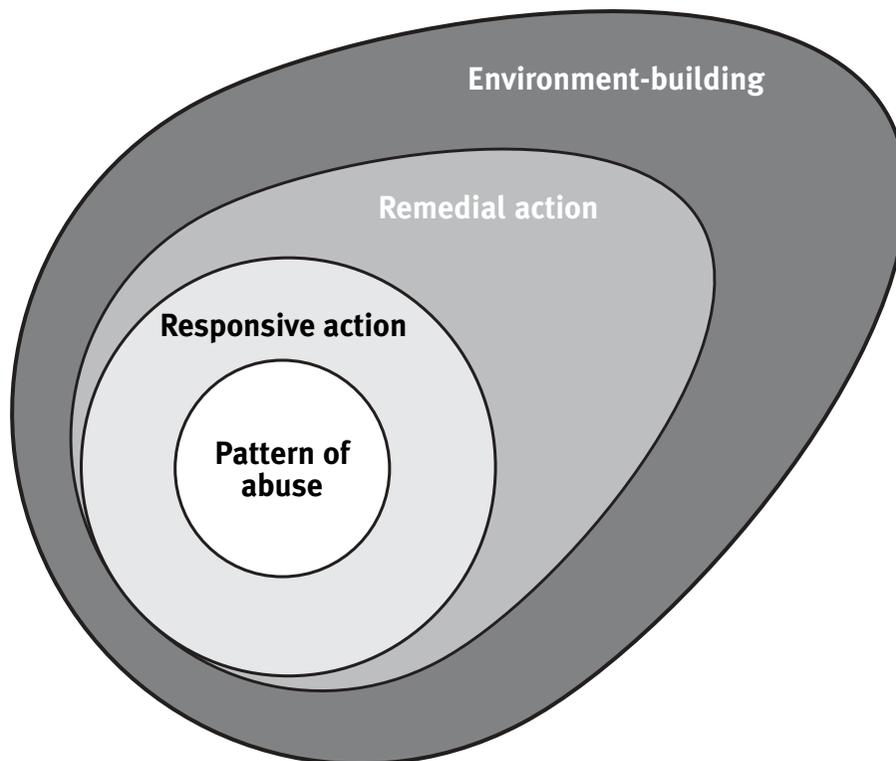
Source: Interagency Standing Committee, Growing the Sheltering Tree: Protecting Rights Through Humanitarian Action, Programmes and Practices Gathered from the Field (Geneva: IASC, 2002), p. 115.

dissatisfaction with it, describing it variously as 'confusing', 'unhelpful' and 'impractical'. Its comprehensive nature – both in the legal framework for protection ('full respect') and in the strategies and methods by which protection may be achieved ('all activities') – was originally considered useful in as much as it accommodated a wide range of different human rights and humanitarian perspectives. In practice, however, it has proved problematic. As one interviewee noted, no central, common and prioritised agenda for humanitarians was elaborated or pursued. Moreover, under this definition all humanitarian activity can be understood as protective, implying that the distinctiveness of protection as a new approach has been lost.

In response to these concerns, many agencies, while continuing to accept the IASC definition as the overarching norm-ative framework, have developed more accessible working definitions. Some define their work in protection narrowly in terms of physical security, rather than rights. MSF speaks of freedom from violence, Oxfam of safety and UNICEF of protection from the more acute forms of suffering, such as 'abuse, deliberate deprivation or neglect' (see Box 7). Arguably, these working definitions distil a distinctive humanitarian element from the all-encompassing IASC definition. UNICEF's emphasis on protection from acute threats, for instance, is more in line with the *humanitarian* (rather than *human rights*) objective of saving lives and alleviating suffering. Thus, the scope of protection is narrowing to more closely coincide with a distinctively humanitarian agenda. The recasting of protection in non-legal language has proved a more fruitful entry-point for non-specialist agency discussions on how to ensure protection principles are incorporated into other assistance programmes.

Box 7: Main focus of agencies' approaches to protection[11]

- **ICRC:** safety, integrity and dignity. For the ICRC, protection, in its strictest sense, encompasses those activities aimed at preventing and/or putting an end to violations of the rights of individuals and ensuring that authorities and belligerents meet their obligations in accordance with the letter and the spirit of IHL and other fundamental rules which protect persons in situations of violence. These activities seek to affect the causes of abuses, not their consequences (Aeschlimann, 2005).
- **UNHCR:** a range of concrete activities that ensure that all women, men, girls and boys of concern to UNHCR have equal access to and enjoyment of their rights in accordance with international law. The ultimate goal of these activities is to help them rebuild their lives within a reasonable amount of time (UNHCR, 2006).
- **UNICEF:** freedom from violence, injury or abuse, neglect, maltreatment or exploitation.
- **OCHA:** all activities aimed at ensuring full respect for the rights of the individual in accordance with international human rights law, international humanitarian law and refugee law.
- **NRC:** protection of refugees and IDPs involves protection of rights pursuant to internationally accepted conventions, principles and standards.
- **IRC:** all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law.
- **WFP:** protection programming is understood in terms of 'safe and dignified programming'.
- **Oxfam:** protection is described as safety from violence, coercion and deliberate deprivation.
- **MSF-H:** protection is described as freedom from violence, abuse and deliberate neglect
- **Save the Children:** protection is described as freedom from violence, injury or abuse, neglect, maltreatment or exploitation

The involvement of new protection actors has also changed the way protection is approached, in three main ways. First, there has been a shift in focus, from duty-bearers to at-risk communities. For the non-mandated agencies, relationships tend to be with communities, rather than national authorities. Many operational agencies do not have the necessary contact, legitimacy (and perhaps inclination) to influence duty-bearers to discharge their responsibilities. This is particularly the case in circumstances where state authority has fragmented. Allegiances and alliances shift and interlocutors change, making it very difficult for humanitarians to clearly understand contexts and identify opportunities for leverage. Without the legally established mandates of the ICRC and UNHCR, many have focused, not on the legal responsibilities of national actors, but on more pragmatic local approaches to keeping civilians safe. The

11 This text is based on analysis of policy documents by HPG and does not represent the official position of the agencies in question.

primary focus on reducing the level of threat civilians face has given way to a focus on reducing civilian exposure to that threat.

Second, the humanitarian reform process has resulted in the prioritisation of IDPs at the expense of a more comprehensive approach which addresses the needs of entire populations. As ODI's research in Darfur indicated, focusing solely or primarily on displaced populations risks creating tensions between different groups, which can in turn give rise to greater protection needs. Efforts to resolve this have been initiated. Following continued debate in the Global Protection Cluster (see below), it was finally agreed in early 2007 that UNHCR's protection remit also encompasses other 'affected populations', including communities hosting IDPs, communities to which IDPs have returned and communities at risk of displacement. Institutional prioritisation of certain vulnerable groups, such as women and children, is also problematic as it distracts from a wider analysis of risk. Protection activities that focus on the population as a whole, rather than on the most visible victims, have barely begun.

Third, protection is more internationally focused. The combination of lack of influence on warring parties and increased interest in protection amongst international policy-makers has encouraged humanitarian agencies to look to the international stage, and to draw on international commitments to protect civilians. As the traditional international response of asylum has been eroded, with the increasing containment of fleeing populations *within* borders, the curtailment of international travel and restrictive asylum policies, particularly in the West, the focus now is on supporting protective internal containment, or encouraging influential governments to intervene politically, or in some cases militarily. Traditional techniques of diplomacy and persuasion have largely been displaced by international advocacy, both behind-the-scenes lobbying and international campaigning. For an agency like the ICRC this is a problematic development, and concerns have been raised about the transferral of responsibility from national actors to international ones. The reporting of abuse in the media also presents difficulties for the ICRC to the extent that the agency relies on confidentiality in its dealings with national authorities.

Thus, the legally focused, nationally oriented, diplomatic and persuasive approaches of the past have been complemented and perhaps even supplanted by new protection strategies and methods. Protection has become a visible and vocal activity in all forms of disaster response, from natural disasters to complex emergencies. Protection is no longer the exclusive preserve of mandated actors; new protection agencies are active, working more closely with affected communities and drawing on links with other political and military actors in their efforts to increase civilian safety. The overall focus of protection has shifted, from the duty-bearers (the meso-level) to international actors (the macro-level) and affected communities (the micro-level).

3.4 Evolving leadership and coordination in protection: from collaboration to clusters

Effectively coordinating the work of a plethora of humanitarian agencies with diverse mandates, approaches and method-ologies is an immense and continuing challenge. For an area as complex and multifaceted as protection, with evolving roles and a proliferation of new actors, it is perhaps not surprising that it has proved particularly difficult. In the past, UNHCR took on this role in refugee situations, but no UN agency has a mandate for IDPs. Given the scope, magnitude and nature of internal dis-placement, it was felt that this function was beyond the capacity of any single agency. Coordination and leadership were therefore undertaken on the basis of a 'collaborative approach', whereby a range of UN, non-UN, governmental and non-governmental actors (including humanitarian, human rights and development agencies) worked together to respond to the needs of IDPs on the basis of their individual mandates and expertise. Overall responsibility for coordination rested with the Emergency Relief Coordinator and the Humanitarian Coordinators at field level.[12]

As it became clear that there was no nucleus of responsibility, this collaborative approach to protection met with increasing criticism. Different agencies selected situations in which they wanted to become involved on the basis of their mandates, resources and interests, causing Richard Holbrook, the then US Ambassador to the UN, to remark in 2000 that 'co-heads mean no heads'.[13] Evaluations of UN responses highlighted major problems. Humanitarian Coordinators were reluctant to support protection activities, viewing them as political, a danger to humanitarian access and corrosive of their own personal relations with the authorities. Even when there was greater understanding and commitment to protection, Humanitarian Coordinators lacked the authority and resources to assign responsibilities to individual agencies. Frequently, the international staff presence among vulnerable populations lacked the requisite capacity (Bagshaw and Paul, 2004).

The weaknesses of the collaborative approach to IDP protection were highlighted by the response to Darfur, where none of the mandated UN agencies (UNHCR, UNICEF and OHCHR) was pre-pared to take the lead coordinating role. After much dithering over roles and responsibilities, OCHA took on a coordinating role in early 2004. This was handed over to the UN Mission in Sudan (UNMIS) in late 2005. Eventually, UNHCR took on a leadership function, but only in West Darfur, one of three states in the region (Pantuliano and O'Callaghan, 2006: 23). In June 2005, the

Humanitarian Response Review, itself prompted in part by the failures in Darfur, found major systemic deficiencies in humani-tarian response, particularly in relation to the protection of IDPs. Following the Review, in September 2005, the Cluster approach to coordination was devised and launched. It has since been piloted in Liberia, Uganda and the DRC, and has been adopted as the coordination model in Somalia, Pakistan and other con-texts.[14] Its overall objective is to increase the predictability, accountability and effectiveness of humanitarian response. Orig-inally conceived to address *gaps* in responses to emergencies, when implemented it has tended to be adopted as the overall coordination mechanism for the response (Action Aid, 2007).

A full evaluation of the Cluster approach is under way at the time of writing. Nonetheless, a number of early observations can be made. At the most fundamental level, the ICRC and MSF have declined to participate, due to concerns that the UN, which has political and military objectives as well as humanitarian ones, is not a neutral body. Given the importance of both actors in protection, this means that efforts to ensure a coordinated approach will always be somewhat piecemeal, although the ICRC participates in some meetings as an observer and both agencies interact bilaterally at field level when they feel it is appropriate to do so. Other NGOs have bemoaned the additional meetings that the initiative has generated, and have claimed that establishing the Cluster approach has been seen as an end in itself, rather than as a means to achieve more effective results. For many, sustained participation has not been possible due to the burden of increased meetings and collective policy development. It appears that a consistent lack of trained and deployable protection officers has frustrated efforts to translate these bureaucratic mechanisms into effective responses at the field level (Darcy, O'Callaghan and Bonwick, 2007; IASC PCWG, 2007).

The relevance of establishing a distinct Global Protection Cluster has also been questioned. Many interviewees claimed that protection is not a sector in itself, but an overarching principle that should permeate all the clusters. Formalising protection into a specific cluster organises agencies and programmes into distinct modes of action and risks making it more difficult to establish links between assistance and protection. This certainly appears to coincide with how the Protection Cluster is structured. UNHCR was designated cluster lead for the protection of IDPs in conflict-related emergencies, with the expectation that one of the three mandated agencies would ensure that a lead was identified for natural disasters.[15] Nine different 'focal point' agencies have been identified to

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12 The collaborative response was initially outlined by the IASC in its Policy on the Protection of Internally Displaced Persons (December 1999). It was sub-sequently reaffirmed by the IASC as the preferred means of responding to situations of internal displacement in the Supplementary Guidance to HCs and/or RCs on their Responsibilities in Relation to Internally Displaced Persons (April 2000), and the Guidance Note on the Collaborative Approach (March 2003).

13 USUN PRESS RELEASE Number 37 (2000), Ambassador Richard C. Holbrooke Statement in the Security Council on Maintaining Peace and Security: Humanitarian Aspects of Issues before the Security Council, available at http://www.usunnewyork.usmission.gov/00_037.htm.

14 By May 2007, the Protection Cluster had also been activated in Côte d'Ivoire, Colombia, Ethiopia, the Horn of Africa flood response, Lebanon, Mozambique, the Philippines and Yogyakarta/Indonesia; see http://ocha.unog.ch/humanitarianreform/Default.aspx?tabid=79.

15 'UNHCR is the lead of the Global Protection Cluster. However, at the country level in disaster situations or in complex emergencies without significant displacement, the three core protection-mandated agencies (UNHCR, UNICEF and OHCHR) will consult closely and, under the overall leadership of the HC/RC, agree which of the three will assume the role of Lead for protection' (IASC, 2006b).

Box 8: Humanitarian protection and Integrated Missions in Darfur and the DRC

The UN Mission in Sudan (UNMIS) is the first integrated mission to have a protection role under its humanitarian pillar (others have had human rights functions, or military protection roles). UNMIS took over from OCHA as coordinator of protection in Darfur in late 2005, with UNHCR continuing to perform the lead function in West Darfur, one of the region's three states. Without institutional or practical experience of protection, the focus has been on monitoring and reporting, rather than programmatic response. However, as a matter of principle many humanitarian organisations refused to share information on abuses with UNMIS on the grounds that engaging with a political actor undermined their perceived neutrality and independence. More pragmatically, operational actors (NGOs in particular) complained that UNMIS lacked operationality and had only a limited field presence, leaving them exposed in their dealings with authorities that are hostile to protection work.

The UN mission in the DRC (MONUC) has a human rights, rather than a protection, section. In 2006, when the DRC was chosen as a pilot country for the Cluster approach, it was agreed that, while UNHCR would be the protection lead, MONUC would co-chair protection meetings. While this is generally undertaken by the Human Rights Section, in Goma for example the Political Affairs Section often takes the chair. Questions of politicisation were raised, particularly in light of MONUC's joint military work with the DRC armed forces, but many humanitarian agencies took a pragmatic approach and backed their involvement given MONUC's mandate to protect of civilians. While it is difficult to judge the impact of such close relations on perceptions of humanitarian neutrality, the joint approach appears to have had some positive impacts. Humanitarian agencies felt that there was value in the close relationship, which included information-sharing, joint analysis and common advocacy strategies, and in some instances MONUC deployments to at-risk areas. Others pointed out that the Protection Cluster in the DRC had adopted a broad concept of protection, which focused on the civilian population as a whole rather than just the displaced.

While the DRC experience appears to be a positive instance of coordinated effort, the degree to which this was due largely to overall acceptance and support for MONUC within the humanitarian community is unclear. The question of how the Protection Cluster should relate to, or involve, an Integrated Mission remains undecided. The feasibility of a third approach, where meetings are held separately but a coordination mechanism is established, has not yet been tested. Perhaps the most appropriate way forward is to decide this on a case-by-case basis, informed by (as yet undeveloped) principles and criteria.

(Pantuliano and O'Callaghan, 2006; interviews in DRC, February 2007).

assume operational responsibility for specific areas of protection. These 'sub-clusters' operate under the overall coordination of UNHCR,[16] and OCHA has a *droit de regard* over other clusters to ensure that strategies and activities do not have a negative impact on protection. However, ways to ensure this have yet to be determined at a global level, and the problem remains largely unaddressed in the field.

Arguably, in terms of protection the greatest impact the Cluster approach has had has been to raise protection's profile across the humanitarian sector, and to ensure that UNHCR has a designated responsibility for the protection of the internally displaced. Since it was launched in September 2005, the model has been applied to different degrees in 13 contexts (although protection has only been operative in 11), so at a minimum the new approach ensures that protection is on the agenda in a large number of humanitarian responses. The Global Protection Working Group in Geneva is developing policies and standards in protection, undertaking activities aimed at building protection capacities and providing operational support to field-level clusters.[17] Given the continued confusion and lack of guidance and capacity in protection, this work can only be beneficial. Thanks to the Cluster approach, UNHCR has been designated the lead agency for IDPs in conflict-related emergencies, filling the gap in leadership in this area which was so painfully apparent in the response to Darfur. Whether this will translate into more effective protection responses on the ground is not yet clear. Reviews of the initial roll-out of the Cluster approach indicate that its potential has yet to be realised (Stoddard et al., forthcoming; ICVA, May 2006; Action Aid, 2007).

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16 The different sub-clusters and corresponding Focal Point Agencies of the Protection Cluster are: Rule of Law and Justice (UNDP/OHCHR); Prevention and Response to GBV (UNFPA/UNICEF); Protection of Children (UNICEF); Mine Action (UNMAS); Land, Housing and Property Issues (UN Habitat); Promotion and Facilitation of Solutions (UNDP); Protection of Persons or Groups of Persons with Specific Protection Needs (UNHCR); Prevention and Response to Threats to Physical Safety and Security and other Human Rights Violations (OHCHR/UNHCR); and Logistics and Information Management Support for the Cluster (UNHCR).
17 See the Protection Cluster Working Group 2007 Workplan: http://www.humanitarianreform.org/humanitarianreform/.

Chapter 4
The dilemma of involvement: decision-making and organisational roles in protection

The previous chapter described the evolving roles of humanitarian agencies in protection, and the implications of increased engagement in protection by non-mandated organisations. It also explained how the range of different actors coordinate their protection activities among themselves. This chapter sets out the rationale for increased engagement in protection by relief organisations, and highlights some organisational considerations that need to be taken into account when an agency decides to increase its protection programming. In particular, we focus on the potential roles of non-specialist protection agencies. A distinction is drawn between mainstreaming, other protection programming (termed 'protective action') and more specialist protection programming. The chapter concludes that each humanitarian agency should adopt a minimum 'core commitment' to protection, so that a basic consideration for civilian safety is incorporated into humanitarian work.

4.1 Should operational agencies increase their engagement in protection?

There are several arguments against an increased engagement in protection by humanitarian agencies. The first relates to capability, and the fact that humanitarian workers, unlike military actors, are generally unable to physically protect civilians against imminent attack. The second is what is termed 'substitution', whereby humanitarian agencies engaging in protection 'substitute' for more effective protective action by the responsible authorities, or may disguise the international community's failure to address the protection imperative through more robust means. The third argument against humanitarian protection concerns potential risks to programmes: protection is a contentious and politically oriented form of humanitarian action, and so may have attendant risks for programmes, staff and beneficiaries. Finally, there are issues of expertise and mandate, and concerns that humanitarian agencies may not have the requisite skills or capacity to be involved in specialist protection programmes, for instance relating to sexual violence.

These may be valid concerns, but they are not the basis for inaction in every situation. Rather, they suggest that the potential scope and limitations of humanitarian protection should be clearly understood and articulated in different contexts. Current understanding of modern warfare means that civilian safety must be a deliberate and conscious concern of humanitarian organisations working in conflict-related emergencies. Given the horrific consequences of conflict for civilians, humanitarians have a responsibility to understand the nature of the risks facing affected populations, and to consider the positive and negative impacts of humanitarian intervention on those risks. While the role of humanitarian actors in protection may be limited, in certain contexts and for certain communities, protection work can save lives, help create safer options for livelihoods strategies, survival or personal security or alleviate the effects of abuse. At a minimum, protection analysis can help to amplify the impact of assistance and help ensure that it does not compound or increase the level of risk that civilians face. Protection specialists believe that incorporating protection analysis into humanitarian programming facilitates a broader and more comprehensive understanding of the context in which an agency is operating, the risks different populations are facing and the inter-relationship between these risks and the provision of assistance. Infant mortality, for example, may not be reduced by food assistance if children are being denied full portions, or if food is being used for other purposes. Specific groups may be denied access to water on the basis of their ethnicity, but this may not be fully understood, recognised or addressed by water engineers unless doing so is specifically part of their remit. Protection analysis, by offering a more nuanced understanding of needs and vulnerabilities, can allow for more appropriately targeted interventions, and can help minimise the risks resulting from the provision of humanitarian assistance.

Used strategically, assistance can also help civilians avoid risks, or can provide them with safer options. For example, the provision of agricultural assistance to communities in Somalia, where access to markets is limited due to conflict or curtailed movement, may reduce people's need to seek relief in displacement camps. Income-generation programmes in camps in Darfur may decrease the need for women to risk sexual attack when searching for firewood in order to obtain an income. Assistance can alleviate the effects of abuse, through supporting at-risk communities to remain in safety (in camps, or through assisting host communities), or through the provision of direct services (information on the situation in places of origin, access to legal assistance or medical care). While assistance does not in itself provide protection, it may become a *means* of assuring the protection of at-risk populations.

Humanitarian organisations can, in certain contexts, help to reduce the level of threat civilians face. At a minimum, this may involve sharing information on abuses witnessed, thereby informing the work of more experienced protection actors (national governments, other humanitarian organisations or international governments). Operational agencies with wide field presence may often be the only witnesses to human rights violations, and sharing such information judiciously can be essential to inter-agency coordination on protection. More

specialist protection actors may choose to act more directly by calling on the abusive parties, national governments or the international community to meet their responsibilities towards civilians. Thus, protection is a means of engaging in the causes, as well as the consequences, of humanitarian crises.

The form of collective action outlined above in relation to monitoring and reporting is based on a general recognition that, in order to be effective, joint action is required. The diversity of protection issues and needs means that no single organisation or actor can address them all. Different agencies will often be involved in different spheres of action and in different activities, but the sum of their parts should add up to better protection (Slim and Bonwick, 2005: 45). There has been much debate about what such 'complementarity' means it practice – whether it denotes *coordination* (an overall approach organised by one entity); *cooperation* (interaction between different organisations, but no fixed working patterns); *mandate-based action* (each organisation works in accordance with its mandate under international law); or *division of labour* (the fixed assignment of tasks to organisations based on their core identity) (Giossi Caverzasio, 2001: 29). With protection now a Cluster, complementarity has come to mean a combination of cooperative and coordinated action. Agencies such as the ICRC and MSF cooperate on a bilateral basis when appropriate, but others are increasingly becoming involved in coordinated action through the auspices of field and global protection working groups, joint protection country strategies and global policies.[18]

Interviews indicated widespread support – from experienced protection agencies, mandated and non-mandated alike, as well as from many operational humanitarian agencies – for non-specialist agencies to increase their understanding of protection concerns and to incorporate an analysis of the threats facing civilians into their programming. Such support is new. As outlined in Chapters 2 and 3, whereas protection was traditionally viewed as the preserve of mandated actors, there is now an increased appreciation of the benefit of collective and complementary engagement. This has been accompanied by interest from outside: many humanitarian representatives reported that donors and other political actors were increasingly keen to see humanitarian organisations incorporating protection into their work.

However, whilst there is a growing acknowledgment of the need to ensure that humanitarian activities are informed by protection considerations, this is difficult to do in practice. The case studies for this research indicated a high degree of confusion about protection and how it should be approached. A large number of agencies with no previous experience in protection (such as Action Contre la Faim (ACF), Care, Concern, Médecins du Monde (MDM), Tearfund, WFP and World Vision) have been considering whether they have a role in this area. The issue is not settled amongst agencies with more experience of protection. A number reported a lack of internal agreement over the direction they

18 See the Protection Cluster website: www.humanitarianinfo.org.

should take, and a lack of commitment to integrating protection principles into their work. The experience of protection in Darfur and northern Uganda demonstrates the challenges associated with high levels of interest in protection (and, some claim, pressure to engage in it), without clear institutional policies and guidelines on roles and responsibilities. Despite the fact that the decision to do protection work should involve organisational deliberation in regard to mandate, capacity and resources, many non-specialist agencies have simply deployed protection officers to the field and tasked them with determining potential roles. This approach is insufficient, and has proved counter-productive. Senior protection analysts compared recent protection responses to the 'worst practices of the relief community 20 years ago' (Bonwick, 2006b: 276).

There are convincing moral and pragmatic reasons why humanitarians should consider how crises affect civilians' safety, and whether humanitarian response can play a role in minimising harm. The question for many agencies is no longer *whether* humanitarian organisations have a responsibility to consider issues of civilian safety, but rather *how far* this responsibility extends. To answer this question, organisations require clarity on the nature of the protection agenda – both different levels of protection programming and the minimum commitments which involve all humanitarian organisations – as well as on criteria for determining their level of involvement. They also need clear processes for ensuring that these commitments are translated into practice.

4.2 Factors for operational agencies to consider in increasing their roles in protection

There is no overall guide to indicate whether agencies should or should not adopt an expanded role in protection. This is an issue for each organisation to consider for itself. Key questions which may come into play include the profile of the agency concerned; the degree of 'fit' with the agency's work; the level of risk involved; the capacity of the organisation to take on additional responsibilities; and the added value of the agency assuming an expanded role in protection. These issues are elaborated in more detail below. As with every area of work, context-specific questions (such as level of need, gaps in response and the agency's relationship with the authorities) will determine how the overall approach of an organisation translates into practice at field level. Such field-level questions are outlined in the next chapter. However, any field response should be broadly consistent with an overall organisational position on protection.

The first area to consider is how protection fits with the profile of the agency, in particular its mandate and mission. The most pressing issue is the question of humanitarian principles. Greater involvement in protection may challenge established interpretations of impartiality and neutrality. The more issues of risk or civilian safety become guiding determinants of where and how agencies intervene, the more flexibility may be

required in terms of the principle of impartiality. While agencies may still make decisions on the basis of need, 'need' can also incorporate the level of protection abuses, as well as more established categories such as morbidity and mortality (Darcy, 2003). For organisations like the ICRC, this does not imply derogation from impartiality because the level of protection or compliance with IHL determines where they intervene. MSF-Holland makes decisions on intervention not only on the basis of need, but also by judging the agency's potential impact on the policy environment giving rise to the need. Thus, it has programmes in politically oppressive, middle-income countries in Asia, but not in less wealthy countries in Africa which may have far greater medical needs. For other humanitarian organisations, such an approach will involve a major departure, especially as it is usually more difficult to assess the level of protection needs than it is to measure the need for shelter, food or medical care.

Linked to the question of agency mandate is the organisation's position on humanitarian principles. As discussed, concerns have been raised that protection work violates the principle of neutrality; that is, not taking sides in ideological or political debate (Rieff, 2002). Involvement in protection certainly draws humanitarian agencies much further into the political arena. It concerns analysing the behaviour of warring or abusive parties, examining the threats and risks facing civilians and undertaking politically informed humanitarian action (Mahony, 2006: 40). However, it could be argued that *understanding* the dynamics of a crisis and ensuring that interventions mitigate risk is not the same as *acting* politically. The risk of politicisation rests, therefore, in actions rather than analysis, and only with political knowledge can an organisation be truly neutral (Minear, 2006). Further, it may be the case that an agency can retain its neutrality by responding to the *act* of violation irrespective of which actor has committed it (Paul, 1999). Indeed, organisations that have adopted a rights-based approach to humanitarian action may view protection as a natural extension of this, although it is arguable that a humanitarian agenda in protection is actually narrower than a human rights approach (see Chapter 3). Thus, a more flexible approach to neutrality and impartiality, as well as the adoption of rights-based approaches, may make an agency more amenable to protection. Other considerations, such as the historical role of the organisation, may also be important: the international work of organisations such as the IRC and NRC grew out of domestic refugee resettlement activities, while Save the Children's work derives from the Convention on the Rights of the Child.

The second, related, set of considerations concerns the level of fit with the work of the organisation. The type of contexts agencies are engaged in may be a critical factor in determining whether an expanded role in protection is relevant. If the agency is involved in emergency response, and typically works in intense crises or in close proximity to civilian abuse, then it may decide that it can help enhance civilian safety through channelling information on abuses, advocating for action or

providing safer options for communities. Alternatively, it may determine that it is *more* difficult to work on protection in such contexts due to considerations of security and capacity. The type of work undertaken will also be important. Medical organisations which encounter abuse first-hand may find that a concern for gender-based violence is a natural extension of their work, whereas it may not be as appropriate for a logistics organisation. Indeed, in Darfur, the more successful 'new entrants' into protection tended to be medical organisations, due to their proximity to survivors of abuse (Pantuliano and O'Callaghan, 2006: 18).

A third consideration is the issue of risk to staff, programmes and even beneficiaries. Unlike many human rights organisations and political analysts, humanitarian actors must remain present in order to deliver life-saving goods and services. Balancing this priority with taking action in the face of civilian abuse is a key issue for agencies undertaking protection. In Uganda, government intimidation has restricted the level of advocacy by humanitarian agencies on the responsibility of the government to protect civilians, with direct interventions from the Ugandan president himself on the issue (see Box 19). In Darfur, involvement in protection is believed to be a causal factor in the government's harassment of aid officials, including the detention of two senior MSF-Holland staff members following the publication of a report on rape (Pantuliano and O'Callaghan, 2006: 21). The exact correlation between specific protection activities and risk to programmes and staff is unclear, but where the government is one of the main perpetrators of violence, as is the case in Uganda and Darfur, engaging in protection work certainly appears to have strained already difficult relations and may have increased agency risk. Recent research indicates that belligerents in many crises associate aid workers with political processes, and this association may be one reason for the increase in the direct targeting of aid workers. While this has not led to a significant rise in the number of major security incidents involving aid workers in absolute terms, the political motivations behind a large proportion of attacks suggests that seeking not to heighten perceptions of politicisation is a legitimate concern. While humanitarian actors frequently focus on the safety of international staff, research shows that national staff face the greatest risk (Stoddard et al., 2006). Staff security is of paramount importance, and it is for each organisation to calibrate and navigate risk.

The capacity of the organisation to take on new roles will also be an important determinant. This is both a question of the *level* of human and financial resources, and the *type* of capacity available. Organisations already undertaking a high degree of analysis or advocacy may find adopting greater roles in protection less complicated than large relief actors. Finally, the added value of an additional protection actor is an important consideration. One factor will be the level of influence that the agency has on an international or national footing. For example, WFP is considering becoming more

active in protection, partly due to a recognition amongst UN organisations that it can bring to bear a unique influence on national authorities by virtue of its size. Not every agency will, however, have similar leverage or influence. While each agency can contribute to the collective responsibility in protection through ensuring that it incorporates a minimum level of protection into its assistance, not every agency needs to adopt specialist protection programming.

4.3 Different levels of involvement: mainstreaming, 'protective action' and specialist protection programming

The experiences of Oxfam and WFP, described in Boxes 9 and 10, show that engagement in protection does not necessarily mean that the overall goal or programming of an organisation must change, but rather that ongoing work can be adapted to ensure

that threats to civilians are, to the degree possible, minimised within ongoing humanitarian delivery. They demonstrate how increased involvement may not only enhance the agency's effectiveness in meeting its core objectives (in WFP's case, hunger reduction), but may also allow for engagement in the causes of humanitarian crisis. Most importantly, they highlight that different potential levels of involvement in protection are available to humanitarian organisations, and that this is a decision to be determined at an institutional level, rather than by individual field programmes. They also establish that organisational goals, interests, capacities and resources will guide the nature and degree of involvement. As Oxfam's experience highlights, this may evolve as experience deepens.

To date, two levels of protection involvement have been articulated: mainstreaming protection on the one hand, and stand-alone or specialist protection programming on the other.

Box 9: WFP's protection role

In response to the Secretary-General's call in 1997 that all UN agencies must integrate human rights into their work, as well as prompts from other UN agencies that WFP should use its large field presence for protection, the agency began a multi-year research project into protection. This research showed that hunger was frequently distorted by protection issues, and that food distribution often indirectly resulted in protection problems. The main findings were that an organisation with the profile, influence and coverage of WFP could potentially have a major impact in protection without departing from its overall goal of hunger reduction (HPG Livelihoods and Protection meeting, 26 April 2007). For WFP, protection means 'safe and dignified programming'. This incorporates three elements: employing a protection-oriented analysis of hunger; seeking to ensure that programming does not incur new risks; and agreeing procedures for action when abuses are witnessed.

A 'concentric circle model' has been developed which depicts the potential scope of WFP's work. The inner circle represents protection issues directly related to WFP's hunger-related operations. Here, WFP can make conscious efforts through analysis and planning to design programmes that seek to maximise the potential protective benefit, as well as minimising damage. It can also undertake advocacy with partners, insisting that operations are safe and as far as possible free from protection risks to civilians. In the second sphere are protection issues related to food insecurity, for which WFP has an entry-point for advocacy (such as pressing for the removal of commercial blockades limiting agricultural commerce). Finally, in the outermost circle, there are broader protection concerns, not related to hunger. WFP's role in this context is limited to instances where staff and cooperating partners witness abuses during operations (Mahony et al., 2005). Beyond this lie specialist protection activities which require dedicated protection capacity, which are not considered appropriate for WFP.

Other protection problems witnessed

Causes of food insecurity

Protection in WFP operations

Food-related protection problems
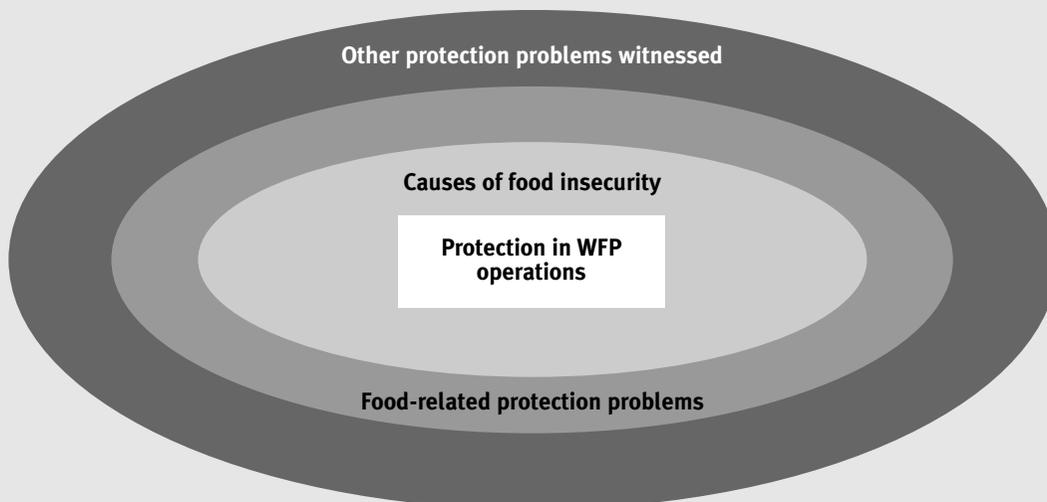
Box 10: Oxfam's protection role

Oxfam has spent a number of years considering its protection responsibilities. Following a 2006/2007 internal review of its protection work, senior managers agreed that Oxfam would, at a minimum, mainstream protection into all of its assistance programming, and clarified what 'mainstreaming protection' means for the organisation. The agency also decided that it should build on its experience in dedicated protection programming in situations of forced displacement and sexual violence, make such programming a dedicated focus area and invest in capacity and skills development (Hastie et al., 2007: 2).

'Protection mainstreaming' means the incorporation of protection principles and concerns into relief programming. Put

simply, it means that safety, as well as the basic needs of civilians, is central to humanitarian programmes. Approached in this way, food, shelter or primary healthcare programmes may also help to mitigate or prevent harm. However, the delivery of assistance will not necessarily have a protective benefit unless careful consideration is given to analysing threats, risks and community responses, and programmes are adapted to reinforce safety. Therefore, for assistance to be protection-sensitive, or have a 'protection lens', protection issues must be purposefully included in the design and implementation of programmes from the outset (InterAction, 2004: 8).

At the opposite end of the spectrum are specialist or stand-alone protection programmes. These have protection as their primary or sole objective. Dedicated protection assessments are undertaken, project design focuses on promoting civilian safety or rights and outcomes are measured against the

Box 11: Organisational and capacity requirements associated with different levels of protection

Type	Mainstreaming	Protective action	Specialist (or stand-alone) protection programming
Definition	The incorporation of protection principles and concerns into relief programming. A risk analysis is undertaken and programmes are designed in order to minimise risk to the degree possible	Projects or activities that have both assistance and protection objectives, or are a means of addressing protection problems through assistance. It can involve activities such as advocacy or assistance activities.	Dedicated protection projects are undertaken in parallel with other assistance work. Undertaken by specialist protection agencies, these projects have the primary objective of meeting protection needs of civilians.
Examples	Incorporating protection considerations into water and sanitation programmes. For example, considering lighting around latrines, family (non-communal) latrines and monitoring latrine use to ensure safety.	Strategically using interventions to enhance protection such as protection by presence or targeting assistance to at-risk populations. Fuel-efficient stoves. Information campaigns on places of return. Advocacy towards local authorities to change relocation policies.	Rule of law programmes. Registering refugees and assisting with documentation. Monitoring IHL and reporting to authorities on adherence. Medical and psychosocial care to survivors of GBV.
Capacity	Assistance staff have basic knowledge of protection, are able to monitor trends and adapt programmes accordingly. Requires minimum level of dedicated capacity at headquarters, with at least periodic support in-country for a fixed period. Requires organisational policy on, and commitment to, protection. Senior managers' appraisals incorporate protection. Training required to ensure good basic knowledge of protection.	Requires some dedicated protection capacity at field level in order to ensure consistent protection training and skills development. Also requires dedicated capacity at headquarters. Requires organisational policy on, and commitment to, protection. Senior managers' and project staff appraisals incorporate protection. Requires training and tools and methodologies to undertake protection work.	Requires specialist staff to implement programmes with technical support from headquarters. Organisational policy on and commitment to protection. Senior managers' and project staff appraisals include protection. Requires consistent training and established tools and methodologies to undertake protection work.
Funding	Central funding to support training and capacity requirements.	Central funding to support training and capacity requirements.	Central funding to support training and capacity requirements. Requires dedicated resources and budget lines at field level.

degree to which this is achieved. Stand-alone activities can focus on preventing or mitigating the effects of violence (through advocacy or support to protection actors), or responding to the effects of violence through dedicated activities. Specialist knowledge and experience are required, as well as dedicated capacity and funding. Examples include providing medical and psychosocial support to survivors of gender-based violence; assisting with the demobilisation and reintegration of children associated with fighting forces or tracing separated children; providing legal information, counselling and assistance; or establishing channels of information to displaced people.

Between the two ends of the spectrum there is a comprehensive body of work that fits into neither category, but which is increasingly being pursued by many agencies. For the purposes of this report, these activities are termed 'protective actions'. Protective actions can be undertaken by operational agencies and specialist protection agencies alike, and involve protective *assistance* or other forms of protective *activities* (such as advocacy, coordination or referral of information). Protective actions can have both assistance and protection objectives, or can be a means of addressing protection problems through assistance (see Section 6.2). 'Protective actions' focus on preventing or mitigating the effects of violence, as well as directly responding to that violence, or helping others to do so. Box 11 sets out the differences between mainstreaming,

protective action and specialist action, highlighting general capacity and funding requirements for each. These are outlined in more detail in the remainder of this report.

4.4 A universal 'core commitment to protection'?

The Darfur research for this report indicated that responsibility for determining practice on protection was left to individual protection officers in the field, rather than emerging out of clear direction and guidance developed at an organisational level. While there is a need for field programmes to be flexible enough to decide which specific protection activities may be most appropriate, such decisions should be based on clear organisational positions. Clarifying these positions would help to reduce the level of confusion and duplication of roles amongst humanitarian organisations, and ensure that operational agencies play a part in enhancing, rather than undermining, the protection activities of specialist agencies. It would ensure that the responsibility for determining practice in such a challenging and complex area is based on key organisational considerations, such as mandate, capacity and expertise. Finally, it would help to clarify the minimal, but important, role that traditional relief agencies can play in protection, so that concerns about 'substitution' (the transferral of protection responsibility to humanitarian workers) can be countered. The following chapter describes the organisational and programmatic issues such a core commitment to protection might involve.

Chapter 5
A core commitment to protection: organisational and programmatic issues

In light of the risks civilians face in crisis, there is a strong argument in favour of every organisation adopting a minimal 'core commitment to protection' if it is to take seriously its role in providing assistance. This would mean that each agency considers, at least to some degree, questions of civilian safety, as well as need. When asked about roles for non-specialist agencies in protection, many interviewees believed that responsibility extended only to mainstreaming protection; that is, ensuring that analysis and assessment incorporate questions of civilian safety, and that programmes are deliberately adapted to minimise protection risks. However, as currently understood, 'mainstreaming protection' does not take into account ensuring that policies and procedures for responding to protection incidents encountered during the provision of assistance.

The five elements elaborated in Box 12 could form the basis for a universal core humanitarian commitment to protection. This core commitment may, depending on the organisation and the specific context, be complemented and supplemented by additional roles and responsibilities. Frequently, the response may be to inform or facilitate the work of more specialist protection organisations. Regardless, considerations of civilian risk should become integral to how an organisation approaches its work, rather than an additional activity for those with the time, interest and capacity to consider issues of civilian safety.

5.1 A core commitment to protection: organisational issues

Whether it is the core commitment outlined above or a more enhanced role in protection, incorporating an appreciation of civilian safety into humanitarian analysis and response requires a significant shift for most humanitarian organisations. Experience from the past ten years indicates that this transition is challenging. At a UN level, Bagshaw and Paul's 2004 review of protection for IDPs indicates a lack of understanding of how to integrate protection into assistance. Sectoral meetings on food, water and shelter did not refer to protection issues relevant to their work, such as the timing of food distributions and attacks on camps, or physical and sexual assaults on displaced women forced to walk to poorly located latrines or water points. Similarly, lack of access to basic services was approached as a logistical or practical problem, rather than as a denial of the right to subsistence (2004: 79). Experience in integrating other concerns, such as gender, age and HIV/AIDS, demonstrates that there is a need both for organisational commitment to the issue, and for practical efforts actively to incorporate it into every stage of the programme cycle (IASC, 2006; Holden, 2003). This is just as true for protection.

Box 12: A universal core commitment to protection

Organisational Issues

1. **Organisational policy on protection.** Each organisation should set out clearly and simply a position on protection, indicating what it means for the organisation and the scope and limits of involvement.
2. **Training and support for staff on protection.** In order for staff to translate organisational policies into practice, guidance, training and tools are required. Simple tools and training sessions are needed to ensure that management and programme staff understand protection, can recognise threats and work to integrate protection into assessments, project proposals, programming and monitoring and evaluation procedures.

Programmatic issues

3. **Analysis takes account of risk as well as need.** Understanding the risks that communities face is the first step towards a response which helps reduce harm. Chapter 5 includes a description of protection analysis, which can be adapted for use in assistance programmes.
4. **Assistance programmes consider impact on civilian risk.** Such considerations may guide an agency's decision on where and how to programme, or they may result in no changes to the intervention. However, management and programme staff should be supported to include questions of civilian risk at each stage of the project cycle, so that such considerations can be determined.
5. **Processes are in place to respond to abuses witnessed during work.** Humanitarian staff frequently witnesses abuses during the course of their work, but without guidance and support on what to do opportunities to assist communities and enhance the overall protection response may be lost.

Experienced programme staff indicated that it is often more difficult for an organisation to adopt cross-cutting issues such as protection than it is to take on a new set of programmatic activities with distinct objectives, technical specialities and responsibilities. Time and again, the attitude of senior staff to protection, both at headquarters and at the country level, was highlighted as a key determinant of the degree to which it is adopted. One protection specialist from an operational NGO stated that the more senior the staff and the further from the field they were, the less likely it was that they would understand the need for protection analysis and programming and commit to it. Mandated organisations reported structural divisions between protection and assistance, impeding greater

integration. UN representatives remarked that assistance departments had far greater funding and capacity than protection, and while processes were in place for integration, such as strategic and operational plans, unless the country representative was committed to ensuring coherence between protection and assistance protection was usually included as a discrete programmatic response. In a number of cases, this also applied to mandated agencies. Many operational NGOs and non-specialist organisations reported that the level of integration of protection appears to coincide with the level of interest of country managers. Currently, many country offices have developed training on protection, but this tends not to be institutionalised and there are many different conceptions and understandings of protection, even within a single organisation. The lack of a systemised approach to protection means that capacity is not built over time. The result is ad hoc and inconsistent implementation, with protection efforts expanding and contracting depending on the individual directing the programme. The sections below set out three key elements to incorporating protection into institutional practice. Box 13 sets out these elements in logframe format.

5.1.1 Setting out protection policies and approaches

In developing organisational policies, one question that should be addressed is whether the protection approach emphasises rights, or whether it deals in more practical terms with the safety and dignity of the individual. Mandated agencies like the ICRC or UNHCR and specialist NGOs such as IRC and NRC argue the need for protection activities to be based on explicit references to the law (such as violations of IHL), as this offers a clearly identifiable framework against which different actors can be held to account. In general, if the agency is undertaking advocacy and support to the authorities to meet their responsibilities in protection, then at the very least this needs to be reinforced by reference to legal entitlements, if not overtly stated in terms of rights. If the organisation is focusing more on how to adapt its programmes on the ground to minimise risks and promote safety, then staff must understand that this work derives from communities' rights to safety and other entitlements found in international legal standards applicable to all human beings. In such instances, the emphasis may be on practical steps to help keep people safe, rather than on developing legal expertise.

5.1.2 Staff capacity

Most experienced protection specialists cite consistent training and, preferably, on-the-job support as the most effective way of incorporating protection into programming on the ground. Agency representatives spoke of the need for dedicated capacity, highlighting the additional responsibilities that mainstreaming brings as well as the high turnover of humanitarian staff. Sufficiently skilled staff are also required within programmes to undertake consistent analysis of the dynamics of the crisis and the risks civilians face. While this may be possible with current staff, through appointing a protection 'focal point' for example, the likelihood is that

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Box 13: Example of a proposal to incorporate protection

- **Sample goal:** To maximise the potential for communities to attain their basic rights to life, health and dignity through ensuring that the organisation's assistance minimises risks and contributes to their safety.
- **Sample objective:** To ensure that the organisation's assistance programming contributes to a reduction in the level of threats faced by civilian populations, and that assistance does not place them at further risk through systematically adopting a core commitment to protection across the organisation.
- **Sample activities:** Integrate protection responsibilities into inductions, job descriptions and performance reviews of management and programme staff.

- Develop simple tools and training sessions to ensure that protection is integrated into assessments, project proposals and monitoring and evaluation procedures, and that staff understand protection and can recognise threats.
- Establish work procedures so that protection staff/focal points contribute to the assessment, design, implementation and monitoring of programmes.
- Create systems for referring and reporting protection incidents encountered (through adapting programmes, advocacy or referring cases to specialist protection organisations).

- **Sample indicators:** Staff are trained in protection and there is an increase in their awareness and integration of protection in their work.
- Assistance proposals have protection objectives and activities, and evaluations indicate that these activities are undertaken.
- Simple tools are available and used by staff.
- The organisation shares protection concerns/cases with other organisations where appropriate.
- The organisation raises protection concerns with the authorities where appropriate.
- Communities report that the organisation's work has an impact not only on their needs but also on their safety.

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adding this responsibility to current roles will either result in a drain on programme capacity or inconsistent application.

The skills required for protection work may not be found in standard humanitarian programmes, again highlighting the usefulness of dedicated support. According to Mahony (2006), poor-quality field staff are costly as they can damage an organisation and even increase security risks. While it may not be possible to hire dedicated staff, the choice of protection focal points should be made on the basis of their suitability for the roles that they will take on. Necessary attributes include strong analytical skills; good communication and diplomatic skills; the ability to talk, listen to and influence a range of actors; and the

ability to transmit concerns effectively. Protection requires the capacity to adopt a long-term approach, a high degree of common sense and the commitment to pursue issues with patience and perseverance (Mahony, 2006: 135). Inconsistent staff capacity and the variety of different terms of reference for protection officers has prompted the Protection Cluster to develop standardised TORs (see Annex 1).

A number of different models have been tried to support protection capacity. The Protection Standby Capacity Project (PROCAP), an inter-agency UN initiative, was developed to enhance the availability, quality and effectiveness of protection staff. Established in October 2005, the project retains a team of 15 Senior Protection Officers on permanent roster available for deployment on short-term missions to UNHCR, UNICEF, OHCHR and OCHA. The project also works with the numerous stand-by rosters that manage protection staff, such as those run by Austcare, the Danish Refugee Council, the NRC, RedR Australia, Save the Children Sweden and Save the Children Norway, in particular by providing widely commended inter-agency training courses focusing on generic protection skills, rather than specific activities relevant to one organisation (Darcy et al., 2007).

WFP provides interested country programmes with additional protection support on a periodic basis in order to undertake dedicated analysis. Oxfam has tried a number of approaches, establishing protection projects in some countries while mainstreaming in others, but in both cases with dedicated protection staff (Hastie et al., 2007). One experienced field worker observed that effective mainstreaming might be possible through providing in-country capacity for one year over an entire project cycle, after which time the country team could take the process forward, with periodic external support. The NRC has developed 'Protection and Advocacy Advisor' positions for a number of priority countries, including Burundi, Colombia, the DRC and Uganda. These posts are responsible for mainstreaming protection across programmes, as well as coordinating advocacy activities. IRC has long invested in protection capacity, with a dedicated Protection Unit at headquarters which provides consistent training to country programmes, as well as support to develop more specialist programmes. Unsurprisingly, the greater the capacity, the greater the potential for effective mainstreaming.

Dedicated support is therefore preferable, to ensure the development of protection policies, the training of staff and the facilitation of protection on the ground. However, the ultimate objective is that all humanitarian staff will, at the very least, be alert to questions of civilian safety in their work, and will be able to take action when they witness abuses. This requires the development of simple, context-specific tools, and if possible the use of culturally appropriate language and examples.

Linked to the question of staff security is the issue of organisational support to staff when their protection work results in personal intimidation or harassment. Bagshaw and Paul (2004: 42) highlight that one factor in the reluctance among senior UN officials to advocate for the rights of displaced people was the absence of a system to protect them from the consequences. This is often a major issue in complex emergencies – precisely those situations where protection activities are most concentrated. More outspoken international protection staff can be removed or expelled on account of their work, and may not receive any compensation or support from their organisations. If organisations expect a commitment to protection from their staff, they should ensure appropriate support should there be negative repercussions.

5.1.3 Managerial commitment

Another component in ensuring commitment and leadership in protection is holding staff accountable for its implementation. Large NGOs spoke of senior management in headquarters retreating from mainstreaming protection, preferring instead to adopt larger stand-alone protection programmes which were more easily funded. Where country directors are reticent about protection, protection staff are often marginalised from programmes, rather than working collaboratively with programme staff to develop integrated responses. Protection considerations should be taken into account when managers are hired, inducted and appraised, and managerial objectives should emphasise protection. WFP in Liberia includes protection in management objectives to ensure that it is a management priority (WFP, 2006: 4). Accountability measures must be complemented by coaching and training for senior management staff in protection, so that they are clear as to why it is an organisational priority, and how it is relevant to day-to-day work.

With this level of understanding and accountability, responsibility in ensuring implementation will be passed down the line. In the field, where there is managerial commitment, this can transform an organisation's response. In IRC Pakistan, for example, the country director has established a Protection Unit, which is responsible for mainstreaming protection across the programme. When commitment flagged, a memo was sent to all staff indicating that the Protection Unit was to be included in every stage of the development, implementation and evaluation of projects. This commitment has not only resulted in protection being mainstreamed in programmes, but has also led to some important internal changes, such as the establishment of a crèche and efforts to recruit more female employees.

5.1.4 Financial support

The final element in successfully incorporating protection into an organisation's work is ensuring that sufficient resources are available to develop capacity, and to translate this into programmes on the ground. Securing financial support for protection activities is difficult. Protection programming is expensive relative to other activities as it requires heavy investment in personnel; agencies cite funding difficulties as a disincentive to engaging in protection. A number of large

NGOs stated that their organisations were moving away from mainstreaming protection, as they wanted to work in areas that were clearly defined, with guaranteed funding. In Darfur, the first emergency to be labelled a 'protection crisis', agencies reported that, when overall funding was cut, protection was the first to suffer due to perceptions that it is not life-saving. Many donors appear to prefer funding stand-alone protection programming, rather than the adoption of protection principles and approaches across the work portfolio. This was confirmed by operational agencies, which claimed greater success in financing protection mainstreaming when it was accompanied by stand-alone protection programmes, such as child protection or rule of law activities. Many NGOs spoke of 'hiding' mainstreaming costs (staff, training activities) in larger protection programmes in order to secure funds.

While funding may be difficult, there are signs that donors are becoming more receptive. There has been an almost five-fold increase in overall protection funding requirements through the Consolidated Appeals Process (CAP), from $59.6m in 2000 to $280.4m dollars in 2006. Most of these funds, however, are for stand-alone protection work. Protection has grown from 3% of overall funding requirements in 2000 to just over 5% in 2006, although it still remains relatively under-funded (see Figure 2). Donor guidelines for humanitarian funding are more likely to mention support or advocacy for IDPs (DFID's CHASE); physical security (CIDA) or protection (SIDA). Many donors are funding surge capacity projects and trainee

schemes, representing an investment in the professionalisation of protection. In 2006, the US Office of Foreign Disaster Assistance (OFDA) included protection as a cross-cutting theme in its funding guidelines for the first time, and states that it expects every proposal to address this area of work. It is critical that these positive steps translate into tangible support, not just for stand-alone activities by specialist agencies, but also investment in the capacity of non-specialist actors to incorporate protection into their work.

5.2 A core commitment to protection: programmatic issues

As well as organisational questions, adopting a core commitment to protection also has important programmatic implications. In particular, it demands a clear analysis of the risks that civilians are facing; processes to incorporate this analysis into programming; and mechanisms to respond to threats witnessed in the field. These three elements are set out in detail below.

5.2.1 Protection analysis
A comprehensive protection analysis includes an examination of the threats facing civilians, the strategies they employ to keep safe and the role of national duty-bearers and international actors in their protection. This analysis goes beyond simply understanding the consequences of crisis for civilian populations. It involves a detailed examination of the

Figure 2: Average percentage of needs met by sector, 2000–2006

Source: OCHA Financial Tracking Service
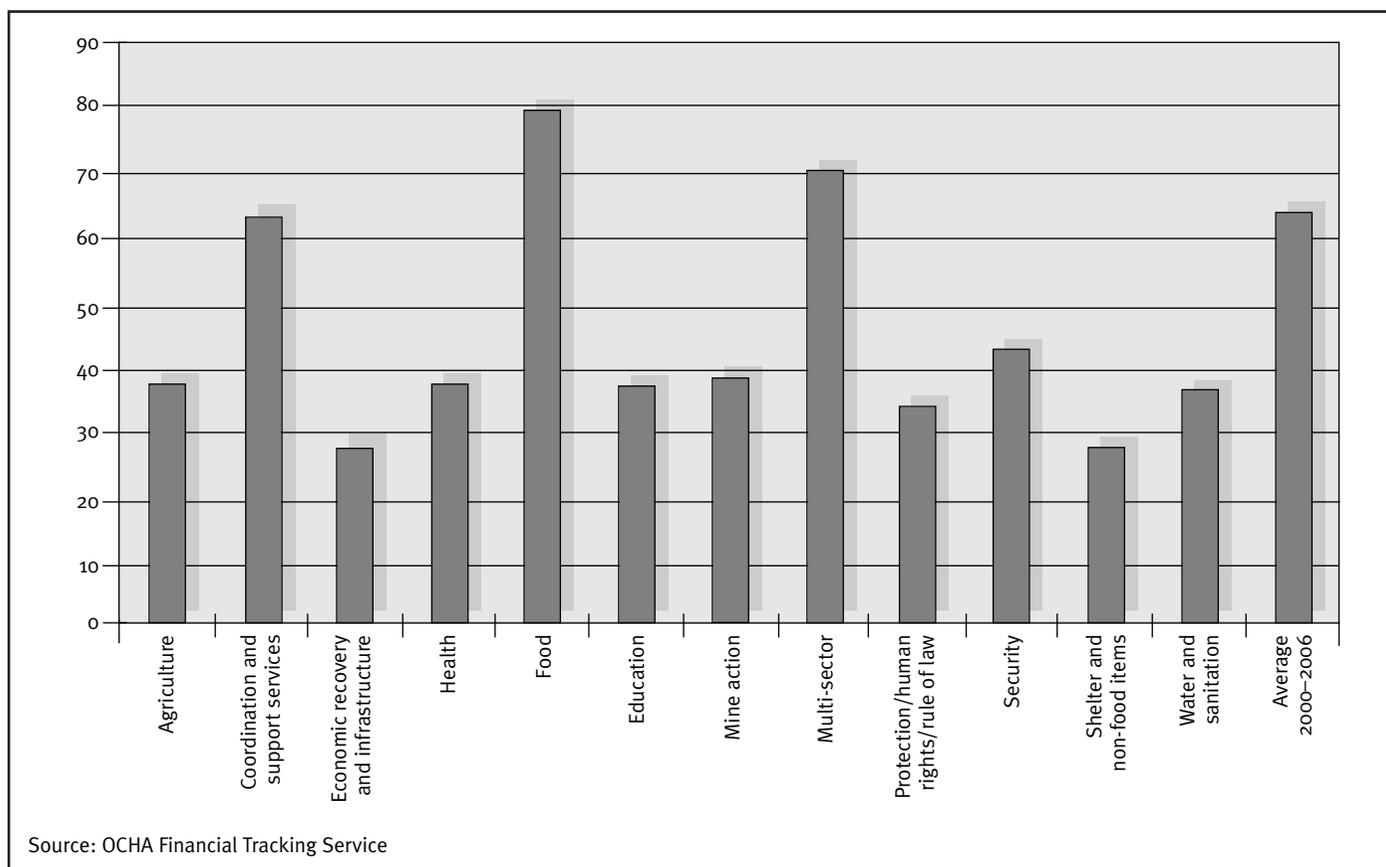
nature of violations, threats and abuses and their impact on people's lives. The motivations, strategies and incentives for arms carriers or abusive groups must be understood if influence is to be brought to bear. Understanding is also required of the strategies that communities are adopting to prevent, stop and ameliorate the situation, as well as the responsibility, capacity and interest of different actors (national authorities, non-state actors, international agencies) to protect at-risk civilians (Mahony, 2006; Slim and Bonwick, 2005). The tools exist for this type of analysis, but they are not regularly used (see Slim and Bonwick, 2005; UNHCR, 2006a; Mahony, 2006). In their review of protection in northern Uganda, Dolan and Hovil (2006: 12) pointed to a lack of comprehensive analysis, which resulted in predetermined approaches by humanitarian organisations, rather than context-specific responses. In Darfur, the Real-Time Evaluation believed this to be the 'single biggest impediment to informed planning and effective action' (Broughton et al., 2006: 7).

There is a critical need for greater investment in collective situational analysis at the outset of a crisis, to inform the initial response. This analysis must then be sustained as the crisis evolves. Our field research showed that agencies compete to produce the leading analysis on a situation, rather than working to develop common analysis and complementary approaches. Monitoring undertaken by integrated UN missions or OHCHR is rarely converted into shared trend analysis. Some NGOs develop socio-political analysis for advocacy, but this is rarely systematised throughout the organisation, or shared more broadly. Efforts are under way through OCHA's Humanitarian Reform Unit to update the UN 'Needs Analysis Framework', which in addition to analysing specific needs also involves contextual analysis of governance, demography, economic context and socio-cultural, environmental and protection issues. Whether this will be a sufficiently robust and efficient instrument to provide consistent, in-depth analysis is debatable. Options for supporting common qualitative analysis, for instance through dedicated positions in protection clusters, OCHA's Humanitarian Information Centres or through independent national research units, should be considered.[19]

As outlined above, different organisations and, indeed, different country offices tend to develop their own protection tools depending on the context, programme and staff profile. This is a function both of the nascent nature of protection work, and of divergent organisational mandates and approaches. Some organisations prefer periodic 'ground-truthing' (comprehensive analysis of the contextual situation and programmatic response), rather than integrating consistent analysis into programmes. This kind of analysis is undertaken on a periodic

basis, often by headquarters staff, and is used to provide recommendations for the strategic development of the programme and to ensure relevance and appropriateness. While there is merit in this in challenging assumptions and incorporating outside expertise into the process, analysts caution against the over-specialisation of the assessment process in order to ensure that outcomes are clearly linked to decision-making and programmes (Darcy et al., 2007: 59). Irrespective of the approach taken, there is broad agreement that, if protection considerations are to be incorporated into programming, the experiences of communities must be understood. Whereas participatory assessment is important in all relief interventions, it is critical in protection: unlike other areas, protection is not a commodity to be delivered and must be informed by the decision-making and strategies of communities (Bonwick, 2006b). Understanding their priorities and developing strategies together for safer options is essential. However, time, access and financial constraints can make this difficult. In the northern Uganda case study, only a third of camps were accessible to humanitarian organisations. In Darfur, many humanitarian activities are mainly confined to camp settings, in part due to security concerns further afield. In such instances, the 'ground-truthing' approach may be more appropriate.

UNHCR's participatory assessment tool sets out a ten-step plan for undertaking analysis and participatory assessment. It has been widely commended, and has been adopted by the Protection Cluster to assess IDP protection needs. The tool (which is summarised in Annex 2) is intended for use in annual assessments, and so is a lengthy process, but it can be adapted for less detailed and swifter assessments (UNHCR, 2006b). Of particular importance is the inclusion of national staff, who frequently have greater contextual understanding, better access to information and more extensive contacts with different groups. National staff are often sidelined in emergency response due to concerns about capacity, bias and risk, but efforts should be made to include a range of different actors in ways that do not endanger them (Mahony, 2006: 37). This can only happen if the organisation invests adequate human and financial resources to carry out such analysis. Inevitably, integrating protection into assessments will result in more time-consuming exercises and additional paperwork, as well as the added costs of assessing and monitoring protection elements in programmes.

The incorporation of protection analysis into water and sanitation activities has enabled Oxfam to gain greater contextual understanding and enhanced its sensitivity to protection threats. A recent review indicated positive benefits in terms of sexual violence, conflict sensitivity, access to resources and gender-sensitive decision-making (Hastie et al., 2007). For instance, through monitoring the use of sanitation facilities it emerged that women faced threats of violence and rape when using latrines at night, so the organisation moved away from community to family latrines; protection-sensitive analysis also helped uncover power issues preventing access to water. In a

19 Humanitarian Information Centres are OCHA-run information services for the humanitarian community, usually (but not exclusively) in the context of complex emergencies (see www.humanitarianinfo.org). Examples of national independent research centres undertaking research and analysis informing humanitarian response include the Afghanistan Research and Evaluation Unit (www.areu.org.af) and the Refugee Law Project at Makere University, Uganda (www.refugeelawproject.org).

large IDP camp it was noticed that one handpump had just ten women around it, while an adjacent one had a long line of women waiting for hours. It emerged that the ten women belonged to a sheikh's family, and retained exclusive use of the facility. In response, the use of the facility was opened up to the rest of the community (Hastie et al., 2007: 25).

Experience has shown that communities are often ready to discuss issues of violence and harassment if they feel that the organisation is concerned about them. However, there can be security problems associated with discussing matters related to the behaviour of armed groups and incidents of violence, both for the organisation involved and for communities. It is critical to remember the sensitivity of the subject matter, and to ensure that ethical considerations such as questions of confidentiality and trauma are taken into account before assessments are undertaken. Staff should only gather the minimum information they need; there is no requirement to collect names and details unless part of dedicated monitoring and reporting activities. Some steps that have been taken by Oxfam to minimise the risks include:

• Not using monitoring forms during data collection, but writing up findings later, in the organisation's office or compound.
• Monitors are limited to a few designated senior members of the programme team.
• Undertaking a quick security assessment of the location before organising any focus group discussions (FGDs), to ascertain who is in and around the location and whether there are other stakeholders present beyond the focus group. Discussions are not held where unknown individuals are present.
• Discussions are held in a relatively private setting; the group is kept small and the duration of the session short (five to eight women/girls for approximately 20 minutes). If people are eager to talk, two or three small FGDs are organised instead of a single large one.
• The discussion focuses on what people have experienced, not on the identity of the perpetrators.
• Topics are not pursued when it is evident that group participants are uncomfortable discussing them.

5.2.2 Incorporating protection into assistance

The second programmatic element to ensuring a core commitment to protection is integrating protection considerations into assistance activities. While assistance does not in itself provide protection, it may become a *means* of assuring the protection of at-risk populations.

Interviewees claimed that the key determinant in integrating protection into assistance is ensuring that it is considered in all stages of project development, from initial conceptual development to monitoring and evaluation. This process is described below followed by a description of two approaches of incorporating protection principles. The first is Do No Harm

approaches to programming which is in effect a negative form of protection, in that it looks at how aid can fuel or finance conflict. The second, mainstreaming protection into assistance work, goes further, in that it seeks to use assistance to try to keep people safe. These two areas are the limit of involvement for agencies considering a 'core commitment' to protection and can, at least to a degree, be achieved through incorporating protection principles and concerns into assistance programmes. When this is absent, there is a lack of collective responsibility for integrating protection; instead, this falls to designated protection staff, if available, or is dropped. Where there is effective complementary action, better results are achieved. Modest aims, practicality and simplicity were repeatedly cited as fundamental to success.

Incorporating protection into the project cycle

Figure 3 sets out the key steps in mainstreaming protection into the project cycle. Drawn from Slim and Bonwick's guide to protection (2005) and agency interviews, it highlights the key elements to mainstreaming protection into organisational practice and programmatic activities.

• **Analysis.** This is the first, and most critical, step. Section 5.2.1 sets out in more detail what constitutes good protection analysis, which properly reflects the experiences and wishes of the affected community.
• **Setting objectives.** Often, sound analysis does not inform agency practice. The second step is for staff (technical, and protection if available) to design programmes collectively, taking into account how protection relates to the project, what the priority protection concerns are and what is achievable. Specialists emphasised the importance of ongoing support to programmes in incorporating protection, as opposed to protection being viewed as an advisory function which merely highlights where programmes have gone wrong. If possible, specific protection objectives should be incorporated into proposals and logframes, to ensure that protection considerations and activities are included in workplans, budgets and staff responsibilities. An example of a logframe which incorporates protection objectives into a water and sanitation programme is set out in Annex 4. In determining objectives, a critical step is to decide what the desired outcome is, and to set indicators for monitoring progress against this. These indicators are described in more detail below, under 'monitoring and evaluation'.
• **Implementing strategies.** The third step is agreeing and implementing protection activities. For organisations adopting a core commitment to protection, this may be limited to ensuring that processes are in place to identify and respond to protection issues as they arise, either through adapting programmes or by referring the issue to other agencies. This requires staff to continually monitor changes in the external environment, and the impact of these changes on civilian safety, and to adapt programmes accordingly. More comprehensive action can focus either

Figure 3: Incorporating protection into the project cycle

Situation analysis

- Situational analysis including description of duty bearers and arms carriers, as well as opportunities to reduce the level of threat.
- All assessments should collect and analyse information on threats to civilians, civilian vulnerability and coping strategies.
- Multi-functional assesssments are undertaken using participatory techniques.

Capacity and training

- Staff recruitment sensitive to issues of civilian safety.
- Protection policy in place, protection staff included in programme discussions.
- Management and programme staff understand agency's protection approach.
- Periodic training/on site capacity made available.
- Inductions and appraisals include protection objectives.
- Discussions held on national and international staff concerns and risks

Developing protection priorities and objectives

- Protection and programme staff prioritise the most severe threats to communities and those achievable for the agency.
- Achievable objectives are incorporated into proposals to address civilian safety as well as need.
- Objectives should focus on changing the behaviour of the perpetrators; encourageing or supporting greater protection by the authorities (or international community) and/or reducing the vulnerability of the affected communities.
- Agreement of qualitive/quantitive indicators to monitor progress against objectives.
- Consistent monitoring of evolving contact and the impact of the programme on civilian safety.

Evaluation

- Programmes evaluated on basis of positive and negative impacts on the safety of communities, outcomes judged against indicators.
- Positive and negative outcomes incorporated into design of Phase 2.
- Staff capacity evaluated on number of protection meetings held, protection incidents reported and follow-on action taken.

Deciding and implementing protection strategies

- Programmes are designed to mitigate negative impacts of assistance on communities and promote safety.
- Modes of action (strategies) decided on basis of relevance to the context and the agency.
- Individual incidents witnessed by staff are reported and follow-up action is taken as appropriate (no action/ referral/reporting/advocacy).

on changing the behaviour of the perpetrators; encouraging or supporting greater protection by the authorities (or international community) or reducing the vulnerability of the affected communities. Decisions on which is most appropriate will depend on the context, the level of compliance of the perpetrators or authorities with their responsibilities and the degree of influence that an agency has on the situation (Slim and Bonwick, 2005). As such, an important consideration will be ensuring complementarity with other protection agencies, and in particular ensuring that modest work to integrate protection does not undermine the more substantial efforts of other agencies.

- **Monitoring and evaluation.** The fourth stage in the project cycle is monitoring and evaluation. It is difficult to prove impact in protection, as the focus is often on preventing an event from happening, or stopping its recurrence. World Vision is in the process of defining minimum standards in incorporating protection principles into emergency assistance, with a set of sample indictors to determine whether this has been achieved. A format similar to the Sphere handbook has been adopted, with qualitative and quantitative indicators (World Vision, 2007). These indicators have not yet been field-tested, and the degree to which they are adopted is not yet known. Similarly, UNHCR has defined a comprehensive set of indicators for use in

camp and refugee return settings (UNHCR, 2006c). Many of these focus on outcomes such as 'Separate lockable toilets and cubicles for washing are provided for men and women in well-lit and visible areas'. Such indicators should, if possible, be supplemented by qualitative indicators which judge changes in the daily lives of communities. These are 'softer' impressions, reflecting trends in people's opinions and perceptions and their sense of their own safety. As described by Slim and Bonwick, a good indicator is not just illustrative of the proposed outcome, but is also collectable and easily processed. Determining indicators is futile if it is too dangerous or time-consuming to collect the required information. Finally, in addition to ongoing monitoring, evaluation is required in order to provide a more comprehensive assessment of the intervention's positive and negative impact on civilians. As always, final project evaluations should feed into the design of any follow-on projects.

Do No Harm programming

The Do No Harm approach to humanitarian assistance is concerned with mitigating unintended or negative consequences of humanitarian assistance, in particular the ways in which assistance can fuel or finance conflict. Do No Harm analysis includes understanding the different actors in conflict, and their motivations for violence and peace.

Protection is more circumscribed in its remit; rather than focusing on conflict as a whole, it is concerned with immediate risks to communities and how to help keep people safe. Given the similarities between Do No Harm approaches and protection mainstreaming, in particular the fact that both rely on strong contextual analysis, some agencies have begun integrating Do No Harm approaches into their protection mainstreaming work, whereas others continue to approach the two separately. Whether the two issues should be integrated comes down to the level of importance that an organisation attaches to each. Specialist protection practitioners believed that, while there could be linkages at the analysis stage, it was important to ensure sufficient capacity to respond adequately to concerns within the programme, as well as in the external environment. Combining the two risks diluting both. However, given concerns about the lack of monitoring of the negative implications of assistance (Leader, 2000; Terry, 2002), for those agencies not currently undertaking any work on either a combined approach may be a useful starting point. Moreover, the skills needed in protection (analysis, problem-solving, good communication/diplomacy) could also be applied in reducing the harm resulting from humanitarian action.

The experience of IRC in Pakistan demonstrates the usefulness of integrating Do No Harm with protection. An allegation of abuse against one of the organisation's staff members (which an enquiry showed was unfounded) highlighted weaknesses in the programme's procedures. In response, the field-based Protection Unit assumed responsibility for implementing a 'Prevention of Exploitation' project. Protection staff worked jointly with programme staff to increase awareness and develop procedures for compliance and complaint (such as internal and external education on policies and introducing complaint boxes and information boards in offices, schools and camps). The process also allowed for dedicated protection activities. A number of measures were undertaken in the public health programme, including establishing separate waiting areas for women, the formation of queues, issuing number cards to waiting patients, putting up notice-boards to display relevant information, helping female staff to identify cases of sexual violence and offering initial counselling. The analysis and discussion which emerged from Do No Harm approaches thus facilitated a more expanded involvement in protection responses.

Protection in assistance: the example of food aid programming

The delivery of food aid is an area of work where humanitarian organisations already undertake elements of protection work, perhaps without being aware of the protective benefits of their actions. Registering women as ration-card holders; targeting vulnerable groups; positioning and timing distributions in order to reduce the threat of violence; and facilitating group travel in situations of high insecurity are all examples of efforts by humanitarian organisations to incorporate protection concerns into aid delivery (Alberman, 2005: 8; Bizzarri, 2006: 24).

Protection-sensitive registration can help increase an organisation's ability to support vulnerable groups and minimise the threats facing affected civilians. Food aid beneficiary lists, either by WFP or other organisations, are often the only proof of existence that many individuals have in very volatile contexts, and food ration cards are in many cases the only proof of identity for a refugee or a displaced person. In Liberia, WFP beneficiary lists have been reported as being the only existing record of IDPs in camps in the country, and have been used as a basis for establishing a nationwide return plan (Nivet et al., 2006: 24). Food ration lists, however, are limited in scope and purpose, as their main objective is to obtain numbers for the purposes of food aid planning. As a result, although some basic information is recorded, such as gender breakdown, family size and place of origin, food ration lists are often 'incomplete, inaccurate and not always reliable' (ibid.:25). A protection-informed registration process would include other information, such as age, family size, location, origin, type of vulnerability and intended place of return. In addition, collection methods would have to be based on participatory assessments, and would not rely on data obtained through camp management structures, IDP leaders, government officials in camps or other structures which might be insensitive or hostile to vulnerable civilians. Regular consultation with both institutional and social networks and ongoing cross-checking and verification of data can enhance the accuracy of targeting criteria and minimise the extent to which the process

reinforces local biases (Eguren et al., 2006). Registration should also be organised with due consideration for the security of the beneficiaries (waiting time, location, security of location).

Specific programmatic activities can have an important protective impact on beneficiaries. In Darfur and northern Uganda, attempts have been made to address the risks related to firewood collection outside camps. The introduction by WFP of hammer mill projects, which allow for the faster processing of food with less fuel, has also contributed to a safer environment for women in Uganda (Michels et al., 2006:33). In order to enhance the safety of girls in schools, 60% of the housing constructed by WFP's partners in Uganda has been assigned to female teachers, in order to increase their presence in the north. Staff in the Pader sub-office have also suggested that blanket targeting in schools might have a 'protective side-effect': by distributing food equally, exploitation around registration can be avoided (Michels et al., 2006: 35).

WFP's work on protection in Côte d'Ivoire highlighted that, whilst there was an appreciation amongst WFP staff of the complex nature of the protection concerns facing beneficiaries, the analysis had not been developed sufficiently to inform key programming decisions, such as when to cease food distributions to a displaced community and initiate distributions to communities who had returned to their home areas or moved (Alberman et al., 2005: 7). This is a situation common to many humanitarian organisations operating in conflict settings. A checklist has been developed in Côte d'Ivoire which has been adapted by other WFP country offices concerned with making their operation more protectionsensitive.

A summary of the section of the checklist relating to food distribution is presented in Annex 3. Similar efforts have been made by other agencies in other sectors, including health, water and sanitation and camp management. Additional checklists from these sectors can also be found in Annex 3.

5.2.3 Responding to abuses

The third component of a 'core commitment to protection' is ensuring that processes are in place to guide staff in how to respond when they encounter abusive activities in the field. Raising staff awareness of protection issues also implies increasing their responsibility to take action, and as part of a core commitment to protection agencies should provide staff with protocols to help them. Humanitarian agencies have always grappled with how to deal with what they see and hear. Indeed, differing opinions on the appropriate response can be the making of new organisations: MSF famously grew out of a rejection of the ICRC's diplomatic and discretionary response to human rights abuses. The question of how to react is of increasing importance due not only to the greater likelihood that agencies will directly witness abuse, but also because agencies' increased engagement in protection has triggered a greater emphasis on reporting what they witness or observe

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Box 14: Responding to abuses: lifting the siege of Kailek, Darfur

In late February and March 2004, villages in Shattaya and Hamiya in South Darfur were attacked by pro-government militias, with reports of between 11,000 and 13,000 people fleeing to Kailek, a larger town in the area. These people, along with the resident population of Kailek, were virtually imprisoned in what remained of the destroyed town. Reports indicated that about 1,700 people were trapped in Kailek for up to 50 days, during which time they were subjected to abuse including the summary execution and torture of men, the repeated rape of women and girls and deliberate deprivation of food.

A CARE International emergency assessment team visited Kailek on 4 April 2004, and reported the abuse to the UN. Weeks passed before the local authorities granted a UN inter-agency mission permission to visit. The subsequent UN report accused the government of deliberately misleading the UN as to conditions in the town, and charged it with a 'strategy of systematic and deliberate starvation' against the people trapped there. On 28 and 29 April, shortly after the mission's visit and the high level of pressure on the government of Sudan that ensued, the government moved 1,000 people to Kass camp in South Darfur. Others were reportedly taken there by relief agencies. The presence, however transitory, of humanitarian workers in Kailek, their discreet reporting to the UN and the complementary action of different agencies succeeded in saving lives and certainly alleviated the terrible suffering of the people held there.

Source: Pantuliano and O'Callaghan, 2006: 11

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and, in some instances, actively monitoring the situation on the ground.[20] Organisations thus must decide whether to concern themselves simply with responding to incidents that they witness, or whether they are going to proactively monitor the protection environment.

There are no standard procedures to guide agencies on how to respond to abusive incidents, either in terms of ensuring assistance to the affected individual or population or in terms of how information about the event should be handled (Giossi

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20 'Observation' refers to the more passive process of watching events. It requires an on-site presence. 'Monitoring' is a broad term describing the active collection, verification and immediate use of information to address protection problems. Monitoring includes gathering information about incidents, observing events and visiting sites such as places of detention and refugee camps to obtain information and to pursue remedies and other immediate follow-up actions. Monitoring has a temporal quality, in that it generally takes place over a protracted period of time. 'Fact-finding' describes the process of drawing conclusions of fact from monitoring activities. Hence, fact-finding is necessarily a narrower term than monitoring. Fact-finding entails a great deal of information-gathering in order to establish and verify the facts surrounding an alleged violation. Moreover, fact-finding means pursuing reliability through the use of generally accepted procedures and by establishing a reputation for fairness and impartiality (OHCHR, 2001).

Caverzasio 2001: 50). However, a number of humanitarian organisations have developed protocols covering how staff should act when they encounter an incident. The first principle is that action or inaction should not jeopardise the safety of survivors, witnesses or other individuals with whom staff come into contact. If there is doubt as to whether a specific response would put anyone at risk, then no action should be taken prior to further consultation within the organisation. While it is important to ensure that information is reliable and not mere rumour, staff should not undertake in-depth investigations of incidents.[21] Any discussions should maintain privacy and confidentiality, and staff should be clear as to the limits of the organisation's ability to respond. One or more of the four potential responses outlined below may be undertaken.

The first is to intervene directly with local authorities or security officials to encourage them to take action. Depending on the incident, this may be informally as part of an ongoing dialogue or, for more serious incidents or in less permissive environments, this may be undertaken by a designated senior staff member. In all cases, it is important to know whether mandated organisations are making representations to the authorities, as it may be more appropriate to refer the information to them. The second response is to work collectively by referring the information to a specific protection or UN agency, or to the Protection Cluster. In many contexts, an agency will be designated by the UN country team or protection working group to collate and act on information. Organisations should make themselves aware of these focal points and establish a system for notification, and information should be shared directly rather than in public fora. The third potential response may be to assist the affected individual in accessing information or services. For

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21 'Investigation' in this context means a systematic, detailed and thorough attempt to ascertain the facts about something complex or hidden. It is often formal and official.

instance, in a case of physical or sexual violence there may be a requirement for immediate emergency medical care or for the provision of information on available assistance. Survivors should be assisted or escorted to medical or women's centres, where they can make an informed choice as to next steps. Established referral pathways make for greater efficiency, confidentiality and access to support for survivors, while minimising potential harm. Finally, the incident should be documented in the agency's monthly reporting formats. It should inform context and trend analysis, and the agency's programmes should be adapted if necessary.

Box 15: IRC's internal referral system

Some offices in IRC have established an 'internal referral system' with dedicated protection focal points so that information can be captured, referred and analysed, and protection concerns in the field can inform programming. The referral system has the following components:

- **General:** All standard reporting templates, such as trip reports and activity reports, should have a heading 'Protection issues arising', where staff can record information. All reports are sent to the focal point, who collates the information and assesses whether to refer it on to another organisation.
- **Case-specific:** An internal reporting system is developed so that cases can be referred to the protection focal point to ensure that they are forwarded as necessary.
- **Tracking:** Protection information is tracked to ensure follow-up and to give feedback. Two simple spreadsheets are designed: one for case-specific and one for general issues.
- **External referral mechanism:** An external referral mechanism is developed through the Protection Network, whether informal or otherwise (IRC, 2006).

Chapter 6
Protective action: more comprehensive approaches to protection by non-specialist agencies

Chapter 5 set out the organisational and programmatic components of a 'core commitment to protection'. But many non-specialist protection agencies go further than this minimum level and carry out 'protective actions'. These projects or activities have both assistance and protection objectives, or are a means of addressing protection problems through assistance. Two categories of protective action are described here. The first relates to how individual programmes or an overall humanitarian intervention can be strategically used to enhance protection or create the space for protection activities. Examples include protection by presence, targeting assistance to at-risk areas and placing conditions on humanitarian assistance. The second, more comprehensive, category encompasses small-scale, dedicated protection activities carried out in parallel with assistance, such as proactive monitoring and reporting or advocacy.

Whether an agency undertakes these more comprehensive protection activities will depend on the overall organisational policy on protection outlined in Chapter 5, and on field-level considerations. The main factors to consider are the capacity and willingness of the authorities to respond themselves; the capacity of civilian communities to help themselves; the agency's capacity to respond; the risk different interventions pose to the security of the civilian population, or to the security and access of the agency in question; the duration of the agency's action; the agency's experience from previous similar actions in the setting in question; and the work of other organisations (Slim and Bonwick, 2005: 81). In all situations, but particularly where a multitude of actors are present, it is critical that protection work by one organisation complements that of others. As with mainstreaming protection, any interventions must be based on a protection analysis, and must operate throughout the project cycle.

6.1 Protective action: enhancing protection through the strategic use of humanitarian assistance

Beyond mainstreaming protection principles into assistance work, there are a number of ways in which humanitarian assistance can be used strategically to enhance protection. These range from adopting a 'protection by presence' approach to humanitarian assistance (in the hope that deploying humanitarian personnel will have the added effect of protecting civilians) to designing assistance activities with the clear objective of protecting civilians (for instance using humanitarian assistance to reduce tensions or vulnerability). To a certain extent, all of these strategies involve compromising the principle of impartiality, as questions of risk, as well as need, will guide decision-making in relation to assistance.

6.1.1 Protection by presence: misconception or misnomer?
'Protection by presence' suggests that, simply by deploying aid workers in a certain location, humanitarian organisations afford a measure of protection for at-risk populations by deterring belligerents, inspiring confidence in communities and facilitating the work of positive forces (such as 'reformers' in government) in conflict contexts (Mahony, 2006). First adopted in the 1980s in Cambodia and Thailand, the concept still has currency today: presence was adopted in 2004 as the underlying paradigm of all humanitarian activities in Darfur. Proponents emphasise that it must be 'conscious' presence (Paul, 1999; Mahony, 2006). This means that humanitarians must be physically located in the conflict zone, with a conscious strategy about how to alter the behaviour of an armed actor.

HPG's research indicates that protection by presence in Darfur has produced inconclusive results. In West and North Darfur, agencies reported that harassment of civilians had decreased, freedom of movement had increased and there was a heightened sense of safety among local communities. These gains appeared to be more widespread in areas where agencies had been present for a long time, with a substantial number of expatriate staff. However, the fact that violence has continued even in areas where humanitarian agencies are present underlines how difficult it is to quantify protection results and demonstrate any causal link to presence. Unsurprisingly, it appears that presence is likely to have greater potential value in areas which are not of strategic or military priority to belligerents. Whilst protection by presence may deliver a benefit in certain circumstances, it is difficult to establish whether this constitutes deterrence, or whether the threat is simply delayed or deferred to a different area. The degree of protection afforded is, obviously, limited to periods when humanitarian staff are present. Paradoxically, this means that, in very insecure environments where protection is most needed, staff are unlikely to be present for long periods. Indeed, one major humanitarian organisation is said to have concluded that the protective shield of a humanitarian organisation extended to about 500 metres from the agency's offices, and lasted only until 5pm (Bonwick, 2006b: 276).

While protection by presence may have some localised benefits, it will not radically alter the nature of a conflict. More

fundamentally, an emphasis on the protective impact of humanitarian personnel through their mere presence in a given area can create a false sense of security in the local civilian community, which may actually make them more vulnerable to violence and threats. The strategy also risks transferring responsibility for protection from national authorities to humanitarians. Equally, the false impression may be created that the international community is fulfilling its responsibilities towards at-risk populations by deploying protection officers. This was reinforced by many donors in Khartoum, who felt that there was pressure from their domestic constituencies to be seen to be 'doing something' in Darfur (Pantuliano and O'Callaghan, 2006: 17).

These concerns aside, there is too much anecdotal evidence about the protective power of foreigners for the concept to be dismissed entirely. As many analysts have argued, what is crucial is not the *fact* of presence, but rather the *actions* that humanitarians take while present (Paul, 1999: 10). Such actions include accompanying at-risk individuals, *à la* Peace Brigades International (see Mahony and Eguren, 1997); persuading armed actors to abide by their responsibilities towards civilians; mobilising third parties to take action to protect civilians; and public denunciation. The common feature of all of these responses is not presence, but action. Given that protection by presence risks being both inadequate and a substitute for more effective action, and that its real benefit rests not on presence but on action, there is a strong argument for discontinuing the emphasis on 'presence', and focusing instead on the associated actions which can actually protect.

6.1.2 Using assistance to reduce vulnerability and decrease threats

A second way of using assistance strategically in support of protection is to respond to a protection threat with assistance, with the aim of either reducing the level of civilian vulnerability or risk or reducing the threats that civilians face. Practice indicates two approaches to reducing vulnerability: targeting assistance to vulnerable populations to reduce their risk, or targeting assistance to communities that endanger others to reduce the level of tension in an area. The ICRC approaches all its assistance from a protection viewpoint. This meant that, in Darfur, while numerous agencies were providing assistance in camp settings, ICRC focused on rural areas in order to help prevent displacement. A survey conducted by ICRC in mid-October 2005 (ICRC, 2005: 116–17) showed that supplying beneficiaries who had relatively secure access to farmland with staple- and cash-crop seeds helped them to sustain their livelihoods and reduced their need to access services in camps. In Colombia, a 2004 evaluation highlighted that communities are particularly vulnerable to violence when power is disputed in their area. Where a single armed actor has a dominant presence, communities learn to live alongside it. When power changes hands, people can be accused of collaboration. For this reason, for the last three years ICRC has focused its programmes in a limited number of areas where more than one armed group is

operating, and where the threats to civilians are consequently higher (Bonwick, 2006b: 7). In Darfur, WFP has begun distributing food to nomadic groups engaged in conflict in order to reduce attacks on nearby communities (HPG, 2007b).

6.1.3 Using assistance to encourage compliance: the JPO and the Ground Rules

There are a number of instances where conditions have been placed on the delivery of relief as a means of encouraging state or non-state actors to abide by their protection responsibilities. The Joint Policy of Operation (JPO) in Liberia 1996 and the Agreement on Ground Rules in South Sudan 1995 are the most well-documented mechanisms. The JPO was developed by NGOs as an attempt to reduce the likelihood of aid fuelling conflict. A later incarnation formally linked assistance and protection by means of a joint advocacy strategy aimed at contributing to a 'protection-friendly environment' by promoting respect for IHL, human rights and Do No Harm (Giossi Caverzasio, 2001: 48). The Ground Rules in South Sudan were developed as a joint commitment by warring parties and humanitarian organisations to human rights and IHL.

Both mechanisms were inspired by similar problems: insecurity for agency staff and assets, perceived links between aid and conflict and widespread and systematic abuse of IHL and human rights law (Leader, 2000). The JPO in particular developed a form of 'humanitarian conditionality' in that it restricted humanitarian assistance to 'life-saving only'. The Ground Rules did not apply conditions, but relied on negotiation, dialogue and a joint commitment to ensure compliance. Both the JPO and the Ground Rules represented efforts by humanitarian organisations collectively to influence the behaviour of belligerents – in effect, to regulate the conduct of war. In terms of protection, however, both mechanisms have been criticised as essentially non-enforceable as they relied on the belligerents' interest in the welfare of the population, which was not evident, assumed an influence over belligerents' actions that aid does not possess, and had important implications for the humanitarian imperative and impartiality (Leader, 2000: 47).

6.2 Protective action: dedicated programming to reduce vulnerability and decrease threats

Specialist protection agencies undertake dedicated protection programmes that seek to reduce the level of risk that civilians face (either through decreasing their vulnerability or mitigating the threat), or help civilians deal with the consequences of exposure to risk (such as providing psychosocial care to survivors of sexual violence). While both forms of action require expertise and experience, non-specialist humanitarian agencies are also becoming involved in small-scale protective actions. A crucial issue for any agency pursuing these actions is to ensure that any work undertaken is coordinated with, and does not undermine, the more comprehensive work of specialist protection agencies.

6.2.1 Reducing vulnerability: practical measures to assist communities

As described in Chapter 2, communities at risk are often the central protagonists in their own safety. Even under extreme duress, a range of response strategies are often available to maintain assets, escape violence and mitigate threats. Despite the horrendous risk that many face in conflicts or abusive environments, most people survive and do so without assistance from external parties, either through avoiding or submitting to the threat, or opting to resist (see Section 2.1). There is much that humanitarian organisations can do to build on the strategies that communities employ, and other options to help keep people safe can be provided. These strategies will largely focus on helping people to *avoid* threats, rather than confronting them.

Information is critical here. People often make calculations about risk on the basis of the information available to them, but this may be inaccurate, incomplete or biased. Research in Burundi showed that survival capacity increased with the level of information and experience of displacement, while in Sudan displaced populations frequently placed a family member in the police or local militia in part to improve their access to information (Vincent and Sorensen, 2001: 271). Many agencies have run successful information campaigns. In West Timor, for example, Oxfam used information campaigns to assist refugees in identifying the options available to them (see Box 16). IRC, NRC and UNHCR frequently provide training on people's rights under national and international law, and facilitate access to justice programmes through documentation, training of national human rights organisations and legal support. Slim and Bonwick (2005) highlight four key areas where agencies can assist with impartial and accurate information: simple technical information about access to services; practical bulletins for IDPs and refugees about the safety situation in areas of possible return; tracing information about family members; and information about people's rights under national and international law.

A range of other practical measures have been employed by humanitarian organisations to assist people in avoiding threats or keeping safe. Examples include supporting communities' negotiations with peacekeepers on firewood or cultivation patrols; providing fuel-efficient stoves in livelihoods programmes to reduce communities' exposure to threats while collecting firewood; fencing camps in camp management work in order to reduce the likelihood of attack; providing income-generation or skills development assistance to young people at risk of recruitment into fighting forces; giving communities whistles, bells or mobile phones to facilitate early warning on community threats; and facilitating the development of community watch groups.

While humanitarian organisations may be able to complement community response strategies, it is important that the potential of these strategies is not exaggerated. There may be opportunities for people to avoid risk or mitigate its impact,

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Box 16: Information campaigns in West Timor

An estimated 280,000 people took refuge in West Timor and other parts of Indonesia following the post-referendum violence in East Timor. By 2003, the Indonesian government had stopped basic services and was attempting to forcibly expel refugees from camps to other areas outside West Timor. Information available in the camps was highly politicised: by camp-based militia groups seeking to exert control over the population, and by the governments of Indonesia and East Timor seeking to compel resettlement. Communication between the population and the government was limited.

An Oxfam survey of refugees' resettlement preferences was influential in changing government policy on resettlement sites. Oxfam also established a programme to disseminate impartial information through meetings in camps, radio programmes, pamphlets, posters and newsletters and by arranging exploratory visits to resettlement sites and places of return in East Timor. Some 84% of people targeted reported that this information was useful in decisions about their future. Later, the programme focused on helping refugees develop and implement action plans for local integration, with a significant number helped to find alternative solutions to camp accommodation, negotiate a postponement of their departure from the camp or move to new locations with government approval. The information campaign was integrated with a public health programme which improved the resettlement sites through the provision of basic sanitation facilities.

Source: Hastie et al., 2007

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but these may be relatively insignificant in comparison to overall threats, and may in fact put communities at further risk. Faced with actual or imminent insecurity, people often adopt risk-avoidance strategies that may themselves be highly risky. In situations of active conflict or extreme abuse, no safer options may be available. Different strategies may be employed by different members of the community, based on the level of risk that they personally face, and the choices they have to keep safe. Vincent and Refslund Sorensen's review of response strategies among IDPs concludes that, despite efforts by communities to mitigate risk, internal displacement frequently results in the drastic restructuring of societies, with shifting generational and gender roles, as well as a high level of urban settlement, often in the most marginalised or poorest areas (2001: 272). By the same token, the short-term interventions of international agencies may place communities in further danger in the long run. Humanitarian organisations' first responsibility is to understand, and not undermine, the strategies that communities adopt at times of extreme risk. The short-term intervention of international agencies can upset delicate protection balances and place communities in further danger in the long run. While some strategies may be extremely adverse to a person's safety or dignity, unless a

Box 17: Monitoring and reporting violations against children in armed conflict under Security Council Resolution 1612

In 2005, the UN Security Council adopted Resolution 1612, establishing a Security Council Working Group on 'Children and Armed Conflict'. Following reports on the situation of children in different contexts, the Group decides whether pressure should be brought to bear to halt violations. So far, reporting has been undertaken in Burundi, Côte d'Ivoire, the Democratic Republic of Congo, Nepal, Somalia, Sri Lanka and Sudan.

Concerns have been raised by target countries to the effect that this is a 'back-door' approach to getting these conflicts onto the Security Council agenda. This development is certainly considered ground-breaking in terms of the establishment of collective measures amongst international actors for ending impunity for violations. Reports are coordinated by the Secretary-General's office, but are dependent on the active involvement of UNICEF, as well as national and international NGOs, to collect information at the country level (see Annex 5, which sets out the flow of information from the field to the Security Council).

sustainable and viable alternative is offered this may be preferable to a shorter-term or more palatable solution.

6.2.2 Decreasing threats: proactive monitoring and reporting
Proactive monitoring and reporting by humanitarian organisations has become an increasingly common feature of humanitarian response. Monitoring and reporting incidents allows for in-depth trend analysis, and can provide the evidence-base for advocacy with perpetrators, authorities and the international community on civilian protection. Many humanitarian actors see this as part of the collective responsibility to protect civilians at risk, and as a recognition that humanitarian organisations can inform, encourage and facilitate protection, but can do little themselves to directly protect. Human rights organisations frequently rely on humanitarian information to complement their understanding of the human rights situation (OHCHR, 2001: 40). Information compiled by humanitarian organisations is also channelled to different political actors, including to the Security Council, to inform reports on protection issues in different contexts and on different themes. OCHA has made efforts to establish databases for collating incident reports from humanitarian agencies in different emergencies, and UNICEF is overseeing the compilation of information on child protection issues in a number of different countries as a result of UN Security Council Resolution 1612 (see Box 17).

Proactive monitoring and reporting raises a number of issues for humanitarian organisations. Gathering information on abuses is, unsurprisingly, not welcomed by many national governments, particularly those that are party to the conflict or abuse. As we

have seen, there is deep suspicion of humanitarian organisations operating in Darfur, and the Sudanese authorities have harassed and intimidated agencies involved in protection. Proper and systematic monitoring requires commitment, resources and expertise. Monitoring and reporting also require good knowledge of international legal standards, sensitivity and the skills to listen carefully to people's accounts of their experiences and those of others, in a climate of fear and conditions of continuing violation and abuse. Concerns have been raised about a lack of attention to confidentiality, voluntariness and the security of victims by some humanitarian organisations (Slim and Bonwick, 2005: 63). Unclear *humanitarian* benefits from monitoring and reporting and the attendant risks of politicisation for humanitarian agencies raise the question whether it would be more appropriate if human rights agencies became more operational in conflict, and performed these functions themselves.

6.2.3 Decreasing threats: advocating for changes in policy and practice
Advocacy involves encouraging or appealing for a change in policy or practice. It encompasses everything from local

Box 18: A summary of good practice in monitoring and reporting violations and abuses of human rights and humanitarian law

- Monitoring should be undertaken with the ultimate aim of encouraging action by the responsible authorities.
- Monitoring should not jeopardise the safety of victims, witnesses or other individuals. Each person should be given the necessary information to decide whether to participate voluntarily.
- Ensure good knowledge of the international standards that are relevant to the context as well as the mandate of the organisation, while still exercising good judgement. Link people's experiences of violations and abuses to specific legal standards.
- Ensure sensitivity, objectivity and consistency in interviews, research and reports.
- Respect the feelings and rights of witnesses during and after an interview so as not to humiliate or endanger them further.
- Be precise and accurate in recording events and testimony, always working with a clear sense of how the information that is collected will be used.
- Cross-check and verify information through a variety of sources, but promptly respond to urgent cases.
- Respect the authorities. Where appropriate, ensure that the authorities and the population concerned can see and understand what is being done, and why.
- Share the information collected with other agencies and with the organisations and members of the affected population wherever this is appropriate and likely to increase levels of protection.

Adapted from OHCHR, 2001.

efforts at persuading the village chief to allocate land to displaced families to speaking to a senior general about the conduct of his forces to calls for the deployment of internationally supported measures to protect civilians. It is thus a core protective practice. There are three forms of protective advocacy: *persuasion*, which involves convincing decision-makers through direct dialogue to fulfil their obligations and protect civilians; *mobilisation*, which means building, informing and energising a network of powerful stakeholders, who in turn influence the actions of decision-makers; and *denunciation*, which is the act of shaming decision-makers into changing their behaviour through public exposure, private conscience or obvious interest (Caverzasio, 2001; Slim and Bonwick, 2005). All three modes of action have been employed in Darfur, with intensive field-level advocacy on issues related to forced relocation and the return of displaced populations (persuasion); coordinated field and national-level advocacy to change the provision of medical care to rape victims being predicated on reporting to the police (mobilisation); and high-profile reports criticising the government's use of proxy militia (denunciation).

Advocacy by humanitarian agencies is though a contentious issue, on grounds of principle as well as practice. There are concerns, particularly among francophone agencies, that the kind of advocacy in which British- or US-based agencies engage oversteps the line between humanitarian action and politics (de Torrente, 2004). Nor is the practical impact of humanitarian advocacy proven; Stoddard (2006), for example, claims that advocacy by US NGOs has been instrumental in raising diplomatic interest in a crisis, but less effective at influencing the direction of policy once this interest has been mobilised. There is an 'accepted truth' that a tension exists between advocacy and operationality. The concern is that an emphasis on advocacy has reduced the ability of operational agencies to deliver relief on the ground (Minear, 2005). According to Bonwick (2006a), undue attention to macro-level policy influence has also led to less focus on practical measures which might immediately help at-risk civilians. There is also a concern that advocacy, particularly in its more denunciatory forms, threatens humanitarian operations by increasing the associated risks to staff and programmes.

Despite these concerns over impact and risk, these questions have been little-researched or evaluated and are certainly much more complex than a simple dichotomy between advocacy and operationality would suggest. Indeed, the two often complement rather than contradict each other, as advocacy is often a prerequisite to gaining access and delivering assistance, and aid can create links and credibility with advocacy targets. Analysts argue that costs, in the sense of bureaucratic restrictions rather than security, tend to be temporary and are reversed over time. It is also rare that there is a full trade-off between advocacy and operationality; in times of risk, the type, timing and amount of advocacy employed may change.

> **Box 19: Collective advocacy in complex political emergencies: examples from northern Uganda and Darfur**
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> In northern Uganda, government intimidation has ensured that the majority of humanitarian actors have shied away from challenging the state on its responsibility to protect its citizens. Those that have spoken out have been intimidated – both locally and nationally. These issues were brought into sharp focus following the publication of a report by the Civil Society Organisations for Peace in Northern Uganda (CSOPNU) in March 2006. This highlighted the findings of an earlier study, hotly disputed by the government, which put the crude mortality rate in Gulu, Kitgum and Pader well above emergency thresholds, with an estimated 1,000-plus excess deaths per week. Murder was found to be the third most common cause of death, with nearly 4,000 killings in the period January–June 2005. Soon after the release of the report, humanitarian representatives were called to a meeting at President Yoweri Museveni's ranch, where they were told that NGOs were to remain silent on issues of government responsibility.
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> While advocacy is also sensitive and risky in Darfur there have been some successes. Joint advocacy by humanitarian and diplomatic actors was successful in removing legislative obstacles to assistance for rape survivors. Under Article 48 of Sudan's Criminal Code, rape victims were obliged to report the incident to the police in a 'Form Eight' report before they could receive medical treatment. This was a major barrier to treatment as victims frequently did not trust the authorities, and rapes were generally not reported – a fact which the authorities used to substantiate their position that claims of sexual violence were fabricated. Sudanese medical staff were also concerned about retaliation from the authorities, including harassment, intimidation and even prosecution, if they did not comply. Advocacy by UNICEF, the UN Population Fund (UNFPA), UNDP and the IRC, with support from local diplomatic representatives, led to the reporting requirement being removed. While poor communication of this change in policy by the Ministry of Health has limited its effect, in areas where people are informed it has allowed medical staff to treat survivors without fear of repercussions from the authorities. Despite the sensitivity of the subject, the sustained and multi-actor advocacy approach was thought to be instrumental in ensuring the safety of participating agencies.
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> Source: Dolan and Hovil, 2006; Pantuliano and O'Callaghan, 2006.

While advocacy is a growing feature of humanitarian action, limited attention has been paid to training staff or providing them with the tools to be effective in negotiation or policy influence (Mancini-Griffoli and Picot, 2004). There is agreement that different forms of advocacy are more appropriate at different times, and some forms of advocacy may suit some agencies more than others. For example, ICRC states that persuasion and mobilisation is particularly appropriate when

there is the will to limit or stop violations, but denunciation may be required where the violations are deliberate (Giossi Caverzasio, 2001: 31). Mahony highlights the limitations of top-level international pressure alone, highlighting that states and armed groups have developed counter-strategies to sidestep such pressure. These include using propaganda to destroy the legitimacy of accusing organisations, isolating and stigmatising targeted civilian groups or shifting attention to the actions of their enemies, as well as measures to absorb the pressure, such as the creation of mechanisms or bodies to deal with international concerns (Mahony, 2006: 14). Meanwhile, Leader

(2000: 48) highlights that local advocacy is only effective when the target group is concerned about legitimacy, which is unlikely amongst many local non-state actors whose motivations often rest primarily on economic rather than political aims. Thus, it is important to deal both with the entire chain of the command, through working locally, national and internally, as well as to sequence advocacy responses, from local and confidential action to more public demands depending on the level of compliance. Annex 6 sets out a simple advocacy strategy process, adapted from the standard methodologies employed by humanitarian agencies.

Chapter 7
Conclusion

Protecting civilians from acute harm is very much a *humanitarian* concern, in that it seeks to preserve life and alleviate suffering. With increased recognition of the impact of crises on civilians, it is also a concern that humanitarians can no longer justifiably ignore. The recent emphasis on protection in the humanitarian sector and the growing engagement of different agencies in this sphere of activity is therefore a welcome development.

The prominence afforded to protection has changed both the agencies involved in doing it, and the manner in which it is approached. Protection is no longer the preserve of a small clutch of humanitarian agencies operating under specific protection mandates. An unprecedented number and array of humanitarian agencies are now involved in protection activities. These activities range from mainstreaming protection into relief to programming to supporting survivors of gender-based violence. Many of the new protection actors, especially NGOs, do not have the mandate, influence or relationships to engage directly with national authorities. As a result, protection has evolved. From a legally-oriented, diplomatic engagement with national authorities, protection actors now increasingly sidestep national duty-bearers and undertake advocacy to encourage action at an international level, or implement direct programmatic activities to foster change at community or local levels. Each is important, especially in contexts where national authorities are unwilling to protect their own civilians, but care must be taken not to undermine the work of mandated or specialist protection actors supporting or pressurising national authorities to adhere to their responsibilities. More attention is needed to understand how this delicate balance can be maintained.

Protection is now also one of the 11 core areas of humanitarian action coordinated under the Cluster approach. Recognition of protection as a cluster will go a long way to preserving the current focus, but this too affects how it is approached. UNHCR, the Cluster lead, has agreed that the Cluster's remit spans all 'affected persons', but in practice the focus has been on developing capacity to respond to situations characterised by high levels of internal displacement. This, coupled with an emphasis on specific vulnerable groups, has meant that protection activities encompassing the population as a whole have barely begun. It also means that protection is approached as a distinct programmatic activity, rather than a concern to be incorporated across humanitarian assistance. The *droit de regard* afforded to the Protection Cluster, to ensure that protection considerations are taken into account in other spheres of humanitarian action, should not be forgotten.

The recent prominence of protection has also led non-specialist actors to question their role. Confusion over what protection actually is, and which actors have responsibility for it, has left

non-specialists without clear answers. Many have responded by deploying individual protection staff to emergencies, but without institutional guidance and support many have floundered. Given the serious implications of crises for civilians, and the role that humanitarian action can play in helping to keep people safe, there is a strong argument that each organisation should, at the very least, ensure that protection considerations are integrated into their work. This involves developing the capacity to analyse and understand the risks facing affected populations, and to consider how assistance can best be used to help keep people safe. This does not infer that each humanitarian agency undertakes dedicated protection activities. Protection programming requires specialist knowledge, skills and capacity, and these can only be acquired through major organisational commitment, sustained over time. It is neither appropriate nor realistic for every humanitarian organisation to develop this level of capacity.

This report argues that there are five elements to ensuring a 'core commitment to protection' in relief activities. These are:

- elaborating an organisational policy on protection that articulates what protection means for the organisation;
- ensuring that field analysis and assessment take account of risk, as well as need;
- ensuring that assistance programmes at least consider potential positive and negative impacts on civilian risk and seek ways that this can be addressed;
- establishing processes to respond to abuses witnessed during work; and
- providing organisational support and training to ensure that staff understand protection, and can identify and respond to threats in the course of their work.

Developing these elements of a core commitment will require dedicated capacity at a headquarters level, and perhaps also some field capacity to guide programme staff in incorporating protection considerations into their work. Guidance and support will be required from the Protection Cluster and donors to facilitate the development of capacity, tools and best practice.

There are two other, more comprehensive, ways in which protection and assistance can be connected. The first relates to how humanitarian interventions can be strategically used to enhance protection, such as targeting assistance to locations where civilians are at risk or conditioning assistance on adherence to protection principles by warring parties. The second involves undertaking more specific protection activities in parallel with assistance, such as proactive monitoring and reporting, advocacy or small-scale protection projects. While these activities fall short of specialist

protection programming, they involve a much more significant involvement than the core commitment outlined above, and thus call for more capacity at field level. Decisions on whether an agency should go beyond the core commitment to protection into these more comprehensive areas of activity must be weighed in against considerations such as the level of fit with current agency activities, the capacity of the agency to take on new areas of activity and the added value in doing so and the potential risks to staff and programmes. For certain activities, this will require an interrogation of an agency's commitment to impartiality and neutrality. In that sense, protection can be understood as the point of interface between humanitarian actors and their political, military and human rights counterparts. Each agency has a minimum responsibility to incorporate protection concerns into their relief activities to minimise risks and help keep people safe. However, the more issues of risk or civilian safety become guiding determinants of where and how agencies respond, the more flexibility may be required in terms of the principle of impartiality. Similarly, while a greater analysis of the dynamics of conflict may not challenge principles of neutrality, activities such as monitoring, reporting and advocacy certainly stretch the concept.

7.1 Recommendations

Operational agencies

1. Agencies should incorporate civilian risk, as well as need, into their analysis and response. At a minimum, policies on protection should be elaborated which set out: (1) the organisational approach to protection; (2) how assessments and analysis should incorporate protection; (3) how protection should be considered in relief activities; (4) how staff should respond if abuses are witnessed; and (5) what training and support will be made available to assist staff in recognising and responding to civilian risk.

2. Agencies should consider investing in central capacity in order to advise and guide the development and implementation of organisational protection policies. Additional field-based capacity may be required to ensure that staff are supported to analyse and respond to risk. In the absence of overall institutional guidance, aid agencies should desist from deploying individual protection officers in an effort to develop expertise in protection.

3. Further investment is required so that agencies can develop the skills and tools they need to undertake assessments of civilian risk. Research is required to better understand how civilians respond to different threats, and the potential roles of humanitarian agencies in assisting them to keep safe. Further investment should be made in the rigorous evaluation and documentation of local protection activities in order to establish their impact and effectiveness, and when and where they are appropriate.

Experienced protection agencies and the Global Protection Cluster

4. Agencies experienced in protection should share tools and learning on incorporating protection into relief activities. The development of practical inter-agency tools, similar to the IASC Gender Handbook, should be considered by the Protection Cluster to facilitate guidance on how protection can be incorporated into relief. The Protection Cluster should activate its *droit de regard* over other spheres of action through the development and agreement of methods to mainstream protection into assistance.

5. The Global Protection Cluster should ensure that its focus is on all affected persons, and that it develops guidelines and tools for assessing and responding to the protection needs of the broader civilian population.

6. The Global Protection Cluster should consider the deployment of dedicated protection analysts into protection clusters in the field, to assist in the development of inter-agency context and situational analysis in order to inform the work of protection actors. These analysts should be located either in UNHCR or in OCHA, depending on which is deemed to have the greatest potential for inter-agency support.

7. The protection field, concepts of protection and protection actors have evolved significantly since the ICRC workshops on protection in the 1990s. While there is little merit in revisiting the largely accepted IASC definition of protection, work is required to elaborate and delineate the roles and responsibilities of humanitarian protection actors and how they relate to the activities of other players (political, military, human rights). In particular, given concerns that the work of non-specialist protection agencies may undermine that of more specialist agencies, discussions are required to agree core areas of responsibility. Principles and ethics in protection are also required, given concerns regarding the quality of work in certain instances. It is therefore recommended that a series of protection workshops to support these operational guidance efforts is developed, engaging specialist and non-specialist protection agencies. These workshops could be facilitated through the Global Protection Cluster. They should involve the active participation of ICRC.

8. Given concerns about the lack of clear evidence of impact, work currently under way by World Vision Australia, and proposed by the Global Protection Cluster, to develop standards and indicators should be continued and supported. A standardised set of standards and indicators should be agreed, tested and adopted on an inter-agency basis. Any discussion of standards in protection should clarify that the primary responsibility for protection rests with national duty-bearers, not international actors, and thus, the work of humanitarian agencies is an interim measure only. Standards should be flexible enough to allow for different protection activities, depending on the context.

Donors

9. Donors should consider providing additional support to non-specialist protection agencies to facilitate the development of institutional protection policies, capacity and training.

10. Donors should also support the inclusion of protection in relief activities, including the development of skills and capacity within field programmes. The guidance provided by OFDA on incorporating protection into humanitarian assistance should be replicated by other donors.

11. Donors should fund multi-functional field assessments at the outset of crises and regularly thereafter in order to support the development of inter-agency protection strategies.

All actors

12. The current focus on international protection should be used as a catalyst for greater emphasis on the importance of asylum, particularly in Europe and North America.

Annex 1
Protection Officers Job Description (draft)[22]

Duties/Responsibilities

a. Conduct rapid needs and assets *assessments* to identify risks and vulnerabilities, including those related to gender and age. In conducting assessments, link up with agencies in the field and other assessment initiatives (i.e. camp coordination, health, wash etc.) Develop concrete initiatives to reduce these risks and specific strategies to build upon assets within the population.

b. *Coordinate* with national government, international organizations and NGOs to implement common standards and advocate for solutions to protect vulnerable civilians.[23] Contribute to the overall country team protection response by supporting protection working groups/cluster.

c. Ensure that the design and implementation of program activities contribute to *durable solutions*.

d. Ensure presence in or near communities through regular visits to families, camps and villages in order to *collect information* on the conditions including the availability of basic humanitarian assistance (shelter, food, water/sanitation, health and education) and access to services. In coordination with relevant actors, advocate for humanitarian access to all affected populations.

e. Assess *training needs* on protection issues and need for capacity building among local authorities, local NGOs, INGOs, the UN country team and other stakeholders.

f. *Promote understanding* of protection issues as well as existing guidelines and tools among local and international NGOs, donor representatives, national authorities and UN agencies[24] and ensure the observance of international human rights and humanitarian law standards.

g. Advise and support initiatives to strengthen the capacity of communities to protect themselves.

Qualifications

Education. University degree (Bachelor or Master) in humanitarian affairs, political science, human rights, development studies or other relevant field or the equivalent combination of education and experience in a related area. Training in protection.

Experience. A minimum of 3 years increasingly responsible professional experience with an operational UN agency or a major international NGO in the field of protection. At least 1 year field experience in the area of protection.

Language. Fluency in written and spoken English and at least a second UN language. Knowledge of the local working language of the duty station is an asset.

Knowledge. Basic knowledge of the UN Humanitarian Reform and cluster system, institutions of the UN system and policies and guidelines related to humanitarian affairs.

Other skills. Proven skills in analysis, negotiations and leadership. Solid drafting skills and experience in timely submission of reports. Drivers license. Computer literacy.

Core competencies

Demonstrates commitment to *humanitarian principles* and to UN mandates:

*   Supports the principles of the UN charter and the Humanitarian Charter
*   Upholds the principles of international law through practice and statements
*   Exhibits firm understanding and active application of inclusive principles such as gender, age and diversity

Demonstrates ability to *adapt* to a changing environment and cope with challenging conditions:

*   Adjusts practices to get job done in new environment, maintaining commitment to principles
*   Modifies own priorities as situation evolves and makes necessary recommendations
*   Recognizes and considers diversity of opinion and working methods

Demonstrates capacity to *work in a team* and achieve common goals:

*   Shows cooperative behavior, seeking consensus and partnership
*   Presents own opinion in constructive manner, respecting opinion of others
*   Shares information and adapts own work based on information shared by others
*   Seeks means of addressing challenges within a team
*   Support team members by caring for one's own well-being and that of others

Demonstrates *professional behaviour*, showing respect and self-control:

*   Conducts appropriate behaviour in all settings

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22 Adapted from ProCap Core Competences and Protection Officer Profile (OCHA).
23 Vulnerable civilians include internally displaced and refugee populations (adults and children).
24 Preferably in the local language.

- Shows honesty and consistency in action and words
- Treats all colleagues and stakeholders with respect
- Takes all steps to encourage full adherence to Code of Conduct at all times
- Respects confidentiality and upholds highest standards of discretion

Demonstrates ability to *communicate* clearly and concisely:

- Listens to and actively seeks to understand others
- Adapts communication styles appropriate to the audience, context, and desired outcomes
- Communicates comfortably and effectively with people of varying backgrounds and ages
- Seeks to develop far-reaching and varied contact network

Demonstrates *leadership* by making informed decisions and assuming responsibility for actions:

- Motivates fellow team members
- Articulates reasoning for decisions
- Assumes accountability for actions

Demonstrates ability to *plan strategically*:

- Identifies and nurtures partnerships and alliances to enhance protection
- Analyzes protection capacities and risks with stakeholders
- Considers unintended consequences and steps to take to diminish these

Demonstrates *political awareness* and analytical interpretation:

- Understands current and historical context of the displacement
- Understands and considers political objectives of stakeholders
- Anticipates effects of own statements or actions within the deployment environment

Demonstrates *knowledge* of the following topics:

- Common protection models (IASC definition, ICRC "egg" model and Sphere Standards)
- Humanitarian reform agenda (Protection Cluster, areas of responsibility, terms of reference for protection cluster, lead agency, participants, HC and other clusters)
- International legal framework (IHL, HR law, refugee law, IDP Guiding Principles)
- International protection architecture including protection-mandated UN agencies
- IDP Protection Handbook
- Pinheiro principles
- Specific protection tools (child protection, elder protection, minority protection, landmines etc)
- SG's bulletin on sexual exploitation and abuse, including reporting and response framework
- Participatory approaches to working with stakeholders, including affected communities
- Current state of humanitarian reform agenda, cluster implementation, and collaborative approach to displacement.

Annex 2

Ten steps to Situational Analysis and Participatory Assessment

Step 1:   Situational Analysis.
Step 2:   Mapping Diversity (identifying representative samples of different groups).
Step 3:   Agree Method (Observation for dynamics in community, interviews for detailed data, and focus group for numerous views.
Step 4:   Agree specific focus (health, water, livelihoods, general security etc).
Step 5:   Undertake assessment (ensuring attention to ethics, confidentiality, participatory interview techniques).
Step 6:   Compile results (key issues such as (1) protection risks/incidents (2) causes (3) capacities within community to respond (4) solutions proposed (5) most pressing issues as identified by communities (6) urgent follow-up.
Step 7:   Undertake Urgent Follow up Action.
Step 8:   Analysis and Prioritisation of Objectives: (1) identification of violations / unmet needs (2) description of protection risks (3) causes of risks (4) capacities of at-risk populations to keep safe (5) protection solutions (6) possible protection objectives.
Step 9:   Write up Assessment results.
Step 10: Planning meeting with communities, authorities and other actors.

The tool sets out lists of sample questions that can be used in the assessment (on issues such as livelihoods, food security, education), as well as ethical considerations. Some sample questions on security and safety include:

–   What are the dangers that you experience in this environment?
–   Do you feel that your physical safety and security are at risk? At what time? Why?
–   What is the source of the danger? Who is involved?
–   What do you worry about when you leave your home? What do you worry about for your children/husband/wife?
–   Are you aware of any incidents/problems that have threatened your friends or neighbours?
–   Does violence occur? What types of violence? Where does the violence occur?
–   What do men think about it? And women? Girls and boys? What do you think about it?
–   What do you do in response? What do others do? What steps are taken to prevent, avoid or reduce the effects of the threats?
–   Is there anything humanitarian organisations can do about it?

Source: Adapted from UNHCR, 2006a.

Annex 3

Protection monitoring checklists

Threats to protection directly related to water supply, sanitation and hygiene promotion interventions

Issues for monitoring

Regular, at each new water point (possibly every week, alongside other regular monitoring being done at water points):

1. Ascertain whether there are armed actors present at or around the new water points.
2. At the new water points, assess whether there have been any cases of:
    *   Harassment and intimidation directed at those collecting water;
    *   Violence;
    *   Demand for payment;
    *   Sabotage of water facilities or other interference with their proper functioning.
3. Analyse whether there are there any patterns evident in events (for example, certain times of day, certain days of the week (e.g. market days), women or girls of certain ages being targeted).
4. Action taken:
    *   Was any action taken following the event(s)?
    *   If yes, what action was taken and by who? What was the outcome?
    *   If no action taken, why not?
5. Recommendations/action required

Methodology
*   Observation
*   Informal discussion with women and girls at the water points
*   If possible and necessary to gather more information, meet with those involved in follow up action taken.

Adapted from Hastie et al., 2007.

Mainstreaming protection into camp management: key considerations

Location considerations
Camp management agencies should consider engagement with and between local actors from amongst government, host community and communities within camps on issues such as design and camp management, provision of services and handover. Particular attention should be paid to dynamics between host and displaced populations around rights, positive interactions and shared services.

Design considerations
Main areas to be considered are:
*   Involvement of community, particularly women, youth and children in camp design to address risk factors, notably sexual violence.
*   Organisation of camps into sub-areas in cases where displaced populations identify themselves as separate communities or entities.
*   Provision of information primarily through an information centre where people can find out more about their current location and services. Also create notice boards to indicate abuse or exploitation prohibition and reporting mechanisms.

Management considerations:
*   Promoting mechanisms to ensure dialogue and interaction between camp service providers and in so doing promoting integration of protection approaches.

- Ensuring women have equal and active participation in camp decision-making structures and that children, youth and other minority groups are able to have their voices and concerns heard and acted on by decision-making mechanisms.
- Identification of what women see as the main protection problems and possible solutions to the problems and then establishing women's and child-to-child support systems, networks or self-help groups that allow women and children to discuss protection issues that affect them on an ongoing basis.
- Watching for and responding to signs of abuse, neglect or exploitation of children, especially when children are living with families other than their own.

Security:
The establishment of community watch groups should be facilitated to promote safety in the area. NGO/UN staff awareness of signs of potential protection risks and violations should b encouraged so that they can report incidents to camp management and relevant protection agencies

Registration:
The focus should be on establishing comprehensive data systems that capture gender and age differences as well as challenges such as separated families. Registration also needs to be supportive of provision of documentation to facilitate living, working and integration into the support roles of government and the UN such as provision of food and non-food items.

Food and Non-Food Distribution:
- Ensuring an equal ratio of men and women in distribution teams.
- Ensuring that the distribution location is logistically accessible to all groups.
- Ensuring women are consulted on the design and implementation of food distribution and female liaison officers work with communities to sensitize the communities to recipients' rights and the process for collecting distributed items

Adapted from InterAction, 2005: 4–6.

Protection checklist: food distribution

The main areas covered in the checklist are as follows:

1. Taking into account problems and concerns from previous distributions.
2. Consideration of appropriate distribution methods and food basket to minimize security threats, including:
   - Providing sufficient information about location and timing of distributions;
   - Including women and consulting with protection partners in the process of selecting the location of the distribution point;
   - Variable quantities of food depending on the prevailing protection issue;
   - Avoiding the use of high-value nutritional needs of the most vulnerable;
   - Promoting the provision of seeds and tools to support self sustained access to food.
3. Taking account of measures to ensure the safety of the distribution sites:
   - Creating 'safe spaces' for women and children at distribution points;
   - Ensuring the presence of protection actors to monitor the distribution.
4. Ensuring measures for the safety and security of beneficiaries in transporting food back to their homes.
5. Monitoring of transportation of food once it leaves the distribution site.
6. Processes to collect information on instances of abuse during the food distribution.
7. Consideration of the security needs of host communities.
8. Ensuring sharing of information with staff of protection-mandated agencies.

Adapted from Alberman et al., 2005: 15.

Annex 4
A protection-sensitive logframe

Sample Goal

To enable conflict-affected people in target area to attain their basic rights to life, health and dignity through ensuring sufficient, regular, safe and equitable access to potable water and appropriate sanitation facilities.

Sample Objective

To contribute to a reduction in the level of threats that civilians face in target area X and ensure that assistance does not place them at further risk through systematically mainstreaming protection into assistance activities.

Sample Activities

Ensure a cross-section of the community (including vulnerable groups) is consulted on the selection, construction and maintenance of latrines and water points through undertaking an assessment with communities to establish the water and sanitation needs of different members of the community.

Ensure water and sanitation facilities can be accessed by a cross-section of the community (including vulnerable groups) without risk through identifying safe locations; establishing lighting and/or facilitating accompaniment systems for vulnerable groups if necessary.

Provide appropriate water and sanitation facilities through constructing separate women's and men's latrines and washing facilities and considering access for the elderly, disabled and young.

Create reporting and referral systems for referring and reporting on protection incidents encountered (through adapting programmes, advocacy or referring cases to specialist protection organisations).

Sample Indicators

- Number of separate lockable toilets and cubicles for washing provided for men and women in well-lit and visible areas
- Women, the elderly, people with disabilities and other vulnerable groups are represented on any water and/or sanitation committees.
- Women and other vulnerable groups have been consulted on the location of toilet and washing facilities and any safety concerns they may have regarding the use of the water and sanitation facilities.
- There is adequate space for women to be able to clean sanitary materials with privacy and dignity.
- There is space, facilities and support for people with disabilities to wash with privacy and dignity.

- Communities feel safe using the facilities, which are used by the targeted section of the community at different times of day and night.

Source: Indicators adapted from World Vision Draft Indicators (World Vision, 2007).

Annex 5

Information flow for the monitoring and reporting of violations against children in armed conflict under Security Council Resolution 1612

DESTINATIONS FOR ACTION

Security Council

General Assembly

Commission on Human Rights

Regional Organizations

International Criminal Court

National Governments

Annual Monitoring and Compliance Report and **Ad Hoc Reports and Briefings**

Other destinations for action

UN HQ-LEVEL COORDINATION AND ACTION

Task Force on CAAC
(OSRSG/CAAC, UNICEF, DDA, DPA, DPKO, ILO, OCHA, OHCHR, OLA, OSAA, OSAGI, UNDP, UHNCR, UNIFEM)

Steering Committee of the Task Force on CAAC
(OSRSG/CAAC, UNICEF, DPKO, UHNCR, OHCHR, OCHA)

Country Report

COUNTRY-LEVEL

National government and other country-level destinations for action

SRSG or RC

Task Force on Monitoring and Reporting
(UNICEF, DPKO (CPA), OHCHR, OCHA, UNDP, key NGOs)

Child Protection Network (CPN)
(Government institutions, UN entities, International NGOs, Local civil society groups and NGOs)

Information gathering

| International child protection NGOs | Local civil society actors and NGOs | Local government authority and institutions | UN-PKO *(field presence)* | UNCT *(field presence)* |

On-going feedback, coordination and action

Information on grave violations against children

Coordination and action

Information gathering on the ground

Source: Office of the Special Representative of the Secretary General for Children and Armed Conflict (www.un.org/children/conflict, accessed July 2007).

Annex 6
The advocacy process

Steps to take	Key questions
Step 1: What is the problem? (issue)	• What is the problem (what?) • Why is it happening, who is it affecting (who and where?) • What would help change this problem – is it a new policy, change of policy or enforcement of policies?
Step 2: What do we want to change? (objective)	• What do we want to change? • Who will make that change? • By when will this change be achieved? • What will be the results of the change? Goals for an advocacy initiative must be *SMART*: specific, measurable, achievable, and realistic time-bound. They should clearly state what will change, who will make that change, by *how much*, and by *when*.
Step 3: How can this change happen? – Who can help make this change? – What processes should we influence? (targets and opportunities)	• What person can bring about the change we hope to achieve? (primary target) • Who has the greatest ability to influence the decisions of our primary audience (secondary audience) • What position and opinions do they have on the issues we are considering? *Audiences are always people, not institutions.* • What processes are underway that affect the issue in the next 6–9 months?
Step 4: What should we say to convince them, who should we say it to and when? (messages)	• What do we want our targets to hear? • What policy change do we want our targets to support? • What specific actions do we want our audience to take? How can we convey this to our audience?
Step 5: How should we deliver the messages? (methods and activities)	• What activities should be carried out in order to achieve the goal? • How can we most successfully convey messages to our targets: private meetings, public meetings/conferences, press releases, media visits, arranging site visits, writing letters, phone calls? • What are the risks in undertaking these activities? Can we mitigate them in any way? Are they worth taking? What contingency plan should we put in place?
Step 6: What resources are required (human, financial etc)?	• Who will do what, and where? • When will this be done and with whom? • What types of inputs, besides people, will be needed?

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