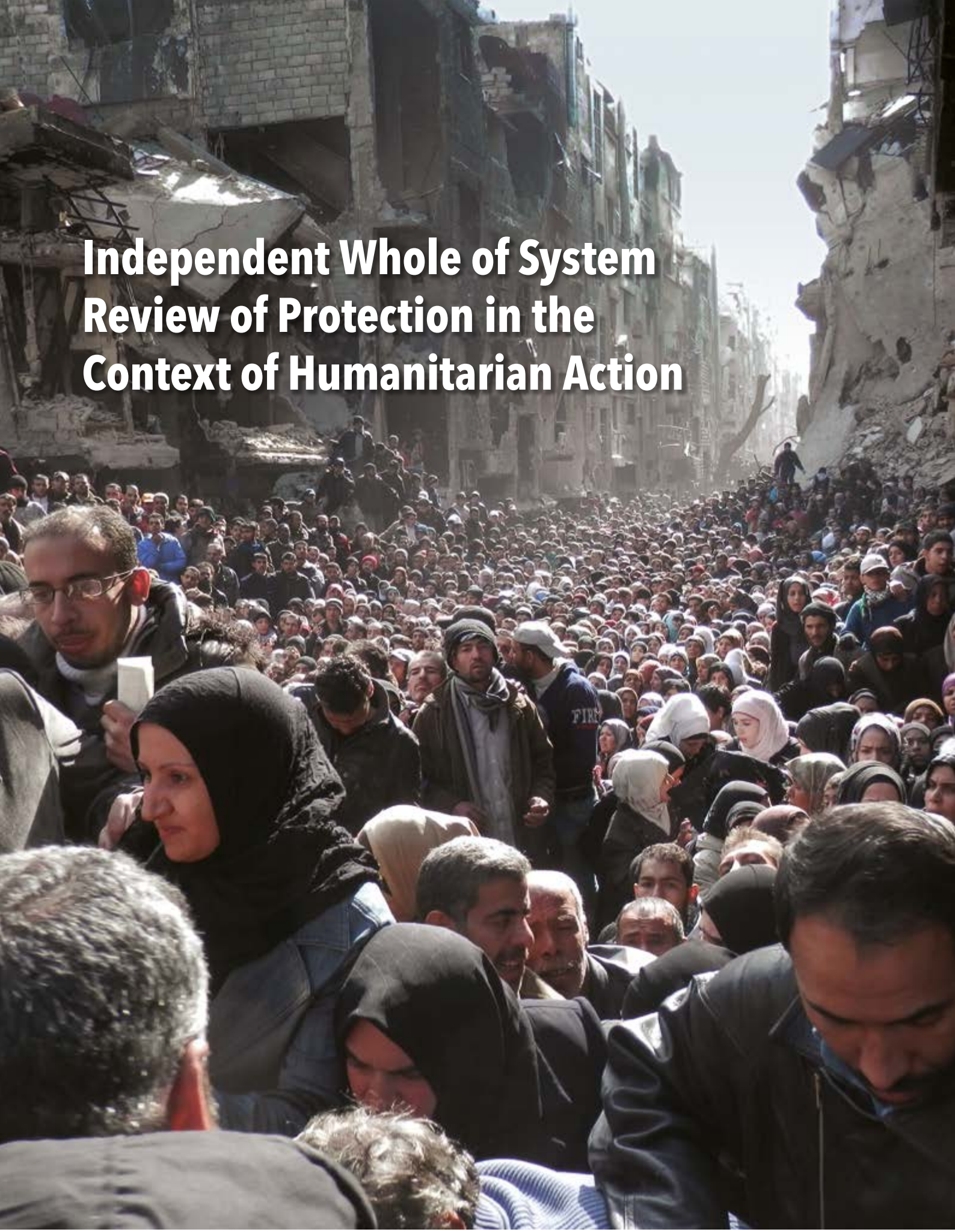
Independent Whole of System Review of Protection in the Context of Humanitarian Action



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Cover photo: Besieged Palestine refugees amassing to receive desperately needed UNRWA humanitarian aid, Rama Street, Yarmouk, Syria © UNRWA, Jan 2014.

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LIST OF ACRONYMS

AAP	Accountability to Affected Populations
ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
AoR	Area of Responsibility
DRC	Democratic Republic of the Congo
DNH	Do No Harm
ERC	Emergency Relief Coordinator
FGD	Focus Group Discussion
GBV	Gender-Based Violence
GenCap	Gender Standby Capacity
GPC	Global Protection Cluster
GPC SC	Global Protection Cluster Support Cell
GWOT	Global War on Terror
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
HRR	Humanitarian Response Review
HRW	Human Rights Watch
HRUF	(UN) Human Rights Up Front
IASC	Inter Agency Standing Committee
I-CC	Inter-Cluster Coordination
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IOM	International Organization for Migration
INGO	International Non-Governmental Organisation
IR	Inception Report
IRC	International Rescue Committee
IRP	(UN) Internal Review Panel Report
KII	Key Informant Interview
MARA	Monitoring, Reporting and Analysis Arrangements
MONUSCO	UN Organisation Stabilisation Mission in the DR Congo
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organisations
NSAA	Non-State Armed Actors
OCHA	(UN) Office for the Coordination of Humanitarian Affairs
OHCHR	(UN) Office of the High Commissioner for Human Rights
OPR	Operational Peer Review
OPT	Occupied Palestinian Territories
OSV	Other Situations of Violence
PC	Protection Cluster
P5	(UNSC) Permanent Five
PMTT	Protection Mainstreaming Task Team
PoC	Protection of Civilians
ProCap	Protection Standby Capacity
PSEA	Protection from Sexual Exploitation and Abuse
RC	(UN) Resident Coordinator
RtoP	Responsibility to Protect
SNAP	Syria Strategic Needs Analysis Project
SPO	Senior Protection Officer
SRP	Strategic Response Plan
ToR	Terms of Reference
UN	United Nations
UNAMA	UN Assistance Mission in Afghanistan
UNCT	UN Country Team
UNDP	UN Development Programme
UNFPA	UN Population Fund
UNICEF	UN Children's Fund
UNGA	UN General Assembly
UNHCR	UN High Commissioner for Refugees
UNHCHR	UN High Commissioner for Human Rights
UNMAS	UN Mine Action Service
UNMISS	UN Mission in the Republic of South Sudan
UNMS	UN Member States
UNSC	UN Security Council
UN SCR	UN Security Council Resolution
UNSG	UN Secretary General
WASH	Water, Sanitation and Hygiene

EXECUTIVE SUMMARY

This Whole of System Review examines how protection issues are addressed in the context of humanitarian action and makes practical suggestions to help humanitarian actors be more strategic, and better capable of meeting core life-saving humanitarian responsibilities in relation to protection.

The failures of the United Nations (UN) system in Sri Lanka and subsequent soul searching at the highest levels of the UN – which led to the launching of the Human Rights Up Front initiative by the Secretary-General – are the backdrop for this Review. This is the first such exercise initiated by the Inter-Agency Standing Committee (IASC). It presents a unique opportunity to take stock of past efforts and to chart a new and more effective way forward. It is worth noting at the outset that this is an Independent Review; it is not an evaluation. It also needs to be noted that protection concerns in relation to refugees were explicitly excluded, as outlined in the Terms of Reference, from the scope of this Review.

Emphasis on the protective dimension of international humanitarian action, beyond agencies with specific protection responsibilities, is relatively new and represents a step change from the more traditional focus on relief assistance. This shift is happening at a time when the humanitarian enterprise has experienced massive growth and institutionalisation. Humanitarianism has become a critical element of contemporary global governance; at-risk groups and global public opinion expect rapid action from concerned authorities and the humanitarian system when crises occur. At the same time, the rapid growth of new actors in the humanitarian arena, including middle-income countries, *diasporas* and local civil society groups is bringing new opportunities and challenges to a complex and sometimes contested humanitarian system that is still widely perceived as "of the North".

This Review used an inductive method to examine the complexities, discontinuities and dysfunctionalities that characterise the way in which protection issues are presently addressed in the context of humanitarian action. It is based on a combination of methods including a literature review, interview data, an online survey, field missions to Myanmar, South Sudan, and the Syria crisis as well as a desk review of protection issues in the Democratic Republic of the Congo. It contextualises the challenges and opportunities associated with protective humanitarian action in a landscape of changing power relations that has direct implications for at-risk groups in settings as diverse as Yemen, Somalia or Nepal.

The Review situates protection in the broader humanitarian landscape taking into account different reform initiatives. It examines the problems that arise as a result of multiple interpretations of the formal IASC protection definition and related programming approaches as well as the relationship between humanitarian actors and other protection stakeholders including the State and the UN Security Council. The Review also examines how the humanitarian system is functioning in practise and issues that affect its ability to bring about effective protection outcomes or change that is sought to enhance the safety and dignity of at-risk populations. The many systemic issues that were reviewed include the extent to which protection concerns inform decision-making at the strategic and operational level including whether protection assessments, information management, analysis and response strategies are appropriately designed and implemented. Issues of particular concern include the extent to which the identification of those in need of humanitarian action is determined on the basis of status and particular categorisations or on the basis of assessed needs. This Review also looked at system-level monitoring and evaluation practice and the degree to which the humanitarian system is accountable to the affected population including in relation to the prevention of sexual exploitation and abuse.

The findings of this Review are not new in the sense that they echo problems that have been identified in the past. Such problems persist largely because of vested interests and seemingly intractable institutional agendas and preoccupations. The conclusions of the Review highlight a number of critical issues that demand urgent attention. While many practical measures can be taken to address some of the problems identified, it is important to note that there are systemic and over-arching constraints that limit the scope of

improvement in the protection sector. Resistance to change in a humanitarian system, that many see as both made to fail and too big to fail, is one such constraint. Geopolitical agendas that shape UN Security Council decisions and non-decisions coupled with the instrumentalisation of humanitarian action in support of partisan political or military agendas are other key constraints. This Review concludes that unless the political will to address the systemic issues is mustered, no amount of tinkering with organograms will create the conditions for the full realisation of significantly improved protection outcomes.

Reform of the overall humanitarian system will, of course, take time and its contours are beyond the scope of this report. The research team's conclusions and recommendations therefore focus on measures that can be taken immediately to address some key dysfunctionalities.

It is disheartening to find that notwithstanding significant effort to make protection concerns central to humanitarian decision-making, there is very little common understanding as to what that means in practice. There is an urgent need to demystify, unpack and explain protection in ways that are immediately understandable by all humanitarian actors – not just protection specialists. On a more positive note, the research team met lots of creative and dedicated individuals whose tenacious efforts to challenge and counter patterns of deliberate abuse and indiscriminate harm, that exact a high price in human lives and dignity, were inspiring.

A recurrent theme in the team's findings is the lack of strategic vision and contextual intelligence around protection matters. From Headquarters to the field, leadership and strategic thinking are often lacking. One particular gap that needs to be urgently addressed is the frequent absence of substantive discussion and decision-making on protection issues, or the deliberate deprioritisation of such issues, at the Humanitarian Coordinator (HC) and Humanitarian Country Team (HCT) levels. This also impacts on the work of the Protection Clusters, which is often disjointed or far removed from HCT discussions. The fact that HCs are most often also Resident Coordinators and sometimes Deputy to the Special Representatives of the Secretary General in the context of UN peacekeeping missions also undermines their ability to resist subordination of humanitarian principles and protection concerns to political agendas.

Weaknesses in the protection architecture are also identified. The role of UNHCR as custodian of the Global Protection Cluster and as a central protection player in most Protection Clusters on the ground leads to conflicts of interest and perceptions of "paternalism." This is not conducive to mutual partnerships or positive relationships and is particularly concerning for both international and national NGOs. The predominance of UNHCR's role often leads to an almost exclusive pre-occupation with displacement issues to the detriment of a holistic analysis and identification of all protection needs including of those who are most at-risk.

Humanitarian and human rights actors share common goals on particular issues but notwithstanding some progress in improved mutual understanding and respect of each other's distinct roles and responsibilities, both sets of stakeholders need to invest in building synergies that contribute to enhanced protection for at-risk, crisis-affected populations.

Finally, a recurrent theme in the team's findings is the significant gap between rhetoric and reality on protection. The Human Rights Up Front (HRUF) initiative was in part intended to address this gap. For now, it is widely seen as a UN headquarters agenda. There is little knowledge about HRUF in the field. Given limited consultations beyond the UN, there is very little or no buy in from the international and national NGO community. It is too early to tell whether this presents a real or lost opportunity to transform attitudes and approaches to the dangers faced by those at imminent risk.

More importantly, a striking finding of this Review is the widespread perspective among humanitarians that they do not have a role to play in countering abusive or violent behaviour even when political and military strategies and tactics pose the biggest threat to life. Many are of the view that since it is a UN Security Council responsibility to bring wars, and by extension their consequences, to an end, humanitarians do not have a role to play in challenging the impact of armed conflict, and other situations of violence, on civilians.

HRUF and other such initiatives need to be given teeth, including in relation to accountability measures when institutional commitments are disregarded by staff at all levels if they are to make a difference. Moreover, because in many quarters these initiatives are seen as originating from the North, there is a need to reach out and work with actors in the Global South. To do this, the humanitarian community needs a strategic, high-powered campaign to mobilise global public opinion and enable citizen action in support of core humanitarian values. Citizens everywhere are appalled by atrocities in places such as Sri Lanka, South Sudan, Somalia and Syria, but they lack a platform to challenge those supporting warring parties that engage in deliberate, targeted, and indiscriminate attacks on civilians. Global South actors need to be engaged in showing that support for such practices should be stigmatised as immoral, unlawful and contemptuous of fellow human beings and the norms of civilised society.

The Review provides a series of recommendations concerned with systemic issues including in relation to leadership, coordination and the pursuit of strategic objectives that are critical to the realisation of protection outcomes and accountability to affected populations. Perhaps the key conclusion of the Review is that the humanitarian system is at a crossroads. It can choose to acknowledge, and support, the growing clamour of those directly affected by catastrophic events to not be subjected to sieges, barrel bombs, denied access to food and medical services or to suffer as a result of inadequate investment in measures to reduce disaster risks. Or, the formal humanitarian apparatus can ignore the changing global order and the routine instrumentalisation of humanitarian action to the detriment of those who are most endangered. It can persist with policies and statements that are routinely ignored or lost in translation, resulting in poorly designed initiatives and strategies, and the inability to realise projected outcomes including, most importantly, enhanced protection for at-risk populations.

1 INTRODUCTION

1.1 Purpose and objectives

This report focuses on protection in the context of humanitarian action. It examines the current humanitarian response system for protection to understand how it is intended to work, how it is working in practice and what changes are needed to make it more effective in delivering protection outcomes. As per the Terms of Reference (ToR) this report identifies the issues and circumstances that can facilitate or undermine effective protective initiatives. The core purpose of the Review is to assess the effectiveness of the current humanitarian system to meet declared life-saving objectives, from a protection perspective, across the diverse range of situations of humanitarian concern including disasters, armed conflict and other situations of violence.[1]

This Review was generated by the Inter-Agency Standing Committee (IASC) Principals' decision to focus on protection in humanitarian action as a strategic priority for 2014-16.[2] This focus on protection is motivated in part by the findings and recommendations of the UN Secretary General's Internal Review Panel (IRP) report on United Nations actions in Sri Lanka and the subsequent UN Human Rights Up Front (HRUF) initiative. The latter seeks to promote a cultural shift in the UN so that human rights are part of its "lifeblood" thereby prompting early and effective action in crisis settings. Further details on the objectives and scope of the review are outlined in the ToR (Annex A).

Two key issues must be clear at the outset; as specified in the ToR, this is not an evaluation in the sense that it does not attempt to build a case for judgement based on established criteria and an agreed baseline. The Methodology section outlines the research team's systematic approach to data collection and analysis. This Review is also independent in the sense that the research team was not beholden to any particular institutional allegiance. As a result it felt empowered to take the discussion beyond a narrow interpretation of its findings. It will be for the reader to judge the value of this work. The team's hope is that this report will trigger debate among diverse stakeholders, and lead to much needed reform, improved protection for at-risk populations, and an enhanced ability to measure outcomes at the system level in the future.

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1 Other situations of violence refers to violence that falls short of a classification of armed conflict; examples include electoral violence, urban violence and the first sixteen months of the Syria crisis.

2 Several tasks including the development and implementation of "an appropriate and comprehensive policy framework on protection" are outlined in the *IASC Priority: Protection in Humanitarian Crises,* 9 December 2013.

1.2 Scope

A review of the humanitarian system's performance in achieving protection outcomes, including its ability to prevent and respond to violations of International Human Rights Law (IHRL) and International Humanitarian Law (IHL), or other patterns of harm, requires a clear understanding of the way in which different actors approach and respond to the protection needs of at-risk groups. It also requires understanding the barriers on a conceptual and practical level that prevent the ability to measure system level outcomes.[3] Accordingly, the Review looks at the roles and responsibilities of all humanitarian actors from the Emergency Relief Coordinator (ERC) and IASC principals to the range of mechanisms and coordination fora at the global and field levels. It reviews key issues related to performance including leadership, coordination, analysis and response strategies; coverage in the sense of who is included or excluded from the system level response; monitoring and evaluation, financial and human resources; and accountability to affected populations. The Review also examined the interplay between humanitarian and human rights actors as well as the political and peacekeeping arms of the United Nations, the UN Security Council (UNSC) and other intergovernmental processes. This enabled the research team to identify and suggest realistic measures geared at strengthening protection both at the strategic and operational levels of humanitarian action.

The ToR specified that issues of protection relating to refugees were not part of the scope of the Review. This reflects, in part, the focus of the IASC as well as long-standing institutional arrangements and rigidities surrounding protection in the context of humanitarian action. This issue is examined further in the body of this report including Section 9 Coverage.

1.3 Focus

While it assesses how the humanitarian system responds to current protection challenges, the Review is also forward-looking. Instead of taking the existing structure and *modus operandi* of humanitarian action, including initiatives labelled protective as a given, a bold look at how the system is working is necessary. In order to do this, we have chosen to examine the state of protection in humanitarian action from the systemic level.

1.4 Phases

The Review was undertaken by a team of four consultants[4] from September 2014 to May 2015 and conducted in three phases. Phase one included preliminary research and preparation of the Inception Report (see Annex C). The Inception Report provides an overview of the evolution of protection in the context of humanitarian action and events that led the IASC Principals Statement in December 2013 on the Centrality of Protection. This statement was accompanied by several other IASC priority tasks on protection including the need for this independent Review. The second phase involved field missions to Myanmar, South Sudan and countries affected by the Syria crisis, as well as a desk review of the eastern Democratic Republic of the Congo (DRC). Following completion of the second phase the team circulated a draft report for comments in April 2015. It is noteworthy that feedback on the first draft highlighted significant differences, including by senior agency staff, in views expressed privately and those conveyed in institutional comments. The third phase involved the preparation and dissemination of the final report.

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[3] These challenges are dealt with further in Section 10 Monitoring and Evaluation.

[4] Please see Annex A for details.

2
METHODOLOGY

There are a multitude of challenges in undertaking a Review to assess factors affecting the capability of the humanitarian system to deliver protection outcomes in the context of humanitarian action. These include the:

i) Fluidity of disaster and crisis settings and issues of access and security;

ii) Frequent absence of comparable datasets concerning affected populations; and

iii) Lack of standardised operational definitions, approaches, clearly articulated intervention logic and result frameworks coupled with limited outcome level monitoring.

A rigorous and systematic approach to data collection and analysis characterised the approach of the research team; given the complexity and scope of the subject under review, the research used an inductive analytical process based on a mixed method approach. Findings are based on the aggregation of many pieces of data that go in the same direction while being mindful of other data that may present different or minority views. The team triangulated data drawing on multiple sources to ensure that findings could be generalised and were not based on the views of a single information source, country context or agency.[5] The findings provided the analytical base from which conclusions and recommendations were drawn. Further, the findings of the Review are based on a literature review, interviews, consultations with key stakeholders including affected populations, field observations, an internal team workshop and a peer review process. Further details of this can be found at Annex B.

Limitations

The ToR for the first system-wide Review of protection in humanitarian action was overly ambitious. The research team faced significant conceptual and practical barriers in measuring system level performance and outcomes. In addition, the limited time assigned to the Review presented a challenge. As a result, the research team identified and prioritised key issues deemed to be the most relevant, and focused on the way in which these were addressed, and to what effect, in different contexts. Further limitations of this Review resulted from the lack of data availability and comparability as well as staff turnover, limited access and security. With rare exceptions, this was an issue across all of the crisis settings reviewed. High levels of staff turnover resulted in low institutional and crisis memory. In Myanmar, Syria and South Sudan security and access issues limited the research teams' ability to travel to areas not under the control of national authorities.

[5] Full details on the methodology used are provided in Annex B.

3
CONTEXT

Efforts to enhance protection occur within the fast changing geopolitical shifts that define the reach and limits of humanitarian action. Before delving into the substance of this report, the research team considered it important to identify some key trends that situate and affect the place of protection in contemporary humanitarianism.

3.1 The big picture

One of the striking changes in international relations during the last three decades is the rapid expansion of an organised international humanitarian system. Humanitarianism has emerged as a powerful form of contemporary governance: a set of institutions, norms, policies, ideologies and representations that are geared towards providing assistance and enhancing protection in times of crisis including disaster-related emergencies. Moreover, the humanitarian system also functions as a moral community through which public opinion in the West, and increasingly elsewhere, has come to expect a rapid expression of global succour when confronted with the spectacle of human suffering.

Of course, humanitarianism has a long history which is by no means exclusively Northern.[6] But the qualitative and quantitative transformations of transnational humanitarianism since the end of the Cold War are unparalleled. Organised international humanitarianism has mutated from a relatively marginal and specialised activity to one that is at the centre of contemporary international cooperation and governance. From $2.1 billion in 1990, the combined humanitarian spend of states, United Nations agencies, non-governmental organisations (NGOs) and the Red Cross and Red Crescent movement has increased ten-fold to $22 billion in 2014. This does not include the contributions of local charities, religious groups, community organisations and affected people themselves who are the first on the scene when disaster strikes. The visible and structured humanitarian enterprise now employs a quarter of a million people, the vast majority of who are nationals of the affected countries.[7] With the multiplication of funds has come a simultaneous process of institutionalisation, proceduralisation and professionalisation of the diverse institutions that comprise what in some ways has become the world's humanitarian welfare system.

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[6] Native Americans, the Choctaw people, for example, sent assistance to Ireland during the famine of the 1840s. In 1917, India's Congress party sent doctors to China to help with flood response.

[7] Figures in this paragraph are from Development Initiatives: *Global Humanitarian Assistance Report* 2012, available online and ALNAP, *State of the Humanitarian System Report,* 2015 (forthcoming); figures on numbers of humanitarian workers are from Stoddard, A. et al. *Providing Aid in Insecure Environments,* Humanitarian Policy Group/Overseas Development Institute, 2006.

But is it a system? Like the larger and older international development machinery, the humanitarian system faces huge management challenges.[8] It has grown by accretion rather than according to some grand plan. It has many moving parts and different types of stakeholders. New institutions have been created, amalgamated and added on to old ones. Following major crises there have been reforms and consolidations and new bodies have proliferated. NGOs have grown and diversified beyond recognition. So have norms, standards, procedures, layers, clusters, customs, hierarchies, coalitions of agencies, coordination mechanisms, interagency bodies, as well as new mechanisms attempting to substitute for older ones that no longer function. But this does not add up to an effective system. Rather, as former ERC John Holmes frequently pointed out, "it is not a system in any recognisable state" but "a haphazard collection of organisations."[9]

The system, such as it is, does function in the sense that it delivers vitally important support that helps save lives. Some of its parts work more effectively than others. It mounts extraordinarily complex operations in the wake of catastrophic disasters, as in Darfur, in response to the 2004 Tsunami, the 2010 Haiti earthquake or to the millions of refugees who have fled Syria. Although constrained by bureaucracy, turf wars and political interference, it can mobilise itself and go to extraordinary lengths to do so. With growth has come professionalisation, the development of standards and accountabilities that make the humanitarian sector, at least on some issues, more predictable, more technically able and sometimes more effective than before. However, in the process it has lost some of its can-do compassionate spirit and flexibility that characterised its former ethos. It has become more risk averse. No-go areas have increased because of security and insurance concerns or because counter-terror legislation proscribes contact with certain groups. Face-to-face interaction has often been replaced by face-to-screen and many of these screens are situated in bunkered compounds where humanitarians work and live.

Moreover, the system is a partial one. It is "of the North" and not "of the world." Because it commands huge resources and can decide where they are used, organised humanitarianism constitutes an important form of governance although not in the sense that there is a single force or source of power that directs its work. Rather than principles, or overarching strategies, what keeps the system (somewhat) together is its network power. "The West does not own and operate humanitarian governance, it maintains a controlling influence over it, much like [it does for] security and economic governance."[10] It is the northern-based agencies that have set the standards and norms that allow the system to operate. This includes everything from the standards and definitions of protection to the radio frequencies used by aid agencies, the training provided to security officers, the Sphere standards on the size of tents, and of course clusters, logos and T-shirts. This network power defines the rules of the humanitarian club that new players effectively need to accept if they want to become members.

But change is happening outside or at the margins of the formal humanitarian system. It is no longer unique or universal. New – or, at least, recently noticed – actors are occupying spaces that used to be the preserve of the North: since 2013 Turkey has become the fourth largest humanitarian donor;[11] donors from the Gulf and elsewhere are increasingly active; many middle income countries are developing effective humanitarian response capacities that do not always fit with the dominant model; national and international NGOs that do humanitarian work are emerging with their own traditions, ethics and modalities of compassion; new challenges and ideas are being aired in debates in the Global South that involve states and civil society.[12] Critical issues are being raised that point to multiple humanitarianisms rather than a single system, yet

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8 As far back as 1969, the question of whether this complex set of institutions was indeed manageable was raised. Sir Robert Jackson, main author of a seminal report on the UN development system, concluded that: "So far the evidence shows that governments do not [control it], and also that the machine is incapable of intelligently controlling itself…because it is so organised that managerial direction is impossible. In other words, the machine as a whole has become unmanageable in the strictest sense of the word. As a result, it is becoming slower and more unwieldy, like some prehistoric monster." *A study of the capacity of the United Nations development system,* doc. DP/5, United Nations, Geneva, 1969, Vol. 1, pp. i-iii.

9 Quoted in Cornish, P. "Humanitarian Response and International Engagement in Fragile States", Report of the Canada-UK Colloquium, Wiston House, Steyning, West Sussex, 1-3 November 2011, p. 19.

10 Barnett, M. Humanitarian Governance," *Annual Review of Political Science* Vol. 16: 2013, p. 386.

11 Development Initiatives: *Global Humanitarian Assistance Report* 2014.

12 See for example the conference on South-South Humanitarianism organised at the Jindal School of International Affairs in New Delhi in November 2014.

these new or different voices do not normally get a hearing in the governance fora of the dominant humanitarian arena. As one person who commented on our draft pointed out, there is a sense in the Global South that "What if the system was not there? If it did not exist, who would miss it?"[13] Looking ahead, it is fair to assume that there may well be more fragmentation, that the universality, which has been at the centre of the traditional humanitarian ethos, will be increasingly confronted with new thinking and practices and that there will be far more diversity in the humanitarian arena.

3.2. Humanitarian malaise

Despite impressive growth, institutionalisation and professionalisation, the humanitarian system seems to be facing an existential crisis in 2015. Time-tested tools, funds and capacities are readily available but a widespread malaise among agencies and their leaders is perceptible. Long-running situations of humanitarian concern from Afghanistan to Somalia, DRC, Haiti and Sri Lanka, as well as contemporary headline emergencies – Syria, South Sudan, Central African Republic, Ukraine, the Ebola crisis and cyclical crises such as Gaza - among other less visible situations of humanitarian concern, challenge the capacity and durability of the humanitarian apparatus. The seemingly intractable nature of many crises and the instrumental use of humanitarian action to deflect attention from the political failures of the so-called international community are leading to a growing realisation among many humanitarian actors that the humanitarian system as presently constituted is not fit for purpose—and growing disagreement about what the purpose should be. Indeed, the very notion of a single humanitarian system is in dispute. And as mentioned above, challenges to its *modus operandi* are growing.

The dysfunctionalities of the humanitarian enterprise reflect the state of the external environment. As former UN High Commissioner for Refugees, Sadako Ogata, was in the habit of saying, "there are no humanitarian solutions to humanitarian problems" meaning that humanitarian action is not the answer to political problems.[14] In situations affected by geo-political deadlock in the UNSC, humanitarians can only do so much within the space authorised by politics. Whether it is the plight of Syrian civilians bombarded by barrel bombs[15] or "boat people" drowning in the Mediterranean, humanitarians are often powerless in front of situations where human beings are reduced to "bare life" and where the choice is a rudimentary form of triage between those that are sacrificed and those that can be saved.[16] Despite significant progress in timeliness and effectiveness in situations where humanitarian action is not hobbled by crossed vetoes in the UNSC or by the ruthless behaviour of states and non-state actors, it is the impotence in the face of tides of evil over which humanitarians have no control that is at the core of the malaise. One is left to wonder whether the so-called international community is actually committed to an effective humanitarian protection regime for populations at risk or whether the current situation is functional to the interests of the powers that be. Humanitarianism cannot break out of the space that politics has assigned to it.

Other symptoms of the malaise are closer to home and have to do with the internal structures of the humanitarian enterprise, which at least in theory, would be amenable to change. Several such issues will be discussed in this Review. Many boil down to the ability, or not, of humanitarian actors to resist the encroachment of partisan and inter-agency politics in their daily work, to maintain fidelity to humanitarian principles and to put the humanitarian imperative of saving lives ahead of all other considerations. The Human Rights Up-Front agenda arose precisely out of the UN's systemic failure to do everything in its power to counter targeted attacks on civilians in Sri Lanka. HRUF represents a significant effort to place human rights, and by implication protection, on the agenda of senior UN staff members who can no longer

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[13] Interview data.

[14] For example: "Ogata calls for stronger political will to solve refugee crises," *UNHCR press release,* 27 May 2005. http://www.unhcr.org/4297406a2.html Accessed on: 10 April 2015.

[15] "Death everywhere - war crimes and human rights abuses in Aleppo, Syria," *Amnesty International,* 4 May 2015, p. 7.

[16] Fassin, D., *La raison humanitaire: Une histoire morale du temps présent,* Paris: Seuil/Gallimard, 2010, p. 290.

claim that human rights and contentious protection issues are not their responsibility. But the blurring of the lines between humanitarian and other agendas remains a sticking point and the research team has found many such examples in the course of the preparation of this report. These range from the participation of western donors in Humanitarian Country Team meetings in settings such as South Sudan, but not the affected state or other donors such as Turkey, the reluctance of many actors to challenge the brutality of the war in Syria, or attempts to subordinate humanitarian concerns to the political agendas of UN peace-keeping operations.

3.3 Implications for protection

These tensions can be especially strong with respect to protection. On the one hand, the concern with humanitarian protection has become more prominent in the rhetoric of international politics and in the agendas of many humanitarian organisations, even if leadership, commitment and resources are often inadequate. So too has the discourse on human rights become more global as individuals and groups take to the streets to demand respect for civil and political freedoms and more open societies. On the other hand, the protection regimes relating to civilians in conflict appear to be increasingly under challenge "not least because national governments or other local authorities are often the primary source of threat and international will or capacity to respond is often weak."[17] The same is true for asylum seekers who are increasingly recast as illegal migrants, if not criminals or potential "terrorists" by particular governments, political constituencies and the media.

Over the past two decades, there has been increased interest in protection from all quarters including, importantly, from those subjected to warfare or displaced from their homes by typhoons, earthquakes or other disasters. There has also been a proliferation in the number of stakeholders involved in crisis settings as well as a significant increase in the number of people who expect and require humanitarian action.

There is much more recognition than before that protection is central to an effective humanitarian response. It is no longer seen as just an afterthought, as it mostly was in earlier times. Nevertheless, as Section 4 will show, there is much confusion about what this term actually means. The rhetoric around protection has created major expectations among all stakeholders, including, importantly, at-risk groups. From the Tamils besieged on Mullaitivu beach in 2009, to Haitians trapped under fallen masonry after the 2010 earthquake, to the South Sudanese who fled to the bases of the UN Mission in South Sudan when hostilities erupted in December 2013, or the Yazidis stranded on a barren mountain top in Iraq in August 2014, there is evidence of the increasing expectation that those facing imminent risks will be rescued. The notion that disasters should not result in massive casualties and that civilians should be protected from the conduct of hostilities and excessive use of force can be held up as an important advance. It does mean, however, that messaging, whether by humanitarians, the UNSC or others can also give rise to false expectations. Humanitarians need to be clear, for example, that they are not, in most instances, equipped to directly enhance physical protection in the context of armed hostilities and other situations of violence (OSV) such as civil unrest that has not reached the threshold of armed conflict.

Humanitarians can only provide limited help, at best, in situations of humanitarian concern. Agency presence can sometimes enhance local protective mechanisms, but, conversely, in armed conflict, it can also comfort perpetrators or make humanitarians complicit with them. In the great majority of cases, affected communities will not wait for the humanitarians to arrive. They will flee or seek shelter and generally do what it takes to protect their families. Individual and community coping strategies are critical and often neglected by humanitarian agencies. Such coping strategies, of course, may also include harmful practices such as child marriage, sexual exploitation including transactional sex or joining, or seeking the protection of an armed group.

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[17] Collinson, S. and Darcy, J. *Realising protection, The uncertain benefits of civilian, refugee and IDP status,* HPG Report (Vol. 28) HPG/ODI, 2009.

There is more awareness than before that States, and Non-State Armed Actors (NSAAs) in control of territory, have an obligation to protect civilians from harm. But significant divergence of opinion exists around issues of sovereignty and what needs to happen when it is the State, or a NSAA, that is the enemy of the people. At the same time, States that emphasise protection and rights in the context of the West's liberal agenda are seen with some suspicion by other States concerned that human rights rhetoric may be used as a tool to justify military intervention. It is within this narrow and contested space defined by politics that humanitarians strive to enhance protection.

3.4 Humanitarian reforms and protection

Over the past 10 years, significant reforms in the humanitarian architecture have been introduced, some of which have directly impacted on how humanitarian protection issues are conceptualised and addressed. The Humanitarian Response Review (HRR) commissioned by the ERC in 2005 provides a useful baseline against which progress can be measured. The HRR identified significant gaps and weaknesses in protection, particularly in agencies that did not have a protection specific mandate and had very few staff with a protection focus. It noted that the gaps were of a systems nature, namely the lack of a clear understanding of what the term "protection" meant, a multiplicity of stakeholders and, specifically, lack of clarity concerning humanitarian responsibility for the protection of Internally Displaced People (IDPs). The HRR did not focus on the concerns of the non-displaced, namely at-risk groups and individuals who had not fled their places of origin. The HRR recommended the creation of the cluster system, including a dedicated Protection Cluster, the deployment of Protection Standby Capacity (ProCap) staff to the field to fill human resource gaps in humanitarian agencies, and to "Extend UNHCR's role as lead agency in the protection of refugees, to include Internally Displaced People, with a clear understanding of the role of other organisations with a specific mandate such as the International Committee of the Red Cross (ICRC) or OHCHR."[18] That said the HRR report did not deal with protection issues in any great detail as the focus was, primarily, about coordination processes and assistance. It also did not look at the relationship between humanitarian activities falling within the purview of the IASC and those outside its remit. In other words it did not take a whole of humanitarian caseload[19] approach.

The 2005 Humanitarian Reform and subsequent 2011 Transformative Agenda have, to an extent, addressed some of the structural issues identified by the HRR. Responsibilities for IDPs have been clarified. ProCap staff has been deployed, with reluctance in some cases, to agencies beyond UNHCR. And, of course, Protection Clusters (PC) have been established. There are currently 31 such active field coordination clusters,[20] as well as a Global Protection Cluster lodged with UNHCR. Responsibilities have been streamlined. Much normative and regulatory development as well as the production of guidance and manuals has occurred. However, in the view of many interviewees for this study, the reforms have failed to address the issues of leadership and joint decision-making. As one interviewee put it, "the IASC is very UN-dominated and individual agency platforms remain a constant." Mandate-specific protection agencies, and UNHCR in particular, it was often remarked, still treat the other stakeholders paternalistically.[21]

The Global Protection Cluster led by UNHCR "coordinates and provides global level inter-agency policy advice and guidance."[22] It is also responsible for several specific areas, known as Areas of Responsibility (AoR), each with a designed Focal Point Agency at the global level. These AoRs and their respective focal points include Child Protection (UNICEF), Gender-Based Violence (UNFPA/UNICEF), Housing, Land and Property (UN-Habitat), and Mine Action (UNMAS). In disaster contexts, UNHCR, OHCHR and UNICEF under the leadership of the Humanitarian Coordinator (HC) determine cluster leadership at the

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18 Adinolfi, C. *et al., Humanitarian Response Review* OCHA, 2005, p.37.

19 The term 'humanitarian caseload' refers to the overall number of individuals of concern to, or in need of attention by humanitarian actors in a given period of time in crisis settings.

20 http://goo.gl/qHCMpu

21 Protection-specific mandated humanitarian agencies include, for example, UNHCR, UNICEF and ICRC. It is well understood, and reflected in IASC policy guidance, however, that *all* humanitarian entities have protection responsibilities.

22 http://goo.gl/5PcXAq Members include UN entities and international NGOs. It is intended to set standards on protection, identify and disseminate good practices and support the development of strengthened protection capacity.

field level on a case-by-case basis taking into account operational presence and capacity to fulfil roles and responsibilities.

The reforms mentioned above, coupled with HRUF and the IASC Centrality of Protection statement, have helped promote protection visibility, at least at the level of exhortation and rhetoric that did not exist previously. But have these reforms served to reduce the protection problems that pose an acute threat to the safety, physical integrity and dignity of those in need of humanitarian action? The picture that emerges from this analysis is mixed, as we will see in more detail in Sections 4 through 12 below. There is some recognition that the architecture of the humanitarian system regarding protection has become clearer but that responsibilities and synergies are not well defined between the different sets of actors. There is nonetheless a strong view that, overall, the reforms have not delivered in terms of better and consistent protection outcomes and that major dysfunctionalities, including in relation to architecture and related processes, need to be addressed.

3.5 Further reform needed

In analysing the architecture of the current system the research team concluded that prior reform efforts have not delivered either in terms of improving decision-making, at the strategic or operational level, or of enhancing protection outcomes in a consistent and robust manner. This indicates that a major reform of the humanitarian system is in order. The research team reviewed many analyses that spell out the dysfunctionalities of the system.[23] A core conclusion is that the system is made to fail, is too big to fail, and it is not realistic to expect that meaningful change can occur in the relatively near future given institutional and other vested interests. Challenges that will confront humanitarian actors in the coming decades will involve significant geopolitical reshuffling, increased severity and scale of climate related disasters, as well as the possible occurrence of major pandemics, technological disasters, compound crises or system failures.

This is not the place to articulate the elements of a comprehensive reform of the humanitarian system but it is clear that the current architecture is inadequate from a protection perspective. We are concerned about the rigidities and transactional costs deriving from a system that is complex, multi-layered, proceduralised and intended to function largely by consensus. Crises demand rapid and informed decision-making. But, as many of our interlocutors have noted, and independent studies have confirmed, IASC decision-making is slow, time-consuming and cumbersome.[24] In addition, recent efforts to address the reality of parallel coordination frameworks, including in settings where refugees are co-located with other crisis-affected groups, have not delivered.

At some point in the near future, a major overhaul of humanitarian coordination machinery should be undertaken. Relief actors need a system that is able to address urgent humanitarian need in a timely and effective manner rather than on the basis of institutional turf and mandate battles. An even bolder move would be to solve the coordination conundrum by creating a single UN humanitarian agency, or at least, an organisation focused on everyone in need other than refugees. Similarly, to solve humanitarian funding problems, a system of assessed contributions for humanitarian action, as has been recently suggested, should be considered.[25] Of course, for now, such ideas are considered radical or impractical but the research team is convinced that further tinkering with organisational charts, or worse, procrastination will only make overdue change more difficult. As a result, until such time as there is a consensus in the humanitarian community and beyond, we make several recommendations in the final section that, if implemented effectively, would immediately contribute to better protection outcomes.

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[23] State of the Humanitarian System Report (SOHS) 2012 and forthcoming 2015; Donini, A. et al. "Humanitarian Agenda 2015 Final Report: The State of the Humanitarian Enterprise," *Feinstein International Center,* Tufts University, 2008. Available at: http://www.fic.tufts.edu

[24] Pantuliano, S., Bennett, C., Fan, L., et al. "Review of the Inter-Agency Standing Committee", *HPG/ODI,* November 2014.

[25] Ingram, J. "The Future Architecture of International Humanitarian Assistance," in Weiss, T. and Minear, L. Eds. *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder, CO: Lynne Rienner, 1993). On the use of assessed contributions for humanitarian action, see Stoddard, A., "A practical Response to MSF's 'Where is Everyone'", *The Guardian,* 23 July 2014; and Antonio Guterres statement at the Third Committee of the UNGA, 5 November 2014: "I believe that in the future, humanitarian response should be able to rely partially on assessed contributions … This would be a way to minimise the dramatically increasing gap between needs and available resources in humanitarian response."

4
PROTECTION IN PRACTICE

Humanitarian action cannot diminish or replace the responsibility of individual States and *de facto* authorities to respect the rights and safeguard the lives of all individuals in their areas of control or jurisdiction. In settings where relevant authorities and other actors are unable or unwilling to meet their responsibilities under international law, or are themselves a source of threat, the need for protective action by humanitarians and other stakeholders including human rights entities and the UN Security Council arises.

In December 2013 the IASC Principals published their Centrality of Protection statement. It affirms the IASC's commitment to ensuring that protection considerations are central to humanitarian decision-making and related action. Much of this report is about the way in which humanitarian actors relate to protection, from a conceptual, strategic and operational perspective. This section examines how the formal IASC protection definition has been interpreted and applied and, coupled with norm-making initiatives, the implications of different approaches to enhance protection from a strategic and operational perspective.

> *"All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender."*
>
> IASC Definition of Protection, the definition endorsed from a series of ICRC-convened seminars in 1996-1999.

4.1 Definitional confusion is not semantics

The Inception Report, Annex C, summarises how the experience of different crises in the 1990s gave rise to various initiatives geared to enhancing the effectiveness of inter-agency humanitarian action. The plight of IDPs came to the fore as refugee flows lost much of their geo-political significance when the Cold War ended and bi-polar tensions faded. This happened as a growing number of humanitarian actors were confronted with the challenge of operating in environments shaped by armed conflict and the blurring of distinctions between civilians and combatants. This led to significant investment in the development of norms, policies and tools as well as training, stand-by arrangements and other capacities to strengthen and expand the ability of humanitarians to meet their protection responsibilities. This in turn has contributed to a broad acknowledgement that protection should be central to all humanitarian action. However, while there is great awareness of the significance of protection, staff working within the same organisation, sector or at the systems level, lack a common understanding of what the IASC protection definition means in practice.

There is also inadequate appreciation, within the humanitarian arena, that protection is impacted, negatively and positively, by actions, or lack thereof, by *all* actors and activities involved in the humanitarian programme cycle.[26] This can be attributed, in part, to protection having acquired a cult-like status associated with a particular type of expertise that is not perceived to be within the purview of regular humanitarians. Many senior decision-makers in leadership, managerial and coordination functions prefaced comments during interviews with a statement to the effect that they were not protection specialists. Evidence shows that there is an urgent need to demystify what protection means in practice; all humanitarians need to share a common operational understanding of the formal definition in the context of their respective roles and responsibilities. Similarly, humanitarian actors, with or without protection-specific mandates, should be able to articulate the essence and strategic value of protection in a manner that is easily understood.

Evidence collected in the course of this Review highlighted the great variation in interpretation and, for some, irritation with the official IASC definition of protection. Those who found the formal definition unhelpful described it as "dysfunctional", "all over the place", "useless", and words to the effect that it meant everything and nothing, or whatever entities wanted it to mean for their own programme, funding, or organisational interests. A few interviewees, however, considered that the formal definition was fine as long as it was unpacked and made context specific. Some respondents also made positive reference to the clarity of the child protection definition; it articulates the need for protection from violence, abuse, exploitation and neglect.[27] This clear succinct formulation facilitates analysis, coordination and ability to measure results as discussed in Section 10.

The diverse interpretations of what protection means, coupled with varied uses of this terminology by relief workers has detrimental consequences for affected populations and the delivery of an effective response at the system level. In other words, it is not a question of semantics. As one interviewee noted, "protection got lost in translation" when humanitarians were unable to articulate what it meant in a manner that local authorities could understand.[28] This inhibited dialogue and the ability of frontline staff to benefit from local insights that would, in principle, have facilitated collaboration and the design of interventions to address particular concerns. Ambiguity surrounding the essence of effective protection programming can give rise to unhelpful illusions that anything and everything can be deemed to be protective. The all-encompassing nature of the formal definition fuels confusion. The absence of a common understanding or agreed operational approach to protection in the context of humanitarian action works against sound needs assessments, strategic prioritisation, coordination and the ability to monitor and evaluate programme implementation including outcomes. There is an urgent need to provide a practical, operational explanation of what protection in the context of humanitarian action means in practice.

4.2 Humanitarian approaches to enhance protection

The 2005 Humanitarian Response Review commissioned by the ERC found that NGOs and the UN approached protection issues on the ground in "distinctly different ways." NGOs "focussed on a lack of ability to provide 'protection' in a loosely defined manner" whereas UN approaches tended "to regard the subject in terms of far more defined institutional roles."[29] This largely reflects the situation in crisis settings today. Factors that shape or inform approaches to protection include pertinent legal frameworks and international humanitarian, human rights, and refugee law that have established indispensable standards. However, a challenge for many humanitarian actors is the significant gap between rhetoric and reality in

[26] This refers to a series of agreed actions from preparedness and contingency planning and strategic advocacy, through identifying objectives, to monitoring the impact of humanitarian action while building in early recovery considerations from the outset. http://goo.gl/Gguqhv

[27] http://www.unicef.org/protection/

[28] This interviewee made reference to working with communities in Darfur and other such crisis settings where the formal jargon used to present protection concerns were counter-productive to dialogue and consultation.

[29] Adinolfi, C. *et al., op. cit,* p.31.

settings where legal standards are routinely flouted by state and other authorities and the rule of law is more notional than real.[30]

Mandates, that have different origins and connotations in the humanitarian sphere, play a significant role in demarcating agency approaches to protection. A clear articulation of agency responsibilities is important but a rigid interpretation of mandates runs counter to creative collaboration and tends to reduce those in need to one-dimensional individuals or mere statistics.[31] Interviewees referred in different ways to what one commentator has described as the tyranny of mandates;[32] they questioned the notion of exclusive responsibility for a particular group or category in contemporary global society.

Perspectives of, and approaches to protection deficits are shaped by the challenges inherent to contentious operating environments where humanitarian space is limited or deliberately thwarted.[33] To a significant degree, the desire of humanitarians to be present, whatever the scope or relevance of the material assistance provided, takes precedence over other considerations. Such considerations include the protection needs of at-risk populations and the instrumentalisation of material support.[34] Indeed, it would appear that the lessons from the conflicts in the former Yugoslavia in the 1990s, when the phrase, the well-fed dead gained currency, are not adequately appreciated. This phrase referred to the way the provision of material supplies became a rationale for inaction to counter threats that were a direct danger to the living. It is worth noting, however, that there is greater awareness than before of the need to shift from a pre-occupation with material support to measures focussed on reducing threats and risk levels. Similarly, there is some, if limited, awareness of the importance of developing capabilities to routinely secure meaningful and timely protection outcomes as evidenced by this Review.[35]

4.2.1 Individual and community self-protection measures

In the past, there was little attention, in a deliberate sense, to the steps taken by those directly affected to stay safe. This has changed particularly in relation to disasters where national and local authorities, as well as neighbours, are first to the rescue. Crisis-affected individuals and communities often play a critical role in maximising their own safety and survival chances. This issue and related challenges are examined further in Section 11 on Accountability to Affected Populations (AAP).

4.2.2 Protection mainstreaming and need for strategic action

The focus of a large number of humanitarian agencies including those that, traditionally, have operated without a clearly defined protection agenda, is an approach routinely described as protection mainstreaming. The GPC has defined protection mainstreaming as the process of incorporating specific protection principles into humanitarian action. The four identified principles are: (i) prioritisation of safety and dignity while avoiding causing harm; (ii) arranging meaningful non-discriminatory access, in proportion to need, to assistance and services; (iii) accountability to affected populations whereby they can engage on the adequacy of the support provided and (iv) support the participation and empowerment of affected populations so that they are in a position to claim their rights in terms of education, food,

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30 Collinson, S. *et al., op. cit,* pp. 1-9.

31 Interview data.

32 Van Praag, N. Director, Ground Truth, July 2014. https://goo.gl/VSc7Zd

33 The terms "humanitarian" and "operational" space are often used interchangeably. For the purposes of this Review, *humanitarian space* refers to respect for the (a) protected status of civilians and disaster-affected individuals; (b) right to receive humanitarian support; (c) role and safety of humanitarian personnel/assets/impartial programmes and (d) right to seek asylum.

34 IRIN, "Syrian government increases restrictions on medical aid", 7 Aug 2013.

35 There is growing reference to outcomes and results-based programming in humanitarian-related crisis documentation but limited evidence of outcome focused activities in the field. Reference to outcomes usually refers to changes that occur as a result of a particular action(s) or intervention. Bonino, F., *Evaluating protection in humanitarian action: issues and challenges,* ALNAP Working Paper, London, ALNAP/ODI, 2014. For results-based protection see: http://www.interaction.org/work/results-based-protection

health, shelter, sanitation and water.[36] Some actors also refer to this as 'safe programming'. In the field mission settings, this approach was commonly presented as compliance with Do No Harm principles only, without apparent acknowledgement that effective humanitarian action frequently requires judgement calls that may entail some harmful consequences.[37] Such an understanding of 'mainstreaming' is at odds with inter-agency definitions and approaches including the tools developed by the GPC Protection Mainstreaming Task Team (PMTT). This highlights the need for further system level capacity building, by the other clusters, on protection mainstreaming principles.

It is a sign of progress that a broad swathe of humanitarians involved in a wide range of activities are alert to dynamics that can entail risks for intended beneficiaries depending on the way in which programmes are designed and delivered. But, from a strategic perspective, "mainstreaming" should not be perceived as the sole approach required. Neither should it be conflated with the high level strategic action on protection that is needed at the HC, HCT, ERC and headquarters level as outlined in the IASC Centrality of Protection statement. Importantly, "mainstreaming" should not be understood as a substitute for an overall, system-wide strategic approach that identifies and prioritises action on issues of most acute concern to affected populations. In Syria, for example, food, or more precisely its denial, has been used as collective punishment by the government, and to a lesser extent its armed opponents, to coerce besieged communities into submission for the realisation of strategic objectives.[38] Such tactics and the instrumentalisation of suffering should be central to the deliberations of relief actors including, in particular, the HC and the HCT when defining their overall humanitarian strategy. As noted by one fearful resident of Homs in 2012 "We don't want food – we want to be protected from what is happening here."[39] This indicates that all sectors have a key role to play in identifying the protection implications of their programming; mainstreaming is a helpful tool in this regard. However, when assistance is being used to facilitate warring parties military objectives, timely strategic action beyond mainstreaming protection principles will be required by the HCT to prevent and respond to such instrumentalisation.

Integrated protection programming refers to different sectors, such as Water, Sanitation and Hygiene (WASH), Shelter or Health for example, undertaking a combined approach in order to achieve protection outcomes. This practice was observed in some field mission settings and illustrates the importance of good coordination and complementarity in the realisation of protection outcomes.

4.2.3 Remedial services – a partial answer

Many interlocutors identified their ability to be present to support, or provide access to, essential services as a critical feature of their protection work. Unquestionably, the provision of remedial and other services, such as mental health and psychosocial support, or assistance with legal or regulatory documentation, plays an important role in addressing particular protection needs. However, a preoccupation with services often means that the humanitarian approach in armed conflict settings ignores the relationship, for example, between increased mortality and morbidity and the military strategies and tactics employed by warring parties. Field research showed that many humanitarians routinely define *all* their activities as protective notwithstanding poor analysis of, or inadequate attention to the threats that are most deadly, dangerous or detrimental. Humanitarian documentation routinely makes reference to child protection initiatives that include child friendly spaces, with little or no commentary on threats such as sieges or indiscriminate warfare that pose direct threats to children and their families.

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36 http://goo.gl/8OUKk0

37 The 'Do No Harm' principle was often used as a catchall phrase by interviewees. For the purposes of this report it refers to avoiding unintended consequences in humanitarian action rather than undertaking a comprehensive conflict sensitivity analysis. Williams, R. C. "The Bosnia dilemma: What are the implications of the Homs 'humanitarian evacuation' in Syria?" *TerraNullius,* 14th February 2014, https://terra0nullius.wordpress.com

38 Dager, S., "In Fight for Syria, Food and Medicine are Weapons", *Wall Street Journal,* 21 January, 2014.

39 Mégevand-Roggo, B., "Syria: we'll continue working as long as we are needed", ICRC Interview, 3 February 2012.

4.2.4 Proactive field presence

Protection by presence has been pursued and advocated in different settings.[40] This approach effectively requires organisations and individuals with a commitment and capacity to use their presence in crisis settings to deter violations and identify and advocate for measures that will enhance the protection of affected populations. The extent to which mere presence can enhance protection is debated and differs across regions and crises. Research shows that the protective value of an external presence will depend, in part, on the dynamics of particular armed conflicts and the actual role of such external actors. A "presence" that is not proactive in challenging or attempting to counter patterns of harm runs the risk of appearing complacent, or worse, when egregious violations put lives at risk.[41] A passive presence may also contribute to a false sense of security among at-risk groups and reduced reliance on self-protection measures.[42]

4.2.5 Environment building and need for long-term investments

Initiatives geared to building an environment conducive to securing respect for fundamental human rights and humanitarian norms are critical and require robust as well as long-term engagement from a broad range of actors. This includes measures to establish a protective legal and policy framework and local capabilities to give it effect. The ability of humanitarians and others to contribute effectively to the strengthened rule of law in contested governance settings will vary greatly depending on the role of the State and crisis dynamics as settings such as South Sudan, Syria and Somalia illustrate. However, this may be more feasible in protracted crisis environments, such as Afghanistan or the DRC, as well as some disaster contexts. In principle, the Human Rights Up Front[43] initiative could play an important role in building or strengthening the political, legal and social infrastructure needed to give effect to the rule of law and to reduce risk levels.

4.2.6 Advocacy support for principles and rights based in IHL and IHRL

Advocacy initiatives to influence attitudes, decisions or actions are often a vital element of effective strategic protective action. INGOs, in particular, have a long history of campaigning to address particular concerns. There are many examples of individual agency or theme-focused advocacy coalitions that include a variety of objectives, agendas and activities. These range from children being adversely affected by warfare, the human cost of landmines, the growing number of IDPs, the incidence of sexual violence and the plight of those fleeing persecution that undertake dangerous journeys by sea to seek asylum in Europe, Australia or elsewhere. Advocacy is often associated with "speaking out" but in practice incorporates a wealth of approaches and techniques. These include, for example, public or private lobbying, dialogue with relevant authorities including non-state armed actors and mobilisation of evidence to amplify particular concerns. Humanitarian advocacy has an important role to play in generating narratives that help shape the debate, in diplomatic or governance circles, on issues of critical importance to the protection of at-risk populations. The efforts of humanitarians and others, coupled with extensive media coverage, to bring attention to the mounting death toll of those risking their lives in flimsy boats to cross the Mediterranean in the early months of 2015, obliged European Union leaders to hold an extraordinary summit meeting in April 2015.[44]

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40 Mahony, L., *Proactive Presence, Field Strategies for Civilian Protection,* CHD, Geneva, 2006.

41 UN, *Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka,* 2012, p.27, pp. 62-65.

42 Niland, N., "Inhumanity and Humanitarian Action, Protection Failures in Sri Lanka", Feinstein International Center, Tufts University, Boston, 2014, p 19.

43 http://goo.gl/koJzBi

44 The end result of increased senior level EU attention to the Mediterranean boat people is unclear but events highlight the significance of public advocacy in particular situations.

Different crises or issues present diverse opportunities and constraints in terms of developing a system-wide platform – that in many instances will not be realistic – to generate common or synergistic messaging. It is important, in this connection to develop a generic understanding of the drivers and humanitarian consequences of particular events and to identify a broad division of labour so that such advocacy initiatives can draw on the strength of individual actors or constituencies including those in the Global South.

4.3 Norm-making and compliance

A long investment in refining and updating norms and related regulations, on a range of concerns, has had important benefits. One such example is the stigmatisation of anti-personnel landmines and associated investment in helping non-combatants steer clear of mined areas while simultaneously mapping and eradicating mines in situations where they posed a direct threat to the lives and livelihoods of affected communities.[45] Other notable examples include norms relevant to the particular situation of IDPs as well as on-going work to curb the use of explosive weapons and cluster munitions in areas where civilians are concentrated. The latter reflects the growing incidence of warfare in crowded cities in a rapidly urbanising world.

One of the many challenges confronting the humanitarian system is recognition of its responsibility to provoke and promote respect for basic humanitarian norms that have been associated with, if not always respected in warfare since the beginning of recorded history. The human cost of contemporary war-making strategies and technology, including the deliberate disregard for principles of international humanitarian law designed to limit and prevent civilian suffering, the use of new technologies including drones, the use of improvised explosive devices and the persistent use of barrel bombs in Syria today, is an affront to the very notion of humanitarianism and should be seen as such. In Syria, the use of explosive weapons, in predominantly urban areas, is reported to be responsible for more than 50 per cent of civilian deaths.[46]

The humanitarian community, other than ICRC, has, in general, been slow to engage in efforts to reduce the direct impact of war on civilians. Nonetheless, a few initiatives point to the importance of strengthening and expanding measures geared to changing attitudes and behaviour that result in civilian deaths and injuries. Regular UN Secretary General reports to the UN Security Council on the protection of civilians in armed conflict were triggered by the mass atrocity crimes committed in the former Yugoslavia and Rwanda in the 1990s. These reports, developed with the support of OCHA and inputs from PCs in the field, have helped enhance the normative framework on a range of issues such as cluster munitions. They also gave rise to routine inclusion of measures to protect civilians in UNSC mandated peacekeeping missions.

A striking finding of this Review is the widespread perspective among humanitarians that they do not have a role to play in countering abusive or violent behaviour even when political and military strategies and tactics pose the biggest threat to life. Many are of the view that since it is a UNSC responsibility to bring wars, and by extension their consequences, to an end, humanitarians do not have a role in challenging the impact of armed conflict on civilians. The UN Secretary General's study found that the UN Country Team (UNCT) in Sri Lanka and various headquarter offices, related to the killing of civilians as a political problem beyond their competence and responsibility. There was reluctance to raise concerns about civilian

[45] Progress in curtailing the use, and reducing the impact of landmines has been significant since the launch (1992) of a campaign by NGOs, ICRC and others that resulted in the Mine Ban Treaty, 1997. The Landmine Monitor, 2014, reported "the lowest number of new casualties ever and the completion of clearance obligations in four states". http://goo.gl/jqgT3D

[46] Human Rights Watch World Report 2015, http://www.hrw.org/world-report/2015

casualties since this "would have provoked criticism from the Government."[47] Some humanitarians have echoed similar concerns since the beginning of the Syria crisis.

There is documented evidence of initiatives that have contributed to warring parties modifying tactics and reduced civilian suffering and deaths.[48] Generating credible evidence is an essential and critical role of the humanitarian system. Ideally, evidence-based analysis should explain why, and in what circumstances, civilians are dying. It should also explain why suffering is being instrumentalised for military purposes to oblige individuals to flee or, alternatively, trap them in siege situations. Informed pictures of avoidable suffering should also be used to counter partisan or strategic narratives that aim to deflect attention from the decisions and circumstances that are both directly and indirectly responsible for egregious violations.

Given prior experience on issues such as landmines, humanitarians should be inspired to develop a strategic, high-powered campaign to mobilise global public opinion and promote individual citizen engagement in support of core humanitarian values. Citizens everywhere are appalled by atrocities in places such as Sri Lanka, South Sudan, Somalia and Syria, to name just a few, but they lack a platform that represents a global challenge to those supporting warring parties that engage in deliberate, targeted, and indiscriminate attacks on civilians. Global South actors need to be engaged in showing that support for such practices should be stigmatised as immoral, unlawful and contemptuous of fellow human beings and the norms of civilised society. The political and economic cost for supporting, as well as directly undertaking, egregious violations of fundamental humanitarian norms should be made too expensive for governments to sustain.

In conclusion, humanitarians can point to a diversity and wealth of initiatives that represent important gains to enhance protection in recent times. However, research indicates that, frequently, the individual organisations and inter-agency approach to protection remains a supply driven exercise. This tends to translate into the routine prioritisation of particular issues such as displacement or the need for child friendly spaces, whatever the nature of the crisis, or the most pressing concerns of those at highest risk. As discussed in Section 8, protection initiatives need to be informed by sound analysis and contribute to an overall strategic approach.

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47 UN IRP, *op. cit.,* p.19.

48 Research shows that the astute use of credible data on the human costs of war can oblige or facilitate change of warring party tactics thereby reducing the risks levels faced by civilians. Beswick, J.,, Minor, E., "The UN and Casualty Recording: Good Practice and the Need for Action", *Oxford Research Group,* London, 2014.

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RELATIONSHIPS WITH OTHER PROTECTION STAKEHOLDERS

From the mid 1990s, States and others have engaged in the formulation of various initiatives aimed at strengthening international governance on a broad range of issues such as those related to landmines, the protection of civilians, ending impunity and human security. Experience since then shows that effective protection in crisis or fragile state environments is dependent on multiple stakeholders. In other words, humanitarians have important protection responsibilities but their initiatives at the strategic and operational level can only be effective when other stakeholders take appropriate action. Such stakeholders include the State, de facto authorities, affected communities, UN or regional peacekeeping operations as well as entities, such as the UNSC, the HR Council and donors. Many play a critical role in advancing or supporting initiatives that contribute to improved safety for at-risk populations.

Despite increasing attention to protection by a broad range of stakeholders, huge challenges persist in mobilising prompt and effective action to secure the safety, dignity and wellbeing of individuals and communities directly affected by crisis situations. A key issue is the nature of the relationship between humanitarians and a number of key stakeholders including in the context of evolving trends that have implications for protective humanitarian action.

5.1 The State

States have multiple roles and functions in relation to situations of humanitarian concern. All States have the primary legal responsibility to protect populations within their jurisdiction. States affected by crises, including armed conflict, disasters and other situations of violence, retain their primary responsibility to safeguard the safety and dignity of at-risk populations; this includes facilitating and supporting humanitarian action. When the scale of a crisis is beyond the capacity of national authorities, external actors have a duty to support life-saving action. The nature of the relationship between a State and crisis affected communities, and with humanitarian actors, greatly determines the extent to which protection issues occur and can be effectively addressed.

UN Member States perform multiple roles in relation to protection. As donors they provide financial or other support, through bilateral or multilateral channels, to humanitarian agencies associated with or working independently of, the IASC framework. Humanitarian agencies employ different approaches when engaging with States, at the international and field level, depending on the scale and nature of the crisis in order to secure support for, or to challenge, particular policies and programmes. In some settings, the humanitarian system's interaction with States tends to be complicated, legally and practically, as witnessed during the Arab Uprisings including the first 16 months of the crisis in Syria.[49] The adoption of

[49] Schorno, S., "Why and how IHL applies in Syria" *INTERCROSS,* 27 July 2012. http://goo.gl/dOKAGj

counter-terror legislation by various UN Member States represents a significant challenge to humanitarian actors including their ability to undertake protective humanitarian action; this is an issue that is likely to increase rather than decrease in the foreseeable future.[50]

5.2 Non State Armed Actors

Non State Armed Actors have important obligations to respect and protect civilians under customary international law.[51] Historically, the ICRC has played a central role in securing NSAA compliance with IHL. More recently, organisations such as Geneva Call are engaging with NSAAs to increase their technical capacity on protection of civilian issues including child soldiers and sexual violence. Efforts to enhance protection and secure humanitarian access require strategic engagement by humanitarian actors with these groups; to not do so also runs the risk of being perceived as complicit or partisan.[52] Effective engagement with NSAA will likely require increased attention and investment in the future.

5.3 Disaster affected States

In countries vulnerable to disasters associated with natural hazard events such as the Philippines and others in the Pacific, National Disaster Management Agencies play a key role in disaster preparedness and response. Given the critical role of National Disaster Management Agencies, they are a key determinant of whether protection concerns, including from a mainstreaming perspective, are prioritised. Evaluations of responses to disasters in the Philippines, including Parma, Ketsana and the Haiyan typhoons, highlighted the recurring challenge of the international system developing parallel mechanisms that undermine national actors and preparedness efforts.[53]

The 2014 Ebola crisis in West Africa showed that a combination of factors, including the lack of preparedness for such epidemics and poor governance at the national and international level, exacerbated the impact of the epidemic. There was, for example, a need for timely early warning as well as a strategic information, education, and communication campaign. The lack of information early on exacerbated the impact of the epidemic and spread fear and misinformation among the affected population.[54] A key lesson from the Ebola crisis is that poor governance at both the international and national levels and related weak health systems, rather than "unprecedented virulence or a previously unknown mode of transmission, are to blame for Ebola's rapid spread."[55] Many of those who were infected and survived or had family members who died faced further stigmatisation and discrimination issues.[56] A key lesson from the Ebola crisis is that lack of preparedness and inadequate attention to the protection dimension of the epidemic contributed to the high death toll.[57]

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50 Wherwell, T., "Anti-terrorism laws 'hinder aid operations", *BBC,* 1 July, 2014.

51 Expanded analysis on NSAA practice in relation to protecting civilians can be found at: http://goo.gl/kbjk7s

52 Jackson, A., "Talking to the other side", *HPG Policy Brief 47,* ODI, 2012.

53 Polastro, R., Roa, B. and Steen, N., *InterAgency Real Time Evaluation (IARTE) of the Humanitarian Response to Typhoons Ketsana and Parma in the Philippines,* OCHA, 2010. Hanley, T., Binas, R., Murray, J. *et al., IASC Inter-Agency Humanitarian Evaluation of the Typhoon Haiyan Response,* OCHA, October 2014.

54 IFRC/14/2014 ACAPS Briefing Note Ebola West Africa, p.10.

55 Farmer, P., quoted in *Donnelly, P. "Ebola and Human Rights: Insight from Experts" HHR, Health and Human Rights Journal,* 20 November 2014.

56 http://goo.gl/NPTdD3, p. 8

57 O'Carroll, L., "Ebola crisis brutally exposed failures of the aid system, says MSF", *The Guardian,* 23 March 2015.

5.4 UN Security Council

5.4.1 Member States, issues, new actors

The UNSC has carried forward several important thematic agendas including protection of civilians (PoC), women, peace and security and children and armed conflict. However, the geopolitical agendas that drive UNSC decision-making have contributed to the grossly unequal application of measures to achieve its core objectives and responsibilities.[58] Inaction by the UNSC during the end phase of the war (2008-2009) in Sri Lanka helped trigger the UN SG's IRP report but there are countless other examples such as repeated failures to respond to cyclical escalations of hostilities and subsequent gross violations of IHL and IHRL in Gaza. In Syria, what started as a peaceful protest movement in February 2011 was ruthlessly suppressed and subsequently degenerated into a "protracted and increasingly violent non-international armed conflict."[59] As noted by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic "it is unconscionable that Syrians should continue to suffer as they have for the last four years and have to live in a world where only limited attempts have been made" to secure peace and justice for the war's victims.[60]

Almost twenty years after the Joint Evaluation of Emergency Assistance to Rwanda concluded that "humanitarian action cannot serve as a substitute for political, diplomatic and, where necessary, military action" the UNSC and regional bodies such as the Arab League, are frequently proving themselves unable or unwilling to forge political solutions to crises.[61] In the process, humanitarian action is instrumentalised and used to camouflage the failure of the UNSC and other MS to nurture the conditions that are vital for a peaceful global order.[62] In addition, our findings in Syria, and to a lesser extent in Myanmar, highlight the fundamental blockages to enhancing protection that the humanitarian system encounters when confronted with a State that is the main threat to large segments of its own population. When States obstruct efforts to alleviate suffering and enhance protection on issues such as the use of chlorine and barrel bombs in Syria, some humanitarian actors and other stakeholders including development and political actors, often privilege long-term relations with the State over addressing contentious protection concerns. This indicates that, for the most part, the lessons of Sri Lanka and its predecessors have not been sufficiently internalised by the humanitarian system.

Looking ahead, it is fair to assume that the humanitarian system will be confronted, increasingly, with robust expressions of State sovereignty in crisis settings in general and, particularly, in settings of contested governance.[63] This will likely include situations where counter-insurgency, and related narratives such as those used by the Rajapakse regime in Sri Lanka (2009) and the Assad government in Syria, will shape the operating environment.

The practice of including some Organisation for Economic Cooperation and Development/Development Assistance Committee donors on HCTs in crisis settings[64] poses various questions including in relation to instrumentalisation and perceptions concerning the universality of humanitarian action. Instances that affirm that the relief system is "of the North" have implications for protection strategies and programmes. Such initiatives routinely require proximity to affected communities as well as the credibility and trust needed to work in partnership with national actors and to help secure the buy-in of warring parties to fundamental humanitarian norms.

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58 Roberts, A., Zaum, D., *Selective Security: War and the United Nations Security Council since 1945,* International Institute for Strategic Studies, Routledge, 2008.

59 UN Commission of Inquiry on Syria, *UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic,* Human Rights Council, February 2015, p.1.

60 UN Press Release "UN Commission of Inquiry on Syria: Impunity prevails as little progress sis made towards securing peace and justice for Syrians", *OHCHR,* Geneva/New York Feb 2015.

61 RRN Network Paper 16 "Joint Evaluation of Emergency Assistance to Rwanda: Study III Principal Findings and Recommendations", *ODI,* 1996, p.13.

62 Brooks, R., "There's No Such Thing as Peacetime", *Foreign Policy,* 13 March 2015.

63 Brown, D., Donini, A., "Rhetoric or Reality? Putting affected people at the centre of humanitarian action" *ALNAP, ODI,* 2014, pp. 45-47

64 Examples include South Sudan and Somalia among others.

Experience in different crisis settings point to the need for a shift in attitudes and practice in relation to national authorities and civil society actors. The humanitarian system needs to lose its strong association with Western agendas and donors so that it is better positioned and able, than is currently the case, to engage with all concerned actors on the protection dimension of humanitarian action.

The humanitarian system will, increasingly, be working in contexts where national and local authorities have, rightly, invested in developing or strengthening disaster response capabilities. Such crisis response systems do not necessarily fit easily with mainstream humanitarian approaches and point to the importance of engaging with the different models of humanitarianism that already exist and will likely play a bigger role in the future.[65] However, while international assistance will continue to be required and accepted in different crisis situations, the situation regarding protection, as well as advocacy on humanitarian principles is likely to become more contentious.[66]

Trends indicate that future crisis responses will necessitate partnerships – with government, non-governmental and civil society actors – that are mutually productive and conducive to addressing protection challenges. The forthcoming World Humanitarian Summit may result in initiatives geared to fostering dialogue on the future of humanitarian action in the Global South. The IASC should work to ensure that this Summit is an opportunity for dialogue on protection with stakeholders from the South.

5.4.2 Protection of Civilians agenda

The UNSC PoC agenda emerged in 1999 in the context of growing concerns about the costs of war for civilians.[67] This led to advances in the normative framework as well as UNSC resolutions that have authorised the use of force, both in the context of Chapter VI and Chapter VII situations, to protect civilians.[68] The UNSC PoC agenda has enhanced dialogue, as well as action, on issues of direct concern to humanitarian actors. This has enlarged the range of issues that receive UNSC attention while reinforcing the significance of international humanitarian and human rights law.[69]

However, the UNSC's record of engagement to protect civilians varies greatly thanks, in part, to geo-political agendas and lack of accord among the Permanent Five (P5) veto-holding powers. When the UNSC refrains from taking effective measures to increase civilian protection or bring armed hostilities to an end, humanitarian action is often used as a fig leaf for inaction on peace and security matters.[70] In light of this situation, a diverse range of stakeholders, concerned about the hollowness of multiple UNSC statements on the gravity of particular situations, have called for P5 members to relinquish their veto on situations involving mass killings and genocide.[71] Although this veto proposal is unlikely to gain traction in the near term it echoes concerns in and outside the humanitarian arena on whether the UNSC is willing and able to prevent and respond to the human cost of war.[72]

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65 Conference Report "International Conference on South-South Humanitarianism", The Centre for Global Governance and Policy, *Jindal School of International Affairs,* 26-27 November, 2014.

66 Donini, A, and Walker, P, "So What?" in Donini, A., (editor), *The Golden Fleece, Manipulation and Independence in Humanitarian Action,* Kumarian Press, 2012, pp.250-252.

67 Inception Report p.4.

68 Chapter VI of the UN Charter deals with the "Pacific Settlement of Disputes" while Chapter VII contains provisions related to "Action with Respect to the Peace, Breaches of the Peace and Acts of Aggression". UN "Mandates and the legal basis for peacekeeping" UN Peacekeeping. http://goo.gl/0m6ZjS

69 UN Security Council Report *Cross-Cutting Report No.2: Protection of Civilians,* 2008. UN Security *Council Report Cross-Cutting Report, No.3: Protection of Civilians,* 2013.

70 Borton, J., Eriksson, J., *Assessment of the Impact of the Joint Evaluation of Emergency Assistance to Rwanda, Lessons from Rwanda – Lessons from Today,* Danish Ministry of Foreign Affairs, 2001.

71 Proponents include France that has lobbied the UN General Assembly on this topic. Gowan, R., "An unlikely push for Security Council members to give up their veto power", *Al Jazeera,* America, 24 September 2014. "Amnesty calls on UN powers to lose veto on genocide votes," *BBC World,* 25 February 2015.

72 Costs of War, Watson Institute, Brown University, http://costsofwar.org/

Moves to convince the P5 to abstain from using its veto power, point to the importance of the IASC membership routinely generating advocacy agendas on critical humanitarian concerns in order to mobilise global attention to actions needed, for example, to reduce the impact of war on civilians. Such moves also highlights the need for stronger engagement on such concerns by a broader range of humanitarian and other actors than is currently the case. This includes increased participation by Global South civil society organisations. The establishment of a global PoC network could deepen support for initiatives aimed at curbing the use of tactics that are indiscriminate or geared to maximising suffering. Such a network could also facilitate the collection of timely and solid evidence to help mobilise public opinion to challenge those directly and indirectly engaged in flouting fundamental humanitarian norms.

5.4.3 Responsibility to Protect

The 2005 World Summit adopted the Responsibility to Protect (RtoP) doctrine that is based on the notion of sovereignty as responsibility.[73] Concern about the potential for, and use of military intervention for purposes other than safeguarding civilians, has resulted in limited support for the RtoP in the context of inter-governmental relations.[74] In 2015 Louise Arbour, the former UN High Commissioner for Human Rights stated that initiatives such as RtoP and efforts to strengthen international criminal justice have stalled or generated a backlash and that the "the West seems to be absolutely incapable of hearing what it sounds like to the rest of the world."[75] Humanitarian actors have varying views on RtoP but are largely in broad agreement that military operations with regime change objectives should not be described as humanitarian interventions as was the case in the 1990s.[76] In a rapidly changing global order, and evermore inter-connected world, it is important that the humanitarian protection system is alert to trends shaping the evolution of the RtoP agenda including divergent views on the extent to which it is an established norm in international relations.

5.4.4 UN Peacekeeping Operations and Political Missions

Humanitarians can draw on a broad range of experience related to interacting, or working closely, with different types of peacekeeping or peace enforcement missions. These include UNSC mandates that have authorised the use of force to protect civilians. This experience, coupled with the political and military dynamics associated with the Global War on Terror, asymmetric warfare and counter-insurgency campaigns, has shaped humanitarian perspectives and relations with UN peacekeeping operations.[77]

There is no consensus, within the humanitarian system, or between humanitarian and other stakeholders, on the implications of the UN amalgamating military, political, human rights and humanitarian activities into one "integrated" structure in crisis settings. Opinion and research diverges on the relevance of the range of factors shaping relations between different actors and the implications of this for neutral, impartial and independent humanitarian action.[78]

There is broad consensus, however, that the context and the way in which coercive force is employed to safeguard civilians is a critical factor in determining how humanitarians, as part of an inter-agency

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[73] When a State is manifestly failing in its responsibility to protect at-risk groups from genocide, war crimes, and crimes against humanity, the international community has a responsibility to take timely and collective action through the UNSC.

[74] Evans, G., "The Consequences of Syria: Does the Responsibility to Protect Have a Future?" *E-International Relations,* 27 January 2014. http://goo.gl/461AYJ

[75] Saunders, D., "Why Louise Arbour is thinking twice", *The Globe and Mail,* 28 March 2015.

[76] Weissman, F., "Not In Our Name: Why MSF Does Not Support the 'Responsibility to Protect' " *MSF,* October 2010.

[77] Donini, A., "Between a rock and a hard place: integration or independence of humanitarian action?" *International Review of the Red Cross,* Volume 93, Number 881, 2011.

[78] Metcalfe, V.,, Giffen, A., Elhawary, S., "UN integration and humanitarian space. An independent study commissioned by the UN integration steering group" ODI, 2012. Glad, M., "A partnership at risk? The UN-NGO relationship in light of UN integration" *Norwegian Refugee Council,* 2012, http://www.nrc.no/?did=9608295

mechanism, relate to UN peacekeeping operations.[79] Other factors include the level of credibility and trust shared by both sets of stakeholders. UN missions have a mixed record in meeting their responsibilities to protect civilians.[80] Many interviewees expressed concern about the blurring of distinctions between humanitarians and the military; this concern is particularly acute in contested governance situations and conflicts such as the Eastern DRC and South Sudan.[81] In addition, humanitarians and UN peacekeeping or peace enforcement operations do not share a common understanding of what protection with the use of force looks like in practice.[82] This needs to be addressed.

5.5 Different approaches shape relationships with humanitarians

Approaches to PoC matters, and the relationship between humanitarians and UN peacekeeping or political missions, vary significantly between crisis settings. A common concern is the subordination of humanitarian priorities to political prerogatives thereby jeopardising principled humanitarian action. When this is not the case, humanitarians are supportive of action taken to save lives. When fighting erupted in December 2013 in South Sudan and people sought sanctuary in the UNMISS bases, humanitarians were fully supportive of the security provided and other steps taken to save lives in a volatile and violent situation.[83]

It is not self-evident that the South Sudan experience will mark a new chapter in the history of UN missions with PoC responsibilities, but it does provide an important example as well as lessons for different stakeholders. This includes lessons concerning inadequate contingency planning and preparedness in a setting where donors and other member states were, effectively, in denial about deep-rooted political fault lines that had not been addressed.[84] South Sudan highlights the differences, between humanitarians and UN mission personnel, in perspectives and approaches to protection even when obliged to work in very close proximity. Senior UN humanitarian and other officials describe South Sudan as a protection crisis, but few interviewees could indicate why, or what this meant in practical terms, other than perceptions that such labelling was a useful means of resource mobilisation.

Other crisis settings, such as the Democratic Republic of the Congo, point to a broad consensus on the significance of strong attention to PoC issues. However, there is little common ground between humanitarians and UN mission personnel in terms of the overall analysis of threats and the respective role of different stakeholders. The UN Organisation Stabilisation Mission in the DRC (MONUSCO) has existed under various mandates for more than 15 years. A complex, multi-layered architecture, at the national and provincial level, has been developed to facilitate structured collaboration and coordination on a variety of PoC issues. Joint Protection Teams[85] have been described as an important innovation in terms of bringing multi-disciplinary knowledge on protection to military personnel and increasing

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79 Boutellis, A., "Driving the System Apart? A Study of United Nations Integration and Integrated Strategic Planning", *International Peace Institute,* IPI, New York, 2013.

80 An independent UN OIOS study found "a persistent pattern of peacekeeping operations not intervening with force when civilians are under attack." "U.N. study finds peacekeepers avoid using force to protect civilians", *Reuters,* 16 May 2014

81 In South Sudan, interviewees noted that the original UN Mission was not deployed for a peace process per se but rather, to help a government in a new state impose its authority; when fighting erupted in 2013, the UN was closely associated with state authorities.

82 Interview Notes: Each DPKO mission develops its own interpretation and approach to PoC in light of local realities but has three strands, namely (a) political/conflict mediation; (b) physical protection of civilians; and (c) support for Human Rights, Rule of Law, Security Sector Reform etc.

83 Many commentators indicated, somewhat incorrectly, that the use of UN bases to provide sanctuary was unprecedented. There had been prior instances of Southern Sudanese seeking shelter in churches and UN bases for a short period until violence ceased. In East Timor, 1999, thousands of frightened citizens sought sanctuary in UN and other locations when Indonesian-associated anti-independence militia went on a rampage killing many.

84 Interview notes; De Waal, A., "Sudan Expert: International community enabled South Sudanese corruption"; he discusses how South Sudan, the world's newest country, was set up to fail", *Al Jazeera,* 12 April, 2015.

85 Small *ad hoc* teams of UN civilian (political affairs, human rights, gender, child protection), military, and police staff as well as local NGOs and INGOs and UN humanitarian agencies, occasionally. Whitman, T., "Joint Protection Teams: A Model for Enhancing Civilian Security", *Institute for Inclusive Security,* 2010, pp.1-2.

situational awareness across the Mission. However, several interviewees expressed concern that humanitarian principles have been compromised through close coordination with MONUSCO. Such concerns have increased as a result of MONUSCO becoming a party to the conflict by virtue of the Mission's expanded mandate in March 2013. This includes the use of a Force Intervention Brigade to undertake offensive operations, independently of the host state, against armed groups. Furthermore, MONUSCO's failure to respond to imminent threats to civilians, even when close-by, has shaped perceptions of the Mission's effectiveness and relations with humanitarians.[86] Research shows that when humanitarian actors perceive that UN peacekeeping missions are not impartial they are reluctant to entertain close working relations with such entities.

Various studies found that the systematic documentation and analysis of incidents involving civilian casualties, and the use of this evidence by the UN Assistance Mission in Afghanistan (UNAMA) to engage with the International Security Assistance Force as well as the armed opposition, contributed to changed tactical directives and methods that helped reduce the direct impact of the war on civilians.[87] This programme, under the management of the human rights wing of UNAMA, was undertaken in a humanitarian framework, and in the context of the PC's work plan, to insulate it from partisan politics. This allowed it to benefit from a range of pre-existing networks beyond the human rights arena, and to maximise complementarities with other initiatives such as mine action, and condolence payment schemes to communities directly affected by warfare. This programme benefitted from analysis and consultation with a broad range of Afghan and other stakeholders concerned about the impact of war on civilians. It was studiously impartial and generated credible data and analysis that facilitated strategic dialogue with both sets of warring parties, as well as senior decision-makers, in and outside the UN, including Afghan authorities.

Humanitarian actors' experience with different UN peacekeeping operations illustrates the importance of a clear understanding of the different responsibilities of key stakeholders, including in relation to analysis and contingency planning, particularly in volatile settings. Experience also highlights the importance of insulating humanitarian action from partisan politics; this helps avoid blurring distinctions and facilitates productive interaction. Similarly, modes of interaction should be context specific and take account of distinct protection roles and responsibilities. The absence of dialogue or an environment conducive to productive interaction will likely undermine the realisation of protective-oriented synergies.

5.6 Human Rights Up Front

Following the widespread violations of IHL and IHRL during the final phase of the war in Sri Lanka in 2009 and the subsequent UNSG's Internal Review Panel Report, the UN invested in developing a Human Rights Up Front Action Plan.[88] The plan seeks to bring about a cultural shift whereby all UN personnel understand that the protection of human rights is part of their core responsibilities. This initiative is still, effectively, at the gestation stage but coupled with the IASC Centrality of Protection statement points to the emergence of frameworks that, in principle, signal an enhanced level of commitment to addressing the protection concerns of at-risk communities.

Nonetheless, there is significant concern, in and outside the humanitarian arena that the gap between rhetoric and reality is growing. This has direct implications for those concerned about protection matters

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[86] This, reportedly, is due in part to UN Base Commanders needing instructions that can take considerable time, from their home country capitals for particular engagements.

[87] Beswick, J., Minor, E., *op. cit.* Niland, N., "Civilian casualties in Afghanistan: evidence-based advocacy and enhanced protection" *HPG,* ISSUE 49, March 2011.

[88] It has six core elements: integrating human rights into the lifeblood of the UN; providing UN Member States with candid information on people at risk in the context of IHL, IHRL violations; ensuring coherent strategies on the ground and leveraging the UN system's capacity to respond; streamline UN communication procedures; strengthen the UN's Human Right's capacity; and develop a common UN system for information management. http://www.un.org/sg/rightsupfront/

given, for example, the role played by UNSC P5 members in a burgeoning global arms market.[89] It is in this context that the HRUF initiative has received a guarded welcome by humanitarian personnel. However, the research team also found that, in general, there is broad support for measures that are seen to make, or have the potential to make, meaningful improvements at the individual or societal level in human rights.

Only a small number of interviewees, and especially so in the field, were familiar with the HRUF initiative.[90] This can be attributed in part to the low-key rollout accorded to HRUF and its limited dissemination particularly but not only to NGOs. HRUF is widely seen as internal to the UN. It is also seen as a headquarter-driven agenda that is not grounded in field realities. As a result, this initiative is in danger of losing the potential buy-in of NGOs that have long argued for a system that respects principles of partnership.

There is an obvious need to clarify how HRUF will be operationalised in different crisis contexts, including settings where early warning analysis points to a deteriorating situation. It is important that HRUF proponents explain how they plan to address long-standing tensions around efforts to maintain humanitarian presence while simultaneously taking a proactive stance on egregious human rights violations. Similarly, and taking account of the different situations that occur in conflict and disaster settings, operational guidance needs to address the significance of the sovereignty discourse particularly but not only in contexts where national or local authorities are responsible for heinous crimes. In all settings, an improved human rights situation requires changes in the relationship between authorities and those under their control. Similarly, transformative change tends to be a long-term undertaking that requires the engagement of civil society and others involved in building a framework for governance that is accountable and supports the rule of law. It is, thus, important that measures to expand the reach of the HRUF initiative take account of the important role of national civil society and non-governmental actors. In situations of humanitarian concern, where the bulk of UN, NGO and other relief personnel are national staff, HRUF will have difficulty gaining traction unless it is designed to engage with, has the support of, and provides necessary safeguards for such colleagues and their families who are at high risk of arbitrary detention, torture and disappearances as witnessed in Sri Lanka and Syria.

5.6.1 Humanitarian development nexus

Experience in disaster and conflict settings has highlighted the relationship between chronic and acute threats and the need for a mutually reinforcing relationship between humanitarian, development and early-recovery programming. Groups and individuals who are marginalised and disempowered as a result of gender discrimination, ethnic tensions or other socio-economic or cultural factors are often among those who are most at risk and vulnerable to additional threats in crisis environments. Heightened risk levels are exacerbated by shocks, whatever their source, and often result in negative coping strategies such as early or forced marriage and child labour as well as sexual exploitation. This needs to be factored into humanitarian and development strategies dealing with acute and chronic problems that often have deep socio-economic roots. It also points to the importance of the HRUF agenda taking account of structural violence issues that often contribute to, and are exacerbated by, crises.

Humanitarian interventions, whether remedial or capacity building in terms of sustaining or fostering an environment conducive to respect for fundamental rights, including support for national capacities, need strong collaboration with development stakeholders and relevant local authorities.[91] The response to the

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89 Leech, P., and Gowan, R., "Is it time to junk the UN Security Council?" New Internationalist, December 2013. "Major Powers Fuelling Atrocities, Why the world needs a robust arms treaty", Amnesty International, 2013. "The United States leads upward trend in arms exports, Asian and Gulf states arms imports up", *SIPRI,* 16 March, 2015. Ramzy, A., "China Becomes World's Third-Largest Arms Exporter", *The New York Times,* 16 March 2015.

90 The research team failed to secure a copy of the Action Plan although it did acquire draft hard copies from personal contacts. The Survey undertaken in the context of this Review found that 10 per cent of respondents related to HRUF as a significant contribution to evolving protection policy, p.10.

91 ALNAP Meeting Paper, 26th Annual Meeting, Malaysia, 16-17 November 2010.

Haiyan disaster (2013) in the Philippines highlighted the importance of pre-disaster preparedness and, by extension, the significance of solid development-humanitarian synergies.[92] This includes measures to address gaps at the national and local level to boost indigenous capacity, including in a manner that strengthens collaboration between internal and external responders to protection matters. Similarly, there is a need to build synergies, where appropriate, in early recovery programming that encompasses a human rights framework whether in relation to housing, land and property issues, gender inequity or the marginalisation of particular groups including minorities.

Humanitarian and development actors should explore ways in which the HRUF agenda can be operationalised in a manner that addresses disconnects between chronic and acute threats that exacerbate protection risks in crisis settings. For more on this issue see Section 12.1 Funding Practices and Recommendation 13.3, HRUF.

5.7 Human rights

Human rights and humanitarian actors have a long and complicated relationship that parallels the accelerated growth of both sets of stakeholders, coupled with an increased demand by citizens everywhere to have their rights respected. This relationship is also shaped by changing power dynamics and disorder at the global, regional and local level.[93] Patterns of abuse and lack of security that give rise to acute protection problems, the circumstances that result in disasters associated with natural-hazard events, the effects of globalisation on ideas, information and economics, as well as the changing technologies of war, all play a role in the way humanitarian and human rights entities relate to each other.[94] As the operating environment changes, so does the nature and scope of the interaction between human rights and humanitarian actors.

5.7.1 Mutual goals, different approaches

Our research found a great deal of mutual misunderstanding between human rights and humanitarian actors of their respective roles and responsibilities. At the same time, both sets of stakeholders repeatedly underlined the importance of working in a manner that maximises synergies between humanitarian and human rights programmes.[95]

HR and humanitarian actors share common concerns on the issue of protection in crisis settings. However, while allowing for the particularities specific to different crisis contexts, they do not, in general, share similar approaches. In disaster situations, such as the Philippines, where accountability is a feature of the governance apparatus, mutual and complementary engagement on issues of common concern are relatively straightforward.[96] This includes, for example, protection concerns in relation to housing, land and property issues. In Syria, where all warring parties are engaged in egregious violations, and insecurity is a significant factor in preventing access to at-risk populations, tensions between humanitarian and human rights approaches complicate interaction and the realisation of complementarities.[97] Humanitarian actors are focussed on addressing the immediate consequences of the war, particularly in terms of material deprivation, while HR actors are rightly concerned with mobilising action on a well-documented pattern of egregious violations.[98]

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92 Armanovica, M., 'Typhoon Haiyan bares shortcomings in disaster preparedness' *European Parliament,* Nov 2013.

93 Deen, T., "Top UN Official Says 'Global War on Terror' is Laying Waste to Human Rights", *Inter Press Service,* February 2015.

94 Chandler, D., "The Road to Military Humanitarianism: How the Human Rights NGOs Shaped a New Humanitarian Agenda", *Human Rights Quarterly,* Volume 23, Number 3, 2001. Darcy, J., "Human Rights and Humanitarian Action: a review of the issues", *HPG,* 2004.

95 A pertinent example is the OHCHR-led Protection Cluster in the Occupied Palestinian Territories where humanitarian and human rights complementarities are reflected in a comprehensive protection response in the 2014 Strategic Response Plan (SRP). However, despite this good practice, such responses remain constrained by UNSC political inaction.

96 Protection Cluster Digest "Seeking Durable Solutions for IDPs", Vol. 01/2014, *UNHCR,* pp.7-8.

97 Parker, B., "Humanitarianism besieged", *Humanitarian Exchange Magazine,* (59), HPG, 2013.

98 UN Commission of Inquiry on Syria "UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic" Human Rights Council, February 2015. Syrian HCT "2015 Strategic Response Plan", Syrian Arab Republic, December 2014.

5.7.2 Complementarities

Issues and perceptions[99] that complicate the realisation of mutually reinforcing relationships include that of access and the provision of assistance, even in settings where humanitarians have limited presence and the amount of support provided is small in relation to actual needs.[100] HR stakeholders are widely seen as being automatically in favour of speaking out whatever the effectiveness of doing so or the implications for humanitarian programming. Some humanitarians are concerned about being associated with the monitoring of HR violations related to potential accountability processes such as those related to the International Criminal Court, given fears that this may restrict their capacity to reach populations in need. In addition, when the OHCHR is integrated in UN peacekeeping operations that are in place to support government authorities, credibility issues arise if reporting on human rights is not perceived as impartial.

Many humanitarians do not consider it realistic to engage with initiatives centred on respect for all human rights, all the time, in settings where national or other authorities are the biggest source of threat to at-risk populations. Mechanisms, such as human rights Special Rapporteurs and Commissions of Inquiry, can help counter egregious violations and their value is unquestioned. Humanitarians are most interested in approaches that have been evaluated or can demonstrate their protective utility, particularly in the short term.

Other factors that affect the realisation of complementarities include inadequate appreciation of the value in distinguishing between immediate remedial concerns and tackling root causes, advocacy[101] and International Criminal Court or other prosecutorial initiatives to counter impunity. Differences, at the operational level, when OHCHR as cluster lead prioritises rights based approaches in contrast to UNHCR's focus on displacement, also undermine complementarities.[102]

As outlined in the HRUF section, strong complementarities can, and should be achieved, in relation to analysis of issues that drive protection concerns as well as the identification of threats of priority importance to affected communities and other stakeholders. It is important to identify and acknowledge distinct roles and agendas at the generic or international level as well as in specific crisis contexts with clear operational guidance. This needs to be addressed in the planned IASC protection policy; some suggestions are provided in the proposed Explanatory Note outlined in Recommendation 13.1. More specific guidance on the humanitarian-HRUF relationship is provided in Recommendation 13.3.

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99 Interview data.

100 Interviews in relation to Syria indicated that available data on inter-agency cross-line convoys show a significant decrease in access with 55 such convoys in 2014 versus 2 by the end February 2015. A huge amount of energy has been invested in securing access via cross-border and cross-line in Syria; this includes UNSC resolutions.

101 Bringing attention to bear on particular patterns of harm is, rightly, seen as important but often suffers from false dichotomies in relation to "being silent" or "speaking out".

102 Haiti and South Sudan are pertinent examples.

6
LEADERSHIP

The following Sections 6 to 12 examine how the humanitarian system is functioning in crisis settings and the factors that facilitate or undermine its ability to deliver effective protection outcomes.[103] Several issues and findings outlined below have been identified both prior to, and following the roll out of, the Humanitarian Reform and Transformative Agendas. This shows that many problems persist and few lessons have been applied.

Leadership is key to mobilising effective humanitarian action that helps prevent particular threats or mitigate their effects. Leadership is required at different levels, and across all aspects of protective humanitarian strategising and programming, including preparedness, related contingency planning and in transition environments. Effective protection outcomes require inspired and creative action at the global or headquarters level as well as national, regional and local levels. The ERC, HC, HCT and GPC have particular responsibilities in terms of leadership on protection. But, in reality, all humanitarian actors and individuals, whatever their role or level of responsibility, need to be proactive when it comes to protection matters. This means that all humanitarian actors need to have a clear understanding of the protection threats and operational realities in their particular operating environment.

When responding to qualitative questions on leadership, survey respondents expressed mixed views; some considered it played a critical role in achieving protection outcomes while others considered it a key challenge calling for "better", "real", "effective", "upfront", "strong", "more competent" leadership from specific humanitarian actors and agencies including UNHCR, OCHA, Resident Coordinator (RC), HC and across the broader humanitarian system.

The Humanitarian Reform and Transformative Agendas have not significantly enhanced the leadership of HCs on protection issues. Our field visits found that the current structure does not facilitate or enable strategic discussions on protection at the HC and HCT levels. Protection issues do not filter up from the Protection Cluster and decisions by the HC/HCT on policy or advocacy issues are often not informed by the views of those directly engaged in protection work. Or, because of insufficient seniority in the pecking order, the views of the PC are ignored.

However evidence shows that some HCTs are beginning to produce humanitarian strategies with protection objectives; the first such strategy since the adoption of the Centrality of Protection statement

[103] Intended outcomes include "the expected changes in the behaviour, knowledge, policy, practice or decision of the duty bearers or any other relevant stakeholders. Alternatively, it can also refer to a change in actual exposure and vulnerability and in the coping mechanisms of affected populations. Achievement of these objectives will constitute important milestones that contribute eventually to the resolution and/or prevention of the selected protection problems." Professional Standards for Protection Work, *ICRC,* Geneva, 2013, p.38.

was in South Sudan in 2013. This is a move in the right direction. But it is not clear that such initiatives are strategic or the result of better leadership in the sense of providing a unifying vision geared to tackling protection threats. Consensus building within the current apparatus is very labour intensive and developing an overall humanitarian strategy that is protective requires highly articulated and calibrated efforts.

In line with the Humanitarian Reform and Transformative Agenda initiatives, the HC together with the HCT have been tasked with making decisions that are appropriate for their context. The IASC Principals' Centrality of Protection Statement confers clear responsibility on HCs, HCTs and Cluster leads to ensure that protection is central to humanitarian action. This includes the development of comprehensive humanitarian protection strategies. It also requires maximising synergies with other actors concerned with the threats that undermine the safety and dignity of at-risk groups. Despite some progress, such as improved awareness, our evidence shows that commitment to the centrality of protection remains uneven. HCs' and HCTs' willingness and capacity to oversee the development of comprehensive strategic humanitarian plans for protection varies significantly and the current structure does not facilitate strategic discussions. Why?

6.1 Humanitarian Coordinators

In crisis settings, including disasters, HCs are frequently double hatted having dual functions as RCs that result in multiple responsibilities including humanitarian, human rights, governance and development. Prior experience greatly determines the extent to which an HC understands the relevance of threats that put lives at imminent risk and has the capacity to be visionary and strategic on protection issues in contested governance settings. Evidence points to a great deal of hesitation by HCs in prioritising humanitarian protection issues over longer-term development agendas as observed in many contexts including the end phase of the war in Sri Lanka. In the Central African Republic, Colombia and Yemen, HC/RCs' prior experience with protection-specific agencies facilitated prioritisation of protection in their responses. HCs with traditional development backgrounds are more likely to subordinate humanitarian priorities to longer-term development goals and relations with government authorities.

In UN peacekeeping settings, often referred to as integrated mission contexts, HCs can have triple functions. In the DRC, Afghanistan, Mali, Somalia and South Sudan amongst several others, the HC/RC is also the Deputy Special Representative of the Secretary General. When an HC has several functions, humanitarian issues can become secondary to peacekeeping and stabilisation or state building agendas. UN integration efforts represent, in theory at least, increased coherence from a political and programmatic perspective and potential for more strategic positioning of humanitarian issues. However, it can corrode the fundamental principles of neutral, impartial and independent humanitarian action. To date even though these risks have been recognised, and tools such as the Integrated Assessment and Planning Policy, developed to mitigate them, they have not been consistently applied in recent UN peacekeeping missions such as Mali or South Sudan. In the Central African Republic, to preserve independent humanitarian action, a stand-alone HC was appointed.[104]

[104] "UN integrated missions and humanitarian action," *Oxfam International,* Oxford, 2014. http://goo.gl/MKzswK

6.2 Humanitarian Country Teams

Evidence collected shows that humanitarian stakeholders across the HCT and Protection Clusters do not share a common understanding of what protection is, what outcomes are sought and who is responsible for achieving them. In comparison to other sectors, protection continues to be de-prioritised within the HCT. In the crises reviewed, HCT members' concerns on protection issues remained compartmentalised and lacked a coherent approach to addressing them. Furthermore, stakeholders' roles and responsibilities, including synergies with other actors and accountabilities to affected communities, were not clear.

To a large extent the active support of senior management for protection interventions depends on organisational culture as well as individual levels of commitment. Under these conditions, current leadership practice and support has not better positioned the system to avoid a systemic failure as occurred in Sri Lanka. There are limited incentives for the HC or HCT to take bold decisions. When you step out of the mould and "irritate a government or a major agency, and if you do not have a lot of experience, then you are putting your whole career on the line."[105] Similar concerns, combined with the lack of consensus within the IASC and the challenge of parallel coordination mechanisms, are inhibiting bolder, collective, and proactive leadership in the Syrian crisis today.

Interviewees considered that headquarters advocacy and operational support to HC and HCTs' strategic approaches to protection have been mixed.[106] In Myanmar, there was a lack of cohesion between the UNCT and the HCT on what strategic approach should be taken towards sensitive advocacy issues in Rakhine State. Headquarter support was not considered helpful by some actors. Yet in other crises, such as Sudan, evidence shows that Headquarters, ERC, IASC and Emergency Directors collective advocacy on protection issues had some impact.[107] In Syria, the ERC's reporting on the humanitarian situation to the UNSC is considered by some UN and NGO interviewees to have contributed to preventing their access to the country. In other crises reviewed, interviewees considered headquarter advocacy support and engagement with States inconsistent, perhaps reflecting a lack of operational guidance. Despite the role of the ERC and some heads of agencies, joint advocacy efforts on protection in a number of recent crises, remain limited; thresholds for system-wide Headquarter level coordination or triggers for SG engagement are not clear.

6.3 Disasters – what's different?

As highlighted above, PC leadership in disaster settings is less predictable due to the leadership role being determined between OHCHR, UNHCR and UNICEF taking into account their in-country capacity. Timely deployment of dedicated staff has been identified as a challenge in cyclical and low profile disaster contexts such as the Pacific.[108] Relationships with affected states are in theory less complicated than in armed conflict settings. However since many disasters affect states experiencing conflict and fragility, and in many situations issues such as gender and harmful cultural practices remain taboo, relationships may also be complicated in some disaster settings.

In disaster contexts protection is absent from United Nations Disaster Assessment and Coordination assessments and often de-prioritised from first phase multi-sectoral assessments.[109] The de-prioritisation also occurs in conflict situations but there is less acceptance or understanding among broader humanitarian community of protection risks in disaster contexts despite IASC and other guidance. A

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[105] Buchanan-Smith, M., with Scriven, K., *Leadership in Action: Leading effectively in humanitarian operations.* ALNAP London, UK, 2011, p.49.

[106] Including the ERC, IASC Principals and GPC.

[107] "While the IASC has had success in the past in collective advocacy on some issues, for example on protection in the early days of the Darfur crisis, this collective advocacy role on behalf of the humanitarian community has been wanting lately" Pantuliano, S., Bennett, C., Fan, L., (2014) Review of IASC, *ODI HPG.* p.10.

[108] This has also been challenging due to OHCHR's lack of direct access to standby roster resources.

[109] http://goo.gl/xIL4UJ

non-exhaustive list of protection risks and threats in disasters includes the breakdown in the rule of law, displacement, family separation, negative coping mechanisms and exacerbated vulnerability as well as a high risk of sexual exploitation and abuse including in relation to trafficking.

Lessons learned from the 2010 Pakistan Floods[110] identified several key recommendations[111] that were also reflected in at least one additional disaster setting reviewed:

- Need for HC/HCT "unequivocal and continuous support in asserting the life-saving nature of several protection activities as well as the activation of the Protection Cluster from the very onset of the emergency";
- Importance of partnership with government counterparts through all phases to build acceptance and support for protection activities;
- Protection assessments should be undertaken from the start of the emergency as part of a coordinated effort (preparation key);
- "Once protection is recognised as a life-saving activity and the cluster has been launched, it should receive adequate funding allocation;" and
- Need for separate donor briefings to discuss complex protection issues and importance of donor visits for sensitisation, resource mobilisation, performance monitoring and accountability."

[110] It is important to note the flood response co-existed with on-going insecurity/complex emergency in the KP/FATA region.

[111] http://goo.gl/S9S93f

7
COORDINATION

As noted in Section 3.4 the GPC, led by UNHCR, is tasked with coordinating and providing global level inter-agency policy advice and guidance.[112] At the country level, when disasters strike, UNHCR, OHCHR and UNICEF, under the leadership of the HC/RC, determine Protection Cluster leadership on a case-by-case basis, based on operational presence and capacity to fulfil roles and responsibilities.

In the field, strategic coordination on protection is needed at the HCT and cluster level. As the Central African Republic (CAR) and Syria illustrate, coordination is also needed at the ERC and/or Principals level. As outlined below, different protection modalities or approaches present particular challenges from a coordination perspective. Overall, the roles and responsibilities of key stakeholders are not explicit and coordination does not result in a coherent, strategic or robust approach to protection at a system level.

A refrain frequently heard throughout the course of this Review is that the introduction of clusters has contributed to compartmentalisation in that some actors consider protection, beyond mainstreaming activities, the sole responsibility of the Protection Cluster. Such interlocutors considered that protection would have been better served if it had been treated as a crosscutting issue that was the responsibility of *all* clusters (as in the case of gender, for example). In addition, the cluster system is seen to have added layers to an already unwieldy system. Many complain that coordination is very time-consuming and, often, to limited effect in that different processes do not routinely contribute to discernible protection improvements. Indeed, the research team found that, paradoxically, the Humanitarian Reform and the Transformative Agenda appear to have flattened and ossified the system. There was, often, more flexibility and collaboration between different coordination mechanisms concerned with affected groups, inside the crisis zone and those who had crossed international borders, prior to the reform process than is currently the case.[113]

7.1 Humanitarian Country Team

There was little evidence of HCTs taking a strategic approach to protection. Field missions showed that protection issues were often raised at the margins of other concerns contributing to reactive rather than proactive action. There was little evidence of regular consideration of protection matters in HCT meetings. The HCT in South Sudan did take specific action to develop an overarching strategy after a dramatic upsurge in fighting at the end of 2013 but its strategic direction was unclear, as was the analysis on which

[112] http://goo.gl/q4YwyU GPC members include UN agencies, inter-governmental organisations and international NGOs. It is intended to set standards on protection, identify and disseminate good practices and support the development of strengthened protection capacity.

[113] In the late 1980s when Prince Sadruddin Aga Khan was Special Coordinator of humanitarian and economic assistance for Afghanistan, is one such example.

priorities were identified. Various stakeholders expressed concern that notwithstanding significant investment in the production of the strategy document, the process was not inclusive in the sense of addressing different perspectives. Many interviewees saw it as a box-ticking exercise that met particular UN requirements and were sceptical that it would inform the overall response plan. In Syria, it has taken four years of negotiation with government authorities to get to the point where it was deemed acceptable to mention the word 'protection' in the Strategic Response Programme (SRP). This points to the importance of proactive and collaborative engagement between the field and ERC/IASC Principals particularly, but not only in settings where local authorities are antagonistic to humanitarian action on protection issues.

At the HCT level, the lack of a systematic approach to protection undermines the system's ability to tackle the more difficult protection challenges and inhibits strategic collaborative programming and/or action. The lack of a common operational understanding and approach to what constitutes protection in a particular context contributes to frustration as well as time consuming and counterproductive efforts to get different humanitarian actors onto the same page. For example, it needs to be widely understood that protection mainstreaming is minimum good programming practice that is expected from all humanitarian actors. But this alone does not constitute an adequate or strategic approach to protection at the cluster level or above. Additionally, PC access to the HC/HCT is inconsistent, with decisions by the HC/HCT on policy or advocacy issues rarely informed by the views of those directly engaged in protection work.

7.2 Protection Cluster

Overall, the introduction of PCs has helped raise the profile of protection and put protection mainstreaming on the agenda of other clusters. This has facilitated broader recognition of the significance of protection in humanitarian programming and provided a "platform for joint advocacy."[114] Nevertheless, the evidence collected demonstrates that the PC mechanism is not functioning effectively at the global or field level. Survey respondents and interviewees considered the role of the GPC, both in terms of vision and support to the field, as inconsistent. This is an issue of broad concern and points to a significant disconnect between global and field level activities particularly in terms of guidance, support and advocacy matters. The view of various NGOs, some UN staff and many aid workers in field and headquarter functions is that the GPC tends to impose ready-made approaches rather than facilitating the development of context-specific analyses. Importantly, many interviewees consider that UNHCR has yet to demonstrate that it is supportive of the system rather than pushing its own corporate agenda. While UNHCR's technical competence on particular protection matters is recognised and appreciated, there is a strong perception that UNHCR has not invested enough in its cluster lead responsibilities or in understanding the essence of protection in non-refugee settings.

At the global level, the GPC Coordinator covers a range of other functions including Deputy to the Director of UNHCR's Division of International Protection. The GPC Support Cell has limited operational capacity and reach due to poor resourcing including reliance on standby roster staff.[115] Cluster members and other stakeholders raised concerns about leadership and accountability at the GPC and field level. Despite improved information sharing, the PC has not been effective in securing an appropriate division of labour and continues to show limited predictability and operational capacity. Furthermore, the division of labour between UNHCR and other stakeholders including OHCHR, OCHA, UNICEF and INGO representatives, and AoRs, at both the global and field level remains unclear. The lack of clarity at both levels on the roles and responsibilities between UNHCR and INGOs in co-leadership contexts and limited compliance with partnership principles is also problematic and requires urgent clarification.[116] When there are critical gaps in the humanitarian response, the cluster lead as provider of last resort does not come into play.

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[114] Steets, J., Grünewald, F., Binder, de Geoffroy A., *et al.* (2010) IASC Cluster Approach Evaluation, 2nd phase, Synthesis report, p.43. *GPPI URD* Berlin, Germany.

[115] Currently staffed by one P4 UNHCR employee and two stand by partner secondees.

[116] http://goo.gl/UjxC3Y

When UNHCR leads the PC it does so simultaneously as the Cluster Lead coordinating the protection response, a donor that funds implementing partners, and an organisation directly engaged in implementing protection elements of the humanitarian response. While this can be considered as an inherent problem of the cluster system, multiple interviewees presented this as a particularly acute issue for the PC with respect to the conflict of interest and ineffective division of labour, where "UNHCR pushes its own agenda" and "keeps control of everything". This significantly impedes consensus building with stakeholders on strategic and programmatic issues. When OHCHR leads the cluster, different challenges arise, as documented in Haiti.[117] This includes the practical challenges of a non-operational lead agency, an integrated UN human rights mission lead and inherent challenges with humanitarian principles and practical issues concerning the application of a broad definition of protection. For example, a very literal interpretation of the IASC definition and human rights based approach where everything is deemed 'protection' makes agreeing on and prioritising dedicated response activities very difficult. Several of these issues were identified in recent disaster settings and in some contexts the application of the rights-based approach, which shares significant conceptual and practical overlap with protection mainstreaming, has been welcomed by members of the INGO community.

Timely deployment of experienced protection coordinators is still lacking across several of the crisis contexts reviewed. As opposed to other cluster leads that more often have dedicated fulltime capacity such as WASH, PC leads often have competing institutional responsibilities.[118] When the cluster leads time is split between institutional and cluster responsibilities, the cluster suffers. Despite some attempts to address this, there remains a lack of experienced protection coordination staff to cover these critical functions ten years after the launch of the Humanitarian Reform agenda. Furthermore there are long periods of vacancies before the PC coordinators are replaced as observed in several contexts reviewed.

The performance of the PC can vary significantly, both within a country and also across different contexts. As observed in the field, PCs vary in breadth, depth and quality. There is limited predictability in how PCs approach their work. In some contexts, the PC is where strategies are developed; in others, it operates primarily as an information-sharing platform and not where strategic decisions are made. As a result, agencies tend to send junior staff; this further inhibits strategic decision-making.

Interviewees considered PC coordination mechanisms as dysfunctional, cumbersome and not results-oriented. Meetings were not tied to decision-making and were considered information black holes where participants exhaustively share and receive information with little demonstrable purpose or impact. As noted earlier in this report, the lack of a shared understanding of what protection means in operational terms undermines the realisation of an agreed system-wide approach.

Overall, many interviewees expressed deep concern over the time dedicated to protection coordination, emphasising that "coordination is becoming a bureaucratic monster,"[119] with burdensome procedures and meetings that routinely indicate the need for additional information to make decisions. Field mission interviews and observations found that coordination processes were self-serving/referential, time consuming, process heavy and not conducive to timely protection responses or outcomes.[120] During meetings "participants speak about their own activities while nobody dares to speak about protection outcomes."[121] Operational coordination and innovative responses tend to happen outside the cluster system given, as noted by one interviewee when crystallising existing critique, "the protection cluster has no idea of what protection is in reality."[122]

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[117] Steets, J., Grünewald, F., Binder, de Geoffroy A., *et al. op. cit.*

[118] In the countries visited with the exception of the DRC national PC coordinator.

[119] Interview and field mission data (DRC).

[120] Interview data.

[121] Interview data.

[122] Interview data.

A positive example of cluster leadership and effective coordination is the Occupied Palestinian Territories, where the OHCHR-led protection cluster response strategy involves strong humanitarian-human rights collaboration, complementarities, and useful information products.[123] Activities run the gamut from protective presence, monitoring and analysis of violations, the provision of remedial services such as mental health and psychosocial support. The cluster includes a strong representation of national protection actors. Given political realities, this PC also demonstrates the limits of humanitarian protection when political solutions are lacking and UNSC decisions and credibility are constrained by geopolitical agendas; the latter issue is highlighted in Section 5.4.

Evidence collected demonstrates that Protection Clusters work better with an NGO co-lead.[124] The Cluster Approach Evaluation II found that effective coordination requires broad participation and that "NGOs, especially if they act as co-leads or co-facilitators, enhance the legitimacy of clusters, facilitate outreach and communication, at times have valuable experiences with participatory approaches and working with local partners and because they can be strong advocates for the protection of humanitarian space."[125] The 2012 DRC protection cluster co-facilitation lessons learned exercise drew on experiences of co-facilitation in the DRC and other crisis settings to identify a number of lessons. These included "a strong consensus of the value of NGO co-facilitation as a counterbalance to the UN perspective in cluster coordination, to ensure greater transparency and field-relevance in cluster decisions and management, and to help maintain space for the defence of humanitarian principles."[126] The Child Protection Working Group in DRC is a model to be emulated. It has partnered extensively with INGO and NGO in co-facilitation at the provincial level. Several interviewees across UN, INGOs and donors confirmed the significant added value of NGO co-leadership of PCs and one donor indicated willingness to fund this activity. Overall, evidence shows that when roles and responsibilities were clearly defined, co-leadership was effective, increasing accountability and transparency.

Despite the active role of the child protection and gender based violence areas of responsibility in the GPC fora, the PC and AoRs lack a coherent overall approach. AoRs tend to operate independently from the PC and focus on their own strategic objectives without contributing to, or constituting a part of strategic overarching protection objectives or outcomes. Division of labour is based on agency mandates rather than an overarching analysis of, or approach to protection. Some donors found this approach too fragmented and would prefer an integrated protection strategy from the PC.

7.3 OCHA and protection mainstreaming

Several interviewees considered OCHA best positioned strategically to facilitate protection mainstreaming given its Inter-Cluster Coordination (I-CC) role. There has been progress in that more agencies and strategic response plans (SRPs) acknowledge the importance of using a protection lens in humanitarian programming. There is, however, a need to improve system level mainstreaming which is hindered by the lack of a dedicated agency with sufficient resources to support this work at the field level. In Gaziantep, a ProCap Adviser was deployed to help the humanitarian community mainstream protection into the cross-border operations and illustrated the value of dedicated support. However, for sustainability reasons, agencies and sectors need to invest in their own dedicated protection resources to meet mainstreaming responsibilities.

[123] http://goo.gl/o0wfKG

[124] Kemp, E., *DRC protection cluster co-facilitation –lessons learned,* 2012, p.2. http://goo.gl/GtaqRq

[125] Steets, J., Grünewald, F., Binder, de Geoffroy A., *et al. op. cit.* p. 81.

[126] *Ibid.*

8
ANALYSIS AND RESPONSE

8.1 Assessments and information management

While protection assessments should feed into timely analysis and response strategies, there was little evidence of this across the crisis-settings examined or the literature reviewed. Research found that coherent and joint approaches for assessments, information management and analysis were not in place. As a result, protection assessments are either single agency or geographically localised and isolated from overall analysis and planning.

During crises, protection continues to be largely omitted from first phase multi-sector needs assessment exercises. This happens for several reasons. Protection is often seen as something additional to "life-saving" and humanitarian actors struggle to agree on key questions to be addressed in needs assessment exercises. In addition, there are capacity, including training issues, as well as concerns that protection issues are too sensitive to address. In the Philippines, following Typhoon Haiyan, the first phase multi-sector initial rapid assessment did not capture some basics such as sex and age disaggregated data. Several agencies reported that this de-prioritisation had negative effects in terms of gender mainstreaming and other protection concerns in the overall response.[127] When joint assessments were carried out in protracted crises such as the DRC, for example, Rapid Response to Population Movements or Myanmar, for example in Kachin State,[128] there was a strong focus on multi-sector material assistance needs, with protection concerns deemed too difficult to assess or ignored. In the DRC, Myanmar and South Sudan, quick and localised single agency assessments were prevalent. In Syria, operational and security constraints prevented meaningful access to undertake assessments.

Despite the development of a GPC Rapid Protection Assessment Tool in 2011, there is limited evidence that the Cluster or its members use it. Each agency uses different tools and methodologies for their individual agency needs assessments and situational analysis. Comparing results from different assessments becomes difficult and time consuming. Evidence-based decision-making and joint priority setting is weakened in the process. By contrast, the Child Protection Working Group Rapid Assessment Toolkit appears to be more consistently used by partners as a basis for joint analysis and identification of priorities.[129] This may be the result of a common definition and agreement on issues for inclusion as well as a collaborative and productive working group.

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[127] Operational Peer Review, *Response to Typhoon Haiyan in the Philippines,* 2014, pp.14-15.

[128] Despite inputs from the Protection and gender based violence and child protection working groups.

[129] Child Protection Rapid Assessment Toolkit, Global Protection Cluster, Child Protection Working Group, December 2012. http://goo.gl/C05gV5

Although effective assessments, information and data management at the global and field level are essential for sound operational planning and programming, protection work is often hindered by limited or poor access, sensitivity, varying national capacity and quality information management across all humanitarian contexts.[130] Some of these are common to all humanitarian action and others are more acute to protection due to the sensitive nature of the issues in question. The lack of a simple conceptual framework including an operational definition of protection, as discussed in Section 4, also presents challenges in terms of what data to capture, analyse and report on. Timely evidence based analysis and response requires a more pragmatic, "good enough" approach to data collection and analysis.[131] Evidence shows that the constant reference to the lack of credible and independently verifiable data has become a 'red herring' that prevents coordinated timely 'good enough' analysis and response from PCs.

Due in part to the lack of a good enough approach, the systems observed lacked essential information on protection risks, population of concern and individual and community self-protection strategies. Timely, accurate information and harmonised approaches for collecting, managing and analysing information were generally missing.[132] In the crises visited, the PC appeared unable to consolidate information, produce analysis and establish protection priorities at the country level. As compared to other clusters, the PC lacked timely analysis and information products. Accurate analysis, including in relation to contingency planning as well as clear narratives and quotable messaging on major crises such as DRC, South Sudan or Syria were largely missing.

In relation to Syria and access constraints, the 2014 Syria Strategic Needs Analysis Project (SNAP)[133] took a pragmati approach to using secondary data that allowed for a useful analysis of the main protection concerns that were absent in other documents including the SRP. This pragmatic approach involved a starting point that most data is useful, so long as methodological limitations are identified and there is acceptance that perfection is not possible in such contexts. The ability of the Syria Strategic Needs Analysis Project to avoid the political constraints faced by UN agencies points to the need to consider whether an independent body may be best situated to undertake protection information management and analysis.

Protection monitoring mechanisms such as UN Security Council Resolution (SCR) 1612 on Children and Armed Conflict and, to a lesser extent, UN SCR 1960 on Monitoring, Reporting and Analysis Arrangements (MARA) on conflict-related sexual violence have demonstrated that systematised data collection of violations is possible, albeit with challenges and methodological limitations. Broader protection monitoring currently takes place in eastern DRC, though it faces challenges securing funding. One of the six HRUF priorities includes developing a common information management system on serious violations of human rights and humanitarian law. Lessons from UN SCR 1612 and 1960 should inform the design and implementation of such a mechanism. If and when this is rolled out, it should be supported, with necessary firewalls, including in relation to data confidentiality, and linked to early warning and action. Any such mechanism also needs to be attuned to the political and operational sensitivities surrounding documenting violations and the constraints faced by the UN.

In responding to internal displacement, UNHCR, for example in the DRC, establishes information systems that centralise protection data. Yet, due to strict regulations in place, once partners provide data to UNHCR, they do not have access to it. Consolidated analysis or concerted action on this data is missing. While there are challenges concerning data confidentiality and other ethical issues unique to protection work in contexts such as Syria, DRC and other conflict environments, these can be addressed through

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[130] Some of these issues are common to all humanitarian sectors whereas others are especially acute for the protection sector given the sensitive nature of the subjects on which information is sought. Commonly encountered data quality challenges include the level of access to primary and secondary sources of information, security and confidentiality concerns and ability to triangulate and verify available data.

[131] Emergency Capacity Building Project, Good Enough Guide: Impact Measurement and Accountability in Emergencies, 2007. http://www.alnap.org/resource/8406; Afghanistan: Humanitarianism in Uncertain Times Feinstein (2012), pp. 18-24. http://goo.gl/bX0F6s

[132] See GPC support mission report, 4 December 2012, p.4 and GPC support mission report to South Sudan, 18 June 2013, p.7

[133] Syria Strategic Needs Analysis Project, December 2012. http://www.acaps.org/en/pages/syria-snap-project

contextualised information sharing protocols and guidance such as those provided in the 2013 Professional Standards for Protection Work.[134]

8.2 Analysis and response strategies

Timely evidence-based analysis and response strategies are constrained by needs assessments and information management challenges. In the crises reviewed, contextualised protection situational analysis was very localised and atomised with only a few agencies having an overview of the evolving protection challenges specific to particular crises. With very few exceptions, protection analysis is scarce in the SRPs. In the DRC, protection strategies were localised, poorly reflecting overarching priorities, changing circumstances and needs on the ground. In Myanmar, there were localised protection strategies for different parts of the country but no overarching strategic vision.

An analysis paralysis phenomenon has also been observed. This phenomenon can be seen in three progressive phases: analysis, do no harm (DNH) risk mitigation, and response. The protection sector often faces problems constructing a solid analysis due, in part, to the absence of a common conceptual framework and associated data collection methods.

If protection actors do make it to the risk mitigation phase, they will often get stuck on the lack of a perfect solution, thereby inhibiting the realisation of a timely analysis and response. The inaccurate interpretation of the DNH concept was noted across several field missions; training and clarification of its use as a risk mitigation tool, rather than an excuse for lack of timely action, is needed.

The analysis used for SRP and subsequent response activities often did not match the contexts for which they were developed. For example, there is often an over-reliance on activities such as Child and Women Friendly Spaces while issues that result in more pressing protection problems, including deliberate deprivation or indiscriminate shelling, are ignored.

However at the local level during the field visit to Kachin State in Myanmar, the research team observed a sub-national, joint protection analysis underway involving UN agencies, ICRC, INGOs and local NGOs. National and international humanitarian stakeholders were engaged in jointly undertaking a protection analysis, reviewing levels of risk, threats and vulnerabilities and coping mechanisms both in IDP settings in camps and out of camps, in government and non government controlled areas. This contributed to building trust and ownership. It also identified potential synergies and promoted a common understanding of protection. This approach was not consistently carried out throughout Myanmar and was missing at the national level.

While the sector has a number of protection tools and guides,[135] these are generally not user-friendly and they are often produced for a specialised or Anglophone audience. Further challenges relate to their heavy reliance on principle and best practice rather than practical examples of how to respond to complex protection challenges. There will often be a good enough or least harmful solution rather than a perfect approach to protection challenges.

HCT specific plans across field mission countries demonstrated limited joint strategic prioritisation. This can be attributed in part to the limited IASC guidance and dedicated protection support available to the HC and HCT as well as the lack of institutional and individual commitment. Multiple, stand-alone documents are produced and where protection is mentioned in different SRPs it is not based on joint strategic analysis or approaches. HCT strategies reviewed did not explain how the humanitarian system was going to prevent, respond to, or mitigate protection risks including international human rights and

[134] Professional Standards for Protection Work, ICRC, 2013.

[135] With a notable absence being an IASC/GPC Protection Policy.

humanitarian law violations. They did not identify complementarities of roles and responsibilities among key stakeholders including synergies with other actors, such as UN peacekeeping and political missions, development, host governments and NSAA. Some strategies, such as the 2014 HCT protection strategy in South Sudan, failed to fully take into account the views of key humanitarian organisations in the process of strategy development. In Myanmar, multiple agency national or area-based strategies were developed in isolation and did not complement each other or feed into an overarching, meaningful countrywide protection strategy. While protection was a key strategic priority across the humanitarian, stabilisation and development strategies in the DRC, these strategies were developed separately and failed to address complementarities.[136] There is reference, for the first time, to protection in the 2015 Whole of Syria SRP. The strategic objectives, protection programming and planned outcomes are however inadequate, considering the deadly nature of the threats that put millions of Syrians at risk. Generally, strategies focus on remedial rather than preventive action, including risk reduction measures.

[136] People in Eastern DRC want, above all, security and protection from armed violence but there is no entity currently capable of stopping pillages, robberies and attacks. For the Congolese state and MONUSCO, whose main responsibility it is to protect civilians, this remains the central failing.

9
COVERAGE: WHOLE OF CASELOAD APPROACH

Group or status-based categorisation largely determines which at-risk groups are supported and how priorities are defined within the broader humanitarian system including in relation to refugees. Security, combined with the level of access, also determines, in part, the extent to which initiatives are developed to enhance protection for those at greatest risk. Status-based categorisation and supply-driven approaches prevail within the humanitarian system as opposed to whole of caseload and needs based approaches that allow for a holistic determination of who, and in what circumstances, faces protection challenges. Most protection efforts are directed towards children, women, IDPs and refugees largely reflecting pre-defined categories provided for under IHL, IHRL and International Refugee Law (IRL). This means that others, including men, youth, persons with disabilities, the elderly, social, ethnic or other minority groups or those who have not managed to flee, can to a significant extent be ignored by the system.[137]

UN agencies, such as UNHCR and UNICEF focus their respective protection efforts on displaced populations such as refugees and IDPs and specific age groups such as children. This tends to marginalise those who are not refugees, IDPs or children. At present, humanitarian actors with the exception of ICRC, OHCHR and IRC do not pursue comprehensive protection strategies and programming that are informed by analysis and assessments that are not skewed by pre-defined categorisations.

A recurrent problem encountered in the situations reviewed has been the tendency for the PC and other clusters to focus, primarily, on IDPs. The result is that other substantive protection issues that do not arise in relation to IDPs have not been properly identified or addressed. In countries affected by conflict, populations that are displaced or relocated looking for security in safer areas, are better assisted and protected by the humanitarian system than those who are unable or unwilling to flee. For those unable or unwilling to flee, including besieged populations, protection by presence was ephemeral, if not absent due to security and access constraints. Furthermore, as attacks against humanitarian workers have increased,[138] the humanitarian system has contracted and become too risk averse to engage in protection by presence activities in many contexts.

In eastern DRC, most humanitarian organisations focus their protection efforts in accessible locations close to Goma, while significant information and protection gaps were noted in remote locations due to physical and security constraints. This focus on accessible areas is at odds with principled humanitarian action and is even more problematic from a protection perspective. The 2014 MSF study *Where is Everyone?* found that "location and 'status' are more important determinants of assistance and protection than need."[139] The report highlights that, in the DRC, assistance "to internally displaced people is overwhelmingly

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[137] "1% of humanitarian aid goes to people with disabilities and older people", HelpAge International, Handicap International, 22 February 2012.

[138] http://www.un.org/press/en/2014/sc11524.doc.htm

[139] Healy, S., and Tiller, S., *Where is Everyone? Responding to Emergencies in the most difficult places,* DRC Case Study, MSF. London, UK, 2014, p.32.

concentrated on the 14 per cent living in 'official' recognised camps. The 16 per cent of displaced people living in spontaneous sites receive significantly less protection and assistance, including in food, non-food items, water and sanitation and health services, while the remaining 70 per cent have sought shelter with families and host communities and generally do not receive targeted assistance of any kind."[140]

Overall, IDPs in camps in government-controlled areas in Kachin State, Myanmar are well served compared to other rural groups and ethnic minorities that stay behind or are prevented from moving. Those unable to move remain exposed to conflict, violence and active oppression. In Kachin, access is a key concern as UN agency and INGO humanitarian activities are constrained by bureaucracy and security from moving beyond government-controlled areas where their coverage is limited to IDP camps. Only ICRC, MSF and some small, local NGOs have maintained limited access to non-government areas.

In rural and urban settings, addressing or mitigating the protection problems faced by populations living outside camps and integrated amongst host communities is challenging. They can be more difficult to reach and to assess their needs and coping mechanisms. Good conflict sensitive programming repeatedly demonstrates the importance of ensuring a percentage of assistance is available for vulnerable host populations to reduce tensions and strengthen such coping mechanisms.

In contexts where community based protection mechanisms are recognised as being central, such as in the North Kivu PC strategy, the system's meaningful support to these mechanisms continues to be *ad hoc* or absent. Considering the increased use of remote management in insecure and poorly accessible environments, humanitarian actors need to tangibly strengthen their support to community-based protection and continue drawing lessons on individual and community coping strategies.[141] This can be done through identifying needs in timely assessments, integrating in response strategies and providing direct support where possible.

According to the MSF study mentioned above "Historical mandates and institutional positioning have created a system with artificial boundaries (for example, between the coordination roles of UNHCR for refugees and OCHA elsewhere), to the detriment of those needing assistance and protection."[142] In the Syrian context, the 'Whole of Syria' arrangement is for cross-border operations and those inside the country only. However, it is apparent that both the Whole of Syria and the Regional Refugee Response are concerned with people affected by the Syrian crisis and the different response plans will encounter complex displacement and other dynamics that do not fit neatly into the humanitarian system's institutional rigidities. The challenge of mixed caseloads and different status based entitlements has already been experienced in Northern Iraq and runs contrary to principled humanitarian action and conflict sensitive programming. The field mission to Myanmar found that those in need in the southeast of the country and the issues of statelessness of Rohingyas were the preserver of UNHCR. Many interlocutors on the ground considered that these arbitrary divisions of the humanitarian caseload inhibited the development of a protection strategy for the entire country.

UNHCR is widely seen to be favouring IDPs; this tends to marginalise those who are neither refugees nor IDPs. In contrast to UNHCR, a small number of agencies have a whole of caseload approach. Some donors interviewed for this Review also noted disconnects between parallel coordination and response systems for refugee and non-refugee population groups. In situations such as Syria where crisis dynamics have implications for the broader region, including in terms of host communities in neighbouring countries, there should be one overarching coordinator who pursues a "one caseload, one strategy, one appeal" approach. No one is challenging the specificity of refugee issues and UNHCR's mandated role and important responsibilities in relation to refugees, but there are clear disadvantages for those in need of humanitarian action to be buffeted by the tensions inherent in parallel coordination frameworks.

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[140] *Ibid.*

[141] Corbett, J., *Learning from the Nuba: Civilian resilience and self-protection during conflict* L2GP (Local 2 Global Protection). *ACT Alliance,* Oslo, Norway, 2011.

[142] MSF, Where is Everyone? *Op. cit.*

10 MONITORING AND EVALUATION

This section needs to be considered in conjunction with Section 8 on analysis and response that highlights the interconnected nature of the factors that can facilitate or impede protection outcomes. Measuring protection outcomes will continue to be challenged in the absence of an operational definition of protection, timely assessments and analysis and lack of clear strategic outcomes combined with an intelligible theory of change.[143] Generally, monitoring and evaluation of protection are recognised as significant weakness both within and beyond the sector. As a result, there is a knowledge and learning deficit on protection across the humanitarian system.

10.1 Lagging behind

Evaluation of the protection sector continues "lagging behind other areas of inquiry in the evaluation of humanitarian action."[144] With few exceptions, system wide evaluations, including inter-agency real-time evaluations, have failed to explicitly refer to protection considerations. Examples of this include the Tsunami and Pakistan floods inter-agency evaluations. However, the Haiti Cluster II evaluation specifically reviewed the effectiveness of the PC lead by OHCHR and highlighted the inherent challenges of a non-operational lead agency that is integrated into a UN peacekeeping mission.[145] Issues included real or perceived compromised humanitarian principles and practical issues concerning the application of a broad definition of protection that was interpreted differently by various stakeholders.[146] Single agency evaluations on protection are sporadic. When joint or single agency evaluations are undertaken they tend to focus on operational and process issues rather than on effectiveness.[147] However, inclusion of protection considerations in the Operational Peer Review exercises is a positive development.

Evaluating protection involves some similar challenges to those encountered in evaluating other aspects of humanitarian action. In crisis settings, contexts are fluid and objectives can be fast changing. Given access and security constraints humanitarian actors' capacity to collect primary data is limited. The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP) protection guide for humanitarian agencies notes, "When access, security and resources are a constant challenge, it

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143 Previous studies found that "protection does not have established baselines and indicators; it seems to be lacking a general theory of change, nor does it have a body of evidence regarding performance upon which to plan with confidence" Murray, J. & Landry, J., *Placing protection at the centre of humanitarian action: Study on Protection Funding in Complex Humanitarian Emergencies,* September 2013, p.41).

144 Bonino, F. *Op. cit.* p.8.

145 Issues include concerns about the role of the UN in relation to cholera that killed more than 8000 people and is widely seen as an outcome of MINUSTAH, UN Mission activities. "UN chief steps up fight against Haiti cholera epidemic", *The Guardian,* 16 July 2014.

146 http://goo.gl/akMG03

147 Reichold, U., Binder, A., Niland, N., *Scoping Study: What works in Protection and How do we know?* GPPi, Berlin, Germany, 2013, p.42.

can be a major achievement just to get something done. To know how well it was done (efficiency), how much has changed (impact) and how far these changes are due to your agency's own actions (attribution) can be extremely difficult to gauge. But it is vital to try."[148] Key challenges at present include security risks, denial of access by authorities and increased use of remote monitoring and evaluation modalities rather than primary data collection and monitoring.

10.2 Inter-agency challenges

Challenges specific to the evaluation of protection at the system or inter-agency level can be attributed in part to the absence of a common definition and approach as discussed in Section 4. Additionally, many humanitarian protection outcomes cannot be realised in short timeframes.[149] Achieving remedial and environment-building protection outcomes compared with responsive activities can take considerable time that goes beyond standard funding cycles. ICRC guidance shows that "successful implementation of protection activities also requires something between middle and long-term commitment. Influencing existing trends of abuses and violations and dealing with their consequences cannot be done overnight, not even over a couple of seasons. Often, the length of the commitment made to the communities at risk, to the victims and the authorities, for example, working on legislative changes, has to be measured in years."[150]

The Protection Cluster has developed too many indicators[151] and there was little evidence of contextualised outcome oriented indicators at the field level. The lack of outcome-oriented indicators and data collection and analysis processes prevents the ability to measure protection outcomes. Measuring system level protection outcomes is also complicated by the absence of an agreed theory of change.[152] Without a clear theory of change and associated data to measure impact, the HC, HCT and PC capacity to measure progress is reduced to output and activity level reporting against those defined in SRPs. Joint monitoring and evaluation frameworks are absent as they have not been planned for or budgeted.

10.3 Innovative and mixed methods

Monitoring and evaluation of protection interventions requires innovative and mixed method approaches.[153] The InterAction Results-Based Protection initiative identified the following key factors conducive to protection programming that deliver results:

- Robust and comprehensive protection analysis of threats, vulnerabilities and capacities;
- Starting with the affected populations through identifying their individual and community coping strategies;
- Theories of change based on context and the specific protection issue; and flexibility (conducive funding cycles and contextual rather than predefined activities, for example, predetermining Child and Women Friendly Spaces).

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148 Slim, H. and Bonwick, A., An ALNAP guide for humanitarian agencies, *ALNAP/ODI,* 2005, p.104.

149 The Survey respondents found that the need to consider context, often shorter timeframes, and often limited funding as chronic challenges in measuring outcomes within the humanitarian system, p.17. Additional key successes and challenges in measuring outcomes are outlined in Table 4.

150 ICRC, *Enhancing protection for civilians in armed conflict and other situations of violence,* Geneva, Switzerland, 2012, p.33.

151 According to the recently developed OCHA indicator registry, which gathers key indicators developed by the 11 clusters, the protection cluster (including the AORs) includes 98 indicators, almost three times more than the average 36 indicators that the other ten clusters developed. Of these 98 indicators, 48 are baseline indicators, 38 are output indicators, 21 outcome indicators and 3 are process indicators. The full list of indicators developed by the clusters can be consulted here: http://goo.gl/HRbn53

152 http://www.theoryofchange.org/what-is-theory-of-change/

153 *Scoping study: what works in protection and how do we know? Op. cit.*

Few humanitarian actors involved in protection are innovating and testing participatory methods such as outcome mapping and perception surveys.[154] By using these methods, organisations may understand to what extent their intervention is contributing to influencing local behaviours and whether people are feeling safer over time.[155] These approaches can help measure performance and outcomes rather than activities. However evidence shows that shared approaches to measuring protection outcomes and impact are not being used. Moreover ALNAP guidance on evaluating protection identifies four common issues that complicate the evaluation of protection, "Defining protection in humanitarian action, identifying results of interest, defining 'success' and framing the evaluation; collecting and analysing data; understanding cause-and-effect issues'."[156] These factors significantly hinder the ability to measure the outcome and impact level results of protection interventions.

[154] In DRC the Protection Cluster used perceptions by targeted populations as an impact indicator in the 2013 DRC Humanitarian Action Plan.

[155] According to ICRC guidance, progress can be measured, see both E*nhancing protection for civilians in armed conflict and other situations of violence,* ICRC, Geneva, 2012, p.38 and *Professional Standards for Protection Work,* Chapter 2, ICRC, Geneva, 2013.

[156] Bonino, F. *Op, cit.* p.4.

Nepalis rebuilding their lives out of the rubble of the April 2015 earthquake. © Juliette Rousselot, IRIN

11
ACCOUNTABILITY TO AFFECTED POPULATIONS

Despite recent initiatives to promote Accountability to Affected Populations, upward accountability to donors prevails while systematised engagement with affected populations and peer-to-peer accountability[157] is still lacking. In an attempt to respond to these challenges, various initiatives including the Humanitarian Accountability Partnership and the Transformative Agenda identified strengthening the HCT's approach on AAP as a significant area for attention. Results however, remain elusive.

11.1 Duplicative initiatives

At present there are several duplicative initiatives intended, albeit to different degrees, to address essentially the same issue of meaningful two-way engagement with affected populations throughout the project cycle. These include the IASC Task Team on AAP, Communicating with Communities, GPC protection mainstreaming principles of accountability and participation and empowerment, and people-centred assistance.[158] A recent ALNAP study highlighted the proliferation of initiatives and terminology used to describe the same or similar issues and mapped the degree to which the approaches meaningfully engage affected populations.[159]

In July 2012 the IASC created a Task Force on AAP. It has subsequently merged with the Task Force on Protection from Sexual Exploitation and Abuse (PSEA). At the time of writing the AAP/PSEA Task Force is chaired by UNHCR and ActionAID.[160] The Task Force, intended to be time-limited, was guided by five commitments of leadership, transparency, feedback and complaints, participation and design, and monitoring and evaluation.[161] The Protection Mainstreaming Task Team within the Global Protection Cluster identified four key principles that should inform all humanitarian action including in relation to accountability, participation and empowerment. These share significant conceptual overlap with AAP commitments. As set out in IASC policy statement in 2005 and 2013, protection mainstreaming, and by extension AAP principles, are the responsibility of all humanitarian actors including all cluster coordinators.

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157 Among aid providers and between aid providers and the government.

158 The current status of the people-centred initiative from OCHA is unclear though early iterations largely mirrored the GPC protection mainstreaming principles.

159 Brown D. and Donini A., *Op. cit.* Figures 1 and 2 http://www.alnap.org/resource/12859

160 Prior to this it was a sub-working group of the IASC Inter-Cluster Working Group and as part of the Transformative Agenda brought together its members to tangibly and operationally address AAP issues. http://goo.gl/wVIfqT

161 http://goo.gl/6gIRjp

Despite the multiple initiatives, and increased use of accountability jargon in SRPs, proposals and external advocacy, the basic premise of engaging affected populations in two-way information-sharing on decisions affecting their well being, from the beginning to the end of an intervention, remains largely aspirational. Evidence collected through consultations with recent arrivals from Syria in Jordan and Turkey demonstrated that none of those consulted had received assistance inside Syria or knew how to complain about the processes preventing their access to such assistance. Similarly, in Myanmar the extent to which organisations involved the affected population varied significantly. Some organisations did strive to systematically engage with affected populations using relevant feedback and communication mechanisms throughout the response. Others failed to identify perceptions on threats or what coping mechanisms had been used and treated them as passive victims of the crisis.[162] Organisations generally use participatory approaches during assessments but fail to maintain participation and feedback throughout the programme cycle. In South Sudan, significant NGO interaction with the PoC camp residents occurred with interesting initiatives being introduced for youth groups for example, but the PoC camp residents only represent some eight per cent of all those who are internally displaced, a fraction of the overall humanitarian caseload.

The Philippines Operational Peer Review[163] noted that it was the "first crisis where there was collective attention placed on accountability to affected people and communicating with communities albeit with mixed success."[164] The Operational Peer Review concluded that international humanitarian actors needed improved understanding of the local context and communication channels. It further found that the Protection Cluster, in different operational hubs, had played a "proactive role in helping international responders to be more accountable to affected people," and that this should be replicated in other contexts. However, the potentially duplicative and interdependent nature of the AAP and Communicating with Communities approach was captured in a joint review undertaken by both initiatives and in the Emergency Director's Group AAP plan of activities for the Haiyan response.[165] It is the view of the research team that less is more and such initiatives should be streamlined to ensure cohesive messaging and maximise efficient use of resources. Such initiatives should also ensure consistent and cohesive approaches with the work of the PMTT and protection mainstreaming approaches at the field level. There were positive indications on this collaboration at the time of writing. System level tools and approaches on AAP appear to be lacking despite the existence of a dedicated IASC Task Team.

11.2 Preventing Sexual Exploitation and Abuse

While the merging of the PSEA Task Team with AAP helped reduce some duplications, there are concerns that since PSEA is the most serious AAP issue, with potential criminal and disciplinary implications, it does require a specialised approach including confidential complaints and investigations procedures at both the system and individual agency level. In one field mission context, a stakeholder identified and provided what was considered to be credible evidence of PSEA by UN personnel to senior UN officials.[166] Prior attempts to have the problem addressed at the system level were, reportedly, unsuccessful. Apparently, there was no effective or clear system in place to lodge complaints that are addressed in a timely fashion. The need for confidentiality can present a potential smokescreen for inaction; given the UN's questionable performance in this area, as witnessed in the past and reported more recently,[167] there are credible concerns about the UN's capacity to deliver on its PSEA, and by extension HRUF, commitments.[168] Individuals who

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[162] As noted in the DFID Humanitarian Emergency Response Review (HERR) 2011, p.38: *"The paradigm is still viewing the affected population too much as what economist JulianLe Grand has called "pawns" (passive individuals) and the international community as "knights" (extreme altruists)".*

[163] The 2014 South Sudan Operational Peer Review found "there was broad recognition that not enough was being done to advance collective accountability to affected people but there was a general desire to improve in this area." p.14.

[164] Operational Peer Review, Internal Report: Response to Typhoon Haiyan in the Philippines, February 2014, pp. 12-13.

[165] Emergency Director's Group – Haiyan Response Planning for AAP Actions – Final. http://goo.gl/xHVF1i

[166] Research data.

[167] http://goo.gl/H2eBya

[168] http://goo.gl/bsTqkO

raise what they consider to be credible PSEA concerns require procedural and human resource safeguards that allow them to do so while taking account of the need for independent and confidential investigation procedures. There is more to be done to advance the rhetoric on the UN SG's zero tolerance policy. Due consideration should be given to strengthening the current UN Ombudsperson's values, ethics and standards mandate or, alternatively, consider identifying an alternative credible and independent mechanism given the UN's poor performance in this area.

11.3 Relationship with local, self-protection measures

AAP principles are important for all humanitarian actors but they are particularly important for effective protection responses. Given the nature of protection risks and threats, assessments rely on participatory methods including consulting members of the affected population to understand their needs, capacities and coping strategies. However, across the crisis settings reviewed, the system appears to largely ignore individual and community self-protection coping strategies. Often, there is passing references to self-protection practices in SRPs but with little or no evidence of meaningful analysis of local coping mechanisms or of strategic support from the humanitarian system. The overstating of the importance of humanitarian actors and limited understanding of the critical role of individuals and communities in their own survival is dangerous. Given that international protective presence on the ground is increasingly limited or absent, the system needs to better understand, and provide practical support to, self-protection measures where possible. This involves early identification of coping strategies, factoring them into analysis and supporting them when appropriate to do so. This will require a shift in partnering approaches, including more simplified funding and risk management processes. It also requires early identification of emerging changes including the expansion of local, community-based organisations or networks in crisis environments.

11.4 Operationalise AAP commitments

The solution is not in duplicative initiatives but rather the systematic implementation of AAP commitments and streamlining of existing initiatives. The Core Humanitarian Standard initiative is a welcome one and should provide a helpful standard and tool to guide system level AAP activities.[169] Given the time bound nature of the AAP Task Team, Protection Mainstreaming presents an existing platform for minimum good programming practices to be systematised. While the Protection Cluster may have played an important role in the past, protection mainstreaming, including AAP, are the responsibility of all humanitarian actors who need to invest in their own internal dedicated resources to ensure this happens in practice.[170] To this end it is recommended that other sector representatives, in coordination with the PMTT, finalise their own tools that include minimum accountability and participation commitments and systematise these throughout their sectors, and adapt as appropriate for their individual agencies. In terms of support from donor states and organisations, there is a need to factor sufficient flexibility into project agreements to facilitate the need to change course during implementation to adjust to issues that arise in the course of consultations.

[169] Also known as the Joint Standards Initiative: http://www.jointstandards.org/news/CHS

[170] *Minimum Inter-Agency Standards for Protection Mainstreaming,* Lessons Learned Annex, 2012, pp.140-154.

12
RESOURCE ALLOCATION

12.1 Funding practices

There are several concurrent narratives that each, in part, explain the funding challenges experienced by the Protection Cluster. The first relates to the gap between theory and practice in prioritisation of protection in appeals and by donors. "It is always funded to a lesser extent than the sectors perceived to be more life-saving (food, shelter, WASH, health)."[171] Further, due to the "lack of simple conceptual framework"[172] "donors have difficulties with the opacity and technicality of protection and protection language, so fund more easily understood clusters."[173] A donor in a field setting noted that the small percentage allocated to protection was largely due to low engagement from the protection cluster and also the will and capacity of the individual donor staff on the ground.[174]

There is also the issue of "poor internal allocations and resourcing."[175] Agencies undertake internal prioritisation processes that work against dedicated protection programming being prioritised. Several non-mandated agencies and funding mechanisms consider protection mainstreaming as the entirety of the humanitarian response required and also include such programming in their protection funding allocations.[176] When protection mainstreaming is counted as an element of protection funding it disguises the generally low percentage of humanitarian funding allocated to interventions geared to stand-alone activities including those designed to reduce risks or remedy their effects.

Donors have expressed concerns over the quality of protection projects including those that fail to demonstrate results-based intervention logic or actual outcomes.[177] This is due, in part, to the nature of protection work not fitting neatly into standard log-frames, the nature of protection interventions[178] and the lack of investment from the sector. The 2015 InterAction Results-Based Protection initiative[179] is a positive development geared to addressing this challenge. Protection projects are human resource intensive. Quality protection interventions require dedicated human resources and strong capacity building components for national staff. As humanitarian donors tend to favour visible hardware

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171 Murray, J. and Landry, J., *op. cit.,* p.7.

172 *Ibid,* pp.7 and 42.

173 Interview data.

174 Research data (DRC).

175 Interview data.

176 Interview data and Murray, J. & Landry, J., *op. cit.* p.5.

177 Murray, J. and Landry, J., *op. cit.* p.7.

178 Key reasons documented by GPPi Scoping Study 2013 include that protection outcomes are less amenable to quantification than the provision of goods and services, disclosing sensitive information on protection interventions can have negative operational consequences and collecting data can put affected populations at risk, p.34.

179 http://www.interaction.org/work/results-based-protection

interventions, there needs to be a mind-set shift in this connection. The humanitarian sector needs to invest in developing and maintaining sufficient quality human resource capacity and ensure internal funding prioritisation processes that provide for dedicated protection interventions as well as mainstreaming.

Despite national NGOs generally having greater access to populations at risk, their programming is often constrained by processes and attitudes that restrict their access to direct funds and increase transaction costs for donors. National NGO access to pooled funding mechanisms, including appeals, is a minimum good practice example noted in the Occupied Palestinian Territories, DRC and Syria however this needs to be expanded across other responses and investments made to facilitate their meaningful access to a greater share of these funds.

There is a need for greater cooperation between humanitarian and development actors on protection strategies, programming and mobilisation of resources. Humanitarian actors need to identify and build synergies with development actors that are working on and are better positioned to address environment-building activities. As the 2013 GPC study on *Placing protection at the centre of humanitarian action* funding highlighted, protection problems often have roots outside the emergency with many protection risks influenced by pre-existing socio-economic, political, cultural and historical factors.[180] Chronic problems are often beyond the scope and capacity of humanitarian action and are best addressed in the development or environment building domain.[181] For the Protection Cluster to contribute to the realisation of protection outcomes, coordinated action is needed to maximise synergies, with development actors working to address structural inequalities and rule of law deficits that exacerbate protection problems in crisis settings. If conceptual barriers can be addressed, and sufficient internal UN and member state donor flexibility provided, there is considerable potential funding available from development sources.[182] UNICEF for example takes an integrated humanitarian-development programme and funding approach to their child protection work.[183] Finally, despite important findings on how to improve the system for protection funding, there is limited evidence of any follow up on the recommendations from the GPC commissioned funding study in 2013.

Given that the majority of crises are protracted[184] and interventions need to look at strengthening the broader protective environment at the same time as responding to immediate and remedial needs, donors, including UN agencies, and appeals should consider strengthened humanitarian-development partnerships and multi year funding options for protection and related capacity-building interventions. As one donor noted, it often takes three months to issue a contract, three months for wrapping up and reporting, leaving six months for implementation to address complex, multi-faceted and deeply rooted protection challenges. The current practice of three and six month project funding for one UN agencies partners is not conducive to protection outcomes.[185] The current preferences of some western donors to fund large entities to reduce partnering risks and contract management costs is not conducive to creative or sustainable approaches. Also, it increases transaction costs when such partners inevitably sub-contract to INGO or national NGO partners. There is a need to ensure strengthened humanitarian-development partnership and coordination on protection through better utilising existing in-country resources including civil society networks, clearer division of roles and responsibilities in relation to environment building activities and more efficient use of respective resources to deliver outcomes.

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180 Murray, J., Landry J. *op. cit.* p.27.

181 *Ibid.*

182 *Ibid.*

183 *Ibid,* p.29.

184 The average amount of time IDPs spend displaced is 17 years according to NRC quoted in Brookings http://goo.gl/ippZkl Further, over 80 per cent of aid in fragile states is non-humanitarian, which includes many protracted protection crises such as DRC, Afghanistan etc. OECD (2013) – see Murray, J., Landry J., *op. cit.* p.27.

185 Interview data.

12.2 Human resources

The GPC suffers from a lack of investment by UNHCR. The GPC Support Cell (GPC SC) is staffed by one P4 and two stand-by partner secondees, tasked with the responsibility of providing guidance and technical support to the GPC Coordinator and field clusters.[186] Human resources at the GPC SC and Field Protection Cluster Coordinator level need dedicated training that strengthens their leadership, vision and partnership skills.[187] This lack of investment at the global level is also reflected at the field and individual agency level.[188] Protection responses are heavily reliant on Stand-by Roster resources,[189] which present challenges for the sustainability and quality of interventions and the individuals themselves.[190] While all humanitarian work is challenging, protection work is arguably more so, due to conceptual challenges in measuring 'change' and buy in from broader response, which is compounded by poor human resource policies that provide inadequate mentoring for junior staff, lack of systematised staff care and poor career options.[191]

Rosters such as ProCap and GenCap were intended to be short-term, capacity-building initiatives, while UN agencies developed and maintained senior, technical, in-house expertise. This has not happened. The demonstrable value of ProCap and GenCap deployments is clear,[192] though the lack of agency ownership and institutional interests has prevented the full realisation of their potential. Further, the continued funding and use of various roster resources has dis-incentivised the UN from addressing systemic challenges in prioritising protection at the senior level and individual UN agencies from addressing within their own human resource systems.

In terms of sustainability at the system level, dedicated protection mainstreaming capacity within OCHA is required due to the high turnover of staff across responses and heavy reliance on national partners. Similarly, all sectors and non-protection specific mandated agencies need to invest in sufficient human resources and capacity building activities to meet their protection mainstreaming responsibilities.[193]

Finally, for the HRUF initiative to be credible, human resource policy and practise needs to be strengthened to avoid penalising those who raise concerns or challenge individual agency or system level leadership that plays down violations of IHL and IHRL including in relation to allegations of PSEA.[194]

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186 Interview data.

187 Noting measures are being taken to address this, though further work is needed.

188 According to several senior interviewees, there is less dedicated capacity than 10 years ago.

189 Including but not limited to RedR, NRC, DRC and senior deployments through ProCap and GenCap.

190 As noted by an interviewee, the protection sector "relies excessively on short-term roster deployments, often recycling roster deployees through the same protection positions for years on end, resulting in high staff turnover, low sustainability of interventions, low institutional knowledge and poor career stream options for staff."

191 Interview data.

192 From both the evaluation and several interviews: http://goo.gl/376zEL

193 *Minimum Inter-Agency Standards for Protection Mainstreaming,* Lessons Learned Annex, 2012, pp.140-154.

194 Several interviewees flagged this as a key issue they had observed or experienced in the field.

13 CONCLUSIONS AND RECOMMENDATIONS

The following summary conclusions and recommendations should be considered when developing the forthcoming IASC policy on protection. These conclusions and recommendations are based on the findings presented in the main body of this report.

13.1 Explanatory Note: Operationalising the IASC protection definition

The official IASC definition is very broad and does not facilitate a clear, operational and robust system level approach to protection deficits. It is interpreted, by humanitarian actors and other stakeholders, in many different ways. The absence of a common understanding of the official IASC definition contributes to dysfunctional approaches that fail to identify, at the system level, the diverse range of actions required, including challenging imminent threats to life for at-risk populations. This further inhibits system-wide analysis, development of contextualised strategic approaches to protection issues, and undermines collaboration and identification of complementarities with other stakeholders.

Recommendation:

The *existing* IASC definition should be unpacked so that it is accessible to all humanitarian actors and other stakeholders. It is not about engaging wordsmiths in this task although language is important. It is about addressing the need for an operational explanation of humanitarian protection responsibilities and what this means in practice.

An Explanatory Note on the formal IASC protection definition should constitute a first step in the development of the IASC Protection Policy. The Explanatory Note and related IASC Policy should reduce a significant disconnect that exists between inter-agency headquarters' policy tools and field realities. It is critical that field level input and ownership are central to the development of the IASC protection policy. This means that the process should not be a top-down, headquarters driven exercise. The IASC policy should spell out core principles, approaches, roles and responsibilities within and beyond the humanitarian system as well as the elements critical to a robust, strategic response. The proposed content of the Explanatory Note is outlined below.

Core principles/approaches

- Affirm the primacy of the humanitarian imperative and humanitarian principles including in the context of relationships with other stakeholders;
- Affirm that coordinated strategic action on protection by the humanitarian system requires three critical elements:
  i. Dedicated protection activities to address specific concerns;
  ii. Mainstreaming protection through all sectors; and
  iii. An overarching strategic approach from the HC and HCT.
- Individual and community *self-protection* measures and coping mechanisms: timely and sustained communication and collaboration with affected and at-risk populations is critical to effective analysis and response and must be central to protection in practice. Where access is limited, new technologies and innovative approaches should be explored;
- Humanitarian protection responsibilities relate to all those in need of humanitarian action whatever their status or circumstances: a *whole of caseload approach* requires attention to all at-risk groups and individuals in the context of a strategic, coordinated approach that identifies an appropriate division of labour among all concerned stakeholders (see Recommendation 13.5.1);
- Humanitarians have a responsibility to help safeguard the safety, physical integrity and dignity of at-risk individuals and communities. The Note should explain what this means in terms of analysis and an overarching strategic approach throughout the programme cycle; this also refers to preparedness and contingency planning as well as activities in post disaster and transition environments;
- Timely joint *assessments and analysis* based on early warning, information management mechanisms and secondary data where necessary must be the basis for strategic prioritisation; this includes real-time information on the factors that shape the decisions and coping mechanisms of those at greatest risk (see Recommendation 13.5.2);
- Strategic and timely evidence based advocacy must be undertaken with key stakeholders and parties to conflict including NSAAs;
- *Synergies* must be sought and articulated with other stakeholders including local and national authorities as well as human rights, development, diplomatic and UN peacekeeping and other entities/ constituencies.

Robust response

The forthcoming IASC policy should summarise the roles of different actors responsible for identifying key protection deficits and patterns of harm and the measures needed to address them. Context specific analysis should determine the nature and scope of a robust, strategic response to threats that endanger at-risk groups. Following are some indicative examples for the Explanatory Note:

- Preventive measures (such as early warning and early action or mine awareness);
- Responsive actions, for example, proactive presence by humanitarians or others, monitoring and reporting IHL and IHRL violations, advocacy campaigns in response to identified patterns of harm such as threats posed by landmines, early marriage, sexual violence including PSEA, or the direct impact of war on civilians;
- Remedial actions, for example, Mental Health and Psychosocial Support, legal information and advice on housing, land and property and documentation;
- Environment building, for example, strong collaboration and/or coordination with development actors on civil society capacity development and rule of law initiatives, and social protection measures (see Recommendation 13.7)

- The HC and HCT must ensure that protection considerations inform the overarching humanitarian strategy;
- All clusters and sectors must routinely mainstream protection principles, including those related to AAP, in all decision-making and programming (see Recommendations 13.4.3; 13.6); and
- Dedicated steps to secure and measure system level protection outcomes, as outlined in Recommendation 13.5.3, must be spelled out.

13.2 Broaden and Invest in Partnerships with Global South Actors

There has been a significant increase in the number of government, national NGO and civil society actors involved in different aspects of humanitarian action in the Global South. This positive trend needs to be acknowledged in a meaningful manner to secure mutual and beneficial partnerships between institutionalised, predominantly "of the North" humanitarian frameworks and emerging or established actors from middle income and crisis-affected countries. Pertinent issues have been reviewed in this report in relation, for example, to a changing global order, the critical role of citizens and civil society groups when confronted with life-endangering threats in disasters and other crisis settings, and the crucial importance of rebalancing relationships between Global South actors and the formal humanitarian system.

Recommendation:

The IASC, with the support of the GPC, needs to develop a strategic campaign to mobilise global public opinion and facilitate citizen engagement in generating support for core humanitarian values. Action should be taken to:

- Broaden and deepen the IASC's partnerships with Global South actors including, but not only, in the context of the 2016 World Humanitarian Summit, with the objective of fostering dialogue on the future of humanitarian action and with particular attention to trends that serve to enhance or undermine the safety, dignity and well being of at-risk groups in crisis settings;
- Support the mobilisation of resources to invest in the capacity-building of local and national humanitarian NGOs and Global South civil society actors, to address protection concerns both in the context of pre-crisis preparedness measures and in the response, recovery and transition phases of the humanitarian programme cycle; and
- Develop policy positions and advocacy agendas, in collaboration with Global South actors, to mobilise and support public opinion in favour of action geared to enhancing the protection of at-risk groups in particular crisis contexts, as well as on thematic concerns such as indiscriminate warfare that exact a high human cost.

13.3 Humanitarians and Human Rights Up Front

There is a lot of goodwill and interest among humanitarians vis-à-vis initiatives that have the potential of enhancing the protection of at–risk populations. Given the absence, as of May 2015, of a publicly available Action Plan, and the lack of robust consultation and dialogue with concerned actors, particularly in crisis settings, it is not realistic to propose detailed measures to generate synergies between the humanitarian system and the HRUF agenda at this stage.

Recommendation

In order to engage with, and facilitate the buy-in of humanitarian actors, it is recommended that the HRUF secretariat and other actors as appropriate:

- Make a concerted effort to reach out and engage with the different humanitarian constituencies beyond the UN system, including in particular national civil society actors that development actors often work closely with, in order to benefit from their insights and experience and to explain the added value of the HRUF initiative;
- Clarify conceptual and practical differences, as well as complementarities, between HRUF and, for example, the UN SG's Zero Tolerance Policy on Sexual Exploitation and Abuse, the UN's human rights Due Diligence policy,[195] Responsibility to Protect and other anti-atrocity agendas; and clarify how it is envisaged that UN personnel will give effect to their core human rights responsibilities particularly given the challenges with realising PSEA commitments;
- Acknowledge the significance of complementarities and differences between IHL and IHRL and, similarly, the cultural roots that support respect for fundamental norms in crisis settings;[196]
- Support humanitarian actors in the development of guidance that will help them give effect to the HRUF agenda or particular aspects thereof. Guidance should address tensions on issues such as humanitarian access in the context of wilful harm to civilians, and anti-impunity initiatives to counter mass atrocity crimes and other egregious human rights violations;
- Consult humanitarian actors as appropriate, in the preparation of regular HRUF related analyses of trends that shape or influence prevailing or potential human rights situations, with a view to facilitating the identification and prioritisation of issues or circumstances that endanger at-risk communities;
- In developing a common information management system on violations of IHL and IHRL, linked to early warning and early action, consider the appropriateness of an independent organisation similar to the Internal Displacement Monitoring Centre or the Assessment Capacities Project;
- Support the development of a protocol(s) to facilitate information management on IHL and IHRL matters so that issues of confidentiality are addressed; the UN SCR 1612 and UN SCR 1960 on Monitoring, Reporting and Analysis Arrangements can provide helpful lessons and guidance in this regard; and
- Review, in collaboration with all concerned UN entities, institutional policy and procedures so that staff members who take a proactive stance on contentious protection-related issues, including in reference to PSEA, can raise concerns to appropriate decision-makers and are not penalised for doing so.

13.4 Strategic Approach: Leadership, Prioritisation, Coordination

A strategic, protection-oriented approach to humanitarian action should be standard system practice both in the field and in the support provided by, and measures taken at, the headquarters level. Incentives for proactive, assertive action are not sufficiently identified or cultivated beyond policy statements. HC and HCT performance on protection is not systematically assessed nor addressed. In the absence of empowered, field level humanitarian leadership, capable of formulating appropriate and strategic approaches to patterns of harm that endanger lives, the humanitarian system is condemned to persist with perspectives and practices that are not conducive to the realisation of protection outcomes.

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[195] Formulated by the UNSG in 2013, this policy aims to prevent UN support to state and NSAA associated with grave violations of international humanitarian, human rights and refugee law.

[196] See International Legal Protection of Human Rights in Armed Conflict, OHCHR, New York and Geneva, 2011. http://goo.gl/Fd5tkg

The general lack of strategic approaches to protection can be attributed, in part, to the lack of readily available expertise to make protection central to overall analysis and strategy development. In addition, our findings show that coordination processes are time consuming, self-referential and not conducive to effective outcomes. To a large extent, strategies or work plans focus on remedial responses. Research also found that Cluster effectiveness is significantly enhanced through I/NGO co-leadership.

Recommendation

13.4.1 Leadership

To give effect to the IASC Statement on the Centrality of Protection and HRUF commitments, steps must be taken to empower and hold the HC and HCT to account; this includes strengthening the availability of dedicated protection expertise and protection coordination arrangements. Specifically:

- At the headquarters level, the ERC, IASC, Emergency Directors and GPC Task Team should ensure that the forthcoming IASC protection policy articulates key stakeholder roles, responsibilities and accountabilities including in relation to leadership;
- When appointing HCs, the ERC and the IASC must systematically ensure that they have a suitable humanitarian background, relevant experience and routinely undertake specific training on regular and new concerns pertinent to leadership on protection matters;
- At the field level, HCs and HCTs, with the support of the Senior Protection Officer (SPO) and other partners, should develop an overarching HCT humanitarian strategy that is protective. The strategy should be accompanied by an action plan with specific, measurable and time-bound objectives identifying desired outcomes and anticipated impact. In this sense, protection should be central to SRPs.

The ERC, and the IASC Principals should, in the coming months, identify key incentives for an assertive HC role on protection. OCHA, together with the GPC and other relevant stakeholders, should review existing guidance and ToRs for HCs taking into account the HRUF initiative as well as the identification of measurable outcome indicators. In this connection:

- All HCs and HCTs should be held to account for developing a protection analysis and overarching strategy, as well as means to monitor its implementation and impact;
- The ERC together with Emergency Directors should appraise the HC and HCT performance against defined protection outcomes on an annual basis. When the HC is performing poorly the ERC should directly intervene and take the necessary corrective measures to encourage better performance or seek a replacement when deemed necessary;
- The HC should not be triple-hatted in UN peacekeeping mission settings so s/he can adequately respond to humanitarian protection needs and preserve independence and neutrality; and
- HCs and HCTs should engage with the leadership of UN integrated missions so that there is a common understanding of what protection with the use of force looks like in practice and the implications of this for humanitarian action.

13.4.2 Dedicated Protection Capacity

A dedicated protection capacity, comprising at least one SPO, at the P5 level or above, should be established in the HC's office. The SPO should report directly to the HC and be a member of the HCT.

The SPO should:

- Provide sound and timely analysis of threats and drivers of risk that undermine the safety and dignity of the humanitarian caseload, drawing, inter alia, on the work of the Protection Cluster;
- Ensure that protection strategies are informed by, and where appropriate help to strengthen, the coping mechanisms of affected populations;
- Advise the HC and the HCT on all protection matters drawing on the work of the Protection Cluster and, as appropriate, other actors such as the ICRC, OHCHR, UNSC, DPA, UN peacekeeping missions and others engaged in protection;
- Support and guide the development of a strategic vision, in collaboration with key stakeholders, so that there is system-wide clarity on the nature and severity of life-endangering, as well as other threats, and the systemic approaches to address them;
- Monitor and report regularly to the HC/HCT on the implementation of the system-wide protection strategy and recommend adjustments as new threats arise or the situation evolves;
- Maintain a close working relationship with the Protection Cluster co-leads, while remaining distinct from the Protection Cluster, which should focus on measures to address protection concerns at the operational level; and
- Ensure that relevant issues identified by the protection and other clusters are brought to the attention of the HC/HCT and that HC/HCT decisions on such matters are disseminated as deemed appropriate at the capital and sub-national field level.

The SPO position should be staffed through competitive recruitment from a pool of UN agency/NGO/other candidates with relevant field experience in protection programming. The SPO could be deployed through a strengthened ProCap-type arrangement, an OHCHR rapid deployment mechanism or via OCHA/UNDP. The SPO should be appointed for a minimum of one, preferably two, year's duration. Once an SPO is deployed, the functions of the Protection Cluster should be re-focused on the coordination of protection services for preventative, responsive and remedial actions, other protection activities, environment building and the identification of issues for strategic advocacy.

13.4.3 Coordination at global and field level

100 per cent of the GPC Coordinator's time should be dedicated to leadership of, and support to the Protection Cluster system; this means delinking this role from functions that are the responsibility of UNHCR's Division of International Protection. The staffing of the GPC Support Cell should include a representative balance of INGO and UN staff dedicated to supporting protection clusters in the field. More specifically:

- The GPC Support Cell should ensure consistent provision of support to all Protection Cluster coordinators regardless of agency affiliation;
- UN and NGO Co-Leadership of the Protection Cluster at the global and field level should become standardised practice based on Partnership Principles and given immediate effect; donors should support this practice;
- Protection Clusters should work closely with and regularly report to the SPO in the identification of threats, the analysis and prioritisation of same, as well as support the development of an overarching, protective, humanitarian strategy;
- Areas of Responsibility, with the support of the GPC, need to be better integrated into an overall, agreed approach at the global and field level while retaining sufficient *flexibility* to coordinate pro-actively their specialised activities;

- Standard Operating Procedures should be developed in order to clarify roles, responsibilities, procedures and respective accountabilities between the Global Protection Cluster, the Areas of Responsibility and Task Teams at both headquarters and field level;
- In the forthcoming IASC protection policy, Cluster leadership and international and national NGO co-leadership roles and responsibilities as well as the role of OCHA and I-CC in relation to mainstreaming need to be clearly articulated both at the global and field level and measures taken to capacitate same; and
- The Global Cluster Coordination Group should agree on, and set a timeframe for, other clusters to invest resources to give effect to protection mainstreaming commitments and responsibilities, including finalising the development of cluster specific tools.

13.5 Coverage, Analysis and Response, Monitoring & Evaluation

The very structure of the humanitarian system fosters compartmentalised approaches to analysis that run counter to the development of a contextualised understanding of threats, coping mechanisms and needs. Category or status based approaches are detrimental to a holistic assessment; these can create new pockets of vulnerability and exacerbate tensions amongst affected populations. In situations such as Syria where the direct impact of the crisis affects crisis-affected groups across the region and beyond, parallel coordination frameworks effectively assume that leadership and protection issues can be addressed in silos; this can complicate or undermine the development of an overarching strategy and runs the risk of marginalising particular groups and protection concerns.

Protection assessments, in general, tend to be undertaken on an individual agency basis within a particular geographic area. Joint, multi-sector needs assessments continue to de-prioritise protection issues, which inhibits an early and comprehensive overview of priority protection concerns of affected populations and at-risk groups.

The absence of baseline data, coupled with other weaknesses such as the lack of, or poor intervention logic or shared measurement approaches, undermines the ability of the humanitarian system to monitor and evaluate the outcomes of protection-oriented initiatives.

Recommendation

13.5.1 Coverage: whole of caseload approach

To secure a holistic approach to the development of crisis analysis and needs assessment as a basis for the formulation of an overarching strategy and response that is geared to maximising and monitoring protection interventions, it is recommended that:

- To improve coverage, the forthcoming IASC protection policy should require the humanitarian system to adopt a *whole of caseload* approach that addresses contextualised risks, patterns of harm, and coping mechanisms of all at-risk groups and individuals;
- In situations of humanitarian concern, where the affected population is located in multiple, internal and trans-national locations, or is on the move between different locations, a "one caseload, one strategy, one appeal" approach should be instituted. Practically, this would require the appointment by the ERC/IASC of a senior HC responsible for developing a *whole of caseload* strategic response plan and appeal for the entire crisis-affected population with due reference to existing mechanisms for refugees and other at-risk groups including IDPs, the besieged and others at imminent risk.

13.5.2 Timely analysis and response strategies

The HC, HCT, OCHA and the PC, together with other key humanitarian stakeholders should regularly develop and update an overarching strategic approach to protection; this needs to go beyond box-ticking SRP processes and be informed by timely analysis of evolving threats and patterns of harm through consistent:

- Inclusion of a ProCap Adviser and/or Senior Protection Officer in future United Nations Disaster Assessment and Coordination missions as well as revision of relevant Standard Operating Procedures to this effect;
- Inclusion of protection considerations throughout multi-sector assessments including the Multi-Sector Initial Rapid Assessment (MIRA);
- Generation of timely analysis based on early warning and information management mechanisms, and until a common information system on violations of IHL and IHRL is developed, draw on existing UN SCR 1612 and 1960 monitoring mechanisms, conflict analysis, and human rights analysis from OHCHR, Special Rapporteurs and Representatives and international and national human rights NGOs;
- Identification of achievable protection objectives including an overarching strategic approach at the HCT level, strategic advocacy and, dedicated protection and mainstreaming programming; such strategies should further identify how each humanitarian actor contributes to achieve them and complementarities required with other stakeholders such as development, political and peacekeeping;
- Identification of human and financial resources and necessary budget prioritisation that are required to achieve identified objectives; and
- Review of performance against agreed outcome indicators and targets as well as quarterly reports to the HC at the country level and ERC.

13.5.3 Monitoring and Evaluation

The IASC Policy on Protection should provide minimum level guidance on monitoring and evaluation in order to facilitate the measurement of protection outcomes. To this end:

- The IASC and GPC Task Team should develop a results-oriented approach to protection that identifies intended outcomes at the strategic and operational levels taking account of Recommendation 13.1;
- Key humanitarian actors at the field level including the HCT, PC, I-CC and other cluster leads, with technical support from the GPC, should develop and use joint monitoring and evaluation frameworks and outcome measurement tools to review performance and identify corrective measures for dedicated protection initiatives, protection mainstreaming and system-level strategies (see Recommendation 13.1. Core principles/approaches);
- Key humanitarian actors including the GPC, PCs and member state donors should develop a common approach to determining protection outcomes, including outcome mapping and theory of change methods, to measure strategic and operational protection outcomes;
- To improve learning and accountability, GPC, donors, I/NGO consortiums and other key actors including ALNAP should regularly distil and share key lessons learned in relation to protection outcomes and impact measurement.

13.6 Strengthened Accountability to Affected Populations

Despite a proliferation of initiatives, collective accountability to affected populations remains low.

Recommendation:

At the global and field level, approaches, methods and tools for systematising Accountability to Affected Populations, should be finalised by the AAP Task Team and consistently implemented by OCHA and the I-CC mechanisms at the field level. More specifically:

- Global accountability tools and guidance inclusive of PSEA mechanisms, including victim-accessible complaints procedures, assistance services, and timely investigation of allegations should be finalised and disseminated by the AAP Task Team within the next 6-12 months;
- The AAP Task Team should provide technical support to facilitate consistent attention to AAP accountability concerns at the field level across different crisis settings;
- At the field level, OCHA and the I-CC should take the lead on system level accountability, ideally with an INGO or NGO co-chair, using the above mentioned tools and ensure complementarity with mainstreaming approaches;
- Individual agencies should adapt global level accountability tools and guidance to give meaningful effect to institutional AAP commitments;
- Systematic identification of and, where possible, support to, individual and community level coping strategies, by the protection sector and others humanitarian actors as appropriate; and
- The IASC should select AAP as the next thematic priority and the AAP Task Team should work with the PMTT to consolidate approaches and tools.

13.7 Resource allocation

Current financial and human resource approaches are not conducive to the realisation of protection outcomes. Effective protection interventions are often human resource intensive. Current protection funding practices including timeframes and prioritisation processes, as well as management of human resources, undermine programming and are detrimental to effective protection outcomes.

Recommendation:

Donors including member states, UN agencies and INGOs need to ensure that funding and human resource policies and practices are conducive to achieving protection outcomes by implementing the following actions:

- The IASC should develop a policy on minimum human resource standards to safeguard the rights of staff who are proactive on contentious protection issues; this includes raising concerns at the field and headquarters level;
- The IASC should also develop policies to strengthen training for staff at all levels as well as confidential complaints mechanisms including access to Ombudsperson capabilities and immunity provisions in the context of overall human resource policies;
- The IASC and GPC should commission an independent, system-wide audit of protection staffing within the next six months to determine current UN and INGO practices including excessive reliance on roster resources, identify recommendations for strengthening internal agency capacity, mentoring options for

emerging talent, better utilisation of ProCap and other resources and systematised staff care for all employees;

- OCHA and the GPC should identify measures so that national NGOs can secure regular access to humanitarian funding mechanisms;
- The IASC should engage with development actors to strengthen coordination between protection strategies and tools such as the UN Development Assistance Framework and the SRP;
- Donors including the UN, INGO and member states should review, and adapt their internal programme prioritisation processes so that resources provided for protection mainstreaming do not marginalise or undermine resource allocation for dedicated protection activities.

13.8 Implementation of Review recommendations

Finally, to ensure this Review and recommendations are acted upon:

1. The IASC should establish a management response matrix with clear roles, responsibilities, timeframes and deliverables by the GPC Task Team and the IASC;

2. The IASC should conduct a light, joint UN-INGO internal assessment of the status of implementation of these recommendations within 18 months of the issuance of this report; and

3. The IASC Working Group should monitor the implementation of the actions agreed as a result of this Review as well as the application of the forthcoming IASC Policy Statement on Protection and any plans or initiatives for its implementation. Initially, this should include a light annual joint review and a full independent evaluation within three to five years.

ANNEX A

TERMS OF REFERENCE

Independent "Whole of System" Review of Protection in Humanitarian Crises

Terms of Reference (23 April 2014)

Introduction

In October, 2013, the Inter-Agency Standing Committee (IASC) agreed to focus on "protection in humanitarian action" as a strategic priority for the period 2014-2016. The decision was motivated in part by the findings and recommendations of the Secretary General's Internal Review Panel on United Nations Actions in Sri Lanka (IRP Report), and the subsequent development and adoption by the United Nations (UN) of the Rights Up Front Action Plan.

The Action Plan emphasizes the imperative for the UN to protect people, wherever they may be, in accordance with their human rights and in a manner that prevents and responds to violations of international human rights and humanitarian law.

This same imperative lies at the core of humanitarian action. As the IASC Principals declared in their December 2013 Statement on the "Centrality of Protection in Humanitarian Action", "Protection of all persons affected and at risk must inform humanitarian decision-making and response, including engagement with States and non-state parties to conflict. It must be central to our preparedness efforts, as part of immediate and life-saving activities, and throughout the duration of humanitarian response and beyond."

To this end, on December 9th the IASC endorsed the following actions in its priority one-pager on Protection in Humanitarian Crises:

1. Urgently adopt the above-mentioned statement on protection in humanitarian crises, reaffirming the critical importance of protection and articulating expectations for the roles of different actors and their collaboration in this regard.

2. Consult the GPC on the commissioning and implementation of a whole-of-system review of protection in humanitarian crises.

3. In consultation with the GPC and building on the initial IASC Principals statement on protection and the findings of the whole-of-system review, develop and implement an appropriate and comprehensive policy framework on protection, including with a view to preventing and responding to violations of international human rights and international humanitarian law.

4. Ensure that IASC task teams and subsidiary bodies are aware of the [Rights Up Front] Plan of Action and take the necessary steps, with the support of the GPC, to implement those elements that relate to them.

The GPC has since convened a Task Team of GPC partners and interested representatives from IASC WG agencies to implement these actions, and has undertaken to make its expertise on protection available to the IASC Working Group.

The present terms of reference relate to point two above: the independent whole-of-system review of protection in humanitarian crises.

Context

Within the IASC, protection is broadly understood to "encompass all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights, humanitarian and refugee law)."[1]

This definition may be further elaborated in terms of different forms of intervention that can be undertaken to bring about protection outcomes, namely: *responsive action* intended to prevent, or ensure protection from, abuse and alleviate its immediate effects; *remedial action* to restore dignity and ensure well-being and recovery; and *environment building* to cultivate a social, cultural, institutional and legal environment conducive to respect for rights.

The primary responsibility for protection in humanitarian crises rests with the State concerned and, in situations of armed conflict, the State and non-State parties to the conflict. When these actors are unable or unwilling to fulfill this role, humanitarian actors may offer their services to prevent and alleviate suffering. The current humanitarian response in non-refugee emergencies is conducted within the framework of Humanitarian Reform and the Transformative Agenda, including through the cluster approach, which was adopted by the IASC in 2005 to ensure a more timely, predictable, effective and accountable international response to humanitarian emergencies.

Under the cluster approach, the United Nations High Commissioner for Refugees (UNHCR) is the lead of the Global Protection Cluster.[2] In addition, in complex emergency situations, such as armed conflicts, where there are high levels of displacement, UNHCR will normally have primary responsibility for leading the protection cluster or other protection coordination mechanism at the field level. In disasters or complex emergencies without significant displacement, the three core protection mandated agencies (UNHCR, the UN Children's Fund [UNICEF], and the Office of the High Commissioner for Human Rights [OHCHR]) will consult closely and, under the overall leadership of the Humanitarian Coordinator/Resident Coordinator, agree which agency, among the three, will assume the role of Cluster Lead Agency for protection. Other clusters also have important roles to play in ensuring protection, and inter-cluster cooperation is key to an effective protection response.

Protection cluster leads are accountable to the Humanitarian Coordinator (HC) for ensuring the effective and timely assessment and prevention of, and response to, protection concerns. However, effective protection is also dependent on the commitment and engagement of the broader humanitarian and UN leadership. Without timely and effective action from HCs, Humanitarian Country Teams (HCTs), and Special Representatives of the Secretary-General (where these exist within peacekeeping and political missions), the ability of the protection cluster to respond to and prevent violations of international human rights and humanitarian law will be severely hampered. Likewise, without the support of the Emergency Response Coordinator (ERC), IASC, and other headquarters-based entities, HCs and HCTs may find themselves unable to take action even when they have a clear understanding of what is needed.

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1 This definition was originally adopted at the 1999 ICRC Workshop on Protection that was the outcome of a series of workshops that brought together some 50 individuals from a range of humanitarian and human rights organizations and academic institutions. The definition was adopted and endorsed by the IASC later that year.

2 The GPC also includes four Areas of Responsibility (AoR) with different agency leads, namely: Child Protection (UNICEF); Gender-Based Violence (UNICEF and UNFPA); Land, Housing and Property (UN-Habitat); and, Mine Action (UNMAS).

Effective protection, however, is not dependent only on UN and NGO humanitarian organizations. In emergency settings, other entities, such as UN and regional peacekeeping and political missions, human rights mechanisms, as well as rights holders, national and local NGOs, and civil society groups, and the Red Cross/ Crescent all have crucial roles to play in achieving protection outcomes.

Multi-lateral entities, such as the Security Council and Human Rights Council, as well as Member States and donors are also critical in providing the political support, high level buy-in, and financial resources to support protection outcomes. The success of humanitarian actors in achieving effective protection depends heavily on their interactions with these other key actors.

Objective

The IRP report and other lessons learned exercises have shown that the international community, including the humanitarian community, continues to grapple with the challenge of systematically ensuring protection, including with a view to appropriately preventing and responding to violations of international human rights and humanitarian law.

In this light, the objective of this independent "whole of system" review is as follows:

> *To review the performance of the humanitarian system in achieving protection outcomes, with a view to identifying measures to ensure the centrality of protection in humanitarian action. This includes the humanitarian system's ability to prevent and respond to violations of international humanitarian and human rights law, inter alia by strengthening the roles of protection clusters[3] and other humanitarian actors, and their strategic and operational interactions with each other and with other key actors.*

Scope

This review is based around three key questions:

1. **What is the current humanitarian response system for protection and how is it intended to work?**
   a. What are the elements of the humanitarian system (e.g. roles, structures, relationships, mechanisms, and processes) that are designed to enable protection outcomes in non-refugee emergencies? How does the Rights Up Front Action Plan relate to humanitarian action?

2. **How is that system functioning in practice?**
   a. What is working and what is not? Why is this the case, and what are the implications for achieving protection outcomes? What are the challenges, lessons learned and good practices?

3. **What actions are needed to ensure more effective and consistent achievement of protection outcomes in the humanitarian system?**
   a. Are the current systems adequate if appropriately implemented, or what might need strengthening and how? What would be the necessary elements of a new IASC policy on protection? How can the wider humanitarian system complement the RUF Action Plan? What additional action is needed?

[3] The use of "protection clusters" in this context is understood to also include other protection coordination mechanisms that operate in locations where the cluster system is operational, but for reasons of political sensitivities or other contextual factors do not use the label of a "cluster."

The review will encompass the roles and responsibilities of all humanitarian actors (including those that self-identify as "protection actors" and those that do not), and other aspects of the humanitarian system, to protection outcomes. In doing so, it will examine the interaction between these actors and the broader UN system as well as with non-humanitarian stakeholders, including rights-holders, civil society, local authorities, States, and donors.

As a "whole-of-system" review, it will also examine all levels of response, from the field to headquarters. The review should consider systems and structures holistically, with equal consideration given to field challenges and systemic challenges at the global level.

Finally, in order to fully capitalize on the opportunities presented by the review, when considering recommendations for follow up, the consultants are encouraged to consider a broad range of actions. These could be minor, such as better defining protection in TORs, to more robust, such as addressing capacity gaps and relationships between actors.

The IASC Principals Statement of December 2013 provides a starting point to review and reflect on the performance of the humanitarian system to bring about enhanced protection. This statement, combined with existing protection standards and the Rights Up Front (RUF) Action Plan, can be a useful frame of reference when examining the questions above.

Methodology

The precise methodology and lines of inquiry for this review will be largely determined by the consultant, and it is expected that the development of the methodology will be one of the first tasks completed by the consultancy team. As a starting point however, it is anticipated that the review will involve four main phases centered on an initial desk review and by field research with related interviews. These two phases will each be followed by periods of consultation and consolidation of findings.

Phase 1: Desk Review

The desk review will form the foundation for the field missions and will include the following:

- A thorough mapping of how the humanitarian system is intended to respond to protection concerns (review of e.g. relevant roles, structures, relationships, mechanisms, and processes)
- Review of existing policies, studies, tools, or processes that aim to facilitate a more effective protection response
- Develop an understanding of the elements of the UN's Rights Up Front Plan of Action and how it relates to humanitarian action
- Telephone and in-person interviews with key informants at headquarters and field levels
- Preliminary identification of possible key areas for further examination, as well as identification of most relevant countries for field missions

Members of the GPC Task Team on Protection Priority will provide the consultants with relevant documentation so as to facilitate a more efficient and effective desk review process.

Phase 2: Consultations through the GPC Task Team

Consultation through the GPC Task Team will be organized upon completion of the desk review and prior to commencing field missions, including with a view to presenting the findings from the desk review and

discussing the suggested methodology for the next phases of the review. The GPC Task Team will facilitate broader consultations and input for this phase of the project with the GPC and IASC.

Phase 3: Field Missions and Related Consultations

Based on the findings of the desk review, the consultants will undertake a minimum of 3-4 field missions. It is possible that more than four missions may be needed if there is a clear value added or if there are areas which remain unclear.

To ensure a broad understanding of responses to protection, the review will examine protection systems and structures in a range of humanitarian contexts. These could include:

1. A sudden onset complex emergency or rapidly escalating armed conflict
2. A protracted conflict-related humanitarian crisis
3. A humanitarian response in an integrated mission context
4. A natural disaster
5. An L3 emergency

Given the likely constraints on the number of field missions, countries may have to be selected that fit more than one of the above contexts.

As an overarching approach, the consultants are encouraged to consult with as broad a range of stakeholders as possible. The intended scope of these consultations should be mapped out and planned during Phase I.

Phase 4: Consolidation

- Consultation through the GPC Task Team upon completion of the field missions and before commencing the final write-up of the final report. The GPC Task Team will again facilitate broader consultations and input for this phase of the project with the GPC and IASC
- Consolidating findings, recommendations and final report

The consultants may request additional opportunities to consult with the GPC Task Team during the course of the review.

Lastly, GPC Task Team members will provide the consultants with a list of experts to serve as an informal Reference Group. The group will be comprised of individuals from backgrounds not represented in the GPC Task Team, and could include persons with a broad range of expertise relevant to protection, such as former Humanitarian Coordinators, officials from the Department of Peacekeeping Operations, Special Rapporteurs of the Human Rights Council, academics, and others. The consultants may call upon the Reference Group for advice and guidance as and when needed throughout the review, and members of the reference group may also be invited to join the formal GPC Task Team consultations following the desk review and field missions. The consultants may request to have additional teleconferences or meetings with the group as a whole as needed.

Deliverables

The deliverables for this review follow the structure of the above listed phases, as follows:

1. Description of intended methodology for review, including desk review, field visits, and other consultations
2. Desk review:
   a. Overview of findings of desk review, including analysis of existing policy, studies, tools, processes, etc.
   b. Explanation of proposed countries for field visits
3. Presentation of desk review and consultation with the GPC Task Team
4. Written reports following each field visit
5. Final report, including:
   a. Executive summary and report on findings from desk review, interviews and field missions as outlined in this TOR.
   b. Recommendations on necessary elements for an IASC policy on protection
   c. Suggestions on how the IASC could support implementation of the Rights Up Front Action Plan in humanitarian action
   d. Recommendations for further action and change to enable better protection outcomes in the humanitarian system, including specific recommendations for improved performance of protection clusters and the broader humanitarian system.

Criteria for consultants

It is anticipated that a small team of 3-4 experienced individuals, including one team leader, are required to carry out this consultancy. The experience and background of these individuals should include:

- Minimum 10 years of direct program management and/or policy experience addressing protection issues in the humanitarian sector, including significant field work
- Thorough knowledge of the inter-agency humanitarian system, including clusters, humanitarian standards, and policies affecting humanitarian action
- Thorough knowledge and experience in the implementation of international humanitarian law, human rights law, and in the use of human rights frameworks and mechanisms within a humanitarian context
- Knowledge of international policy mechanisms on protection, including the role of the Security Council
- Expertise in qualitative research methodology
- At least one member of the consultancy team should be fluent in French
- Desirable: Familiarity with the Internal Review Panel Report (IRP) on Sri Lanka and the UN Rights Up Front Plan of Action

Management of the review

To be determined following further discussions with the GPC coordinator, Task Team, and contributing agencies.

ANNEX B

METHODOLOGY

- **Literature review** – a desk review of more than 280 documents including internal and publically available documents, websites, evaluations, policy studies and other publications from a variety of sources were reviewed.[4]
- **Interviews** – the team conducted 391 semi-structured individual interviews (SSI) and an additional 295 people participated in eight group discussions (GD) with member states including donors and humanitarian agencies. The team interviewed a range of IASC stakeholders, including representatives from UN agencies and programmes, the Red Cross/Crescent Movement, international and international non-governmental organisations (INGOs), national non-government organisations (NGOs), protection cluster and other sector leads, national and local government authorities, donors, think tanks, religious leaders and independent experts. Of these respondents, 53 per cent were women and 47 per cent were men. A list of interviewees is not provided in order to preserve confidentiality.
- **Consultations with Affected Populations** – Semi Structured Interviews (SSI) and Focus Group Discussions were held with over 250 people from affected groups including IDPs, newly arrived refugees and host populations. The interview guide is presented in Annex F.
- **Field observations** – between January and March 2015 the research team visited 6 countries in relation to three crisis settings, Myanmar, South Sudan and Syria (Syria, Jordan, Lebanon and Turkey). Observations were aimed primarily at reviewing the context and conditions in which different coordination and protection modalities were being implemented. Direct observations could not be made in the DRC due to the unforeseen illness of a team member resulting in the remote conduct of the mission. Please see Annex H for short *aide-mémoires* prepared for all four crises.
- **Online survey** – a survey was designed to gather perspectives on the characteristics of the humanitarian response system for protection, how that humanitarian system is functioning in practice and what actions are needed to achieve protection outcomes in the humanitarian system. Please see Annex D. In total 425 people completed the survey by answering all of the multiple-choice questions and 250 people provided responses to the qualitative questions.
- **Workshops with IASC stakeholders** – a series of workshops were held with stakeholders in Myanmar and South Sudan and in various field locations including Juba, Sittwe, Myitkyina and Yangon. Consultations on the draft of this report were held with the Humanitarian Liaison Working Group (HLWG) in Geneva and a consultation with the GPC Task Team on Protection Priority.
- **Internal workshop** – in addition to frequent skype meetings, the research team met in March 2015 to triangulate findings, agree on the structure of the report and draw up preliminary conclusions and recommendations.
- **Peer review process** – five peer reviewers from diverse and relevant backgrounds, details in Acknowledgments, were consulted for their insights and guidance in relation to our analysis and findings on the evidence collected and related recommendations.

[4] A selection of key documents together with those documents referred to in the Inception, Survey and Final reports are listed in Annex G Literature Reviewed.

ANNEX C

INCEPTION REPORT

Independent Whole of System Review of Protection in Humanitarian Crises Prepared by Niland-Polastro Independent Research Team

17 December, 2014 Geneva

1. Introduction

The independent "Whole of System Review" is focused on the performance of the humanitarian system's achievement of protection outcomes in disaster, complex emergency and armed conflict settings. This Review was initiated by the Global Protection Cluster (GPC), in collaboration with the 'Protection Priority' Task Team, in line with the IASC Principal's decision (December 2013) on the "Centrality of Protection in Humanitarian Action". The Terms of Reference (ToR) attached, Annex A, developed for this Review led to a bidding process that resulted in the selection of an independent research team. The independent research team was contracted in mid-September 2014 with funding assistance from the governments of Australia, Canada, Norway, the Republic of Korea, Switzerland and the United States. The present document constitutes the Inception Report for this Review.

2. Evolution of protection in the context of humanitarian action

Organized, dedicated initiatives to address protection concerns in the context of humanitarian action are a relatively new challenge for most relief actors with the exception of the International Committee of the Red Cross (ICRC) and the United Nations High Commissioner for Refugees (UNHCR). The definitive history of protection-oriented initiatives by humanitarians since the end of WWII, including the demise of the Cold War, has yet to be written. However, few will dispute that there was a significant shift in attitudes, policies and practices in the 1990s given a number of factors including changes in the geopolitical and humanitarian operating environments. As refugee flows lost their geo-strategic value, Internally Displaced Persons (IDPs) emerged as a population of concern. The adoption of UN General Assembly (UNGA) resolution 46/182 (1991), combined with a significant increase in the number of relief actors working inside war zones, as well as various inter-agency reform efforts have contributed to the architecture and *modus operandi* that define the current humanitarian system.[5]

[5] UN GA Resolution 46/182 established the position of Emergency Relief Coordinator and UN Under-Secretary General for Humanitarian Affairs. The Inter-Agency Standing Committee (IASC) was also established (June 1992) for coordination, policy development and decision-making involving UN and non-UN humanitarian partners including a number of Non-Governmental Organizations (NGO) coalitions. Actors such as the International Committee of the Red Cross, the International Red Cross Federation, the International Organization for Migration, the UN Office of the High Commissioner for Human Rights (OHCHR), and the Special Rapporteur on IDPs have standing invitations to participate in IASC fora. http://goo.gl/R7sxuP

Many practitioners and academics identify the ethnic cleansing associated with the Balkan wars, including Srebrenica, and the 1994 genocide in Rwanda as traumatizing, landmark events in the then emerging, inter-agency humanitarian protection landscape. These events compelled relief actors to re-consider their approach to life saving, particularly in settings where humanitarian norms were deliberately flouted by political and military strategies maximizing the suffering of civilians. The development of the IDP Guiding Principles from the early 1990s, with the encouragement of the then Human Rights Commission and their endorsement by the IASC in December 1999, also generated increased attention to the protection dimension of humanitarian action.

The lessons of Rwanda, including those articulated in an unprecedented Multi-Donor Evaluation, triggered or gave momentum to a raft of initiatives within and outside the humanitarian arena.[6] Initiatives by humanitarian actors, included greater attention to the issue of accountability, the development of IDP Guidelines and other tools including the Sphere standards, guidance materials and training manuals as well as the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief.

Defining Protection

The IASC has formally endorsed the definition of protection that resulted from a series of ICRC-convened seminars (1996-1999).

Protection was defined as *"all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights, humanitarian and refugee law). Human rights and humanitarian actors shall conduct these activities impartially and not on the basis of race, national or ethnic origin, language or gender".*

In 1999, the first UN Secretary General's (UNSG) report on the 'protection of civilians' (PoC) was presented to the UN Security Council (UNSC). Following this, the UNSC adopted its first resolution (1265) concerning the protection of civilians during armed conflict and the factors that contribute to conflict. This led to the development of a dedicated PoC agenda, the routine inclusion of civilian protection responsibilities in UN peace operation mandates, and greater attention to the international humanitarian (IHL) and human rights (HR) law responsibilities of warring parties.[7]

Changing realities, both in crisis environments and at the global political level, greatly influenced humanitarian agendas in the 1990s. The attacks of 11 September 2001, the launch of the Global War on Terror (GWOT), and the implications of both events for international peace and security have impacted on the role and effectiveness of humanitarian action. Many crisis settings have become more dangerous and deadly for those who are directly affected and for humanitarian actors struggling to give effect to the humanitarian imperative. The inter-agency humanitarian reform agenda initiated in 2005 and further refined by the Transformative Agenda in 2011 are widely seen as important initiatives to strengthen the overall effectiveness of the formal relief enterprise. Both initiatives include increased commitment to addressing protection problems that endanger or undermine the safety and dignity of at-risk populations. More recently, the findings of the UN Secretary General's Internal Review Panel (IRP) on United Nations Actions in Sri Lanka and the "subsequent development and adoption" by the UN of the "Rights Up Front Action Plan" point to increasing awareness of the centrality of protection to humanitarian action.[8]

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6 Officially known as the Joint Evaluation of Emergency Assistance to Rwanda (JEEAR), launched at the end of 1994 (published March 1996) it involved a broad swathe of stakeholders including Organization for Economic Cooperation and Development (OECD) donor agencies, OECD's Development Assistance Committee (DAC), the European Union, various UN entities, the Red Cross Movement and five international NGOs.

7 The first UN Security Council resolution (1270) that included an explicit responsibility "to afford protection to civilians under imminent threat of physical violence" was adopted in October 1999 for the UNAMSIL Blue Beret mission in Sierra Leone.

8 Terms of Reference. (2014). *Independent "Whole of System" Review of Protection in Humanitarian Crisis.* Global Protection Cluster, Geneva p1.

Beyond the humanitarian community, human rights, development, diplomatic and military (UN and regional) actors have pursued measures to secure respect for international law and address the root causes of crises in order to enhance the protection of disaster and conflict-affected populations in the immediate or longer term. A broad range of activities aimed at strengthening the normative framework, the physical safety of at-risk groups, and promotion of good practice include, for example, the Treaty to ban the use of anti-personnel mines (1999); UNSC resolution 1325 (2000) on women, peace, and security; Good Humanitarian Donorship principles (2003); UNSC resolution 1612 (2005) on children in armed conflict; the decision (2004) of the UN Human Rights Council to establish the post of Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs); and the Responsibility to Protect (R2P) agenda adopted at the 2005 (UN) World Summit.

Disasters associated with natural hazard events are an issue of significant concern given the number of people affected and the repercussions for the built environment and development in general. Although the number of recorded disasters in 2013 was less than "the average annual disaster frequency observed from 2001 to 2011" and represented "a decrease in associated human impacts"; 21,610 people were killed and 96.5 million people were affected by disasters in 2013 according to the Centre for Research on the Epidemiology of Disasters.[9] Importantly, there have been significant advances in understanding the relationship between population density, preparedness and the calamitous effects of climate-related and other disasters. There is also a greater appreciation than before for the role of those directly affected as first responders, and the crucial importance of working with, and strengthening the capacity of relevant national and local authorities.

Protection-related threats in disaster settings tend to be associated with the nature and magnitude of the calamity coupled with pre-existing socio-economic and governance realities in the affected area. Disasters that occur in armed conflict situations, where policing or judicial institutions are often weak, or where the affected population is already preoccupied with violations that undermine their safety and integrity, tend to exacerbate pre-existing protection problems. Recent research into six disaster settings highlighted "the tenuous acceptance of protection within disaster response efforts" and illustrated the importance of making protection central to the humanitarian endeavour in such situations.[10]

3. Whole of System Review in the context of other studies

The significant investments of the past twenty-five years to uphold, and give tangible effect to well-established humanitarian norms concerning the safety and well-being of affected populations have also resulted in a number of studies that have contributed to shaping the protection agenda.

As noted above, the Multi-Donor Evaluation undertaken in the aftermath of the genocide in Rwanda was an important contribution to reflections on the changing demands on humanitarian actors and the implications of the environments in which they worked. It highlighted the lack of political will and creativity in the Security Council to address catastrophic events that put lives at risk and undermined international peace and security. This has echoes in contemporary crises such as Syria. The 2005 Humanitarian Response Review, that helped launch the Humanitarian Reform agenda, highlighted the significant limitations of the then existing system to address protection concerns.[11]

More recently, the UN SG's Internal Review Panel (IRP) Report on Sri Lanka is widely seen as a landmark document. It concluded that the response of the international community as the war came to an end

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[9] Between 2003-2012, an annual average of 106,654 people were killed and 216million were affected by disasters. CRED *Annual Disaster Statistical Review 2012: The numbers and trends*, 31 August 2012 AFP *There Were 22,000 People Killed By Natural Disasters In 2013, The Lowest In A Decade.* 16 Oct., 2014 http://goo.gl/OYr05M

[10] Disasters included: Indonesia, Pakistan, Sri Lanka, Myanmar, Haiti and the Philippines. Entwisle, H (2013) *The world turned upside down. A review of protection risks and UNHCR's role in natural disasters.* UNHCR, DIP, Geneva p 2-3.

[11] Adinolfi, C., Bassiouni,D., Lauritzsen, H., Williams, H., (2005) *Humanitarian Response Review, United Nations, New York, Geneva.* p 30-31.

(2008-2009) was a "systemic failure."[12] The concerns raised in the IRP report were echoed in decisions of the IASC (December 2013) when it affirmed its commitment to undertaking various actions so that protection is central to all humanitarian decision-making and response "including engagement with States and non-state parties to conflict".[13]

Other pertinent recent studies that have informed or illuminated the factors that affect the ability of humanitarians to meet their protection responsibilities include, for example, Phases I and II of the Cluster Evaluations (2007, 2010).[14] These were designed to provide, in Phase 1, "evidence of major achievements and shortcomings" and to "assess concrete changes in operational response" resulting from the roll out of the Clusters. In Phase 2, the evaluation was focused on determining major outcomes with particular reference to the role and operational effectiveness of the clusters and other elements of the humanitarian reform process.

The Cluster Evaluation drew attention to "systemic obstacles" to effective functioning faced by the protection cluster given unresolved issues about definition, scope, and modes of action including confidentiality concerns in relation to information sharing.[15] It found improved attention to thematic issues such as gender-based violence, child protection and disability issues.[16] It also found that protection was "widely considered as one of the most challenging sectors" with an "overly technocratic approach, narrowly focused on IDP" issues.[17] It noted that the cluster's "subdivision into nine separate issue areas" raised concerns about bureaucratization and fragmentation and that parallel coordination mechanisms for refugee and non-refugee situations ran the risk of creating artificial distinctions between refugees and the displaced.[18]

Several system wide evaluations including inter-agency real-time evaluations (IA RTE) that were fielded following mega disasters such as the 2005 Indian Ocean Tsunami and massive 2010 flood in Pakistan have, for the most part, skirted the issue of protection. The Synthesis Report of the Tsunami Evaluation Coalition (TEC) does not make any specific reference to protection but notes that, overall, the response was supply driven as agencies "did not effectively consult beneficiaries" and flagged issues around land rights.[19] The IA RTE on the humanitarian response to the 2010 floods in Pakistan was focused on funding, needs assessment and the humanitarian response including coordination processes; it did not examine protection or gender-specific issues as such and found that protection coordination and funding were weak.[20] The IA RTE conducted three months after the 2010 earthquake in Haiti was also focused on process issues and the difficulties encountered in an urban environment. It did, however, find that high level support for mechanisms concerned with Prevention of Sexual Exploitation and Abuse (PSEA) and attention to gender concerns in inter-cluster coordination was very helpful.[21]

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[12] In this connection, the IRP concluded that protection was defined in such a way that the most deadly threats were de-prioritized in programme planning, that the UN was neither impartial nor forthright in challenging the government on issues such as indiscriminate shelling, that humanitarian mechanisms to deal with protection issues were dysfunctional, and UN engagement with Member States (MS) was heavily influenced by what UN staff perceived MS wished to hear. UN. (2012). *Report of the Secretary-General's Internal Review Panel on United Nations Action in Sri Lanka.* New York. p28.; p18; p11; p 112-113; and p 27 respectively

[13] "Whole of System" Review, Terms of Reference. op. cit.,

[14] Stoddard, A., Harmer, A., Salomons, D., Wheeler, V. (2007). *Cluster Approach Evaluation, Phase I*, OCHA Evaluation and Studies Section (ESS). Streets, J. Grünewald, G. Binder A. de Geoffroy, V, Kauffmann, D. Krüger, S. Meier, C. Sokpoh, B (2010) IASC *Cluster Approach Evaluation 2nd Phase, Synthesis Report.*

[15] Streets, 2nd Phase, op cit., p 77.

[16] Ibid, p 8-10.

[17] Stoddard, 1st Phase, paras 186, 218.

[18] Ibid.

[19] Cosgrave, J. Synthesis Report: *Expanded Summary, Joint evaluation of the international response to the Indian Ocean tsunami".* TEC, January 2007, p17

[20] Polastro, R., Nagrah, A., Steen, N., Zafar, F., *Inter-Agency Real Time Evaluation of the Humanitarian Response to Pakistan's 2010 Flood crisis*, DARA, March 2011

[21] Grunewald, F., Binder, A., Georges, Y. *Inter-Agency real-time evaluation in Haiti: 3 months after the earthquake*, URD, GPPi, August 2010, p.8

A 2013 GPC commissioned study on funding trends for protection found a broad range of interpretations among practitioners and donors as to what is deemed to be protective.[22] The term 'protection' was used to define a goal, an approach, activities, mainstreaming and integrated programming as well as a host of specific interventions. The study found the overall picture on trends mixed but concluded that the total amount of funding had remained fairly steady.

A 2013 scoping study to determine how successful protection interventions are so defined, and the means used to calculate the impact of different types of projects, found limited evidence of results that could be measured.[23] This was due to the lack of quantitative and qualitative data and the absence of a common conceptual framework that inhibits comparability of findings.

The findings of a selected number of studies, and the feedback to-date from a cross-section of interlocutors interviewed by the research team, indicate that the Whole of System Review is an important and timely exercise. It is seen as an opportunity to examine whether the current humanitarian organizational and policy framework is fit for purpose and able to achieve appropriate protection outcomes.

On the basis of a preliminary literature review and interviews, the research team notes a strong awareness of the challenges inherent in fast-changing operational environments and their potential implications for affected populations. Different stakeholders, within and outside the IASC framework, are keen to acquire an evidence-based understanding of how the protection challenge is being addressed by humanitarians. They are also interested in knowing how the interface between different sets of actors involved in protection programming affects at-risk groups. There is significant interest in better understanding how a broad range of investments, including studies and evaluations, have impacted on initiatives geared to strengthening the ability of humanitarians to meet protection challenges that arise in the context of strategic and routine decision-making and programming. The issues raised to-date by different interlocutors that have engaged with the Whole of System Review team dovetail with the Terms of Reference (ToR). The ToR is reviewed from the perspective of its purpose, objectives and scope in the next section.

4. Purpose, Objective(s) and Scope of the Review

i) Purpose

The core purpose of the Whole of System Review is to assess the utility and effectiveness of current humanitarian infrastructure and capacity to meet declared life-saving objectives, from a protection perspective, in a diverse range of disaster and crisis settings. In this sense it is an important learning exercise. Some ten years after the initiation of Humanitarian Reform and subsequent adoption of the Transformative Agenda, the purpose of this Review also includes meeting a strong demand from humanitarian and other actors for an evidence-based analysis of measures geared to achieving enhanced protection outcomes.

The Whole of System Review was mobilized, in part, by the findings of, and the IASC Principals' commitment to build on the findings and recommendations of the IRP report and subsequent development and adoption of the UN Human Rights Up Front Action Plan. An important purpose includes the identification of lessons and actionable recommendations.

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[22] Murray, J., Laundry, J. (2013) *Placing protection at the center of humanitarian action: Study on Protection Funding in Complex Humanitarian Emergencies*, Global Protection Cluster, Geneva

[23] The study problematized protection programming as remedial action such as psycho-social counseling, risk reduction such as mine awareness, and measures to secure respect for core humanitarian norms in order to change the practices of parties that pose threats to the safety of civilians. (p21-23). Reichold, U., Binder A., Niland. N. (2013). *Scoping Study: What works in Protection and How do we know?* GPPI, Berlin.

ii) Objective(s)

The ToR for this Review states that the objective is:

To review the performance of the humanitarian system in achieving protection outcomes with a view to identifying measures to ensure the centrality of protection in humanitarian action. This includes the humanitarian system's ability to prevent and respond to violations of international humanitarian and human rights law, inter alia by strengthening the roles of protection clusters and other humanitarian actors and their strategic and operational interactions with each other and other key actors.

This objective is complemented by three fundamental questions that shape the focus of this Review (which excludes the refugee humanitarian caseload):

1. *What is the current humanitarian response system for protection and how is it intended to work?*
2. *How is the humanitarian system functioning in practice?*
3. *What actions are needed to ensure more effective and consistent achievement of protection outcomes in the humanitarian system?*

These three questions together with the core objective were unpacked by the independent research team which have set out below its understanding of the content and scope of this Review.

iii) Scope

A review of the humanitarian system's performance in achieving protection outcomes, including its ability to prevent, pre-empt, prepare for and respond to the protection implications of international humanitarian law and human rights violations, or other patterns of harm, necessarily requires a clear understanding of the way in which different actors define, differentiate, and respond to the protection needs of at-risk groups; this does not include refugees in line with the ToR. This understanding needs to encompass different perspectives and approaches at the policy, strategic and operational level, including in relation to programme outcomes.

As the formal definition of protection, endorsed by the IASC, is very broad it results in multiple interpretations; this can facilitate or complicate efforts to secure effective protection outcomes.[24] The independent research team will, thus, examine the implications of varied interpretations of what constitutes protective humanitarian action as part of this Review.

The research team will take account of the inter-agency structures, policies and mechanisms that were generated after the end of the Cold War including, in particular, the period since the launch of the Humanitarian Reform agenda in 2005. In terms of crisis environments, the focus will be on the 2011-2015 time period. The geographic scope of the Review is global in that it will address a diverse range of emergency settings.

The research team will analyze the IASC architecture, including fora and mechanisms with specific tasks, to determine how they relate to, and deliver on, the system's protection responsibilities. In this connection, the UN HR Up Front Action Plan will be an important consideration. The research team will examine how the humanitarian system as a whole, and different elements thereof, interact or collaborate with stakeholders beyond the humanitarian community to identify complementarities, problems or other issues that influence the nature of these relationships and the implications of these for protection outcomes.

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[24] Jaspars, S., O'Callaghan, S. (2008). *Challenging Choices: Protection and livelihoods in Darfur. A review of the Danish Refugee Council's programme in West Darfur*, HPG Working Paper, London. http://www.odi.org/resources/docs/6008.pdf Slim, H., Bonwick, A. (2005) Protection: *An ALNAP guide for humanitarian agencies*, ALNAP London.

Throughout the Review process the research team will focus on the factors and circumstances that shaped decision-making, at the strategic and operational level, to secure and monitor the realization of particular protection outcomes. In this connection, the issues and circumstances that facilitate or undermine effective interventions will be identified. A core focus will include the effectiveness or otherwise of strategies and interventions, or lack thereof, to enhance the protection of at-risk groups. In this connection particular attention will be given to the tensions inherent in negotiating access to contentious and insecure environments while simultaneously pursuing strategies to counter threats or circumstances that endanger the lives of those in need of humanitarian action.

With specific reference to coordination processes and related capacity issues, the leadership role and effectiveness of mechanisms such as the protection and other clusters, Inter Cluster Coordination (ICC), the Humanitarian Country Team (HCT), and the Humanitarian Coordinator (HC) will be reviewed. Tools and processes employed throughout the Humanitarian Programme Cycle, such as context analysis, needs assessment, identification of priorities and development of the overall humanitarian strategy and related programme implementation will receive particular attention.

Mechanisms to monitor, evaluate and revise programmes, as deemed appropriate, will also be reviewed. The collection, sharing, management and use of data or evidence related to protection issues to inform decision-making and initiatives to mobilize action on abusive, harmful or egregious human rights and humanitarian law violations will be assessed. The availability, use or mobilization of critical resources such as leadership, management, specialist or technical expertise, and financial support will also be examined. The way in which the humanitarian system delivers on its commitment to be accountable to affected communities, and arrangements to maximize partnerships, will be key areas of focus.

Familiar protection concerns such as gender-based violence (GBV), child protection, housing, land and property, mine action, gender and age-related issues as well as discrimination of minorities will be reviewed. The protection issues faced by particular groups such as the internally displaced, the besieged and others who are adversely affected by crises and have been unable or unwilling to flee their places of origin will constitute an important area of focus. The measures taken by those who are directly affected to mitigate life-threatening risks will constitute an important focus of this Review.

Protection problems that arise as a result of unregulated and unrestricted warfare, violations of international humanitarian and human rights law, as well as military or political agendas that instrumentalize or manipulate suffering or humanitarian programming, or impede access to members of the humanitarian caseload, will constitute an important focus of this Review. Protection challenges that arise in the context of parallel coordination mechanisms in settings where the internally displaced and non-uprooted crisis-affected communities are co-located with refugees will also be reviewed.

In addition to the four field missions planned for eastern Democratic Republic of the Congo, Myanmar, South Sudan and Syria, the research team will examine a number of other emergency contexts, trends and issues. This will include disasters associated with natural hazard events in different governance contexts.

This protection-focused Review is the first such initiative requested by the IASC. It represents an opportunity for collective learning and strengthening the system and future humanitarian strategies before, during, and after the slow or rapid onset of crises, or their sudden intensification in protracted contexts, in rural or urban settings.

The Review process is forward looking. Throughout this exercise the research team will seek to identify insights and key lessons, as well as formulating conclusions and recommendations, on ways in which the humanitarian system can be strengthened. It will do so taking into account emerging protection challenges in a rapidly changing and increasingly unpredictable world that demand meaningful attention to the protection needs of at-risk populations.

5. The Review phases, management, and research team

i) Review phases

Phase One: Inception phase (October-December 2014)

The intention of the Inception Phase was for the research team to identify and become acquainted with the body of literature including policies, guidelines, studies and evaluations related to protection in the context of humanitarian action. The research team met in Geneva, early October, 2014, to define its overall methodological approach. During this time the team also met with the Global Protection Cluster Coordinator, Task Team and other key stakeholders to clarify the scope of the Review, the selection criteria for field visits, and to plan the subsequent phases of the Review.

During the Inception phase the research team met to (i) identify key issues on the basis of the ToR in order to develop questionnaires and guidance for interviews; (ii) design data collection methodology and develop data collection tools; (iii) develop selection criteria for identification of field missions; and (iv) compile a list of key documents to be reviewed as well as a list of key informant interviews. The tasks of the co-Leads included drafting and presenting the Inception Report to the Task Team and donor representatives in Geneva and finalizing the Review schedule in consultation with the Task Team and GPC Coordinator.

Phase Two: Data collection (October 2014 to February 2015)

Phase two consists of five main methods of accessing data: desk study/literature review, interviews, country visits, online survey and consultations with on-the-ground stakeholders. Please see Section 6 on Methodology for a more detailed description of the different components of this Phase and the field visit schedule.

To date the research team has reviewed more than 150 documents. The research team has conducted 106 interviews, including 61 female and 44 male interviewees across a wide range of stakeholders including individuals not directly involved in humanitarian action. This includes interviewees from constituencies such as the UN (47), NGO (27), the International Committee of the Red Cross (2) donors/states (14) and other (academic/think tank/independent) (16). In addition, 25 NGO and UN personnel participated in a group discussion in New York.

The team will conduct round-table consultations, in workshop format, with relevant stakeholders in crisis settings including local and international NGOs, UN agencies and other actors as deemed appropriate. These consultations will be an opportunity to present and review preliminary findings in each of the crisis areas visited.

A brief aide memoire will be produced to summarize the main findings of each field mission.

Phase Three: Reporting phase (February to March 2014)

Phase three consists of finalizing analysis and drawing on the reservoir of evidence and data collection to determine key findings, conclusions and recommendations. A draft report will be shared with the Task Team and the planned Peer Review Group for comment. Feedback from the Task Team to the draft report will be provided to the research team in a written, consolidated manner. This will facilitate consultation and review of preliminary findings with the GPC Task Team in a dedicated meeting in Geneva.

The final report will, as deemed appropriate by the research team, take into account comments and contributions provided by the Task Team and other relevant stakeholders. This will likely include an action plan for dissemination and follow-through on the completed final report.

ii) Management of the Review and research team

The roles and responsibilities of related stakeholders are defined in the document, Annex L, which was shared by the Task Team on 21 November, 2014.

iii) Quality assurance

The research team will ensure the independence and integrity of their research including in the context of data collection and analysis and production of various deliverables including the Inception and Final Report. The research team will take measures to ensure confidentiality and accepted quality assurance standards. Particular attention will be given to quality assurance issues during the preparation of the final Report and dissemination of its findings and recommendations. The co-Leads of the research team will be responsible for undertaking and ensuring that quality assurance standards are met.

In the absence of dedicated financial and other support for an informal Reference Group as identified in this Review's ToR, the research team will identify a small Peer Review group. The plan is that this Group includes four to six individuals, with diverse institutional and organizational backgrounds with experience in, or familiarity with, humanitarian action but not currently engaged, directly, in humanitarian operational activities. The research team is also keen to secure gender balance and geographical diversity in the Peer Review group.

The task of the Peer Reviewers is to familiarize themselves with the Review's ToR and a small selection of related documents; to review the first draft of the final report and provide feedback, particularly in terms of strategic, systemic and big picture issues; and to participate in skype consultations prior to the finalization of the final Report.

6. Methodology

Undertaking a Review to assess factors affecting the capability of the humanitarian system to enhance protection in uncertain, turbulent and insecure environments presents numerous challenges beyond those encountered in more stable conditions. This is mainly due to the fluidity of disaster and crisis settings, issues of access and security, and the frequent absence of comparable datasets concerning affected population. The lack of standardized definitions, results frameworks and programme monitoring also presents challenges. The methodology employed also reflects the level of resources (both financial and consultancy days) that are available. The research team will thus use data collection methods, geared to ensuring an inclusive and participatory process, that involves relevant stakeholders concerned with the protection needs of at-risk communities.

The research will be planned and conducted in ways that enhance the likely utilization of the findings and in a manner that improves performance. The emphasis on a utilization-focused approach means that the research team will engage with a broad cross-section of opinion and expertise within a multi-stakeholder framework throughout the different phases of the Review. This way, the intended users are more likely to use the Review and own emerging findings and recommendations. This approach will also help ensure that the final Report includes credible analysis, findings, and actionable recommendations.

i) Data collection plan

Given the highly volatile situation in some of the crisis settings to be visited such as eastern DRC, Myanmar, South Sudan and Syria, data collection may involve security risks for team members, aid agencies on the ground as well as the affected population; particular attention will be given to avoid data collection being a source of harm to affected groups, humanitarian actors, research team members or, indeed, anyone else.[25]

The data collection plan, in field settings, will ensure that sensitive issues are dealt with cautiously; this includes where the team will be fielded and the nature of and manner in which questions are posed. Field-level data collection will need careful planning and sensitivity. This includes appropriate consultation with the host agency for the Review field missions.

Once in country the research team will ideally visit a small sample of programmes and projects targeting different at-risk groups across different geographical areas. The research team will strive to engage with a representative selection of protection priorities and problems in the various field mission settings as well as with the affected population.

ii) Field mission selection criteria, access and security

In line with the ToR, the team will undertake four field missions across a diverse range of humanitarian contexts and regions including armed conflict and a complex emergency that is vulnerable to disasters. This will enable the research team to ground-truth preliminary findings from the Inception Phase.

Based on the criteria in Annex K the team has selected the **eastern Democratic Republic of Congo, Myanmar, South Sudan and Syria** as field visit locations. In the event that it is not possible to visit the first preference country due to insecurity or other such issues the team has identified backup options that will ensure diversity of contexts and regions.

In the absence of an ongoing inter-agency response to a recent major disaster, the research team was unable to identify a field location that would allow for a useful and credible field visit to a disaster-specific setting. The reality of disasters, however, is, rightly, a major issue of concern for IASC and other stakeholders. Thus, the research team will allocate dedicated time to a desk review. It will also undertake a number of tailored interviews and dedicate specific questions in the survey to issues relevant to an effective and protective approach to humanitarian concerns in disaster settings.

The crisis settings selected for field missions are fluid and fast changing environments. As suggested during the first meeting with the Task Team in Geneva the team plans to visit both capitals, namely Damascus, Juba, Kinshasa and Yangon, and accessible field locations inside these countries to be determined in collaboration with the host agency. In each crisis setting the research team will strive to assess the protection situation and humanitarian response thereto. During field missions outside the capitals the primary location selection criteria will be access and security considerations coupled with a concentration of protection activities.

Furthermore, due to highly volatile environments, access constraints and possible security deterioration, the research team will only be able to travel in those areas where the GPC lead and/or host agency representatives are able to provide security clearance and necessary security arrangements including war risk insurance. All movement of the research team members will be subject to logistical arrangements and security rules of the host agency in order to comply with the organisation's insurance arrangements. Annex F provides an overview of requested field support from NRC and/or 'host' organizations for field missions.

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[25] The team will be guided by Chapter 6 Managing sensitive protection information from ICRC's Professional Standards for Protection Work (2013) in addition to the overarching principle of 'do no harm'.

iii) Data collection approaches

A conventional mixed method approach will be used to review how the humanitarian system addresses protection. This effectively means that different data collection techniques are combined in order to obtain information from various sources so that sufficient evidence on key issues is acquired. The team will use both qualitative and quantitative approaches based on four main methods: (a) literature review, (b) interviews and group consultations, (c) field observations and (d) an online survey.

(a) Literature review

Given the temporal scope of this exercise, a review of relevant documentation will be a key element in determining how the system works, evolving trends and contextual variables which shape the protection situation in crisis settings. The research team will undertake a structured and systematic review of a cross-section of relevant literature.

The literature provided to, and/or identified by the research team and Task Team members so far, includes some 300 documents that are currently being reviewed by the team (of which over 150 have been reviewed to date). Identified documents include those found through searching different databases (eg ALNAP, HPG, OCHA, UNHCR, UNICEF, MSF, Oxfam etc) evaluations websites, Red Cross online materials and other sources such as ReliefWeb and donor websites. Every document reviewed is recorded and analyzed on an evidence table developed specifically for this Review.

The team will continue to identify relevant documents both to facilitate its data collection and to avoid issues of bias. Inputs from the Task Team and other stakeholders are important and welcome.

(b) Interviews and group consultations

The team will conduct both headquarter and field interviews to understand how different stakeholders view measures intended to address protection concerns. Both the Global and field protection clusters are critical stakeholders as are key decision-makers at the global and local level. A broad range of stakeholders will be consulted in the course of this Review. Such stakeholders include, for example, those affected by crises, the HC, HCT, humanitarian practitioners including Gen Cap and ProCap advisors, donors, human rights and development actors, national and local authorities, UN Mission or Regional Peace operation personnel, UN DPKO, UNDPA and other such staff as well as local media actors and community representatives.

Interviews are among the principal sources for the Review and will be carried out at three different levels a) HQ and donor capitals, b) within the selected field crisis settings and when possible c) at the regional level (Amman, Nairobi, Bangkok). A list of key issues has also been elaborated based on the ToR (see Annex A); these issues will be covered through interviews across these different levels. Different interview-techniques will be used depending on the category of interlocutor, place of interview and subject to be covered. Most interviews will be semi-structured using interview guides so that key issues are covered consistently (see Annex F).

All team-members will undertake interviews. In addition, the team will conduct group discussions, when appropriate, around specific topics related to protection effectiveness with selective groups such as NGO fora, HCT, non-state actors and intended beneficiaries; the latter will be a major focus of field mission teams.

The team expects to collect a large amount of data during interviews. As a result, interview data requires thorough systematization of the information collected that will be documented and recorded in line with an agreed formula (see Section 6 (v) *Analytical Tools and Process* below).

Interviews and group consultations will add to the insights uncovered in the literature review.

(c) Field observations

On-site observations will be part of field visits. Such observations will help in the assessment of context and conditions in which protection programming is undertaken. The focus will be on the appropriateness of mechanism in place and the extent to which protection is enhanced. While on-site observations rarely provide a full picture of the relevant context or changes over time, such observations enhance understanding of the operational environment and specific contexts in which protection programming is undertaken and the challenges it entails.

(d) Online survey

The online survey provides the opportunity to extend consultations beyond the interviewee list and field missions and reach out to persons that have been directly, indirectly or not otherwise involved in protection, including those undertaking stand alone activities, those involved in the provision of material support responsible for mainstreaming protection and, ideally, secure views across a wide range of levels, actors and contexts. Obtaining diverse and wide-ranging opinions on key issues is an element of the team's effort to reconstruct key trends and challenges to securing effective protection outcomes.

To date, the survey design has been piloted with ten individuals from different constituencies. They were asked to provide feedback on the articulation of questions, the scoring used, the structure and flow of the questionnaire and to make any suggestions of a general or specific nature. As a result, the questionnaire has been revised and shared with NRC and other TT members for dissemination through different distribution lists. A special effort has been made to use multiple mailing lists such as those of ALNAP, BOND, GPC, HPN, InterAction, IASC, ICVA, OCHA/PoC, OHCHR and VOICE as well as multilateral and bilateral donors in order to reach people in both HQ and the field including crisis settings where there are no Protection clusters.

iv) Key stakeholders

The Review's primary stakeholders, and/or interlocutors, include crisis-affected populations, national authorities, Non State Armed Actors (NSAA), IASC members, donors (both OECD/DAC and non-OECD/DAC) and civil society actors. Other stakeholders include human rights organizations and entities involved in regional or UN peace operations. Key stakeholders are located across three levels: global – where policies are defined; regional hubs that often back-stop field operations; and in crisis settings – where protection issues are managed and, in principle, addressed.

During the first meeting with the Task Team and subsequent interviews, donors, UN agencies, NGOs and the Red Cross underlined the importance of the Review and the urgent need for an evidence-based understanding of the ability of the humanitarian system to address its protection responsibilities. The research team will continue to engage key stakeholders during different phases of the Review in order to collect evidence and identify key blockages, good practice and ways to improve effectiveness and areas of convergence or divergence. The utilization-focused approach will seek to ensure relevance of the research team's findings.

v) Analytical tools and process

The review matrix sets out the core analytical framework of the research team. The research team has developed an 'evidence table' to facilitate recording and retrieving data from the document review, interviews, online survey and observations which are related to those issues that are outlined in the Terms of Reference.

This systematization of information allows the research team to (i) maintain an overview of data collected, (ii) identify trends or patterns, that are relevant to the key issues that have been identified, on the basis of the data collected, and (iii) identify which issues required further investigation.

As the evidence table develops, the research team will be able to draw conclusions and formulate recommendations on particular issues.

vi) Triangulation and validation

Data will, to the extent possible, be validated through triangulation and cross-validation in a manner that allows, for example, interview data to be cross-checked against research/documentary evidence and vice versa.

The body of evidence accumulated by the research team will be triangulated through comparing information obtained:

- From different sources (levels or agencies);
- By different methods, e.g. interviews, documents, observation, and surveys;
- By geographical area (to verify that the issues found are not just relevant to a specific context);
- Over time (to verify that the issues are not just specific to a particular time period).

vii) Consultation and feedback workshops

The research team foresees two main types of workshops. The first will be conducted, in-country, immediately after the conclusion of each field visit. These workshops will allow the research team and stakeholders an opportunity to share and comment on initial findings. Secondly, and based on the draft report, the research team will meet the Task Team to review preliminary findings, conclusions and recommendations. An open and transparent consultation will allow further ground-truthing and examination of recommendations so that they are targeted, nuanced, actionable and realistic in terms of prioritization. This will, in principle, also facilitate follow-through on findings and recommendations.

viii) Potential Review challenges including information bias

As mentioned above, the team will collect and systematize data from different sources in order to build solid evidence for consistent evidence-based analysis. A systematized approach, based on a thorough desk review and organized evidence gathering, is essential to ensure that the Review focus does not reflect particular agendas or special interests. The analytical tools described above, combined with participation through workshops, will reduce potential bias.

Independence will be achieved through the professional capacity and experience of the research team members. Triangulation will lessen the possibility of bias or the unwarranted significance of extreme positions or statements that are not representative of widely held views or patterns characterizing overall trends in relation to protection.

Given the diversity of perspectives on measures best able to address protection challenges within the Task Team, in the wider humanitarian arena and among key stakeholders including affected communities, local and national authorities, and NSAAs, the research team is likely to be faced with many issues on which unity of views and consensus will prove elusive. The independent research team will seek to address issues of difference of opinion in a professional and evidence-based manner. It will carefully record the

points of convergence and divergence. Nevertheless, once different perspectives are analyzed, the research team will express its considered judgment in line with the independent nature of this Review.

7. Way forward

The Review process, including the organization of the Inception Report is within the timeframe envisaged for this exercise. Almost inevitably, there have been some delays given, for example, the number of moving parts involved, the different elements and overlapping roles that constitute the Task Team, and the amount of time required by the research time to back-stop the research methodology and related day-to-day management, scheduling, and logistical issues.

At the time of writing, the research team does not foresee any major impediments to remaining on schedule as per the ToR and original Workplan. The test is likely to be the field visits as there are still uncertainties concerning the hosting arrangements in country as well as potential visa issues and the amount of time involved in acquiring these.

Current plans are for the first two simultaneous field visits to Myanmar and South Sudan from mid- to end-January 2015. These will be followed in early/mid February by visits to eastern DRC and Syria. Simultaneously, and as time allows, data collection work and interviews beyond the field visits will continue; as explained above, the team will continue to explore a number of thematic issues and particular types of emergency contexts in order to do justice to the core objective of this Review.

The research team wishes to express its appreciation for all those who have provided administrative, logistical, and substantive assistance to its work to-date including the provision of contact information for key stakeholder interviews. Moving forward, it is vital that issues pertaining to field visits are addressed in a timely and effective manner.

ANNEX D

SURVEY REPORT

Executive Summary

Prepared by Judith Friedman

Background

This survey is part of the Whole of System Review of Protection in relation to Humanitarian Action. The objective of the survey was to benefit from the views of a broad cross-section of humanitarian and other individuals on issues relevant to an effective and protective approach to humanitarian concerns in conflict and disaster settings. The survey was designed to gather perspectives on the characteristics of the humanitarian response system for protection; how that humanitarian system is functioning in practice; and what actions are needed to achieve protection outcomes in the humanitarian system.

Method

The research team developed the survey questionnaire with 22 questions including quantitative and qualitative questions. Using the online tool FluidSurveys, the survey was distributed to an estimated 10,000+ potential respondents through 10 distribution channels selected to provide a broad and representative pool from which to draw respondents. Respondents participated in the survey voluntarily. Data gathered through this survey reflects the views and insights of a cross-section of diverse stakeholders rather than a pre-selected, purposive sample that would guarantee representation across organisational and regional lines. In total, 829 responses were received. 425 respondents completed the survey answering all of the multiple choice questions. Approximately 250 provided qualitative responses. A selection of qualitative responses are included in the main body of the report.

Analysis

Results of the survey are reported for each question. The analysis identifies issues, trends and perspectives across the survey population. In addition, analytical filters, such as organisational affiliation, years of experience, regional location, and primary area of work, are used to cross reference data and identify different perspectives and potential bias within the respondent pool. Where appropriate, another filter was used to compare the perspective of those working specifically in protection (including child protection, gender based violence, and housing, land, and property) with those actors working in other areas of the humanitarian system.

The report presents a narrative and figures summarising the responses obtained from the survey pool. Figures and data that reveal trends within different sub-groups of the survey population are provided where appropriate.

Findings

Overall, there was a high level of variability in the perspectives of humanitarian actors. This is perhaps consistent with the diversity of the survey pool which includes responses from actors working in a range of

sectors and agencies within and beyond the humanitarian system. The survey pool was divided in opinion, for instance, on the extent to which current protection programmes are accountable to affected populations.

Survey respondents indicate that a range of contextual trends impede the achievement of protection outcomes and exacerbate protection problems. Although responses vary, there is a shared concern over the politicization of humanitarian programming and the role of parties to the conflict from a protection perspective.

The survey revealed areas of congruence in respondents' perspectives and common challenges affecting the humanitarian system. This is particularly true of the organisational challenges affecting actors across the system; there was broad consensus around the human and financial resourcing challenges that organisations experience and the need for training and capacity development of humanitarian staff. The importance of senior management and leadership was also emphasized by respondents. Generally, respondents suggested that an organisational culture that is committed to addressing protection issues strongly influenced senior management support for protection.

Respondents indicated, overwhelmingly, that the categorization of different groups and protection problems affects the way that humanitarian priorities are determined. However, the survey pool was divided on which groups and which issues should be, or are given, priority.

In addition to these challenges, respondents expressed concerns over the need for effective coordination between and across agencies within the humanitarian system and particularly on protection. As such, the need for a clearer understanding of what protection is and the implications of this for improved mainstreaming of protection comes through in the survey responses.

The main body of the report also includes findings on the following areas considered by the survey: general trends affecting the protection system; the role of humanitarian actors in reducing protection problems; humanitarian actions that strengthen response; changes in the policy framework; effectiveness of humanitarian tools; organisational approach to protection work; methods used to measure protection outcomes; and stakeholder approach to disasters compared with conflict.

Introduction

This survey is part of the Whole of System Review of Protection in relation to Humanitarian Action. The Review was initiated by the Global Protection Cluster Task Team in line with the IASC (Inter-Agency Standing Committee) Principals' Statement on the Centrality of Protection. The objective of this Review is to assess the performance of the humanitarian system in achieving protection outcomes, with a view to identifying measures to ensure the centrality of protection in humanitarian action. The objective of the survey was to benefit from the views of a broad cross-section of humanitarian and other individuals concerned with humanitarian action in crisis and disaster settings. It focuses on issues relevant to an effective and protective approach to humanitarian concerns in conflict and disaster settings.[26]

Table 1: Survey distribution channels
The GPC all mailing list
IASC mailing list
PoC mailing list
Inter Action all mailing list
BOND mailing list
ICVA mailing list
VOICE mailing list
OCHA to HCs and HCTs
HPN
OHCHR to human rights groups

[26] As noted in the inception report the online survey *"provides the opportunity to extend consultations beyond those interviewed during the inception phase and field missions and reach out to persons that have been directly, indirectly or not otherwise involved in protection, including those undertaking stand-alone activities, those involved in the provision of material support responsible for mainstreaming protection and, ideally, secure views across a wide range of levels, actors and contexts. Obtaining diverse and wide-ranging opinions on key issues is an element of the team's effort to reconstruct key trends and challenges to securing effective protection outcomes. (pg 17)"*

Process:

The research team developed the survey questionnaire with 22 questions.[27] The task team provided verbal and written comments informed the design of the survey which was sent out through ten different distribution channels (Table 1).

From December 16 to January 16, 2015, a pool of an estimated 10,000+ potential respondents received the questionnaire. A reminder was sent out on January 7, 2015 to encourage additional responses. Given the diversity of distribution channels, it is not possible to calculate the precise number of potential respondents who would have received the survey in order to determine the response rate.[28]

A total of 829 responded to the survey. Our analysis counted all responses, even if they only responded to one question. 425 people completed the survey, answering all of the multiple-choice questions. Approximately 250 provided responses to the qualitative questions.[29]

Method

Sampling strategy:

Distribution channels were selected to provide a broad and representative pool from which to draw respondents. However, respondents participated in the survey voluntarily and therefore data gathered through this survey is based upon a random sample of stakeholders rather than a pre-selected, purposive sample that would guarantee representation across organisational and regional lines.

Analytical approach

Data from the responses was synthesised to identify overall trends and perspectives across the respondent pool. This provides the basis for the headline findings for each section. In addition, analytical filters, allowing for cross-referencing of data, were used to carry out analysis and identify different perspectives and potential bias resulting from organisational affiliation of the respondents, the nature of the work, and level of experience of the respondents in the humanitarian system. Given that UN agencies and INGOs made up a considerable portion of respondents, some of the analysis provided in this report is tabulated for each of these organization types in comparison with all respondents.

Another filter included distinguishing between **Protection specific and Other Humanitarian** actors' feedback. For the purposes of analysis, and reflecting global humanitarian architecture, "Protection specific" is inclusive of those who work in both the broader protection sector and the Child Protection, Gender Based Violence, Housing, Land and Property, Mine Action areas of responsibility (as self-identified in Question 1e). "Other Humanitarian actors" includes those who work in multi-sector, advocacy, camp coordination, disaster risk reduction, early recovery, education, emergency, food security, health, logistics, nutrition, policy, shelter, water and sanitation, and other areas.

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[27] The survey includes 13 quantitative questions and 9 qualitative questions. A pilot questionnaire was sent to ten people from November 24-30, of these ten people, five persons, including academic and operational professionals, provided feedback. Based upon their feedback, a draft was submitted to the Task Team representatives, including staff from the Norwegian Refugee Council, Office of the UN High Commissioner for Human Rights and InterAction. These three groups provided feedback on the articulation of questions, the scoring used, the structure and flow of the questionnaire and to make substantive suggestions about the content of the survey.

[28] According to the survey tool we used, FluidSurveys, the average response rate for Email Surveys is 24.8% and considerably less, where you are working with a difficult to reach sample Group. Response Rate Statistics for Online Surveys (2014) http://goo.gl/s4BILi

[29] As there were no 'forced responses', all of the questions were optional, therefore respondents were permitted to decide which questions they would answer resulting in some questions with a higher number of responses than others. Based upon this, the response rate for each of the questions ranged from a minimum of 100 to 512 with the greatest number of responses provided for the first page of the survey questions 1-5. The average number of responses to multiple choice questions is 473 and the average number of responses to qualitative questions is 269 (Annex 1).

Regional trends were also considered, according to where respondents were based. And finally, the number of years of experience respondents have within the humanitarian sector is a filter that is selectively applied throughout the analysis to provide longitudinal perspective on changes experienced within the system.

For the qualitative analysis, recurring themes are identified and comments addressing issues that are mentioned by multiple respondents are summarised; to provide a basis for comparison and grounds for interpretation, the number of mentions of key themes is included. In addition, to illustrate the issues that are discussed, direct quotes from respondents are included on occasion.

Bias and Limitations

As previously mentioned, respondents to the survey were not a purposive sample designed to represent the composition of the humanitarian system as a whole. As such, the team recognises that the responses may disproportionately represent certain institutional or sector affiliations that may introduce some bias to the findings.

Although the survey was distributed widely, the team notes that some of those who received the survey may not have been able to respond to the survey due to time constraints and limited access to the internet. It is also important to note the survey was released over a difficult time of the year with many people taking leave for some of the period the survey was live.

Profile of Respondents

Respondents were asked to provide (optionally) the following general information:

a. Who are you?
b. Gender
c. Type of organisation or constituency
d. Years of experience in humanitarian sector
e. What activities/tasks are your primary focus?
f. Region where you currently work
g. Where are you based? (e.g. Headquarters/Field)
h. Are you employed as…National/International/Other

General information was gathered from respondents to understand the profile of the survey population and to determine the level of representation by gender, institutional affiliation, geographic location etc.

Gender breakdown and institutional affiliation

Of the total number of respondents, 49% were female and 51% were male. The majority of respondents (36%) were from UN agencies. Of the 8% of respondents who indicated that they were from an 'Other' type of organisation, 30% of these identified as belonging to the UN Secretariat or a specific UN agency (e.g. UNOCHA) which raises the relative representation of UN agencies to 38% of total respondents[30]. The second largest group of respondents were affiliated to International Non-Governmental Organizations (INGOs) with 30% of total responses followed by respondents affiliated with the Red Cross/Red Crescent (12%). Only 1% of survey participants were from affected groups, local authorities and academic organisations/think tanks respectively.

[30] While respondents did not always provide their organizational affiliation within the UN, there is significant representation from FAO, OHCHR, MINUSTAH, UNHCR, NHCR, UNOCHA, UNFPA, UNICEF, WHO, WFP; Of the INGOs involved, there is strong representation from the Norwegian Refugee Council, Danish Refugee Council, World Vision, Oxfam, Save the Children, Handicap International

Level of experience

Overall, the pool of respondents had a reasonable level of experience with the humanitarian system with 70% having 6 or more years of experience in humanitarian action. Of these, 46% had over 10 years of experience in humanitarian action and 14% had more than 20 years of experience in the humanitarian system. Responses from those who have long-term engagement in this sector provide some valid insights both on the evolution of the humanitarian system and its contribution to protection outcomes.

Focus of work

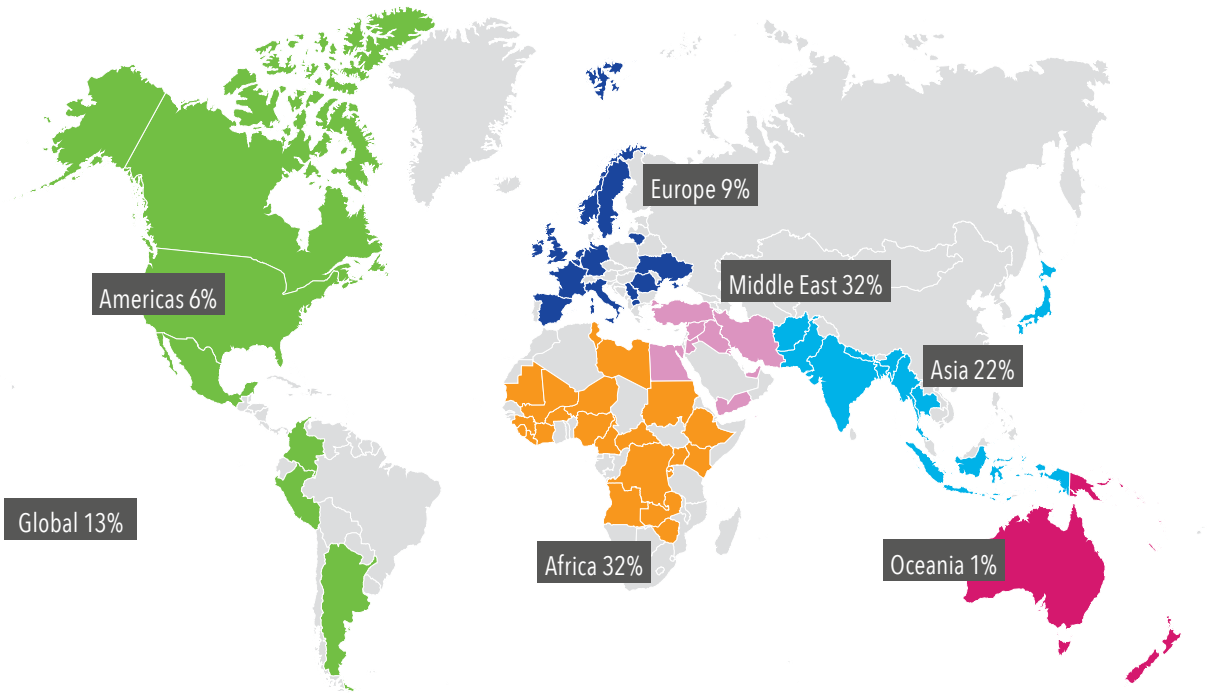
The survey questionnaire defined 20 different activities/tasks within the humanitarian system and asked respondents to identify the two areas that are the primary focus of their work. The five main areas of work represented by respondents were Protection, Multi-sector, Coordination, Advocacy, Child Protection, and Gender Based Violence. The least represented areas were shelter, housing and property, nutrition, and emergency telecommunications.

Overall, protection was the main focus of work for 63% of the respondents (this includes all those directly engaged in protection (37%), as well as those working specifically on Child Protection (12%), Gender Based Violence (10%), land and property (2%), and mine action (2%) issues. 20% of respondents indicated that they had a multi-sector focus or that more than two specific topics were their primary focus. Only 1% of respondents indicated that nutrition and emergency telecommunications were a primary focus. Other areas of concern, which were not listed in the survey, and were identified by multiple respondents, included livelihoods (2%), monitoring (1%), and gender as a cross-cutting issue (1%).

Regional representation

The survey received responses from across the globe. The highest proportion of responses were received from Africa (32%), Asia (22%) and the Middle East (17%). The responses spanned East and West Africa with more limited representation from Southern Africa. Responses received from Europe amounted to 9%, the Americas 6% and Oceania 1%; 13% of respondents indicated that they were based globally (Figure 1).

Figure 1: Map of Respondents tracked by FluidSurveys[31]



[31] The survey did not receive responses from the areas that are unshaded (white)

Across all regions, most respondents (37%) indicated that they were based out of a National Office and 24% were based out of Headquarters; 1% of respondents stated that they were based out of a *"Field Office"*.

Nature of contract

A majority of respondents (64%) indicated that they are employed as International workers followed by 31% that are employed as nationals. For those remaining 5% who indicated that they were neither contracted as international nor national employees, there was wide variation in the nature of the contract including some who identified as consultants, activists, incentive staff, community monitors, and standby partners. A higher proportion of respondents affiliated with UN agencies indicated that they were contracted as international employees (41%) as compared with INGO workers (27%). National UN Agency affiliates constituted 27% of respondents as compared with 32% of INGO national employees.

Protection General

1. What trends generate or exacerbate protection problems? Contextual, External, and Internal

Survey participants were asked to identify what trends generate or exacerbate protection problems while indicating, from a list of four options, what they consider to be the most critical issue from each of the categories contextual, external and internal.[32]

Contextual trends:

The changing nature of warfare (asymmetrical, targeting civilians) was identified as the most important contextual trend (44% of respondents) followed by the increased number of non-state armed groups (23%). Other situations of violence including civil unrest and urban violence were considered to be a critical contextual trend by 13% of respondents. Disasters were considered to be a less important contributing factor to protection problems (11% of respondents).

There was some variation by sector where more than 50% of respondents working in Education (59%), Mine Action (57%), and Policy (57%) considered the changing nature of warfare to be the most critical trend spanning those working specifically in protection and those working in other areas of the humanitarian system. Perhaps unsurprisingly given the focus of their work, nearly half of respondents (43%) working in Disaster Risk Reduction signalled that the increased severity of disasters associated with natural hazard events is the most important contextual trend exacerbating protection problems (as compared with the overall rate of 11%).

Several respondents also mentioned the politicization (or instrumentalization) of humanitarian aid as a contextual trend exacerbating protection problems. This includes system-wide difficulties in settings where the state is a party to the conflict as well as the polarization of communities in crisis situations.

External trends:

The use of humanitarian programmes to advance political or military agendas was considered to be the most critical external trend leading to worsening of protection problems by a clear majority of survey participants (54%). The perception that humanitarianism is Western driven was also a critical external factor according to 33% of respondents.

[32] Respondents were given 5 options for contextual trends, 3 options for external trends and 4 options for internal trends.

Other issues that were highlighted by respondents as important external trends were donor priorities and demands that can impede protection gains. Specifically, respondents suggested that humanitarian programming is influenced by donor demands rather than needs assessments and context analysis. Also, donor fatigue with protracted humanitarian engagement was seen to detract from the effectiveness of programming. Also, weak government capacity to support humanitarian efforts was identified as an issue adding to protection problems.

The perception that humanitarianism is Western driven was held by 41% of UN Agency affiliates. Limitations imposed by counter-terror legislation were considered the most important external trend (37%) by respondents affiliated with INGOs. Amongst respondents who have over 20 years of experience in the Humanitarian sector, the view that humanitarianism is Western driven was considered to be the most important external trend (47% of respondents with over 20 years of experience as compared with an overall rate of 33%).

Internal trends

Nearly half of respondents (43%) indicated that lack of access and insecurity for humanitarian personnel was the most important internal trend associated with protection problems. Very few respondents (5%) found that increased use of remote management tools was a leading factor contributing to protection problems. The most significant (internal) trend exacerbating protection problems identified by respondents (in their qualitative responses) is a lack of resources (technical, human, financial) where there is a high level of humanitarian need and lack of access. In the qualitative responses, lack of UN funding was identified by several respondents as a contributing factor to the response gap experienced in humanitarian settings.

Another issue that spans both the internal and contextual arenas is the lack of agreed analysis of protection problems coupled with weak coordination between agencies. As one respondent stated: *"Protection agendas are often driven by mandate and funding. Clusters are not fully empowered on the basics of protection and not able to understand the value added [of the protection agenda]."*

Lack of access and insecurity of humanitarian personnel was decisively identified as the most critical internal trend by more than half of respondents working in Mine Action (57%) and Shelter (67%). Actors working specifically on **Protection** felt that prioritization of institutional interests over humanitarian concerns was the most critical issue. Actors working in other Humanitarian areas felt that lack of coordination between humanitarian and development actors was the more important issue (for both, after the bigger issue of lack of access and insecurity).

Other respondents commented on the challenges facing the wider humanitarian community:

Protection challenges may be exacerbated when the humanitarian community does not appropriately or adequately address certain issues which may be the core protection issues in a given situation (e.g. violations of international human rights and humanitarian law) out of fear that this might jeopardise humanitarian space. When these issues are not addressed promptly with relevant stakeholders, in particular national state and non-state actors, it becomes increasingly difficult to then find the space to contribute to preventing and putting an end to these problems, which may actually be amongst the principal root causes of the humanitarian crisis. In this way, it is difficult to break the cycle of violence leading to chronic humanitarian needs.

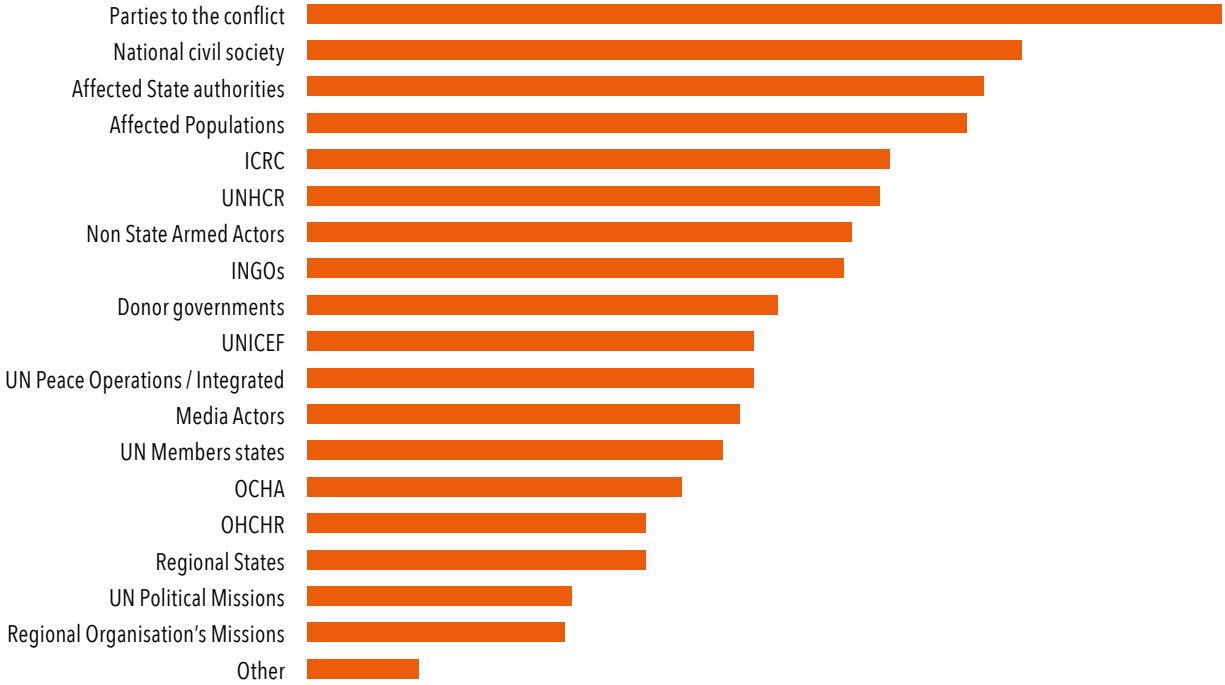
Role of Humanitarian Actors

2. What agencies or actors are best placed to reduce the incidence of protection problems?

Respondents overwhelmingly identified parties to the conflict and national actors as the stakeholders best placed to reduce the incidence of protection problems (76%).[33] This was followed by affected state authorities (60%), ICRC (57%), and Non-State Armed Actors (55%); UN bodies (including OCHA, OHCHR, and UN Political missions were considered to be best placed to reduce incidence of protection problems by less than one third of respondents (Figure 2).

In comparing the perception of agencies best placed to reduce protection problems, UN respondents perceived their role of higher importance at 47% compared with 24% of INGO respondents' perception of the UN's role. The assertion that all agencies have a role to play also came out clearly in the qualitative feedback to this question.

Figure 2: Agencies best places to reduce incidence of protection problems



Humanitarian actions strengthening response

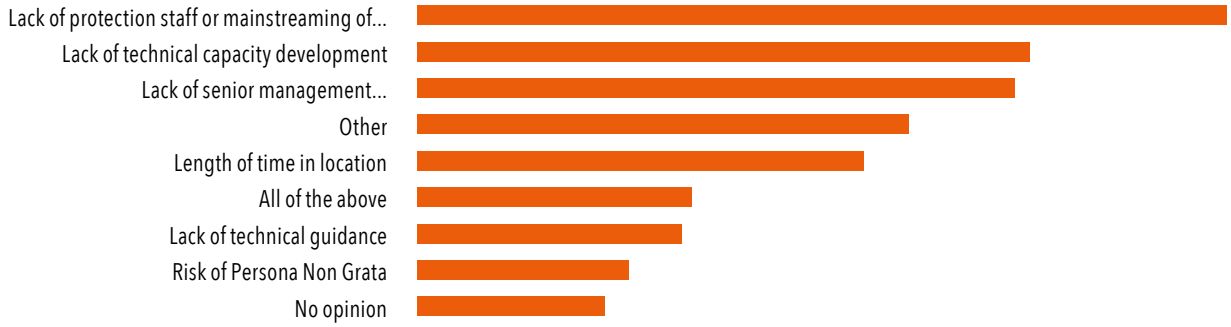
3. What Humanitarian actions facilitate the realization of positive protection outcomes?

Respondents were asked to identify the action(s) that facilitate the realization of positive protection outcomes a) for the **humanitarian system as a whole**), b) for **their organizational response** and c) then to describe what other actions shape their organization's ability to achieve, or contribute to, outcomes.[34]

[33] Given that respondents selected all that were applicable, the total % exceeds 100%. This should be interpreted as the per cent of total respondents that selected each of these agencies/actors

[34] Respondents selected from a list of 8 options for the humanitarian system and 7 options for their own organizational response.

Figure 3: Agencies best places to reduce incidence of protection problems



For the **Humanitarian System**, the key actions respondents primarily identified, even if by a narrow margin, were mainstreaming protection in all clusters/sectors (20%); these were closely followed by the self-protection strategies of those directly affected by crises/disasters (19%) and use of local knowledge and capacity (14%). Following this, there was an even distribution amongst other actions that were seen to help realize positive protection outcomes: Effective coordination of the specific humanitarian strategy and approach, prioritization of protection in Strategic Response Plans, Leadership: ERC, IASC, HC, HCT, Protection Cluster, and an effective protection cluster were considered to be key actions by approximately 10% of respondents.[35]

For their own organisation, there was a more decisive response around actions that were deemed necessary to facilitate the realization of protection outcomes. The key action identified by 38% of respondents was results oriented protection programming. The remaining responses were evenly distributed. These included collaboration with other actors (15%), use of local knowledge and capacity (12%), strong collaboration with national civil society actors (12%), mobilization of adequate financial and human resourcing (12%), training and mentoring of protection personnel (8%) and active participation in interagency coordination mechanisms (8%).

Limited difference was found in responses from both **Protection-specific and other Humanitarian actors** as both placed emphasis upon the need for results oriented protection programming and had similarly diffused responses among the other listed actions. **Protection specific actors**, however, placed slightly greater emphasis on the importance of using local knowledge and capacity (18% compared with 11% from **other Humanitarian** sectors).

The qualitative responses emphasised the need for adequate staff and capacity building to be effective in facilitating protection outcomes. From an organizational perspective, respondents emphasized the need for protection mainstreaming, participation and involvement of local stakeholders, including the affected population, to engage with and draw upon local knowledge and capacity, in all phases of a project. Other actions identified are better analysis at the field level, having clear and measureable protection outcomes with concrete protection standards.

[35] No meaningful variation was observed in the responses from Protection Actors as compared with Non-Protection actors as there was an even recognition across sectors of the role that engagement with those directly affected by crises and the importance of mainstreaming protection.

Changes in the policy framework

4. To what extent have humanitarian reform (2005) and the transformative agenda (2011) contributed to achieving better protection outcomes? And what about the Human Rights Up Front (HRUF) Agenda (2013)?

Respondents provided views on the extent that the **Humanitarian Reform** (2005)[36], **Transformative Agenda** (2011)[37], and **Human Rights Up Front** (2013)[38] agendas contributed to better protection outcomes and provided a qualitative response describing the key improvements and challenges to achieving better protection outcomes.

Table 2: Comparison of contribution of policy agendas

	Significantly	Partially	Limited	Not at all	No opinion
Humanitarian Reform	16%	33%	24%	4%	23%
Transformative Agenda	13%	34%	24%	6%	23%
Human Rights Up Front	10%	23%	20%	8%	39%

Generally, perceptions of the level of impact of these reforms are split amongst respondents; one third of respondents report that these reforms have improved protection outcomes to some extent "partially." Comparatively speaking, humanitarian reform scored the highest (16%) among the policy agendas that contributed significantly to achievement of protection outcomes while the more recently rolled out Human Rights Up Front was lowest. Human Rights Up Front initiative scored the highest in terms of not contributing at all to the achievement of protection outcomes.

Respondents were equally distributed in terms of their views on the extent to which the Humanitarian Reform and Transformative Agenda contributed to better protection outcomes. Nearly half of respondents felt that the Humanitarian Reform and Transformative agendas had made a partial or significant contribution to achieving better protection outcomes while nearly a third of respondents indicated that both the Humanitarian Reform and Transformative Agenda had a made a limited contribution or not at all. Nearly a quarter of respondents stated that they did not know or had no opinion. A very small portion of respondents expressed the view that the humanitarian agendas had not contributed at all (less than 10%). (Table 2).[39]

Qualitative responses indicated that there have been some improvements in leadership, coordination and accountability, but that challenges still remain in terms of improving the overall effectiveness of the humanitarian system response in different crisis settings.

As one respondent stated in response to the question of what improvements and challenges there have been in line with the Humanitarian Reform and Transformative agenda:

> *The Protection Cluster is an extremely useful platform with which to bring to the fore protection issues in a particular context. However, UNHCR's position as lead agency has, in my experience, led to the weakening of the cluster and its ability to influence protection. I work in the context of an integrated*

[36] Humanitarian Reform Agenda: http://goo.gl/eKT6NK

[37] Transformative Agenda: http://goo.gl/WVj5ee

[38] Rights Up Front Initiative: http://goo.gl/KaYlBD

[39] This close association was consistent across sectors, with the notable exception of respondents from the Food Security and Housing sector who suggested that the Transformative agenda had contributed (Significantly or Partially) more significantly than the Humanitarian agenda (58% as compared with 38%).

mission, where UNHCR is inextricably linked to the DPKO mission, and does not appear to be able to stand up for humanitarian principles or protection within that structure – they see their priority as collaborating with the mission, as opposed to engaging in separate work while holding the mission accountable. As they also see their coordination role with the protection cluster as one that gives them an institutional authority over the cluster, this can cause conflict when they are supposed to be representing the cluster but in fact end up representing their own institutional interests. Particularly as an NGO protection cluster partner, we have found this to put us in a very difficult situation. While the cluster system has provided useful coordination mechanisms, the UN agency control over it can also stifle NGO independence, which is increasingly important in today's complex operating environments.

In addition, the following improvements and challenges are most frequently cited across all respondents' open question statements:

Table 3: Improvements and Challenges

IMPROVEMENTS	CHALLENGES
• Leadership • Coordination • Protection discussed in natural disaster settings • Change in leadership in HCT • Additional levels of reporting • Clarity of mandate • More protection focused advocacy in conflict settings • Construction of cluster system • Better monitoring, use of data • Coordinated interagency support	• Lack of accountability • Poor Leadership • Increased bureaucracy • Lack of host commitment • UNHCR as lead • Increased role of government in emergencies (in Middle Income Countries) • Funding constraints • Access to vulnerable groups • Fragmentation of protection mandate • Insecurity • Logistics

Negative factors that influence protection outcomes

5. What factors most interfere with your ability, as an individual, to contribute to positive protection outcomes?

When asked what factor most interferes with their ability to contribute to protection outcomes, lack of staff (35%), lack of technical capacity development (26%), and lack of senior management support (25%) were identified as the key obstacles. This finding is consistent with the reflection that lack of human and financial resources are a limiting factor at the organizational level which is also reflected in the qualitative feedback provided to Question 15 (Figure 3).

The lack of human resources (protection staff) and budget cited here is consistent with the findings from Questions 1 and 3 where lack of resources is cited as an (internal) trend impeding the achievement of protection outcomes and that actions to mobilize finances and human resources are critical to contributing to protection outcomes at the organizational level.

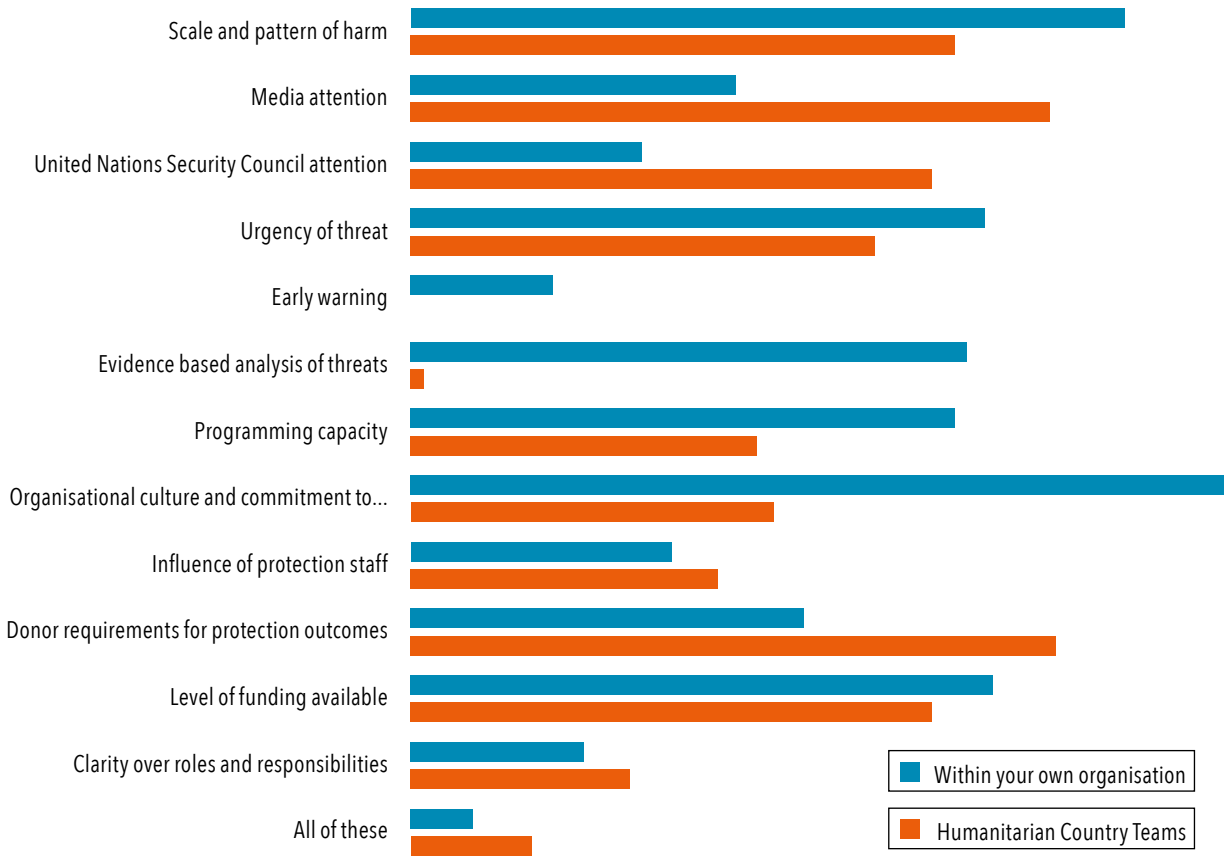
6. What factors influence senior management's active support for protection interventions? a) Within your own organization? b) for Humanitarian Country Teams

Given the importance that respondents place upon the support of senior management, it is useful to understand the factors that respondents believe influence senior management support for protection interventions.[40] According to the responses, the level of funding and the urgency of the threat are key factors for influencing senior management support for protection interventions at the HCT and individual organizational level. Nonetheless, there are also key differences. As explained below, evidence based analysis of threats is seen as a key influence at the organizational level but is essentially seen as irrelevant to HTC decision making. Conversely, media attention and attention from the UN Security Council are highly significant to the leadership of Humanitarian Country Teams and decidedly less important at the organizational level.

The most important factors influencing senior management's active support for protection interventions **within their own agencies** were organizational culture and commitment to addressing protection issues (45%). Following this, in equal parts, were the urgency of threats (31%), evidence based analysis of threats (31%) and programming capacity (30%).

The level of funding available and the urgency of the threat were considered to be important factors for senior management in all settings. Organizational culture and commitment to addressing protection issues were considered the most important internal factors influencing senior management support. Next in line was the scale and pattern of harm.

Figure 4: Factors influencing senior management support for protection interventions



[40] Respondents were asked to identify the three most important factors. Therefore the percentages reflect the percent of total respondents who selected these factors.

The most important factors influencing **Humanitarian Country Team Members** were Donor requirements for protection outcomes (36%) and media attention (35%). This was followed by the level of funding available (29%) and UN Security Council attention (28%). Evidence based analysis was thought to be an important factor for senior management within respondents' organizations (31%) but not a key influencing factor for senior management support in Humanitarian Country Teams (Figure 4).

7. Provide an example of how effective leadership has addressed protection problems either at HQ or in the field

Respondents provided examples of how leadership had been effective in protection settings. Features of these leadership approaches included:

- Prompt response from management on budgetary and programming decisions
- Proactive and open dialogue at the country level with all parties to the conflict
- Advocacy and dialogue with the host government
- Prioritization and recognition of protection mainstreaming at management levels
- Delegation of responsibilities to field actors
- Exchange and sharing of information with staff and other agencies

Specific examples of effective leadership on protection, cited by respondents, include:

1. *When there is a concerted effort and backing at the highest levels, a lot can be achieved. For example, the UNAMA protection of civilians work is extraordinarily effective in advocacy, messaging, but also getting both sides to "speak" on the issue.*

2. *Management support for concerted efforts to respond to increased border restrictions affecting Syrian refugees. Focus on need for joined-up 'Whole of Syria' planning has contributed to a more credible Syria Response Plan for 2015 that gives more priority to protection and acknowledges the cross-border perspective for the first time (credit to OCHA for this).*

Support to specific groups/issues

8. Does the categorization of different groups (IDPs, urbanites, non-uprooted) or types of protection problems (Gender Based Violence, Housing Land Property issues) affect the way in which humanitarian priorities are determined?

When asked whether the categorization of different groups and protection problems affects the way humanitarian priorities are determined, respondents overwhelmingly (77%) stated that it significantly or moderately affects prioritization. Only a small minority (6%) indicated that categorization of groups and problems does not affect prioritization.

There was some regional variability in the response to this question with respondents from the Americas finding the effect of categorization on prioritization to be a more significant factor than other regions (Figure 5).

Respondents stated that categorization by group and certain typologies of protection problem determines funding allocation.

Multiple respondents commented on the level of priority that tends to be given to Internally Displaced People and Gender Based Violence expressing differing views on the extent to which these particular groups tend to be prioritized. Some respondents indicated there was adequate or excess prioritization given to certain groups/issues. Other respondents expressed the view that priority is often given to issues or groups that are more visible, rather than a contextualised needs analysis.

Comments from respondents point to some key challenges that agencies involved in protection face:

- Due to agency mandates and interests, agencies will advocate to address or elevate the profile of certain protection threats or categories of persons. For the same reasons, they may down-play other threats or at-risk categories. This can affect everything, including advocacy, response plans, and of course ultimate protection outcomes.
- Specialisation within the protection field, while beneficial in advancing protection know-how, has produced a compartmentalized approach, wherein patterns of violence, deprivation, and coercion that don't fit neatly into the AORs or agency SOPs and cookie-cutter responses, get ignored or deprioritized. The 'professionalization of protection', also delegitimizes local knowledge, skills and social capital. Most protection trainings are so top-down and so focused on what we can do to protect (e.g. INGOs and UN), they actually serve to alienate, delegitimise and marginalize local responders. We should not forget that people are the main actors in their own protection.

Effectiveness of Humanitarian tools

9. Which humanitarian tools, processes, and resources are the most critical for effective programming?

Involvement of the affected population was identified as the most critical factor for effective programming (47%), followed closely by training of staff (41%) and interagency coordination (36%). These requirements for effective programming are very much in line with other findings around the organizational and humanitarian system wide processes which are required, or are limiting factors for protection outcomes to be achieved.

This result is in sync with the finding from the survey carried out through the Protection Funding Study.[41] When asked how they could obtain better protection results, (field) respondents overwhelmingly (86%) signalled that more involvement of affected populations was the single most important action that could be taken accompanied by the need for professionalization of staff. The need for increased training and professionalization of staff were articulated consistently by field respondents and cluster coordinators surveyed in the Protection Funding Study.

[41] Global Protection Cluster, Study on Protection Funding in Complex Humanitarian Emergencies, pg 35; http://goo.gl/pppR9x Murray and Landry, op. cit.,pg 35

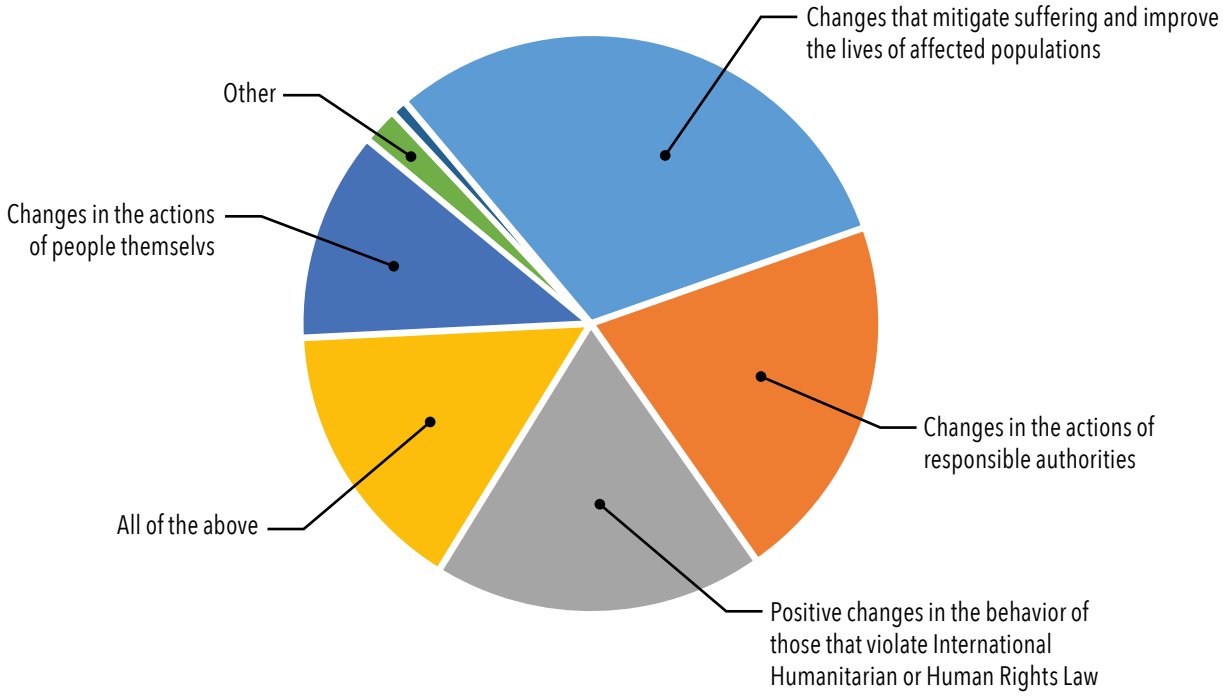
Organisational approach–Work toward change

10a. Which of the approach best describes the way your organisation undertakes protection work?
10b. What changes are you trying to achieve?

Most respondents, when asked to describe their organisation's approach to protection work indicated, in equal measure, that they were working towards building protective environments conducive to respect for international humanitarian and human rights law, taking a responsive and remedial approach and undertaking a proactive, preventative approach to protection

Respondents affiliated with UN Agencies and INGOs were split evenly across all of these categories. Nearly half of all respondents (48%) stated that they were working primarily toward changes that mitigate suffering and improving the lives of affected populations (Figure 6). A high proportion of the respondents responding in this way were affiliated with International NGOs (44%) while respondents from UN Agencies were more consistently working toward changes in the actions of responsible authorities.

Figure 6: Changes organizations are working toward



Challenges affecting effective programming

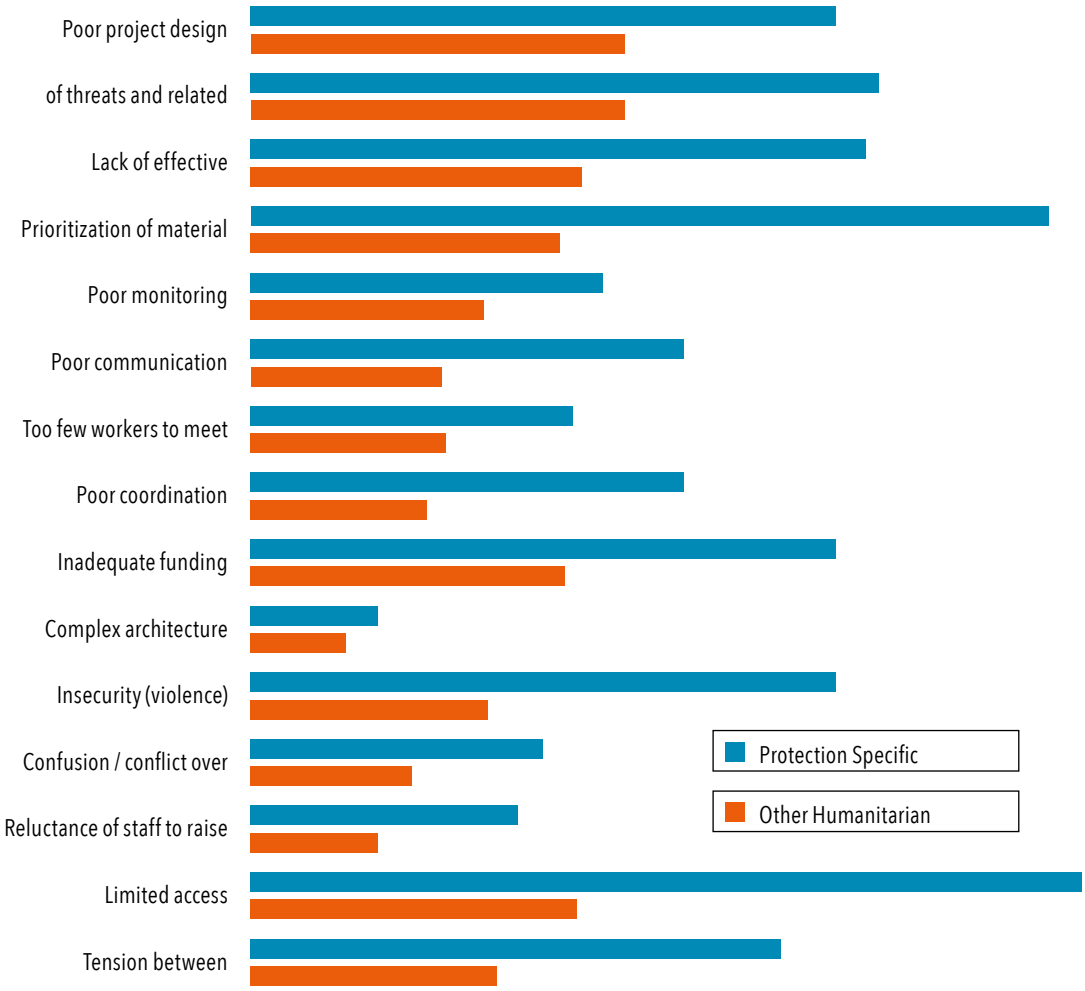
11. What are the biggest challenges impeding effective protection programming?

Overall, responses were variable on the biggest challenges to protection programming with an even spread (25-29%) across issues of access, poor needs assessment, poor project design, prioritization of material assistance and lack of effective leadership. In addition to these challenges, identified by at least 25% of respondents, all of the challenges **included in the list** were recognised as barriers by at least 10% of respondents (with the exception of the humanitarian system's complexity 7%)

However, **Protection specific and other Humanitarian Actors** were of different opinion concerning the biggest challenges to protection programming. The majority of Protection-specific actors considered limited access and prioritization of material assistance to be the main challenges impeding effective protection programming. Other humanitarian actors indicated that the most pressing issues were poor

design and poor needs analysis (Figure 7). These differences in perception may be attributable in part to the different understandings of and approaches to protection needs.

Figure 7: Biggest challenges to protection



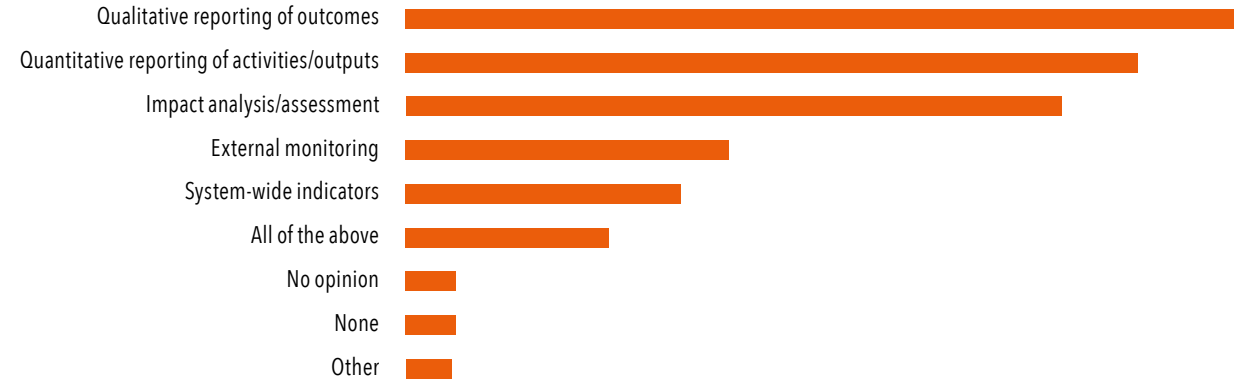
Measurement of protection outcomes

12a. What methods do you use to measure protection outcomes?
12b. Examples of successes and challenges in measuring outcomes.

Qualitative reporting was the most common method cited by respondents when asked what methods they used to measure protection outcomes. Quantitative reporting of outputs was also used by a majority to measure protection results. System-wide indicators, which are the most infrequently cited method used are employed primarily by respondents in UN Agencies (Figure 8)[42]. UN Agency respondents state that they use all of the methods described more than other respondents (45%). Respondents working specifically in protection indicated that they used qualitative reporting more frequently than other Humanitarian Actors (43% compared with 33%). There was also greater use of impact analysis to measure protection outcomes from actors working specifically in protection (33%) compared with other Humanitarian actors (25%).

[42] The protection indicators used in UNHCR Operations include: Are there cases of arbitrary detentions, do returnees have access to individual identity documentation without discrimination, are returnees allowed to vote, percentage of Sexual Gender Based Violence Cases who received support. Source: Standards and Indicators in UNHCR Operations (2006) http://www.unhcr.org/40eaa9804.pdf; OCHA Indicators: http://goo.gl/IUlqGS and IASC Indicators have also been developed

Figure 8: Methods to measure protection outcomes



In the survey carried out by Murray and Landry in their study, "Placing Protection Funding in Complex Humanitarian Emergencies", GPC 2013, similar findings were reported.[43] Narrative reporting (or qualitative reporting) was the most frequently used approach for measuring protection results (30% of respondents) followed by Quantitative reporting of outcomes (23%) and then quantitative reporting of outputs (14%). External monitoring or indicators developed by a third party were only used by 5-6% of respondents.[44] This confirmed the study's hypothesis that results reporting is a major challenge facing the protection community.

When asked to provide examples of successes and challenges in measuring outcomes, a number of respondents emphasized the unique role that context plays in identifying outcomes and indicators. The need to consider context, often shorter timeframes, and often limited funding are cited as chronic challenges in measuring outcomes within the humanitarian system. For example, respondents stated that *"Indicators are sometimes imposed by regional offices and do not correspond to country office needs/ language;"* And *"normally used quantitative indicators are not reflective of the reality in protection programming, and qualitative indicators are too rarely used in the field."*

Respondents to the present survey provided examples of successes and challenges in measuring outcomes (Table 4). As one respondent stated as a way of framing the measurement of outcomes in humanitarian settings:

> *"Measuring" outcomes in humanitarian settings (particularly in conflicts) is extremely challenging and typically cannot be done in a meaningful way, particularly not as a routine activity. "Assessing" outcomes, allowing for qualitative assessments to enter into the equation, are more realistic. However, to do them in a meaningful way requires a nearly "academic" approach and the related time and resource: not impossible to do, but certainly not something that can be part of routine activities."*

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[43] Murray, Julien & Landry, Joseph *"Placing protection at the centre of humanitarian action: Study on Protection Funding in Complex Humanitarian Emergencies"*, GPC, 2013 http://goo.gl/pUeqb3. The survey tested the hypothesis that results reporting is a major challenge facing the protection community. Narrative reporting (or qualitative reporting) was the most frequently used approach for measuring protection results (30% of respondents) followed by Quantitative reporting of outcomes (23%) and then quantitative reporting of outputs (14%). External monitoring or indicators developed by a third party were only used by 5-6% of respondent

[44] Murray and Landry, op. cit.,pg 37

Table 4: Successes and challenges in measuring outcomes as provided by respondents

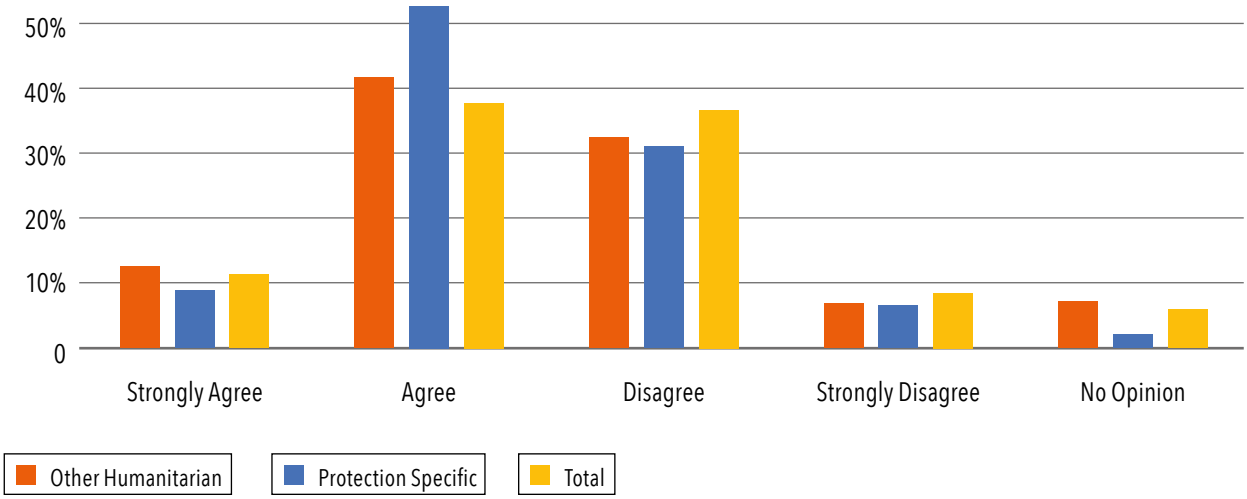
SUCCESSES	CHALLENGES
• Well trained personnel, right tools and good coordination with local communities, government and other stakeholders • Most significant change discussions with varied stakeholders tends to capture the full extent of impact better (positive and negative) and leads to a better understanding of the impact in local context • Establishment and reinforcement of community-based mechanisms to promote locally-owned, grass-roots level HR protection, monitoring and reporting • Information management tools to collect reports from the field periodically (weekly and monthly, depending on the phase of the response); programme retreats • Participatory assessments involving key local partners and beneficiaries • Building the capacity of national institutions through new policies and internal structures • Capacity of a Protection Cluster to widely agree on a clear and complete (but reasonable) set of indicators in the context of an HNO and SRP • Capacity of a Protection Cluster to effectively mainstream gender/ age/ diversity (at a minimum gender and age) in the indicators chosen by other Clusters to measure their outputs • Good harmonisation of protection indicators in the planning phase within an organization, were decentralization of protection programming is applied (e.g. across offices in a country) • Information management tools to collect reports from the field periodically (weekly and monthly, depending on the phase of the response); programme retreats and participatory assessments involving key local partners and beneficiaries • Having a good and reliable information management system, using different Monitoring and Evaluation tools such as Balanced Scorecard, post demining impact assessments, and landmines and livelihoods survey	• Developing capacity of a protection cluster within the context of a disaster situation • There is an inherent difficulty for protection actors to limit the measurement of impact in their action to quantitative indicators only. • The challenge is the lack of integration of the cultural dimension in the evaluation methodologies • Unable to quantify impact of violence on migrants, IDPs and affected population • To measure impact in a short period. Also to expect much to be achieved before the emergency is over...real impact is shown later; we would do better to focus on setting up well for development actors and then measuring how things went later • Lack of a reliable database on GBV and protection incidents • Insufficient staffing / funding / time to follow-up on cases of human rights violations (HRV) and ensuring longer-term protection after immediate risk is averted; little data is collected and provided by government and institutional counterparts on HRV encountered, case follow-up and management, e.g.: victim status, action taken re: perpetrators, etc. • The need for a more rooted culture of documentation in the tool by staff members which is also linked to professionalization • Qualitative reporting of outcome and lack of effective leadership and senior management support • Lack of standard procedures and tools for recording and assessing protection needs and intervention impact; in my organization each country typically develops its own

Accountability to groups

13. Are current protection programmes accountable to affected populations?

Linked to the issues of prioritisation of different groups and issues is the question of whether current programmes are addressing the protection needs of at-risk people. Respondents were asked to indicate their level of agreement or disagreement with the statement that current protection programmes are accountable to affected populations.

Figure 9: Accountability of protection programmes ; Protection specific compared with other Humanitarian actors



Respondents were divided on whether current protection programmes are accountable to affected populations: 38% of respondents agreed with the statement and 37% of respondents disagreed. This reflects both the diversity of respondents' perspective and suggests that not all protection programmes are of equal quality or able to deliver equitable impact to affected populations.[45]

Opinion is particularly strong amongst respondents working specifically in protection. Respondents working directly in child protection, multi-sector and protection in general most often 'strongly agreed' that current protection programmes are accountable to affected populations (Figure 9).

Overall, across all respondents, nearly as many respondents disagreed (37%) as agreed (38%) with the survey's statement that current protection programmes are accountable to affected populations.[46]

[45] There is a small difference in the perception of respondents working in the Protection sector compared with those not working directly in protection. 61% of those working in Protection report that they agree or strongly agree with the statement compared with 54% of respondents not working directly in Protection; this is compared with an overall 49% of respondents. 24% of respondents reported that the contexts and challenges for disasters and conflicts are very different, 49% stated that they were moderately different, 19% stated that they were partially different and 4% said that they were not different while only 3% had no option. This finding was consistent across regions.

[46] Those respondents working in coordination activities more often strongly disagreed that protection programmes are accountable to affected populations. Compared with 80% of those working in shelter activities and 100% of those working in Emergency Communications who considered protection programmes accountable.

Disaster response

14a. Do disasters (earthquakes, climate-related events such as cyclones/hurricanes, drought) require different responses by key stakeholders (such as national/local authorities, humanitarian actors) than conflict settings?

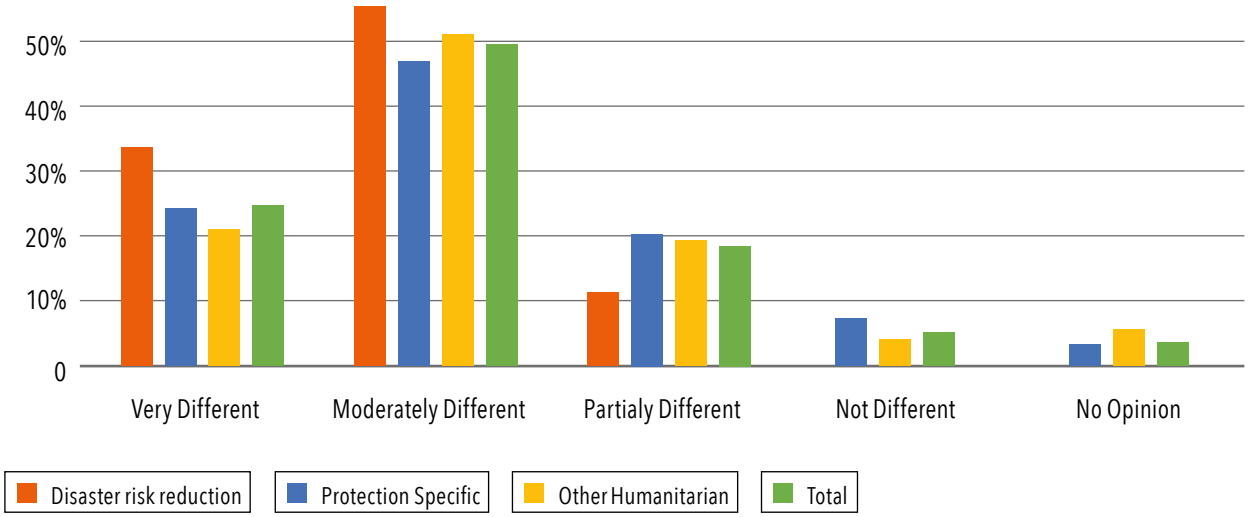
Disasters and conflict settings are viewed by a majority of respondents as different challenges requiring different responses by key stakeholders. Overall, respondents reported that there was a moderate difference in approach (*"Moderately Different"*) with disaster relief compared with other humanitarian interventions. By and large, it appears that respondents did not take into account the occurrence of disasters in conflict settings.

Respondents working directly in disaster risk reduction consistently report that the approach taken with disaster relief is different to other humanitarian settings (Figure 10). As such, 33% of those working in disaster risk reduction report that the contexts and challenges are very different (as compared to an overall average of 24%).

> *"In natural disasters you have to work fast to save many lives. In conflicts you have to work slowly and carefully to not put people at greater risk."*

Respondents commented that although the response to disaster relief and other humanitarian interventions can have similarities: *"In both situations, the issue remains the protection of the human rights of those affected and as such the broad mechanisms and responses remain the same."* And *"the most vulnerable groups will need protection; a lot of people will be displaced."*

Figure 10: ***Response to disasters compared with conflict****; Comparison of actors working in Disaster risk reduction, Protection specific, other Humanitarian*



Some respondents make a differentiation between different types of emergency contexts citing specifically the different political dynamics in war and non-war zones.

The politicization of many humanitarian interventions in conflict settings distinguishes them from humanitarian responses in the aftermath of disasters. Additionally, in conflict settings, the role of the host government may be contested or the state may be a party to the conflict. A large factor determining the nature and scale of humanitarian responses revolves around a state's willingness to support the people who are displaced. As one respondent stated, *"The political dynamics of protection in disasters is rarely as challenging as conflicts, which can seriously divide civil society, erode community protection capacity,*

polarize local actors, and create an environment totally hostile to external protection actors." In addition, conflict settings can require more security considerations. Respondents also expressed the view that humanitarian organizations tend to be more welcome in disaster settings where as in the case of conflict settings, authorities may not be amenable to assistance from humanitarian bodies.

There is also a perceived difference in the nature of and timeline for the response:

> *The key difference is that recovery from isolated, rapid onset disasters is more linear and expected within 12 months, while conflict settings are complex and often lead to protracted crisis and displacement requiring longer term programme response and funding.*

As one respondent described, there is a difference in the political will in disaster and conflict settings:

> *Usually, disasters have government commitment to protect people and they make the efforts necessary to do so (though not always successful). International actors support these efforts, not always fully successfully but they operate in an enabling environment and their responses are usually well targeted. Whereas the reverse is true in the kinds of conflict we witness today. State and non-state actors are mostly actively geared to targeting civilian populations seen to be in opposing camps, and not to protecting them. Receiving governments do try to protect civilians by their very act of allow people in but are often under-resourced and face unrest by local populations if they are seen to prioritize the former over the latter*

Issues of sovereignty are seen to be less challenging in disaster settings which means that dialogue between actors can be less complicated:

> *While issues of international responsibility may arise even in case of natural disasters (e.g. when the affected State is unable to cope with the situation and yet opposes an unjustified refusal to receive international humanitarian support), natural disasters do not trigger UN mechanisms/ organs in charge to maintain peace and security, or other institutions in charge to determine accountability for conflict-related most serious crimes (e.g. ICC or other treaty-based Criminal Courts). Hence, the issue of national sovereignty tends to be less sensitive for the affected State. As a consequence, an international humanitarian response is generally less challenged, particularly the presence of protection/human rights actors and interventions.*

> *In a post-conflict situation, the achievement of durable solutions may be charged with additional difficulties. This is particularly true when forced displacement follows conflict dynamics and when population movements reflect the evolving control over territory by the different parties in conflict*

Respondents noted that disasters can evoke a community response which may be different in conflict settings according to political and ethnical affiliation. Also, self-protection mechanisms exist in conflict settings which can have an impact on the way that an intervention is carried out:

> *Natural disasters usually bring people together within a nation and between nations whereas the nature of conflict is volatile.*

Working toward a more effective system

15. What changes are needed for the humanitarian system to be more effective in enhancing protection? Operationally? Strategically? Other?

Respondents were asked to provide **qualitative** feedback on what changes are needed to the humanitarian system Strategically, Operationally, and more broadly.

Better achievement of protection outcomes through operational changes.

There is an (expected) overlap across the operational and strategic spheres whereby many of the issues that emerge in the operational discussion also come through in identifying strategic changes needed for better achievement of protection outcomes. These include strategic changes in leadership, funding, and coordination.

Coordination: The need for effective coordination is mentioned perhaps more than any other aspect (mentioned 55 times). This includes mention of the need for stronger and more effective coordination between specific agencies as well as across sectors within the humanitarian system. Respondents also stress the need for better coordination to ensure that a common understanding and definition of protection is shared. The need for field level and HQ coordination is also described as well as coordination with affected populations.

- *Humanitarian leadership needs to improve coordination on protection--prioritizing actions to improve protection and mitigating bureaucratic competition conflict between agencies.*
- *Coordination among agencies and adopting common approaches to implementing humanitarian aid.*
- *Better communication, coordination, and collaboration between humanitarian actors and peacekeeping forces to ensure better protection of civilians.*

Funding: The need for increased funds and resources is a common theme across respondents (mentioned 32 times). The need for increased funding for protection programming is cited frequently as well as the need for donor funding for specific programming. The need for longer-term funding is also consistently mentioned in order to make programming more predictable as well as more flexible. Specifically, respondents stated that there was a need for:

- *Dedicated donor funding (and supportive funding modalities) for innovative protection programs and advocacy*
- *Increased funding for protection programming*
- *Greater analysis of why our own funding and programming modalities restrict our ability to engage with local actors and deliver protection outcomes over the longer term*

Training and capacity: An increase and improvement in training (mentioned 15 times) and capacity building (mentioned 17 times) was mentioned consistently among respondents as an area requiring attention. Respondents indicated that field and local level capacity building was a need facing the humanitarian system as well as training at across protection staff at all levels. This was described by respondents as follows:

- *More training/capacity building and practical tools for staff to mainstream protection in the sectors they work in*
- *Increased capacity of humanitarian agencies to work horizontally in-country with a wider set of local actors (not just favored local implementing partners)*
- *Continuous need to build protection (technical) capacity, need for much more joint protection analysis and willingness to seek opportunities to coordinate and complement each other's protection work & efforts*

Leadership: Effective leadership on protection issues is mentioned frequently (18 times). Respondents state that there is a need for "better", "real", "effective", "upfront", "strong", "more competent" leadership from specific humanitarian bodies and agencies[47] and across the humanitarian system.

[47] Including UNHCR, OCHA, RC, HC, HCT

Staffing: The challenges surrounding human and financial resources is a common refrain both in the qualitative and quantitative questions. Respondents mention the need for high quality, committed staff is mentioned by a number of respondents (11 times). This includes the need for high(er) quality staff and a commitment which could be fostered by consistent employment through long-term contracts.

- *Dedicated protection staff, including direct implementing personnel. In situations of active conflict, it is rarely possible to rely on local actors or civilians to deliver protection programmes.*

Other operational issues highlighted by respondents:

- **Protection cluster effectiveness:** *Protection Clusters need to be more effective in producing strong analysis of threats that undermine the safety and dignity of at-risk groups and increase needs of the population and helping to develop strategies that go beyond programmatic response to define desired outcomes, and define concretely engagement with the broader HCT, Government and parties to conflict, other actors such as UN missions. HCs and HCTs need to ensure protection activities are embraced and pursued beyond the cluster and/or protection mandated agencies (be it advocacy, protection mainstreaming, strategic planning, etc.).*
- **Definition:** *A clearer understanding of what protection is (i.e. not limited to the delivery of material aid) is required to enhance the operations facilitating protection outcomes. There is currently a limited/narrow understanding of what amounts to operational, which, as a result, amounts to a lack of support, prioritization, resources etc. for certain critical areas of protection (e.g. human rights work) which might not involve the delivery of material aid.*

Better achievement of protection outcomes through strategic changes

As stated previously, many of the issues, particularly around changes in leadership, funding, and coordination touch upon operational and strategic changes and challenge. Some of the main themes drawn from the qualitative responses provided are reflected here.

Protection Mainstreaming: Mainstreaming of protection across clusters, sectors and humanitarian programming is a key theme described by respondents (mentioned 22 times). The need to integrate protection into all aspects of humanitarian programming and mainstreaming protection into all sectors is cited consistently. As one respondent described:

> *It very much boils down to ensuring that protection becomes everybody's responsibility, and is meaningfully embedded across humanitarian mechanisms and processes – centrality of protection. But it also very much depends on a better understanding of what protection is and what we are, as a community, trying to achieve (which should systematically include the prevention and response to risks and violations of IHRL and IHL), by making the most of our different areas of expertise and mandates. Humanitarian Coordinators need to take more ownership of the system's responsibility to achieve protection outcomes, and they need to either have better knowledge and expertise of the relevant bodies of law, or have better support systems, whether through OCHA or an embedded Human Rights Advisor, for example. Protection Clusters need to work in a more systematic and predictable manner across crises so that the response of, what is very often a similar group of actors, becomes more efficient – better understanding of who does, what and how. The humanitarian community needs to work better with national authorities and non-state actors and engage the affected community throughout. Protection must address the needs of all affected communities, and not just IDPs. The humanitarian system must also bear donors much more to account for ensuring the centrality of protection is operationalised, by prioritising protection, and not limiting themselves to supporting 'whom they know' but to what the real needs are. When human rights concerns, considerations and violations are at the heart of the cause and/or consequence of a given crises, human rights work and human rights protection must be integrated as a core tenet of overall humanitarian preparedness and response efforts.*

Leadership: As in the previous section, the critical and strategic role of leadership is a main focus of the responses (mentioned 16 times in qualitative responses). In term of strategic leadership to improve protection outcomes, the focus amongst respondents is around commitment from leadership to promote accountability and prioritization of protection in the response. This includes leadership across agencies and from government to support strategies for translating protection policies into practice. The perspective is that protection must be prioritised in order for protection outcomes to be achieved and this must come leaders in the system to be possible.

Accountability: Accountability was cited as a priority for the humanitarian system (11 mentions). There was a common perception that accountability is a challenge for the humanitarian system and that accountability is required at multiple levels: government actors, leadership from the Global Protection Cluster, donors, individual agencies and leadership at all levels (global, regional, agency, and inter-agency). It was also suggested that protection should be the responsibility of the entire humanitarian system rather than only the protection cluster. As such there should be clear processes for ensuring accountability across the system.

Advocacy: Advocacy was a recurring theme in responses (11 mentions). As one respondent articulated, there is a need for collective advocacy and/or strategic/coordinated advocacy as too often, agencies play off of each other. This was supported by other respondents who expressed that it is important that there is a role for the GPC to continue to provide technical and advocacy support to protection clusters in the field.

Other salient issues

Timing: Respondents highlighted the challenges that emerge due to the timeframe of humanitarian crises where there is often urgency to respond but where the intervention required is protracted due to the severity and complexity of the needs in the field. Also, there are time-bound challenges around reporting, for instance, where results indicators are designed with unrealistic timelines or where field operations are limited by temporary deployment of staff with limited capacity and time-bound interests who look for more short-term deliverables.

Defining protection: The lack of clarity around what protection practically involves presents a challenge in itself. As one respondent stated, *"the relatively vague definition of protection makes it extremely difficult to advocate for protection and protection mainstreaming among non-experts."* Some respondents also suggested that the lack of a common practical starting point across agencies complicates already challenging coordination mechanisms.

ANNEX 1: SURVEY QUESTIONNAIRE

WHOLE OF SYSTEM REVIEW SURVEY

Introduction

Thank you for taking the time to complete this survey that is part of the Independent 'Whole of System' Review of Protection in Humanitarian Crises. This survey is concerned with the non-refugee humanitarian case load; this means it is focused on those covered by the Strategic Response Plan. This survey should take you approximately 20 minutes to complete.

The Chatham House rule applies to all information generated by this survey. This means that the survey will not reveal the identity or affiliation of respondents unless they indicate otherwise. Thus, please note that, for the purposes of this survey, disclosure of identifying information is optional.

The 'Whole of System' Review was initiated by the Global Protection Cluster (GPC) Task Team in line with the IASC (Inter-Agency Standing Committee) Principals decision (December 2013) concerning "the commissioning and implementation of a whole-of-system review of protection in humanitarian crises". It was motivated in part by the findings of the UN Secretary General's Internal Review Panel report on United Nations Actions in Sri Lanka and subsequent adoption, by the UN, Human Rights Up Front Action Plan.

The objective of the Review is to assess "the performance of the humanitarian system in achieving protection outcomes, with a view to identifying measures to ensure the centrality of protection in humanitarian action" in line with an IASC Principals Statement (December 2013) on the centrality of protection in humanitarian action.

The scope of review is based around three key questions:

- What is the current humanitarian response system for protection and how is it intended to work?
- How is that system functioning in practice?
- What actions are needed to ensure more effective and consistent achievement of protection outcomes in the humanitarian system?

Key terms: The definition of Protection, endorsed by the IASC, concerns "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of the law (i.e. international human rights, humanitarian and refugee law).

"The Humanitarian System, in the context of this survey, refers to national and international actors such as the UN, NGOs (Non-Governmental Organisations), Red Cross/Red Crescent Movement, national/local authorities, Donors and others who employ a range of mechanisms and processes that aim to protect and support individuals and communities adversely affected by emergencies (e.g. disasters, armed conflict, complex emergencies).

Protection outcomes, in the context of this survey, refers to the results of decisions, actions and programmes, geared to helping at-risk groups and individuals enhance their safety, survival chances, and dignity in situations of humanitarian concern.

General information

First we would like some general information about yourself and your organisation.

a. Who are you? (this information is optional)

Name

Organisation

Role

b. Gender

- ◯ Male
- ◯ Female

c. Type of organisation or constituency

- ◯ UN Agency
- ◯ UN Peace Operations
- ◯ Red Cross/Red Crescent Movement
- ◯ Affected group/community representatives or affected individual
- ◯ Civil Society organisation
- ◯ Local authority
- ◯ National authority of an affected state
- ◯ International Non Governmental Organisation
- ◯ National or local Non Governmental Organisation
- ◯ Donor government
- ◯ Academic organisation/Think Tank
- ◯ Other

d. Years of experience in humanitarian action

Please select one.

- ◯ 0-2
- ◯ 3-5
- ◯ 6-9
- ◯ 10+
- ◯ 20+

e. What activities/tasks are your primary focus? (Please choose up to two)

- ☐ All/Multi-sector
- ☐ Advocacy
- ☐ Camp coordination and camp management
- ☐ Child protection
- ☐ Coordination
- ☐ Disaster risk reduction
- ☐ Early recovery
- ☐ Education
- ☐ Emergency telecommunications
- ☐ Food security
- ☐ Health
- ☐ Housing, land, and property
- ☐ Gender based violence
- ☐ Logistics
- ☐ Mine Action
- ☐ Nutrition
- ☐ Policy
- ☐ Protection
- ☐ Shelter
- ☐ Water, sanitation, and hygiene
- ☐ Other

f. Region where you currently work.

- ○ Africa
- ○ Americas
- ○ Asia
- ○ Europe
- ○ Middle East
- ○ Oceania
- ○ Global

g. Where are you based?

- ○ Headquarters
- ○ Regional Office
- ○ National Office
- ○ Sub-national Office
- ○ Other

h. Are you employed as...

- ○ National
- ○ International
- ○ Other

Protection General

1. What trends generate or exacerbate protection problems?

Please indicate what you consider to be the most important trend (select 1) from each of the categories: Contextual, External, and Internal

Contextual

- ○ Changing nature of warfare (asymmetrical, targeting civilians etc)
- ○ Increased number of non-state armed groups
- ○ Increased incidence or severity of disasters associated with natural hazard events
- ○ Disasters in conflict settings
- ○ Other situations of violence including civil unrest and urban violence

External

- ○ Perception that humanitarianism is Western driven
- ○ Limitations imposed by counter-terror legislation
- ○ Use of humanitarian programs to advance political/military agenda

Internal

- ◯ Lack of access and/or insecurity for humanitarian personnel
- ◯ Increased use of remote management tools
- ◯ Lack of coordination between humanitarian & other development actors
- ◯ Prioritization of institutional interests over humanitarian concerns

Other important trends or influences, please list here:

2. What agencies or actors are best placed to reduce the incidence of protection problems?
(please select all that apply)

- ☐ Parties to the conflict
- ☐ Donor governments
- ☐ UN Member states
- ☐ Affected State authorities
- ☐ Non State Armed Actors
- ☐ Regional States
- ☐ UN Peace Operations/Integrated missions
- ☐ UN Political Missions
- ☐ Regional Organisation's Missions (e.g. African Union, UNISOM)
- ☐ OCHA
- ☐ OHCHR
- ☐ UNHCR
- ☐ UNICEF
- ☐ ICRC
- ☐ INGOs
- ☐ National civil society
- ☐ Affected Populations
- ☐ Media Actors
- ☐ Other

Protection outcomes:

3. What Humanitarian actions facilitate the realization of positive protection outcomes?
(please answer the question for each category)

a) Humanitarian System

- ◯ Acknowledgement of, or support for, the self-protection strategies of those directly affected by crises/disasters
- ◯ Effective coordination of the crisis/disaster-specific humanitarian strategy and approach
- ◯ Leadership: ERC, IASC, HC, HCT, Protection Cluster
- ◯ Mainstreaming protection in all clusters/sectors
- ◯ Effective Protection cluster
- ◯ Prioritization of protection in Strategic Response Plans
- ◯ Meaningful UN and Non-Governmental Organisation partnerships (equal, transparent, complementary)
- ◯ Use of local knowledge and capacity

b) Your own organisational response

- ○ Results oriented protection programming (clear strategy, appropriate objectives, monitoring & measurement of outcomes)
- ○ Active participation in inter-agency coordination mechanisms.
- ○ Strong collaboration with national civil society actors
- ○ Use of local knowledge and capacity
- ○ Mobilization of adequate financial and human resourcing
- ○ Training and mentoring of protection personnel
- ○ Collaboration with other actors contributing to protection outcomes

c) What other actions shape your organisation's ability to achieve, or contribute to outcomes that enhance protection?

4a. To what extent have the humanitarian reform (2005) and transformative agenda (2011) contributed to achieving better protection outcomes? And what about the Human Rights Up Front (HRUF) Agenda (2013)?

Humanitarian Reform (2005)	**Humanitarian Reform Transformative Agenda (2011)**	**RUF Agenda (2013)**
○ Significantly	○ Significantly	○ Significantly
○ Partially	○ Partially	○ Partially
○ Limited	○ Limited	○ Limited
○ Not at all	○ Not at all	○ Not at all
○ No opinion/Don't know	○ No opinion/Don't know	○ No opinion/Don't know

4b. What have been the key improvements/and or challenges in your view to achieving better protection outcomes in line with the Humanitarian Reform and Transformative agenda?

5. What factors most interfere with your ability, as an individual, to contribute to positive protection outcomes?

- ☐ Please select the top 2 factors
- ☐ Lack of senior management support/leadership
- ☐ Lack of technical capacity development (training and/or mentoring)
- ☐ Lack of dedicated protection staff and/or mainstreaming of protection concerns
- ☐ Lack of technical guidance (other sector specialists only)
- ☐ Risk of Persona Non Grata
- ☐ Length of time of deployment/service in location
- ☐ All of the above
- ☐ Other
- ☐ No opinion

6. What factors influence senior management's active support for protection interventions?
(please select the three most important factors)

a) Within your own organisation	b) Humanitarian Country Teams	
☐	☐	Scale and pattern of harm
☐	☐	Media attention
☐	☐	United Nations Security Council attention
☐	☐	Urgency of threat
☐	☐	Early warning
☐	☐	Evidence based analysis of threats
☐	☐	Programming capacity
☐	☐	Organisational culture and commitment to addressing protection issues
☐	☐	Influence of protection staff
☐	☐	Donor requirements for protection outcomes
☐	☐	Level of funding available
☐	☐	Clarity over roles and responsibilities
☐	☐	All of these

7. Can you please provide an example of how effective leadership has addressed protection problems, either at HQ or in the field?

8. Does the categorization of different groups (IDPs, urbanites, non-uprooted) or types of protection problems (Gender Based Violence, Housing Land Property issues) affect the way in which humanitarian priorities are determined?

- ○ Significantly
- ○ Partially
- ○ Moderately
- ○ Not at all

Please explain:

9. Which humanitarian tools, processes, resources are the most critical for effective programming?
(please choose the three most important factors)

- ☐ Standardized indicators and monitoring
- ☐ Inter-agency coordination
- ☐ Effective Protection Cluster
- ☐ Inter-Agency coordination of needs assessments
- ☐ Professionalization/training of staff
- ☐ Multi-year financing
- ☐ Meaningful involvement of affected population throughout the programme cycle
- ☐ The overall humanitarian strategy is designed to be protective
- ☐ Desired protection outcomes are clearly defined in the overall humanitarian strategy
- ☐ No opinion
- ☐ Other

10a. Which of the following approaches best describes the way your organisation undertakes protection work?:

- ○ Proactive pre-preemption, or prevention of violations or harm
- ○ Responsive and remedial
- ○ Contributing to building environments conducive to upholding respect for fundamental humanitarian norms and human rights standards
- ○ None of the above
- ○ All of the above
- ○ Other

10b. What changes are you trying to achieve? (select the top 2 priority changes)

- ☐ Positive changes in the behavior of those that violate International Humanitarian or Human Rights Law
- ☐ Changes in the actions of responsible authorities
- ☐ Changes in the actions of people themselves
- ☐ Changes that mitigate suffering and improve the lives of affected populations
- ☐ All of the above
- ☐ Other
- ☐ No opinion

11. In your opinion, what are the biggest challenges impeding effective protection programming?
(please select the top 3)

- ☐ Poor project design/lack of clarity of intended outcomes
- ☐ Poor assessment of threats and related needs
- ☐ Lack of effective leadership & senior management support
- ☐ Prioritization of material assistance over protection programming
- ☐ Poor monitoring and evaluation
- ☐ Poor communication and consultation between government authorities/Non State Armed Actors (NSAAs) and international actors.
- ☐ Weak presence -too few aid workers/organisations to meet needs
- ☐ Poor coordination
- ☐ Inadequate prioritization of protection staff and resources by humanitarian organisations
- ☐ Inadequate funding
- ☐ Complex architecture of the humanitarian system
- ☐ Insecurity (violence/crime)
- ☐ Confusion or conflict over mandates and definitions
- ☐ Reluctance of staff to raise sensitive issues
- ☐ Limited access to certain areas/populations
- ☐ Tension between humanitarian and other (political, developmental, etc) objectives

12a. What methods do you use to measure protection outcomes?

- ☐ Please select all that apply.
- ☐ Quantitative reporting of activities/outputs
- ☐ Qualitative reporting of outcomes
- ☐ System-wide Indicators
- ☐ Impact analysis/assessment
- ☐ External monitoring
- ☐ None
- ☐ All of the above
- ☐ Other
- ☐ No opinion

12b. Please provide examples of successes and challenges in measuring outcomes

13. Current protection programmes are accountable to affected populations.
(please indicate your level of agreement or disagreement with the statement)

- ○ Strongly Agree
- ○ Agree
- ○ Disagree
- ○ Strongly Disagree
- ○ No Opinion

14a. Do disasters (earthquakes, climate-related events such as cyclones/hurricanes, drought) require different responses by key stakeholders (such as national/local authorities, humanitarian actors) than conflict settings?

- ○ Very different. The contexts and challenges have few similarities.
- ○ Moderately different. There are a few similarities but the overall approach will be significantly different.
- ○ Partially different. There are a few specific differences but the overall context and disaster response are largely similar.
- ○ Not different. The approaches are nearly the same.
- ○ No opinion

14b. Please explain what these differences are

15.What changes are needed for the humanitarian system to be more effective in enhancing protection

Operationally	
Strategically	
Other	

16. Any other comments?

ANNEX 2:

NUMBER OF RESPONDENTS TO INDIVIDUAL QUESTIONS

Responses to individual questions

#	Type	Sub-questions (a, b, c)		
1	Multiple choice	521	455	512
1a	Qualitative	100		
2	Multiple choice	527		
3	Multiple choice	532	520	
3c	Qualitative	205		
4a	Multiple choice	501	503	479
4b	Qualitative	291		
5	Multiple choice	528		
6	Multiple choice	454	425	
7	Qualitative	224		
8a	Multiple choice	448		
8b	Qualitative	241		
9	Multiple choice	455		
10	Multiple choice	436	438	
11	Multiple choice	444		
12a	Multiple choice	440		
12b	Qualitative	157		
13	Multiple choice	428		
14	Multiple choice	425		
14b	Qualitative	234		
15	Qualitative	253	249	97
16	Qualitative	78		

ANNEX E:

DATA COLLECTION TOOL

Overarching ToR questions (and sub-questions)	Key issues	Sub issues
1. What is the current humanitarian response system for protection and how is it intended to work?	**1. Context**	Historical perspective
		Evolving trends (big picture, systems)
	2. Definition	Definition
		Approaches
What are the elements of the humanitarian system that contribute to effective protection outcomes?	**3. Architecture**	Structures
		Stakeholders: roles + responsibilities within the H system and beyond
		States (donors, affected, NSAA) Local actors
		Approaches
		Processes
		Mechanisms
*How does the **Rights Up Front** initiative relate to humanitarian action?* *How does the role/actions of non-Humanitarian actors – SC,R2P, Peace Missions, ICC – impact on H action?*	**4. Relationships**	Degree of familiarity
		Complementarities
		Interaction/interface
How does the role/actions of non-Humanitarian actors – SC, R2P, Peace Missions, ICC – impact on H action?		Degree of familiarity
		Complementarities
		Interaction/interface effect
	5. Outcomes	Intervention logic
		Outcomes definition
2. HOW is the Humanitarian system functioning in practice?	**6.Effectiveness, Clusters and others**	Leadership and prioritizing
		Situational analysis + needs assessments
		Capacity/resources
		Coordination
		Last Resort
		Coverage
		Data, Mgt, Use
		M&E, Indicators
		Accountability to affected communities

Overarching ToR questions (and sub-questions)	Key issues	Sub issues
		Successes
		Failures, Gaps and Disconnects
		Lessons and Good Practice
		Innovative approaches
3. What is needed for better achievement of protection outcomes in the hum system? [Are the current systems adequate if appropriately implemented? How can the wider humanitarian system complement the RUF Action Plan? Additional action needed?]	**7. Conclusions + Recomm-endations**	Strategic
		Operational
		Systems
		States (donors, affected, NSAA)
		Agency, mechanism specific
		Complementing RUF Action plan

ANNEX F:

FIELD MISSION INTERVIEW GUIDE

Questions are indicative and will be tailored to particular interviewee/stakeholder. This simplified list will be used in conjunction with the Issues Matrix.

Context

- What are the key protection challenges in this crisis?

Architecture

- Are you/is your organization involved in protection? Stand-alone, mainstreaming and/or other?
- What definition of protection do you use? What does it mean in terms of tangible ground realities/ programming?
- Do you interact on protection issues with the state, NSAAs, peace mission, etc?
- Are you aware of the Rights Up Front Initiative? How does it relate to your work?
- How do you view the relationship between humanitarian and human rights actors? Are there complementarities/firewalls?

Coordination

- How are protection actors working together?
- Is there a clear protection strategy? How are protection issues prioritized?
- What is the role of the HC and HCT on protection issues? Is leadership being provided? By whom?
- Is there a Protection Cluster? Which Areas of Responsibility (AoRs) are active? Are national staff involved?
- How do the Cluster and AoRs engage with other mechanisms (HCT, HC, other clusters, Inter Cluster Coordination (ICC) etc)
- Do the cluster lead(s) deliver on:
  - coordinating analysis of needs and information sharing;
  - securing and following up on commitments;
  - acting as provider of last resort;
- How do the other clusters deal with protection mainstreaming issues, are they involved in discussions about protection?
- Do significant protection activities take place outside the cluster system (e.g. in mandated organizations such as UNHCR, ICRC; peace mission; non mainstream INGOs; local NGOs and CBOs; the state/local authorities, NSAAs, private sector, etc.).
- What are your views on the role of the GPC or your HQ in relation to protection in this crisis situation?
- Does coordination enhance (or hinder) protection outcomes? Examples?

Coverage

- Which at-risk groups are best or least protected?
- What are the context-specific/external and internal/organizational factors that affect protection outcomes?
- Are there protection gaps? What is being done about them?
- Examples of success/good practice

M&E

- How do you know if your protection activities or the overall protection strategy is effective?
- Do you measure protection outcomes? If yes, how do you do so (e.g. do you use specific indicators)?
- Are at-risk groups involved? Are their own protection strategies factored into programming?
- Are there accountability mechanisms vis-à-vis affected communities?

Individuals/ Human Resources

- Protection actors – what support do you need to ensure more effective outcomes?
- Other actors – what support do you need to mainstream protection in your work?
- What human resource or other challenges are there in your view? (e.g. training)

The future

- How do you see the protection situation evolving in this country?
- Do you have recommendations on how to improve the protection situation in this crisis or elsewhere? What could be done better or differently?
- Are there innovative approaches that have been tested/introduced? Could they be adapted for use elsewhere?

Questions for at risk groups:

- What are the key protection problems you are facing?
- How are you addressing them?
- Is anyone helping you to address the problems you face?
- Have you been consulted/did you participate in discussions on the help you needed?
- How would you make a complaint about assistance or behaviour of UN/NGO worker?
- Is the help you receive useful? How? Who benefitted/ who didn't?
- What would you have done differently?

ANNEX G:

LITERATURE REVIEWED; SELECTED LIST

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ANNEX H:

AIDE MEMOIRES I) REPUBLIC OF SOUTH SUDAN (RSS) AIDE MEMOIRE[48]

Norah Niland and Antonio Donini

1. Context

Humanitarian agencies face unprecedented challenges in the Republic of South Sudan (RSS). The country has been devastated by internecine conflict that broke out in December 2013 two and a half years after the South gained its independence from Khartoum. Armed groups have committed atrocities against civilians; these have been influenced by ethnic or political affiliation as well as long-standing inter-communal tensions. Over 100,000 people are harboring inside UN Peace Mission (UNMISS) bases. The residents of these "PoC" sites are just a fraction of the 1.4 million people who have been displaced inside RSS; nearly 500,000 have fled to neighboring countries. The "PoC" site population is an even smaller fraction of the overall humanitarian caseload including those in remote rural areas. OCHA estimates the total caseload in need of humanitarian support at over 6 million.

The war that erupted in Juba on 15 December 2013 was the result of mounting political tensions within the ruling Sudan People's Liberation Movement (SPLM) between President Salva Kiir and his former Vice President, Dr. Riek Machar. The international community was taken by surprise by events that shattered the optimistic narratives that had followed the peace agreement and independence even though local clergy and others familiar with the RSS indicated that ruptures in the Government had been apparent since mid 2013. Many national and international interviewees appeared traumatized by what they witnessed in Juba and elsewhere.

2. Methodology and limitations

The mission gathered findings through document review, interviews and observation. It spent 14 days in country with three days in Bentiu and the rest of the time in Juba. Meetings were held with a wide range of stakeholders: UN (both black UN and blue UN including the SRSG and the DSRSG/HC), aid agencies, ICRC, donors, local authorities, local media, churches, independent researchers and a local think tank. In the "POC" sites in Bentiu and Juba we held meetings, including short focus group discussions, with camp residents, groups with special needs (elderly, women, youth, disabled) and with block/camp leaders. In total, the team met with 156 informants in individual or groups and had group discussions with approximately 100 affected individuals. The team also attended meetings of the Protection Cluster (PC) and the inter-cluster working group (ICWG). It had several meetings with the UNHCR PC Lead, observed the PC (Juba, Bentiu) in action and had dedicated meetings with PC "veterans" and PC AORs. The team was invited to give feedback to the HCT prior to its departure and had a final wrap-up meeting with the HCR Protection co-lead and OCHA. All meetings were held under the Chatham House rule. Limitations

[48] This aide-mémoire summarizes the approach taken in the course of a two-week mission to South Sudan, from 19 January to 1 February 2015. The purpose of the mission was to look at systemic issues related to protection. The mission wishes to thank all those who gave of their time in order to help the mission to unscramble the complex realities of protection in South Sudan and especially the UNHCR and NRC protection cluster co-leads and OCHA for their support.

included: time and logistics which precluded further field visits as well as meetings with GOSS staff; high turnover of agency staff; lack of institutional memory and the absence of baselines against which to assess responses to protection concerns.

3. Key lines of enquiry

i) Definitions and approaches

The team spent time analyzing how different actors defined "protection" and how these actors related to the concept in practice. The team looked at the different interpretations and the way in which these interpretations got translated into analysis, strategies, decision-making and means to measure the outcome of programmes geared to enhance protection. The team also examined the reasons for labeling the RSS situation a "protection crisis" and whether this added to the profile and analysis of the crisis beyond mobilizing attention and resources. The team explored levels of awareness of HRUF; it also looked at perceptions of its relevance among senior UN agency and UNMISS colleagues.

ii) Architecture

Special attention was given to the humanitarian architecture in general, and in relation to protection, how different institutions and entities functioned and whether there was buy-in and a sense of ownership especially among smaller players. It looked at the roles of the HC, the HCT (which includes 5 UN agencies, 5 Donors, 5 NGOs, ICRC and OCHA) and at various other bodies such as the mini HCT, the Policy Group, and the Operational Group. In addition to the functions of the HC, HCT, Protection Cluster and ICC, the mission also looked at the relationships between humanitarian agencies and the UN integrated missions, especially in relation to the issue of the "POC sites" and the implications of the UNSC resolution that changed the UNMISS mandate in May 2014; this effectively disallowed capacity building, including on protection issues, with the GOSS.

iii) "PoC" sites

Another important area analyzed was the issue of the camps or settlements within UNMISS bases that are called "PoC" sites; initial residents were those who fled the December 2013 fighting. While the opening of the UNMISS gates saved a huge number of lives and was seen by many as an important precedent for the UN and its partners, the functions of the sites have changed over time. The team examined differing views on the future of these sites and how humanitarian work could be boosted elsewhere in the RSS. One key question examined was the extent to which the "PoC" sites detracted from attention to, and investment in, protection issues of concern to the bulk of the humanitarian caseload as well as the role of agencies in challenging the impact of war on civilians.

iv) Protection strategy

The team reviewed a number of plans and documents relating to strategy. A HCT strategy was adopted/endorsed by the HCT shortly after our arrival in-country after some 8 months of different iterations. The team looked at the process through which it was developed and the extent of buy-in beyond the UN, its relationship to the SRP and whether it was relevant to agency programmes. It also looked at the relationship between the HCT strategy and other strategies including the PC protection strategy and the UNMISS PoC strategy as well as issues of alignment and complementarity between different strategies.

Other issues examined included *contingency planning* and the level of preparedness for the mostly unforeseen events of December 2013, and their aftermath, in the context of current protection-oriented

strategies (HCT and UNMISS). Another important issue we examined was *Analysis & Information Sharing*, level of awareness of its purpose and end use including identification of patterns of harm trends. Also, the team examined the extent to which there appeared to be appreciation of the longevity of the crisis and the factors that drive and sustain it; this included levels of interest in the effectiveness or otherwise of measures taken by humanitarian actors in the past to address issues of topical concern.

Finally, the mission looked at how the views of affected communities and local groups were factored into the work of the PC and other protection activities. This included examining whether there was sufficient appreciation of the importance of consulting and taking into account the views of crisis-affected groups and the factors that influence decision-making including in relation to the residents of the "PoC" sites. In this connection, the research team looked at the extent to which insights from consultations with affected groups informed analysis, this included forward planning and out-of-the-box thinking including in relation to those who are not in "PoC" sites.

The team's preliminary findings on the above were shared with the HC, at a meeting with the HCT.

II) WHOLE OF SYSTEM REVIEW OF PROTECTION IN HUMANITARIAN CRISES – AIDE MEMOIRE ON THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

1. Team composition: Riccardo Polastro and Amra Lee

2. Dates: February 2015 (conducted remotely)

3. Methodology:

The team reviewed 29 documents and undertook 19 key stakeholder interviews with 22 individuals in Kinshasa, Goma and Bukavu. Please see table below for disaggregation of interviewees by stakeholder and gender.

IASC Stakeholder	Kinshasa	Goma	Bukavu
UN (incl. IOM)	3 (3F,1M)	4 (2F,3M)	1 (1M)
INGO	3 (2F,1M)	3 (2F,1M)	
NGO			
Donors	2 (2M)	1 (1M)	1 (1F)
Red Cross/Crescent	1 (1F,1M)		
Think tank/ other civil society			
Sub Total	**9 (6F,5M)**	**8 (4F,5M)**	**2 (1F,1M)**
Total	**19 interviews with 22 individuals (11F, 11M)**		

*One interview may have more than one participant.

***Gender is broken down into Female (F) and Male (M).

4. Limitations:

The team was unable to travel to the DRC given unforeseen illness of the team lead during the planned mission period. Additional limitations included the absence of a baseline, availability of interviewees, remote conduct of mission through interviews, limited national stakeholder perspectives and inability to triangulate through field observations.

5. Key lines of inquiry:

i) Context

The team reviewed literature and interview data to identify key protection challenges including those related to the protracted nature of crisis, the multiplicity of conflicts[49] and subsequent breakdown in the rule of law and associated impunity, and their impacts on the civilian population and humanitarian caseload. Other contextual challenges include the geographical scale of the crisis, access and security constraints, and the multiplicity of stakeholders.

ii) Definitions and approaches

Different stakeholders working definitions and approaches to protection were reviewed. Interviewees were queried on their familiarity with Human Rights Up Front (HRUF) and its relevance to the crisis.

iii) Architecture

The team reviewed the roles and responsibilities of key protection stakeholders at the national and provincial level, as well as the relationship between the UN Organisation Stabilisation Mission in the DR Congo (MONUSCO) and humanitarian actors on protection issues.

iv) Leadership

The team reviewed whether the HC, HCT and individual agency leadership supported protection; and the level of access of the Protection Cluster (PC) to leadership.

v) Coordination

The team collected evidence on the coordination mechanisms in place including capacities of the PC at the national and provincial level and perspectives on UN-INGO co-leadership. The team also reviewed overarching national-provincial humanitarian coordination, PC-Area of Responsibility (AoR) interaction and the perception of PC effectiveness in terms of coordination, leadership capacity and relationships with other sectors on protection mainstreaming and integrated programmes.

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[49] The Three Congo Wars: in the first 1996-1997) then President Mobutu was forced from power by Kabila-led rebel groups supported by Rwanda, Uganda and Angola. The second (1998-2003) involved fighting between the new government and multiple rebel forces. Nine African states were involved and some 20 armed groups that involved widespread pillaging of gold, diamonds, timber and *coltan*. Fighting continues (2003-present) despite peace talks in 2002 and the formation of a coalition government. The conflict is driven by ongoing power struggles between the FADRC, FDLR and other armed militias and the trade in conflict minerals. There is also inter-ethnic violence, widespread insecurity, and criminal activity affecting the East in particular.

vi) Assessments and information management

Assessment and information management practices were reviewed including multi-sectoral, PC and individual agency assessment practices.

vii) Strategies

The team examined the multiple strategies related to protection for coherence and complementarities across the HCT and PC level as well as development (UNDAF) and integrated mission levels (MONUSCO stabilisation, human rights etc).

viii) Coverage

The team examined operational and environmental challenges faced by the PC and individual agencies and the related focus on particular areas and populations at risk. The issue of whether PC actors adopted a whole of caseload approach or status-based approaches and the resulting impacts was also assessed.

ix) Monitoring & Evaluation

The team collected evidence on monitoring and evaluation and accountability to affected population's practices across the response.

III) WHOLE OF SYSTEM REVIEW OF PROTECTION IN HUMANITARIAN CRISES – AIDE MEMOIRE ON SYRIA

1. Team composition: Norah Niland (NN) and Amra Lee (AL).

2. Dates:

- Turkey (Gaziantep, Antakya), 18 to 25 February 2015 (AL)
- Jordan (Amman), 22 to 26 Feb (NN), 25 to 28 February (AL)
- Syria (Damascus) 2 to 5 March (NN), 3 to 6 March (AL)
- Lebanon (Beirut) 27 Feb to 1 March (NN), 6 to 7 March (AL)

3. Methodology:

The team reviewed 50 documents and undertook 60 key stakeholder interviews with 78 individuals in Turkey, Jordan, Syria and Lebanon.

In terms of field sites visited, 2 focus group discussions were undertaken with 32 individual recent arrivals in a Community Centre in Hatay Province Turkey and 7 key informant interviews undertaken with recent arrivals in a camp setting in Jordan.

Due to sensitivities, individual names and organisations will not be provided. Please see table below with disaggregation of interviewees across the four field locations visited by stakeholder and gender.

Key issues	Turkey	Jordan	Lebanon	Syria*
UN (incl. IOM)	9 (4F, 5M)	5 (10F, 2M)	3 (3M)	11 (10M, 4F)
INGO	6 (5F, 3M)	3 (1F, 2M)	2 (2M)	3 (3F, 3M)
NGO	4 (3F, 4M)	1 (1F, 1M)	3 (3M)	
Donors	1 (1F, 1M)	4 (2F, 3M)		
Red Cross/Crescent			2 (2M)	2 (4 M)
Think tank/ other civil society	1 (1F)			
Affected Populations	32 (14M, 18F)	7 (7F)		
Inter-Sector Coordination	14 (5M, 9F)			
Sub Total				
Total	**60 interviews** with 78 individuals including 35 F and 43 M. **Affected populations:** • 32 were consulted through FGD (14M, 18F); • 7 KII conducted with female recent arrivals. **Inter-Sector Coordination:** 14 individuals consulted through ICC (5M, 9F), some of which were also individual interviewees above.			

* Some stakeholders were consulted in Geneva due to sensitivities surrounding meetings in Damascus.

** One interview may have more than one participant.

***Gender is broken down into Female (F) and Male (M)

4. Limitations:

- Several interviewees were not clear on the independent status of the Review and assumed we were employees of the organisations hosting our field visit;
- Focus group participants (recent arrivals) in Turkey had not understood that the objective of the discussion was related to the situation inside Syria; as the interviewees were suffering challenges related to their immediate needs this inhibited exploration of their experiences;
- Considerable time was required for logistics; this included processing of visas for Syria that required time in Beirut in relation to same;
- In Damascus, concerns about government surveillance posed some restrictions on the level of specificity and detail provided in interviews;
- The team was unable to meet with representatives from the Government of Syria due to their lack of availability; and
- Time and security concerns prevented interaction with national NGOs as well as consulting members of the affected population inside Syria.

5. Key lines of inquiry:

i) Context

The team triangulated literature and interview data across the four field locations including planning documents, strategies and analysis from a wide range of stakeholders to ascertain key protection challenges for the affected population and response.

ii) Definitions and approaches

Different working definitions of stakeholders, and their approaches to protection, were reviewed. Interviewees were queried on their familiarity with the Human Rights Up Front (HRUF) and its relevance to the crisis.

iii) Architecture

The team investigated initial institutional arrangements in relation to protection concerns taking into account the nature, scale and complexity of the crisis. It reviewed factors that led to the emergence, in 2014, of the Whole of Syria approach (that includes in-country and cross-border operations) and the issues pertinent to the reality of parallel coordination mechanisms for humanitarian caseload members inside and outside the country including host communities.

iv) Leadership

The team examined whether the Regional Coordinator and respective HCs, HCTs and individual agency leadership supported protection as well as the level of access the Protection Cluster (PC) had to such leadership. This also involved examining the Whole of Syria approach and its implications for leadership and prioritisation of protection in the overall humanitarian response.

v) Coordination

The team examined the different coordination mechanisms across the field locations, including the ongoing Whole of Syria approach, and the implications these mechanisms have for the prioritisation of protection in the response and for the humanitarian caseload. The team also reviewed perceptions of PC effectiveness in terms of coordination, leadership capacity, partnership approaches and relationships with other sectors and Inter-Cluster Coordination (ICC) on protection mainstreaming.

vi) Assessments and information management

Assessment and information practices were reviewed including multi-sectoral, PC and individual agency level practices.

vii) Strategies

The team examined the multiple strategy documents for their coherence, coverage and relevance of analysis and response activities to the nature of protection threats.

viii) Coverage

The team explored operational, including bureaucratic and security, challenges impacting on access, presence and ability to reach affected populations across the country. This included the impacts of remote management, host government processes, Global War on Terror legislation and cross-border UNSC resolutions. The team assessed whether targeting approaches taken at the PC and individual agency level was based on status or contextualised vulnerability analysis. The team also collected evidence on monitoring and evaluation and accountability to affected population's practices.

IV) WHOLE OF SYSTEM REVIEW OF PROTECTION IN HUMANITARIAN CRISES – AIDE MEMOIRE ON MYANMAR

Riccardo Polastro and Antonio Donini.[50]

1. Context

We looked at the context and how Myanmar was slowly emerging from 60 years of authoritarian rule and low-level ethnic conflict. We then looked into humanitarian, human rights and governance challenges at the country level including those present in Rakhine State and Kachin and Northern Shan States and the crisis in the South East. We looked at how the international humanitarian community has engaged in Myanmar since cyclone Nargis and how it dealt with earlier humanitarian concerns. We also analysed the level of acceptance of humanitarian actors on the ground and the fraught relationship between the aid community and the government. Finally, we examined the posture of the HCT and whether it was able to develop a coherent humanitarian protection strategy for the country as a whole and for the different geographical areas of humanitarian concern and at the level of awareness of HRUF in the HCT and other UN fora.

2. Methodology and limitations

The team used three main methods to gather findings: desk review, interviews and observation. In total the team reviewed some 26 documents including contextual analyses as well as joint and single agency appeals, strategies and evaluations. It conducted 45 individual semi-structured interviews and three group discussions involving the HCT in Yangon, and the Protection Sector in Myiktyina and Sittwe with a total of 53 individuals. The team also undertook group discussions with some 130 internally displaced persons (of which 15 were women) in five camps in Rakhine State and two Camps in Kachin State. It met with bilateral donors, embassies of neighbouring countries, UN agencies, the ICRC, INGOs as well as government officials in the field locations, including the Chief Minister in Rakhine and various heads of department. It also met with a representative of a non-state actor in Kachin. It met with analysts and public intellectuals, some close to the government and some less so. Limitations in the analysis included the absence of an agreed protection strategy or baseline against which to assess progress, the high turnover of staff and generalized lack of institutional memory on the system's response to protection.

[50] This short report summarizes the findings of a visit to Myanmar from 22 February to 6 March 2015. The team would like to express its appreciation to all who gave of their time and experience to inform it and especially to UNHCR for its guidance, assistance and logistical support.

3. Definitions and approaches

The team looked into protection definitions in the field and in Yangon to review whether key stakeholders used an agreed or common definition. Considerable confusion and different perspectives on the meaning of "protection" were evident.

4. Architecture

The team examined the different technical and other coordination bodies that deal with humanitarian issues. It noted differences with the architecture between other crisis countries and Myanmar where issues other than WASH, Shelter/NFIs, Camp Coordination, and Health are not, for historical reasons, addressed in clusters but, rather, as "sectors". We looked at the three different geographical response approaches: the Rakhine situation, the humanitarian consequences of ethnic conflict in the Kachin and Shan states and the situation in the south-east which combines localised small-scale conflict and refugee return issues. The team also considered the fourth dimension that generates protection concerns: the potential statelessness of the majority of the approximately 100,000 Rohingyas in Rakhine state as well as the relationship between UNHCR and the wider humanitarian community on protection matters.

5. Effectiveness

a) Leadership

The team looked into the HC/RC leadership capacity in terms of providing a vision and developing approaches for the different challenges at stake, setting priorities and clearly communicating on advocacy issues. It looked into the HC/RC capacity to focus on humanitarian issues and human rights, governance and development priorities simultaneously and whether the double hatted function of the HC/RC required separation.

We looked into the extent to which protection issues constituted an HCT agenda item, how protection issues were addressed and whether HCT members' concerns on protection were compartmentalized or were part of a coherent approach to address priority through common positions.

b) Strategy

We looked into whether multiple individual agency and area based protection strategies prevailed or whether comprehensive joint national protection strategies, identifying overarching objectives and threats, were in place. We reviewed the SRP overarching goal and geographical focus, as well as the division of labour to understand to what extent it was contributing to protection outcomes. We also looked into the UNCT recently-developed strategy for repositioning the UN in Myanmar; this exercise attempts to rebalance the UN focus beyond humanitarian concerns to political, human rights, development and peace activities.

c) Coordination

We looked into the added value of the clusters and sectors and the extent to which strategic protection issues are addressed in ICCG or HCT discussions; whether protection issues are dealt as a strategic or technical issue; and whether coordination was process-driven or linked o operational decision making; whether the focus was reactive or pro-active and whether contingency plans were in place.

d) Assessments

We identified assessment challenges linked to access as well as to data validity. We looked into whether protection assessments were carried out individually or jointly by agencies. We observed elements of good practice.

e) Coverage

Access and coverage issues were assessed in IDPs in camps in government controlled areas in Kachin and Rakhine states and key challenges faced by UN agency and NGO humanitarian activities. We were not able to visit non-government held areas. We looked into whether agency presence and efforts were proportional to need and whether the most important protection needs of IDPs were being addressed substantively and geographically. Time precluded a visit to Northern Rakhine State where agencies have a skeleton presence compared to the concentration of agencies present in Sittwe. We looked into the different conditions in IDPs based on their ethnic origin and level of access that IDPs had to basic services such as health and agriculture.

f) Monitoring and evaluation

The extent to which monitoring and evaluation frameworks are in place, and whether monitoring and evaluation focus is on outcomes or activities were examined. We also looked into whether evidence based reporting was in place.

g) Conclusions

Our preliminary findings on the above were shared with the HC and HCT at a feedback session at the end of our visit.

ANNEX I:

TEAM BIOGRAPHIES

Norah Niland (Team co-lead) is a Research Associate at the Centre on Conflict, Development and Peacebuilding in Geneva. She is an independent consultant who conducts research on humanitarian policy and practice with a focus on protection concerns. Norah has more than two decades of experience as a humanitarian and human rights worker involved in policy and operational issues in conflict, disaster and transition environments. Recent research includes an analysis of the situation in Sri Lanka during the end phase of the war, the role of the humanitarian community in relation to protection issues during the ISAF transition period in Afghanistan, and a DFID-commissioned scoping study that examined "What Works in Protection and How do we Know?" (2013). Norah has worked in different parts of the UN system, in the field and in headquarter positions, and acquired a reputation for being innovative, principled and practical. Her last UN posting was Director of the Human Rights team in UNAMA, Afghanistan where she initiated the systematic investigation of civilian casualties and evidence-based advocacy that proved effective in reducing the impact of war on affected communities. Various published works include a chapter on protection in the edited volume "The Golden Fleece" (2012) that focused on the consequences of the manipulation and abuse of humanitarian action.

Riccardo Polastro (Team co-lead) is a Principal Consultant at IOD PARC. He has worked for more than 20 years in humanitarian affairs and development aid in more than 65 countries, for the United Nations, the International Movement of the Red Cross, NGOs and donors. Since 2001, Riccardo has carried out policy and operational evaluations and studies funded by Danida, DFID, DG ECHO, EC, IASC, ICRC, Norad, OCHA, UNHCR, UNICEF, UNDP, Sida and other organizations. Riccardo has an in-depth knowledge of protection, coordination, humanitarian reform and the transformative agenda. He has strong training and facilitation skills, having lectured in several university masters programs, and provided professional training on all phases of results based management. He holds an MPhil in Peace and Security, an MA in International Relations and obtained his Maîtrise of the Ecole des Hautes Etudes en Sciences Sociales in Paris. He has served as Steering Committee member of ALNAP.

Antonio Donini (team member) is a Geneva-based analyst who conducts research and studies on humanitarian policy and on the reform of the humanitarian system. He has some three decades of experience in research, managerial and operational responsibilities in the humanitarian enterprise. He has a deep knowledge of the functioning of the system including in relation to issues of principle and protection both at the HQ and field levels. He is currently a Visiting Fellow at the Feinstein International Center at Tufts University and Research Associate at the Geneva Graduate Institute's Programme for the Study of Global Migration. He has published widely on humanitarian policy and practice issues. He has conducted numerous qualitative studies on humanitarian operational and policy issues as well as fieldwork in crisis countries such as Afghanistan and Nepal. He managed the Humanitarian Agenda 2015 research project that analyzed local perceptions of humanitarian action in 13 crisis countries, and authored the final report, *The State of the Humanitarian Enterprise.* He has recently published an edited volume on the politicization and manipulation of humanitarian action: *The Golden Fleece: Manipulation and Independence in Humanitarian Action,* Kumarian, 2012. Before joining academia, Donini had a 26-year career in the United Nations in research, evaluation, and humanitar¬ian positions, including two tours of duty in Afghanistan. His last UN post was Director of the UN Office for the Coordination of Humanitarian Assistance to Afghanistan (1999-2002). Before going to Afghani¬stan he was chief of the Lessons Learned Unit at OCHA, where he managed a programme of independent studies on the effectiveness of relief efforts in complex emergencies. He also worked for a decade at the UN Joint Inspection Unit where he participated in the development of evaluation methodologies and conducted evaluations of UN processes and field activities as well as UN reform issues.

Amra Lee (team member) has worked for the Australian Government, Non Government Organisations and United Nations across a wide range of humanitarian, human rights and coordination roles. Amra has worked on United Nations Security Council protection of civilian advocacy and child protection, displacement, protection mainstreaming, urban violence and preventing and responding to Gender Based Violence. She has technical and practical field experience in monitoring and evaluation including participatory methodologies and humanitarian analysis, coordination and policy. Amra, who is trained in international humanitarian law and applied anthropology, has worked at the global, regional and field levels in a diverse range of humanitarian contexts and countries including the Democratic Republic of Congo (DRC), Iraq, Jordan, Lebanon, Mali, Nepal, Papua New Guinea and Syria.

ANNEX J:

STATEMENT OF INDEPENDENCE FROM THE FACILITATORS OF THE WHOLE OF SYSTEM REVIEW

The independence of the Whole-of-System Review on Protection in Humanitarian Crises is essential to the integrity and credibility of its findings and recommendations. The Terms of Reference (ToR) and commissioning arrangements for the review, as well as the methodology developed by the consultants undertaking the review, include a number of safeguards to ensure its independence throughout.

Accordingly, the following individuals representing organizations of the Global Protection Cluster (GPC) and designated a role in facilitating the review's inter-agency process, are fully committed to upholding the independence of the review, including perceptions thereto, and will not exercise any decisive influence over any aspect of the review, including in relation to the formulation and delivery of its findings and recommendations by the consultants.

Any concerns over the independence of the review can be raised directly in the regular meetings of or correspondence with the Task Team on the Protection Priority, or with any of the signatories below, who will then bring the issue to the Task Team. If any individual becomes aware of an issue impacting on the independence of the review, the Task Team should be informed.

Louise Aubin, GPC Coordinator

Elizabeth Eyster, UNHCR, as GPC TT PP co-lead for the review

Caelin Briggs, NRC, as commissioning organisation and GPC TT PP co-lead for the review

Jenny McAvoy, InterAction, as co-chair of the GPC TT PP on the Protection Priority

Rachel Rico, OHCHR, as co-chair of the GPC TT PP on the Protection Priority

Nicole Epting, Head of GPC Support Cell

ANNEX K:

CRISIS SELECTION CRITERIA

1. Diversity of humanitarian contexts:

- Protracted, sudden intensification and/or complex;
- L3 system wide activation;
- Disaster associated with natural hazard event;
- Integrated mission setting;
- Peacekeeping and/or enforcement.

2. Diversity of regional representation:

- Asia-Pacific;
- Africa;
- Middle East;
- South Asia

ANNEX L:

ROLES AND RESPONSIBILITIES DOCUMENT OF THE GPC TASK TEAM IN RELATION TO THE WHOLE OF SYSTEM REVIEW

1. Independent Consultants. The four international experts (for a description of research team, see Annex B)

- Develop a sound methodology, in accordance with the ToR;
- Prepare and implement a workplan with clear timelines and deliverables;
- Prepare and submit fortnightly progress reports to the commissioning organization;
- Design and implement activities during each phase of the review (e.g. desk review, field missions and consolidation);
- Ensure the independence of the review in carrying all activities.

2. GPC Coordinator

- Oversee the review in its entirety, including the role of the commissioning organization, the work carried out by the consultants, the Review co-leads and the Task Team co-chairs;
- Review and endorse the methodology, workplan and timelines for the Review, with a view to ensuring these are consistent with the ToR for the Review, drawing from advice and recommendations of the Task Team and supporting the independence of the Review;
- Liaise with and provide regular updates to external stakeholders, including donors and the IASC Working Group and IASC Secretariat.

3. Commissioning Organization (NRC)

- Facilitate information flow to and from the consultants, being the first point of contact for the consultants while keeping the co-leads and the GPC Support Cell copied on relevant correspondence and relaying relevant information to the GPC Coordinator and the Task Team co-chairs;
- Undertake activities in relation to commissioning the review, including acting as the budget-holder for the Review and disbursing payments to the consultants;
- Track progress of implementation of the consultants' workplan, methodology, and deliverables, including through a review of fortnightly reports submitted by consultants.

4. GPC Task Team Co-Leads for the Independent "Whole-of-System" Review (NRC, SR on IDPs, UNHCR)

- Facilitate and coordinate the work of the Task Team in support of the Review, particularly in relation to the sharing of relevant documents and contact information for potential interviewees as well as identifying potential host organizations for field missions;
- Facilitate consultations within the Task Team as per the ToR and timelines of the review as well as on issues or questions arising during the course of the review.

5. GPC Task Team

- Provide consultants with relevant documentation, a list of potential interviewees, as well as list of experts for the Review;
- Participate in regular consultations convened by the co-leads with the consultants, as per the ToR and agreed timeline of the Review, and as requested by consultants;
- Assist in the identification of host organizations for the consultants' field missions with support of the co-leads.

6. GPC Task Team co-chairs (InterAction, OHCHR)

- Facilitate the overall work of the Task Team;
- Convene meetings of the Task Team as necessary;
- Maintain transparent and inclusive information flow with the Task Team and with support of the GPC Support Cell, for participating organizations;
- Ensure full participation and robust discussion by UN and non-UN Task Team participants;
- Report to the GPC Coordinator and keep the GPC SAG fully informed of progress of the Task Team.

7. GPC Support Cell

- Work with the Task Team Co-Chairs and the co-leads for the Review, including to: Advise on engaging with and soliciting input from the GPC (SAG), AoRs and other GPC Task Teams;
- For the purpose of the above-mentioned, facilitate the referral of key documents;
- Maintain the email list of Task Team participating organizations and manage correspondence with the Task Team;
- Maintain the GPC archive of all documentation and material related to the work of this Task Team;
- Draft action points of meetings;
- Arrange meetings/teleconferences;
- Communicate with external stakeholders regarding the review as needed on behalf of the GPC Coordinator.

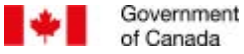

NRC
NORWEGIAN
REFUGEE COUNCIL


IASC
Inter-Agency Standing Committee


Global Protection Cluster

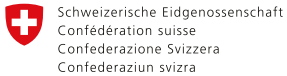

Australian Government
Department of Foreign Affairs and Trade


DEPARTMENT OF STATE
UNITED STATES OF AMERICA


Government
of Canada


KOICA
Korea International
Cooperation Agency


NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS


Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra