humanitarian protection

PILOT VERSION   HUGO SLIM AND LUIS ENRIQUE EGUREN

ALNAP

A GUIDANCE BOOKLET

Contents

Foreword

Current definitions of humanitarian action usually make reference to both assisting and protecting vulnerable people. While a great deal is known about assistance practices, there is relatively little information on whether and how the protection aspect has been implemented in the field. This is largely due to a lack of confidence and a lack of understanding among humanitarian agencies and practitioners as to what protection is and how to provide it. Indeed, the membership of the Active Learning Network on Accountability and Performance (ALNAP) identified this gap some time ago and instigated a process that has led to the development of this initial guidance booklet.

I am personally delighted that ALNAP has reacted so positively by producing a tool to promote understanding of the concepts that underpin protection and how key elements can be used to engender a protection focused approach in programme design, implementation, monitoring and evaluation. Most important, the booklet has been designed with a view to helping practitioners make extremely difficult judgements in situations that are complex and sometimes dangerous.

The next phase of this project is to pilot the booklet in a variety of emergency contexts to assess whether the content is comprehensible, relevant and useful to those for whom it is intended. A final version will be produced on the basis of these findings. Several agencies have already volunteered their services as piloting bodies. The high level of interest shown by, and the participation of, ALNAP member organisations and others clearly reflects the importance of this subject to the humanitarian community.

Reference is made in the first chapter to the well-known image of a small child in the holy city of Safwan during the first coalition war against Iraq. Around her neck is a placard that states: 'We don't need food. We need safety'. It is a powerful photograph with enduring relevance. I trust that the outcome of this ALNAP project will ultimately help humanitarian agencies to respond better to her plea.

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Acknowledgements

humanitarian protection

Introduction

The idea of humanitarian protection and rights-based humanitarian action has been buzzing around humanitarian agencies for the past few years. This apparently new approach to addressing and reducing people's suffering in war is generally considered to constitute an important new direction for all forms of humanitarian programming. Its advocates argue that it represents a significant development from more traditional models of humanitarian assistance. The language of protection and rights certainly sounds good and has been integrated into the humanitarian policies of all of the large mandated agencies and many of the non-mandated ones. Fieldworkers in both types of humanitarian organisation are now expected to know about the protection approach. They are also expected to put it into practice and to train others to do so too.

But what is protection? And what does it all mean in practice? Does humanitarian protection demand that fieldworkers do things very differently from how they used to? If so, how do they know if they are doing things right? Above all, is a protection approach really better for the victims of war than an 'aid-only' approach? Or is the language of protection and rights just a new way for policy people at headquarters and their academic advisors to talk about what field staff have always done and will continue to do as they try to prevent and respond to human suffering in war? In short, is the language of protection, humanitarian law and human rights just a fashionable new way of talking about humanitarian relief and

advocacy? Or can it make a real difference to people's lives? Recent evaluations suggest that nobody will really know the answer to these questions until agencies begin to implement an explicit protection approach to civilian suffering in armed conflict and report on it accordingly.

The last two editions of the Active Learning Network on Accountability and Performance (ALNAP)'s *Annual Review of Humanitarian Action* have noted that there is much more evidence of agencies talking about a protection approach than there are detailed reports on how they are *implementing* and *evaluating* it.

'Most reports steered well clear of rights-based issues. In fact, 53 of the 55 reports reviewed this year either did not discuss protection or, if they did, addressed it in a piecemeal fashion.' [1]

The lack of results–based monitoring and evaluation of humanitarian programmes in general has also been a consistent theme of the last three ALNAP reviews.

'A standard sentence could almost be inserted into all reports along the lines of: "It was not possible to assess the impact of the intervention because of the lack of adequate indicators, clear objectives, baseline data and monitoring".' [2]

This lack of transparent results–based programming is as evident in protection programming as it is in relation to other cross–cutting humanitarian issues, such as gender or specific sectoral programming areas like health, water, and food security. It makes it impossible to see how the humanitarian sector measures success in protection terms.

All of this suggests that the humanitarian sector has not yet integrated the idea of humanitarian protection into its programming and reporting to a significant degree. Indeed, it may further indicate that the move towards protection is not fully understood throughout the sector. In such a climate, it is not surprising if many humanitarian fieldworkers are uncertain about whether or not they are 'doing protection' and remain

[1] ALNAP, *Annual Review of Humanitarian Action 2003,* (London: ALNAP, 2003), p.104.

[2] *Ibid.,* p. 107.

confused about how to do it if they are not. The subject of protection is very much in the air in humanitarian agencies but it is unclear whether its ideals and techniques are making any difference to the many civilians who need protection on the ground.

The purpose of this booklet

Because of possible confusion regarding protection in humanitarian agencies and the lack of monitoring and evaluation of humanitarian programmes in explicit protection terms, ALNAP agreed, in 2002, to produce this guidance booklet for its members. Its purpose is threefold:

■ **to describe the thinking behind humanitarian protection;**

■ **to identify the key elements of basic programming that enable agencies to be more protection focused in their work; and**

■ **to offer some general guidance on how to monitor and evaluate humanitarian action and its results in specific protection terms.**

It is hoped that the booklet will help people in ALNAP member agencies to increase the level of results-based reporting on protection objectives in their humanitarian programmes. This will serve to improve agency understanding and practice. It will also enable future *Annual Reviews of Humanitarian Action* to draw wider conclusions about the effect of humanitarian protection across the sector as a whole.

General guidance only

This guidance booklet is not a comprehensive field manual. It does not go into great detail on specific methodologies essential to protection activities like assessment, security analysis, capacity-building, advocacy or inter-agency

cooperation. It does not examine the detailed rights, experiences and likely protection needs of particular groups of people in war, including women, children, the elderly, minorities, the displaced and refugees. Nor does it set out a complete system for planning protection programming or monitoring and evaluating performance.

Instead, it aims to point field staff in the right direction when they are considering or managing any form of humanitarian action that seeks to protect people from the violations, abuses and consequences of war. It assumes that all agencies are aware of their particular mandate or their main focus of humanitarian operation and that they are fully aware of the experience of the groups that they are seeking to help and the sectors in which they work.

As a complement to core agency knowledge, this booklet seeks only to ensure that each organisation is also looking more widely at the main violations and abuses that are causing human suffering, identifying those responsible for the suffering and thinking creatively about a range of ways in which it might be prevented, alleviated and redressed, beyond a simple 'aid–only' approach.

A focus on civilians

The booklet maintains a clear focus on civilian populations affected by war, recognising that they are the main constituency of concern for most ALNAP member agencies. In doing so, however, it does not seek to give the impression that civilians are the only people with a right to protection in war. Combatants, whether as members of state armed forces or armed groups, are also entitled to certain forms of protection, which are determined by rules guiding the conduct of hostilities. When wounded or as prisoners of war, they are also entitled to important protection guarantees. This booklet, though, does not consider the particular needs of this group of important and legally recognised protected persons in war.

The booklet needs to be used alongside:

■ international legal standards in humanitarian, human rights and refugee law;

■ Sphere minimum standards in disaster response; and

■ detailed best-practice guides for protecting and assisting particular groups.

HOW THE BOOKLET WAS WRITTEN

This guidance booklet does not present anything that is dramatically new. On the contrary, it is a digest of many of the excellent and important new policy papers, agency guidelines and books that have emerged on the topic in recent years. Many of these are listed in Section Seven. The booklet attempts to place key principles from these works in one place, so that ALNAP members have a general field guide for designing and managing protective programming.

Structure of the guidance booklet

The booklet is organised into seven main sections.

Section One introduces the idea of protected persons, identifies common themes in their experience of war and examines the general principles of humanitarian responsibility and protection.

Section Two defines protective action in terms of the widely agreed frameworks for the inter-organisational process led by the International Committee of the Red Cross (ICRC).

Section Three offers guidance on, and checklists of, good practice in relation to protection assessment and situation analysis.

Section Four looks at the main kinds of protective practice available to humanitarian agencies and NGOs.

Section Five explores the main programming steps that have to be taken to design, monitor and evaluate an outcome-orientated protection programme.

Section Six offers a final *aide-mémoire* of six best–practice protection principles for humanitarian organisations.

Section Seven lists the most relevant international and regional legal standards for humanitarian protection and suggests further reading and resources for protective programming.

one

Protected persons, humanitarian responsibility and protection in war

Perhaps the easiest way to understand the notion of civilian protection is to think about the people who need it most, their experience of war, the laws that demand their protection and the authorities that are required to provide it.

Protected persons

The Geneva Conventions and their Additional Protocols – often known alongside other laws of armed conflict as international humanitarian law – identify several groups of people in armed conflict that are described as 'protected persons'. They include:

- **civilian men, women and children;**
- **prisoners of war;**
- **wounded combatants;**
- **refugees;**
- **humanitarian workers;**
- **medics;**
- **religious personnel; and**
- **journalists.**

Refugee law makes it clear that refugees requiring asylum in another country are to be protected by the international community when their own state has failed to do so. The UN's 1998 Guiding Principles on Internal Displacement recognise that this group of people are also protected by human rights law, international humanitarian law and several key principles of refugee law.

Together with these two bodies of international humanitarian law and refugee law that specifically protect civilians in war, human rights law recognises that all people have certain fundamental and 'non-derogable' rights that must be protected at all times – even in conditions of war and emergency. They include:

- **the right to life;**
- **the right to juridical personality and due process of law;**
- **the prohibition of torture, slavery and degrading or inhuman treatment or punishment; and**
- **the right to freedom of religion, thought and conscience.**

In addition, various human rights conventions outline many other more detailed civil, political, social, economic and cultural rights of particular groups that may be most vulnerable to the abuse of power, including women, children, and minorities.

In recent years, these three bodies of law have been reaffirmed as the legal benchmarks of protection by several important resolutions of the United Nations (UN) Security Council. The Security Council is determined to consider and prioritise the protection of civilians in armed conflict in its own decision-making and in the actions of UN member states.

Protection from what?

In April 1991, in the midst of the first coalition war against Iraq, a picture of a little girl in the holy city of Safwan made a big impression on humanitarian agencies and political commentators. In a crowd of IDPs, this destitute but dignified child stood with a placard around her neck. On it was an inscription that read: 'We don't need food. We need safety'. [3]

That food and safety, assistance and protection are integrally related as the two vital components of humanitarian action is an old and obvious truth. But it is one that is deeply difficult to realise. Throughout the twentieth century, extreme violence against civilians has been responsible for mass suffering and millions of deaths. Nazi and Japanese atrocities and British and American bombing during the Second World War allowed for little protection of civilians. The extreme violence of the Cold War's proxy battles in Africa, Asia and Latin America, the more recent civil wars of the past 12 years, and the continuing Israeli-Palestinian conflict have all seen deliberate and routine atrocities perpetrated against civilians. Genocides, including the Holocaust and those in Armenia, Cambodia and Rwanda, have made no distinction in relation to civilians – they set out to destroy entire groups.

If the little girl in Safwan needed personal protection rather than food, many other civilians in war are frequently in desperate need of both and all of the other crucial elements of assistance, such as healthcare, shelter,

[3] Roberts, A., 'Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum', Adelphi Paper 305, (Oxford: Oxford University Press for the International Institute for Strategic Studies (IISS), 1996, p.39.

water and sanitation. Beyond their immediate right to life, the reality of war for most civilians is one of massive violations of the whole range of their civil, political, economic, social and cultural rights. For the majority of civilians in most wars, the triple dangers of deliberate personal violence, chronic deprivation, and restricted access pose a triple threat that continues to prove calamitous or fatal for many millions of people.

Deliberate personal violence

The direct personal violence of war is a source of unimaginable suffering and terrifying death for millions. The deliberate murder of civilians has been central to the policies of belligerents most recent wars. Millions of people have been killed throughout history when civilians have been deliberately targeted by state armed forces, non-state military units, militias and those employing extreme terror tactics.

The vicious use of sexual violence against civilians has also been central to the policies and practices of many of those pursuing war. Millions of women and children have been the victims of sexual violence, held in sexual captivity or routinely sexually exploited in war. Men and boys have also been raped or have been murdered simply because of their gender. And it is not just belligerents that engage in such deliberate violations. Staff members of humanitarian agencies have been found to have sexually exploited women and children, using their power and resources as a bargaining commodity. Beyond the immediate trauma, outrage and social impact of sexual violence, the spread of the human immunodeficiency virus (HIV) is an increasing and frequently deliberate result of such strategies of violence.

Children have been murdered in their thousands in recent wars, as they have been throughout history. They have also been brutally coerced into becoming child soldiers and prostitutes or been forced into circumstances so terrible that taking on such roles emerges as the best choice open to them.

In addition to killings and sexual violence, hundreds of thousands of people have experienced the most vicious personal injuries. Some of these

have come from the fierce blow of a machete or the force of a rifle butt. Others have been maimed forever by the deliberate 'signature atrocity' of amputation that so shocked the world in Sierra Leone, by the ongoing and indiscriminate injuries caused by landmines, or in the endless pillaging that is a feature of many wars.

The extent of these atrocities means that humanitarian action focused primarily on assistance falls well short of protecting people and meeting their primary need for safety. People obviously require personal protection as well as food aid and healthcare if they are not to become the 'well-fed dead' who were so lamented during the war in Bosnia.

The deprivations of war

Despite the scale of such direct personal atrocity, impoverishment and deprivation are normally responsible for the bulk of civilian deaths in war. Throughout the 1990s, most civilians died from *war* rather than in *war*. This fact is true of most wars that do not involve genocide, weapons of mass destruction or the kind of saturation bombing that was seen in Europe and Japan in the Second World War and also in the Vietnam War. Most people who die during armed conflict do so because of the hunger, disease and exhaustion that result from the impoverishment, deprivation, displacement and destitution that war forces upon them. Alongside direct attacks on the person, deliberate assaults have always been made on people's economic assets and livelihoods in times of war, plunging them into poverty and threatening them with disease. The strategy of 'de-housing' civilians, which was so much a part of the British and American bombing campaign during the Second World War, is evident in many different forms in contemporary wars: villages are burned, cities ransacked and homes are bulldozed. Policies of terror, displacement and restricted movement have ensured that people have lost access to their fields, natural resources, jobs and markets. Small businesses have been attacked, cattle raided and people made to become forced labourers for those using war to secure the riches offered by the exploitation of diamonds, drugs, oil and timber.

Social and cultural assets have been similarly assaulted. Schools, clinics, churches, mosques, temples and cemeteries have been destroyed or desecrated.

These are all deliberate violations of a person's right to a livelihood, education and health, as well as to free association, freedom of religion and cultural autonomy. Ultimately, they can prove socially devastating and fatal, which is usually the intention.

Limited movement and restricted access

Even when people's local services are not directly destroyed or depleted, they may still be too afraid to access them. The intense fear resulting from surrounding patterns of violence can intimidate people sufficiently to make them restrict or alter their movement dramatically, putting great pressure on their ability to survive.

Fear of violence can stop people working their fields, going to markets or using certain roads. It can make them give up using essential social services like schools and clinics. And it can prevent them from taking up the assistance offered by humanitarian agencies if the journey to acquire it is considered to be too dangerous. In cities, fear can force people into siege conditions. People's access to key social and economic services is, therefore, one of the biggest challenges in protection work.

In many cases, fear may not impel people to restrict their movement but to extend it suddenly by becoming refugees or IDPs. Extreme movement of this kind creates similarly dramatic problems of access, as people are usually forced to flee to areas where services are limited, congested or non-existent. In such situations, ensuring access to basic services also becomes a major protection challenge.

Hence, in many situations, protection challenges often concern problems of access. People's fear or inability to gain access to their means of livelihood, healthcare, and social care results in significant deprivation. Conversely, the inability of humanitarian agencies to reach threatened populations increases this deprivation.

The question of intent

The political and personal intent behind particular civilian suffering in war is a critical issue in protection work. Whether or not such suffering is intentional determines the kind of protection challenge that one confronts. As seen above, an enormous amount of civilian suffering in war is intentional. It is the result of deliberate and preconceived strategies of violence, displacement and deprivation.

When civilian suffering is intentional, people's protection is hard won and the protection challenge faced by your agency is usually enormous. If people want to kill, violate, displace and impoverish people then humanitarian workers are not particularly well placed to stop them. In such situations, your protection activities will be working against the intentions of the legal or de facto authorities and armed groups perpetrating these abuses. You will be seen more as a threat than as an ally. Inevitably, your room for manoeuvre will be very confined and the strategies and modes of action you choose will be complicated. These situations are more likely to raise difficult programming choices between access, compromise and confrontation.

In other situations, civilian suffering is not so intentional and you can find yourselves working with essentially cooperative authorities. In some wars, civilian suffering may be an unintended consequence that is genuinely regretted by one or more of the belligerents, which then seeks to act to protect and assist them. In others situations, authorities may simply be overwhelmed by war. They may want to stop civilian suffering but be in no position to do so. In such a context, your agency may be able to engage in cooperative protective activities with state or non-state parties, essentially working *with* the authorities concerned rather than against them. This will have many advantages. While it may still mean that there are enormous protection challenges, you may be more able to operate in modes that are collaborative and more akin to a partnership.

The 'intention factor' will be discussed more when examining the different modes of protective action in Section Two.

Humanitarian responsibility

Who has responsibility to see that such atrocity and deprivation does not happen in war? In other words, who is responsible for protecting protected persons? Overall legal responsibility for protection lies with states as the signatories to the various instruments of international humanitarian law, human rights law and refugee law. So, for example, international humanitarian law makes clear that states parties to the Geneva Conventions 'undertake to respect and ensure respect for the Conventions in all circumstances'.[4]

State responsibility

States are the primary actors responsible for the protection of civilians in war. At an individual level, commanders and members of armed forces and armed groups also have personal responsibility for violations of the law. It is states that are required to educate and control the conduct of all armed forces on their territory and to prosecute all those who breach international humanitarian law. When and where the protection of people has failed and they become the victims of atrocity or deprivation, states are also required to meet their obligations to provide assistance for protected persons.

Where states cannot meet all of their humanitarian responsibilities directly, they are charged with enabling the provision of humanitarian action by impartial organisations. These organisations, in turn, are responsible for maintaining their impartiality – that is, not distributing aid in ways that are advantageous to one side or the other. They are equally responsible for alerting the relevant authorities to protection failures and urging appropriate action.

Mandated humanitarian agencies

Several international humanitarian organisations are mandated by states to take responsibility for particular aspects of humanitarian protection and

specific groups of protected persons. For example, the United Nations High Commissioner for Refugees (UNHCR) has mandated responsibility to work with states to ensure the protection of refugees. The International Committee of the Red Cross (ICRC) has particular responsibility for overseeing the implementation and development of international humanitarian law and actively working with all parties in a conflict to protect civilians, prisoners of war and the wounded. The United Nations Children's Fund (UNICEF) has a particular responsibility to work with states to protect women and children. The UN Food and Agriculture Organization (FAO) and the World Food Programme (WFP) are responsible for helping states to meet their food security responsibilities.

Non-mandated agencies

Other impartial humanitarian organisations are also entitled to offer humanitarian action in support of protected persons in an armed conflict. They make this offer on the basis of a particular humanitarian expertise, in accordance with national legislation in the country concerned and in line with the general principle of human duty set out in human rights law. This recognises that individuals and groups, as well as states, have a responsibility to work towards the realisation and protection of people's rights.

The protection gap

The law, the legal principle of primary state responsibility and the mandates of particular humanitarian agencies offer civilians important legal protection in war. However, people are not protected just because the law says that they are and because it identifies authorities with a duty to protect. In many wars, laws are frequently broken consciously and purposively by all sides. In some wars, these laws are simply unknown and it remains an open question whether knowledge of them would affect the behaviour of the warring parties. Often they are broken most by those state authorities with the greatest responsibility for keeping

them. In other situations, states that are willing to abide by these laws lack the power or means to do so.

The fact that international humanitarian law, human rights law and refugee law are routinely and dramatically flouted creates the enormous 'protection gap' that exists in so many armed conflicts. Despite laws and rights, people are not protected. The horrors of this lacuna are the distinctive features of so many people's lives and the determining factors in so many people's deaths.

The challenge of protection

The real challenges in humanitarian protection work, therefore, are not legal ones *per se* but the practical ones of ensuring responsibility, provision and good conduct on the ground. It is the art of securing the protection of civilians that is demanded in law from all those responsible for enforcing these laws.

The following sections offer some guidance on how all humanitarian agencies, mandated and non-mandated, can consciously play a part in actively engaging or complementing states in the interests of protected persons in war. The models, checklists and examples of protective practice in the rest of this booklet are intended to help humanitarian fieldworkers work out how best to do this in the many different situations in which they find themselves.

It is important to emphasise at the outset, though, that protection work – particularly in a hostile environment where the predominant political intent is to violate rather than to protect – can be very dangerous for humanitarian staff. Many of the activities examined in this booklet entail risks for humanitarian workers. Fine judgements are required between courage and recklessness, action and gesture.

Section two

A model of protection

This section defines humanitarian protection and introduces a model of humanitarian protection that enjoys broad support. The emphasis in this section is on the *strategic*; the focus is on programme approaches and modes of operation. The next section will be more tactical and concentrate on operationalising the thinking behind this model and its modes of practice.

Defining protection

So, what is protection from the standpoint of a humanitarian agency? Quite simply it is the challenge of making states and individuals meet their humanitarian responsibilities to protect people in war and filling-in for them as much as possible when they do not. This involves engaging those responsible and involving those at risk in an effort to prevent violations and civilian suffering.

Engaging humanitarian responsibility

According to the most recent document on the subject – which has been agreed by a variety of humanitarian and human rights organisations – protection is best described as:

'all activities aimed at ensuring 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 law, international humanitarian law and refugee law. Human rights and humanitarian organisations must conduct these activities in an impartial manner and not on the basis of race, national or ethnic origin, language or gender'.[5]

This understanding of protection means that humanitarian work is as much about *ensuring respect* for international humanitarian and human rights norms as it is about *giving aid*. Many agencies – mandated and non-mandated – have known the truth regarding this deeper definition of humanitarian action for many years. This is why they have dug wells and lobbied governments at the same time, provided food aid and educated soldiers on humanitarian law, vaccinated children and reported abuses that they have suffered.

Involving protected persons

Protection policy can often sound very state-centric. Thus it is essential to recognise that humanitarian protection is not merely a legal and

[5] ICRC, *Strengthening Protection in War: A Search for Professional Standards,* (Geneva: ICRC, 2001), p. 19.

programming conversation between agencies, states and armed groups that is over the heads of protected persons. On the contrary, wherever access and contact permits, humanitarian protection work is also about working directly with protected persons to identify and develop ways that they can protect themselves and realise their rights to assistance, repair recovery, safety and redress.

It is vitally important that people in need of protection are not seen just as the objects of state power but also as the subjects of their own protective capabilities. In many wars, people survive despite the state. In any protection programme, protected persons must be recognised as protection actors as well as victims. States have obligations to protect them but the most critical protection strategies of civilians may often be their own.

Depending on the situation, people often know much more than humanitarian agencies about their predicament. In particular, they may know more about:

■ **the nature and timing of the threats confronting them;**

■ **the mindset and personalities of, and the relationships between, the people posing these threats;**

■ **the resources within their community;**

■ **the history of previous threats and coping mechanisms;**

■ **the practical possibilities and opportunities for resisting these threats; and**

■ **the optimal linkage between their own response and that of an agency.**

It is vital to understand the different comparative advantages of a population and an agency in regard to their respective knowledge, capacity and expertise in a particular situation and to maximise them accordingly.

As a general example of the inter-connectedness between protection and assistance imagine the situation of a young man living as a farmer in a war-torn country. If this young man is at risk of attack, he needs protection from the threat facing him. If that protection fails and the threat is realised, he needs assistance to recover from the harm caused, while still needing protection from any repeated threats confronting him. Also, he needs to be assisted in such a way that does not expose him to new threats arising from how, where and when he is assisted. Relief must help him and not endanger him further. Better still, he needs to be assisted in a way that positively protects him. A good assistance programme might allow him to remain in a place of relative safety or enable him to adapt his livelihood to minimise the sort of journeys that expose him to the greatest risk.

Protection as prevention

Above all, protection is essentially a preventive activity. Civilian suffering is not only caused by violent acts but also by the inaction of others. Protection work responds to both. It challenges people to stop doing things that will hurt people and to do things that will actively protect them. This understanding of protection activity as essentially preventive activity marks an important distinction between protection and assistance. To protect someone is to ensure that harm does not come to them. It is to prevent violations and suffering from happening. To assist someone is to help them after they have already been harmed. It is to help them to survive and recover from what has already occurred.

But this is also a distinction that overlaps because one does not stop protecting someone once they have been harmed. Instead, one tries to protect them from recurrent harm. You can protect someone *while* you assist them and you can also protect them *with* that assistance. For example, humanitarian aid, including food, shelter and healthcare, can protect people from deprivation and destitution. At the same time, people who have been harmed need to be protected from repeated attack while they are being assisted. This requires imaginative food, shelter and healthcare programming that minimises people's risks to new or further violation.

Assistance programmes also provide excellent practical opportunities for agencies to engage in protection monitoring. In some situations, the presence of the agency on the ground in a predominant assistance mode enables it to become more aware of potential patterns of abuse or particular violations taking place in the surrounding area. In this way, assistance programmes can provide the means to operate protection programmes.

This means that protection and assistance are often occurring simultaneously in an integrated fashion and that they need to do so in many humanitarian programmes. But the emphasis of protection work is always preventive: to stop imminent harm and to prevent recurrent harm.

Implementing protective action

A humanitarian approach that is truly protective is, therefore, one that recognises people's right to safety and to assistance. It recognises people's need for continued protection from violence and deprivation, some judicial redress for past violations and active prevention of future violations. In short, effective protection is preventive programming that engages those responsible, enables protected persons to protect themselves, and/or substitutes for them both in order to prevent emerging patterns of abuse and to stop existing violations. It is complemented and reinforced by assistance programmes that:

■ **ameliorate or repair the damage of past violence or deprivation**

■ **mitigate the worst consequences of continuing violations**

■ **contribute to the prevention of further violations; and**

■ **ensure judicial and social redress for past abuses.**

These aspects of protection and assistance are best illustrated graphically in the following two models that have emerged from protection work-shops convened during the last few years by the ICRC.

**Figure 1
The 'egg'
model of
protection
framework**

A model of humanitarian protection

The most widely recognised inter-agency model of humanitarian protection is the 'egg model', which has emerged as the agreed protection framework from the ICRC-led workshops.[6] This model has three key elements.

■ Division of all agency actions around concerning violations and protection into three main spheres or levels of programming: responsive, remedial, and environment-building.

■ Description of all forms of protective action into five main modes of action: denunciation, persuasion, mobilisation, substitution, and support to services.

■ Endorsement of the principle of inter-agency complementarity as central to all protection programming.

Environment-building

Remedial action

Responsive action

Pattern of abuse
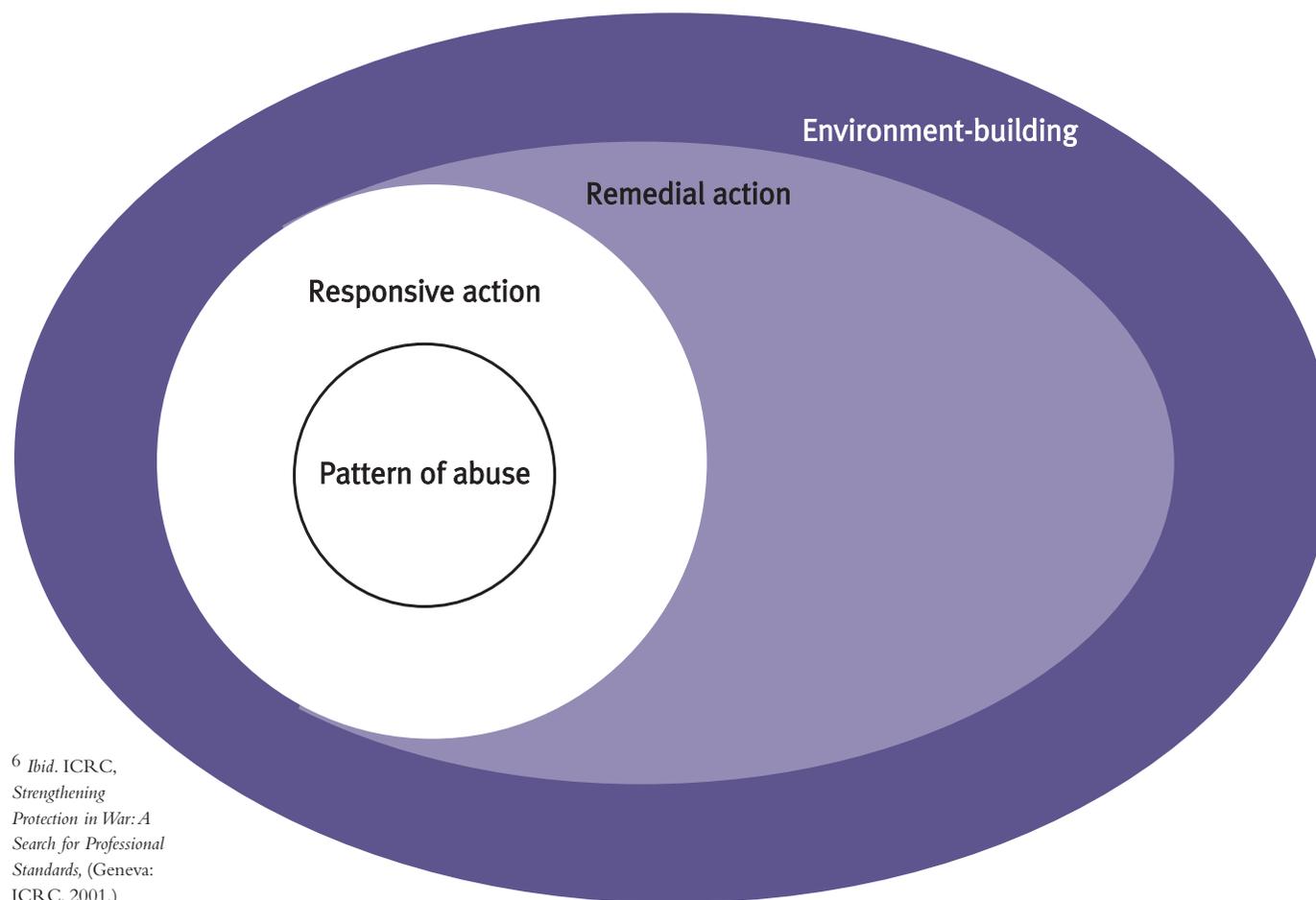
6 *Ibid.* ICRC, *Strengthening Protection in War: A Search for Professional Standards,* (Geneva: ICRC, 2001.)

Modes of action

There are five main modes of action that humanitarian agencies can utilise to try and secure protection. The first three do not involve direct assistance but are differing means of applying pressure that aim to ensure the compliance of the relevant authorities with international laws of civilian protection so as to prevent further violations. The fourth and fifth modes are means of providing direct assistance to those surviving and recovering from violations.

**Figure 2
Modes of Action
in Protection**

*Source: adapted from
Bonard, P., Modes of
Action Used by
Humanitarian Players,
(Geneva: ICRC, 1999)*

FIVE MAIN MODES OF ACTION

1 › **Denunciation** is pressuring authorities through public disclosure into meeting their obligations and protecting individuals or groups exposed to abuse.

2 › **Persuasion** is convincing the authorities through further private dialogue to fulfil their obligations and to protect individuals and groups exposed to violations.

3 › **Mobilisation** is sharing information in a discreet way with selected people, bodies or states that have the capacity to influence the authorities to satisfy their obligations and to protect individuals and groups exposed to violations.

4 › **Substitution** is directly providing services or material assistance to the victims of violations.

5 › **Support to structures** and services is empowering existing national and/or local structures through project-orientated aid to enable them to carry out their functions to protect individuals and groups.

Modes of Action

DENUNCIATION

MOBILIZATION

PERSUASION

SUPPORT

SUBSTITUTION

Authorities pressured to act

Authorities act on their own accord

Organization acts in place of the authorities

Objectives

Prevent violations

Limit the effects of violations on the victims (reduction of damage)

VIOLATION

Put a stop to violations

Punish the perpetrators of violations

STOP
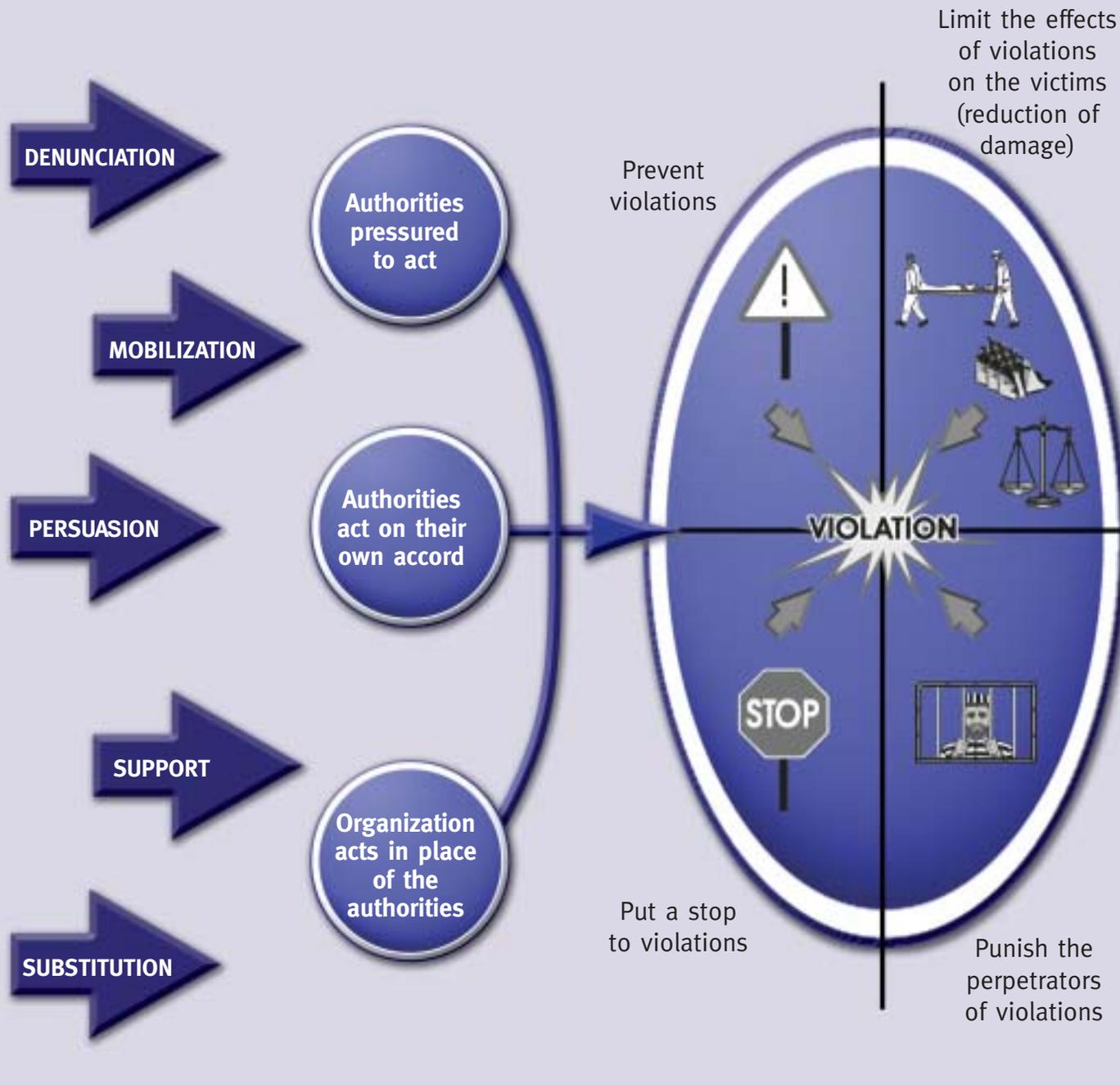
Your choice of mode (represented by the arrows on the left) will be determined by two main considerations: the intent factor of the authorities; and your particular programme objectives. In other words, what you are trying to achieve on the ground and who you need to influence to make it happen.

The different levels of protective intent apparent in the responsible authorities (represented by the three circles) will have strategic implications for the modes that you adopt. More resistant authorities are likely to require the more coercive strategies of denunciation and mobilisation, while more positive authorities may respond to the more collaborative and cooperative modes of persuasion, substitution and support to services.

Your choice of operational mode will also be determined by your particular objective: whether it is to prevent or stop a violation, to provide assistance, or to secure the punishment of the perpetrators and a measure of redress for the victims. If assistance is a priority you may play down coercive modes and seek access for substitution programmes.

You may also choose to support communities, civil society or individuals to utilise any of the five modes themselves.

Types of protection activity

The egg model recognises three types of protective outcome: preventing abuse; restoring dignity after an abuse; or creating conditions in which abuse is less likely to occur. The associated activities are best described in the box opposite.

TYPES OF PROTECTION ACTIVITY

Responsive action is 'any activity undertaken in connection with an emerging or established pattern of violation and aimed at preventing its recurrence, putting a stop to it, and/or alleviating its immediate effects'. Responsive action has a sense of real urgency (but can last for many years) and aims to reach a particular group of civilians suffering the immediate horrors of a violation. It is primarily about stopping, preventing or mitigating a pattern of abuse. To do so, it might draw on one or a combination of the five modes of protective action.

Remedial action is 'any activity aimed at restoring people's dignity and ensuring adequate living conditions subsequent to a pattern of violation, through rehabilitation, restitution, compensation and repair'. Remedial action is a longer-term process that aims

to assist people living with the effects of a particular pattern of abuse. This might include the recuperation of their health, tracing of their families, livelihood support, housing, education, judicial investigation and redress. It is also likely to involve all five modes of protective action.

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

PRACTICAL EXAMPLES

1 › Agencies working with female victims of sexual violence could be using substitution or support to state services to revive women's livelihoods, while pressurising the relevant authorities to set up adequate forms of judicial redress, supporting individual women in the preparation of legal cases and ensuring that they receive adequate healthcare and emotional support to ameliorate some of the effects of the physical and emotional damage done to them.

2 › An agency could be actively involved with state authorities, civil-society activists, survivors of war-related abuses or with all three groups to draft and adopt new national legislation to protect human rights and to foster a public culture more consistent with humanitarian values and human rights.

3 › A humanitarian agency working on its own or with other agencies to pressurise the authorities into implementing the necessary measures to stop the continuing forced displacement of thousands of people while also providing direct services to victims of this displacement. This assistance could involve health, food and shelter assistance and could also include the careful registration of families, the taking of personal testimonies, advice on legal rights and improved personal security within the new settlements.

The principle of complementarity

Fundamental to any understanding of the protection approach is recognition that no humanitarian or human rights agency can protect all protected persons on its own. No single agency will ever have the necessary mandate, expertise, resources, force or contacts to do so. Consequently, agencies need to cooperate in protection work and have a sense of which is best placed to act in a particular moment and on a particular issue.

The egg model describes this mutual respect and cooperation as complementarity. Critical to the success of any complementary protective action is active liaison and information-sharing between different organisations. Within reasonable limits, humanitarian and human rights agencies need to tell each other what they are doing and be able to plan protective action together formally or informally. In doing so, it is particularly important that non-mandated agencies do not act in a way that may undermine the more diplomatically sensitive and long-term protection strategies of mandated agencies. Yet, it is equally important that, on occasion, non-mandated agencies are also able to challenge the policy and strategy of mandated agencies.

In settings that are increasingly crowded with humanitarian, human rights, development, and peace-building agencies, some sense of an overall protection aim is essential alongside respect for individual agencies' particular protection objectives. This need not involve top-down coordination or a fanatical division of labour but, rather, is best based on inter-agency sensitivity and cooperation around shared protection goals.

The rest of this booklet will build on the above model of protection to offer guidance on how best to design, monitor, and evaluate humanitarian protection programmes.

three

Situation analysis and protection assessment

This section of the booklet moves from a strategic discussion of protection theory to more practical guidance on how to put such theory into practice, operationalising the various levels and modes of action outlined in the egg model. In doing so, it must be remembered that situations change fast. Your organisation's analysis and assessment must keep up with such change as it occurs.

The first phase of any practical protection programme is one of analysis and assessment. This involves a detailed examination of the nature of violations, threats and abuses and their impact on people's lives. It also involves an appraisal of the responsibility and capacity of states, non-state actors, humanitarian agencies and protected persons themselves to prevent, stop and ameliorate such actions and their consequences.

The main areas that require significant assessment and analysis are:

■ **violations, threats and perpetrators;**

■ **impact and effect on protected persons;**

■ **legal standards and responsibility;**

■ **protective capability and compliance aptitude; and**

■ **inter-organisational complementarity.**

This section looks at each of these points in turn. It provides a brief checklist intended to act as a practical prompt for fieldworkers and also identifies the key skills required to carry out such assessment and analysis. Most of these skills should be well known to humanitarian agencies.

Wherever possible, many of these activities will require discussion with the victims of violations. Whenever you or your staff are consulting with people, it is vital that you enable them to describe their experience of violation, suffering and threat directly, that you record it accordingly, and that you cross–check it.

It is also essential that you respect the dignity and continuing safety of your informants and confidentiality where necessary. Talking to you may sometimes put them at even greater risk. Discussing their suffering and loss may be a traumatic or positive experience for people. Often it will be both. Sometimes it will raise expectations. Sometimes it will also be deeply frustrating, as they will have shared their experience before with no obvious result.

Violations, perpetrators and threat analysis

The first critical step in a protection assessment is to gain sufficient understanding of the kinds of violations experienced by, and the threats facing, protected persons and the nature, intent and organisation of the perpetrators.

CHECKLIST › 1

VIOLATIONS, PERPETRATORS AND THREATS

> Understand the precise nature, pattern and scope of violations of protected persons. Assess, in particular, how they are arising either from acts of *commission* (things people are doing) or acts of *omission* (things people should be doing but are not) or both.

> Find out if there is a particular pattern, timing, schedule, logic or symbolism connected with the abuses and hence if they might be predictable in any way, and gauge if there are any factors (physical, social, spatial, economic and habitual) that may render people more at risk.

> Clarify exactly who is responsible for these violations, what authority they have and what resources they are using. Understand precisely how, when, where and why they are committing such abuses. Identify critical factors that facilitate violations, including the availability of small arms and lights weapons. Learn who is orchestrating, encouraging, permitting and colluding in the perpetration of violations, as ideologues, strategists, and active supporters. And identify those who are turning a 'blind eye' to the violations or initiating strategies of denial.

> Attempt, on the basis of the above, to anticipate or predict the perpetrators' next steps. Recognise that they are likely to adjust their strategies to deflect efforts to stop them.

Key protection skills

● POLITICAL ANALYSIS

● HUMAN RIGHTS MONITORING AND REPORTING

● THREAT AND RISK ANALYSIS

Impact and effect on protected persons

The next key aspect of an assessment is to gain an understanding of the impact and effect of violations on protected persons, since this creates protection needs that are differentiated socially (by age, gender, class and wealth) and sectorally (such as health, food security and livelihood).

CHECKLIST ›2

IMPACT AND EFFECTS

> Understand the general effect of these violations on the people suffering them in physical, social, gender, health, economic, political, and emotional terms.

> Identify the immediate and longer-term needs for safety and assistance resulting from the impact of existing violations and continuing threats and differentiate between them more precisely in regard to age, gender, class, or group.

> Understand how different groups of people remain physically, socially, politically, economically, and emotionally vulnerable to recent violations or future threats.

Key protection skills

● NEEDS ASSESSMENT

● GENDER AND SOCIAL ANALYSIS

● VULNERABILITY AND CAPACITY ANALYSIS

● HUMAN RIGHTS MONITORING AND REPORTING

Legal standards and humanitarian responsibility

Having established the nature of violations occurring in the area and their impact on particular groups, it is now possible and important to relate the situation to exact standards in international law. This provides what some describe as a 'formal' description of abuses and people's subsequent suffering that can be used to give an element of legal precision in political and diplomatic discourse.

Such legal precision is vital as a complement to more general and understandably emotive terms like attacks, abuses, chaos, atrocities, suffering, and innocent people. Another key aspect of this legal description is to identify specific individuals, authorities, and agencies that have particular responsibilities for preventing, stopping, remedying, and redressing violations and abuses in war.

CHECKLIST › 3

LEGAL STANDARDS AND RESPONSIBILITY ANALYSIS

> Determine which specific standards of national, regional and international law are relevant to the pattern of violations and identify the laws, conventions, declarations, and specific articles that clearly define who constitute protected persons in this situation. Identify articles that refer expressly to the kinds of incidents observed and the strategies and policies functioning in this instance.

> Clarify which authorities have primary responsibility for stopping the perpetrators under national and international law and which other states have particular responsibility for responding to and halting these violations under international law.

> Identify which international agencies and/or international human rights mechanisms are mandated to respond to such violations.

> Clarify the particular responsibilities of your own organisation under these laws and decide on its position in regard to submitting evidence to current or future investigations or proceedings of international or national courts.

Key protection skills

● KNOWLEDGE OF INTERNATIONAL LEGAL STANDARDS, MANDATES AND MECHANISMS

● EVIDENCE GATHERING

Capability, intent and compliance aptitude

Another key element in any protection assessment is an examination of the actual and potential extent of protection capacity in a given situation. This involves looking at the capabilities, intent, and attitude of a range of actors, including: the different organs of the relevant state authority; armed forces and armed groups; individual commanders and fighters; war-affected communities and individual victims; other states; multinational companies; and international organisations, humanitarian agencies, and human rights organisations.

The ability of a state authority, organisation, community or individual to protect is deter-mined by a mixture of practical resources, political attitude and personal attributes. These need to be understood as critical to the context in which you are planning your own protection strategy. The ICRC encapsulates these various resources and characteristics in the phrase 'compliance aptitude'.[7]

[7] This is a term developed by the ICRC in its detention work.

CHECKLIST › 4

PROTECTIVE CAPABILITY, INTENT, AND COMPLIANCE APTITUDE

> Understand the coping mechanisms and self-protection capabilities of protected persons and how they might best be supported and developed.

> Assess the freedom of movement and your own levels of access to different threatened communities as an essential prerequisite for protective ability, as well as the levels of material and human resources needed to deliver and help ensure protection.

> Map the strengths of, and the gaps in, any network of powerful relationships that may determine the ability of state authorities, humanitarian agencies, and vulnerable communities to engage strong protective alliances. Identify any key individuals particularly responsible for shaping and sustaining such relationships.

> Identify the positive attributes, such as expertise, previous experience, innovation, courage and effective leadership, among potential protectors and victims that may contribute to their protective ability.

> Gauge the levels of protective intent among the various political and military actors that determines their desire to comply with international legal standards. In doing so, also assess their susceptibility to influence – in the form of pressure or support – and identify other valuable individuals and organisations that may not have obvious material resources but may have significant moral authority, protective intent, and political leverage.

Key protection skills

● POLITICAL AND ORGANISATIONAL ANALYSIS

● GENDER ANALYSIS

● VULNERABILITY AND CAPACITY ANALYSIS

Inter-agency complementarity

The last critical area of protection assessment centres on inter-agency complementarity. This concerns the means by which all agencies and protection actors can try (between them) to cover all aspects of the protection egg – responsive, remedial, and environment-building.

To achieve effective complementarity, a careful assessment must be carried out of the different mandates, strategies, capabilities and intent of the many different international agencies, government departments, NGOs, and people's organisations. The objective is to find a way to harness the individual power of all of the relevant actors so as to achieve as varied and as significant a protective impact as possible.

CHECKLIST › 5

INTER-AGENCY COMPLEMENTARITY

> Understand the different mandates, programming capacities, priorities, expertise and 'added value' of other agencies and organisations.

> Assess the best way to combine different agencies working in different modes so that they complement one another's efforts in the best interests of protected persons and avoid contradicting or jeopardising one another's strategies and activities.

> Consider setting up an inter-agency 'focal point' for protection or a 'protection working group' with the power to convene meetings, share information and analysis, agree protection priorities, and coordinate complementary agency strategies.

> Include other key international parties with humanitarian responsibility in your assessment, such as peacekeeping forces and international negotiators.

> Appraise the levels of trust between agencies and the degree to which they share common protection objectives.

Key protection skills

● INTER-AGENCY LIAISON, COOPERATION, AND

COORDINATION

Working through the checklists in this section will help you to develop an effective situation analysis of the conditions confronting you. The specific mandate or operational focus of your agency will obviously dictate where you concentrate most of your analysis and assessment, in line with your agency's target group and expertise. Nevertheless, it is hoped that the process will start making you see human suffering in war in the wider terms of the rights of protected persons, the responsibilities of states, the criminal responsibility of individuals, and the needs, vulnerabilities, and capacities of protected populations themselves.

From this point, it is possible to consider what general kinds of activity you can engage in to protect people and then to design a programme via which your agency can try and make its particular contribution to their protection.

The main kinds
of protective practice

This section now examines several forms of protection work that an agency might utilise to try and protect people.

The modes of protective action outlined in Section Two – denunciation, persuasion, mobilisation, substitution and support to services – describe five important ways of working. But how exactly might a fieldworker denounce, persuade, mobilise, substitute or support in practice? The purpose of this section is to look briefly at some key aspects of humanitarian practice (see below) that increasingly constitute what fieldworkers do to try and ensure that people are protected – either directly, or by providing support to communities and groups so that they can do it themselves.

- **Providing humanitarian assistance**

- **Maintaining humanitarian presence and accompaniment**

- **Monitoring and reporting on human rights and international humanitarian law**

- **Humanitarian advocacy**

In extreme situations, none of these activities may be possible or easy to carry out. When they are possible they need to be considered very strategically as critical humanitarian activities that may (or may not) help to protect individuals and groups from further violence.

Humanitarian assistance

Humanitarian assistance is perhaps the most familiar form of activity for most humanitarian agencies. It is essentially about providing humanitarian services and commodities directly to protected persons (substitution) or more indirectly via the supply of advice or resources through a local authority or partner organisation (support to services). In simple terms, humanitarian assistance is about giving aid in the form of material and expertise. This kind of humanitarian action meets many of the most pressing needs of people by protecting them from the extremes of hunger, thirst, disease, destitution, family separation, total poverty and indignity. As such, it helps to realise a large number of the rights set out in international legal standards.

There are many specific guidelines on humanitarian assistance in the Sphere standards and other good-practice texts but the following checklist highlights some key points about the protective value of humanitarian assistance.

CHECKLIST › 6

HUMANITARIAN ASSISTANCE

> Humanitarian assistance programmes responding to current violations or remedying past abuses are best designed with a protective edge that consciously tries to reduce current threats and prevent future violations.

> Health, water, shelter, or livelihood programmes are best designed with people's protection from violence in mind. As much as possible, all humanitarian-aid programmes need to 'think safety' and focus on ways in which sectoral assistance programming can reduce people's vulnerability to other forms of attack, violation, coercion, or deprivation.

> Humanitarian assistance programmes should be scrutinised continuously to ensure that they are not becoming counter-protective in any way by putting people in new danger or at further risk via some form of protection paradox.

> In the way that they are designed and managed, humanitarian assistance programmes should be respectful of the wider rights of protected persons enshrined in human rights law, international humanitarian law and refugee law, including freedom of expression and freedom of religion.

> Wherever possible use humanitarian assistance programmes to disseminate humanitarian law and the Code of Conduct and include humanitarian values and principles in educational programmes.

Humanitarian presence and accompaniment

The physical presence of humanitarian workers does not automatically guarantee the protection of the people on the ground nor of the workers themselves, who have recently also become victims. However, the presence of humanitarian workers may contribute to inhibit or restrain some acts of violence. Thus, a humanitarian presence can sometimes be an effective form of humanitarian protection in itself, as a vital aspect of persuasion and mobilisation or as a prerequisite for effective and credible denunciation.

To date, most humanitarian agencies have not utilised presence or accompaniment as an explicit humanitarian tactic. Accompaniment is a specific strategy that has been developed in human rights practice to ensure continuous protection of leaders or activists particularly threatened in the community, and to help them carry out their work. Accompaniment is, therefore, a specific form of a long-term and highly targeted presence aimed at supporting civil-society groups or mandated agencies, thereby increasing the pressure on authorities or armed groups.

A number of good-practice principles are now emerging around the use of presence and accompaniment as a humanitarian tactic, and can be applied by agencies in protection work.

CHECKLIST › 7

HUMANITARIAN PRESENCE AND ACCOMPANIMENT

> Ensure that your presence is considered and that you understand the way that it is perceived, valued or feared by protected persons, authorities and potential violators . These actors have different and conflicting interests in your presence and will seek to use it or abuse it accordingly.

> Recognise how your presence can function as an asset or a liability and use or withdraw it in a preconceived, deliberate, and targeted manner.

> Use your personality carefully to project the appropriate attitude and character in a given situation. This might vary between: observation and a relatively reserved form of quiet power; a friendly, open and sympathetic air; a more explicit role as a witness; or determination and confrontation and the clear projection of internationally mandated authority.

> Where appropriate, combine a targeted proactive presence around specific hotspots and persons with a less routine, widespread, and mobile presence that gives potential violators and protected persons the feeling that you are 'always around'.

> Target your presence to get close to particular groups of vulnerable people at particular high-risk moments and in high-risk places. With limited resources, your presence should focus on protecting the key groupings of the civilian population that are most in danger.

> International observers can be deployed where appropriate. However, this presence requires a strategy behind it that focuses on detailed observation and active dissuasion of human rights and humanitarian violations. Also remember that international observers are only effective in conflicts where the parties are responsive to international pressure.

> Where possible and appropriate, use your project sites (clinics, water points, offices, and food distribution centres) as safe places for individuals particularly at risk.

Monitoring and reporting on human rights and international humanitarian law

Another important transferable protection skill for humanitarian workers is the basic practice of human rights monitoring and reporting. This is particularly important in any protection assessment and situation analysis. If they cannot prevent violations, humanitarians do at least need to be able to monitor them consciously, to describe them properly, and to report them. If this is regarded as inappropriate by some agencies or impractical and unwise because of differing levels of staff expertise, it is important that you consider ways of involving other mandated humanitarian organisations or human rights organisations who are better placed to do this.

This area of humanitarian practice requires a basic grounding in international legal standards. But most important, it requires sensitivity and the ability to listen carefully to people's accounts of their own experiences and those of others. Such care is at once legal and interpersonal.

CHECKLIST › 8

MONITORING AND REPORTING ON HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW

> Be precise and accurate in your recording of events and have a clear sense of how the information that you collect will be used.

> Cross-check and verify your information through a variety of sources.

> Link people's experiences of violations with specific legal standards.

> Respect the feelings and rights of witnesses during and after an interview in order not to degrade or endanger them further.

Humanitarian advocacy

With knowledge of, and information on, violations, humanitarian agencies are in a position to engage the relevant authorities using advocacy strategies that seek to ensure their compliance with humanitarian norms. Advocacy strategies can be of several kinds on a spectrum that runs between hard and soft, private and public. Humanitarian advocacy is, therefore, a core area of protective practice for agencies' engaged in strategies of persuasion, mobilisation and denunciation. And it is a skills that is required at all levels protective action – responsive, remedial and environment-building – and not just in the grand political arenas.

Different types of advocacy require different levels of agency resources. Depending on the mandate and resources of your agency, you may be limited in the type of advocacy that you can conduct. A small health agency, for example, is unlikely to be able to mount and sustain a massive media-based campaign. Similarly, the mandate of your agency will also determine the nature of your advo-cacy. The rigorous neutrality of the ICRC, for instance, makes it unlikely that it will pursue hard, public denunciations of violating parties on a regular basis.

CHECKLIST ›9

HUMANITARIAN ADVOCACY

> Ensure that your advocacy is impartial, based objectively on violations, targets the right actors and is well-timed.

> Put a very high value on the veracity and accuracy of the information on which you base your advocacy campaign.

> Protect your sources – both among your staff and within the local community – and work as much as possible on the principle of informed consent in regard to statements that you intend to make.

> Recognise the likely trade-off between humanitarian access and humanitarian advocacy in many situations and involve your staff and the communities that you are trying to protect in advocacy decisions.

> Judge carefully as to when loud and soft advocacy strategies are best and, as appropriate, apply different types of pressure to different kinds of targets on different levels.

Designing
a protection strategy
and programme

With a situation analys is and needs assessment now in place and with an understanding of the various forms of protection work, this section offers guidance on how to pull these strands together into a coherent protection programme, as well as an opportunity to think through various options that will determine an appropriate strategy for your agency and the people it is trying to protect.

This means understanding your humanitarian concerns in relation to violation, threat, and physical need, identifying law and responsibility, and shaping your response on the basis of capacity and complementarity.

While it is important to sit down and design a programme as soon as possible, it is equally important to remain flexible and to see that it is not cast in stone. In the frequently fast-moving conditions of war and armed violence, the kind of assessment outlined in the previous section needs to be continuous. That is, your programme needs to be amended as things change and events develop on the ground.

But first, it is important to introduce the idea of an overall protection strategy to drive your planning and activities.

A protection strategy

Your overall protection strategy should be trying to answer the following questions.

■   **Who are you trying to protect and from what?**

■   **How will you do it?**

■   **How will you know if you have succeeded?**

On the basis of your protection assessment, you can begin to target your agency's mandate, resources and expertise at the protection gap that you have identified in your situation analysis. A good strategy is one that shapes a protection programme that meets the challenges of your protection assessment by: providing the best possible response to people's **immediate protection** needs; and the best possible **long-term reduction of the threats** facing them.

Your choice of strategy will determine where you place your operational emphasis and which types of protection and modes of protective action you prioritise (according to the outcomes that you want to achieve). The remainder of this section suggests a way to think through a strategy and to design a programme.

A GOOD PROTECTION STRATEGY ...

> Enables a significant challenge to be mounted against the violations, abuses and consequences of war by harnessing to maximum effect people's own self-protection capacity, the protective capacity of your own agency, and the complementary protective capacity of other organisations and authorities. In other words, it is as participatory and complementary as possible.

> Chooses appropriately between all three types of protective outcome – response, remedy, and environment-building – and selects judiciously between the five modes of protective activity – substitution, support to services, mobilisation, persuasion and denunciation. In short, it relates to all aspects of the egg model.

> Is realistic in its assumptions of what your agency can and cannot change.

Programme design

Humanitarian protection programmes are no different to any other form of programme. They need to be planned and systematic, while also being open to important opportunities as they arise. Many different approaches to project planning are applicable in designing and implementing protection work. This section has chosen to conceive of programming in terms of aim, outcomes, objectives, activities, outputs and impact.

Six steps

This section assumes that you have completed your assessment, as recommended in Section Three, and now guides you through five critical steps pertaining to protection programme design and implementation.

- **Identifying protected persons.**

- **Specifying a protection aim.**

- **Agreeing outcomes and indicators.**

- **Setting objectives and choosing activities.**

- **Monitoring and evaluating process, out puts and impact.**

Identifying protected persons

Looking at your protection assessment, the first step is to identify exactly which groups of people need protection from precisely what kind of threats and violations and their effects.

Recognising primary and secondary groups

As an impartial humanitarian agency, your concern should extend to all protected persons. All agencies need to combine a *general awareness* of all protection needs in their immediate environment

with a *particular focus* on their specific mandate and expertise. This means that your protection programme should – to some degree – take account of all protected persons if only to ensure that some authority or agency is responding actively to their protection needs. But, as a specifically mandated or specialist agency, a particular group of protected persons or a particular aspect of protection may be your primary concern.

If you are working for the UNHCR, your agency is mandated to take particular responsibility for the protection of refugees and returnees. These groups will be your primary focus. If you are an NGO providing primary healthcare for mothers and children in a rural population in a war-affected area then your particular focus is naturally on that particular group. But your general awareness needs to be wider and you need to keep an eye on all protected persons in your area of operation. Indeed, you should be aware of when ideal protection outcomes for different groups may be incompatible.

Specifying a protection aim

A clear sense of the desired aim of any type of protection work is an essential prerequisite in designing an appropriate programme. Forming a practical vision of what it means for people to be protected in a given situation is critical to an agency's ability to act in the interests of protected persons. Unambiguous objectives enable an agency to monitor and evaluate its protection work from the outset, measuring success and failure, learning from the experience, and being accountable for its actions.

For example, in relation to the situation outlined in Box (1), an agency might come up with the following overall protection aim and a number of specific practical results that it would like to achieve through the various modes of protective action associated with the egg model. Your desired outcomes need to be as concrete as possible so that realistic efforts can be made.

BOX › 1

> As a humanitarian agency providing public healthcare in camps for people displaced by conflict you are concerned that some people you work with will be forced to leave in the next few weeks. Much of the country is now calm, but pockets of insecurity remain; sexual violence is widespread. Many camps are located in schools and other public buildings. The government wants people to go home so that the normal activities of the host community can resume. It is planning to cut off food supplies to the camp at the end of the month. Different families have different reasons for not wanting to go home: general insecurity; lack of access to basic services; or membership of a minority ethnic group.

> **Your first aim** is to prevent people from being returned to places where they will be in danger.

> Your agency is also particularly concerned that the personal security of women and children is profoundly under threat in the camps.

Twenty-two women have reportedly been raped in the past three weeks; your staff reports high levels of child prostitution. The risk of transmission of the human immunodeficiency virus (HIV) in such rape and abduction cases is extremely high.

> **Your second aim** is to reduce the incidence and impact of rape, sexual assault and child prostitution in the camps.

> You will need to have different objectives and different modes of action to cover your primary and secondary protection targets.

BOX › 2

It is not possible for people to stay in the public building. Thus, in order to meet your first aim, you determine that for people to be protected from forced return they must be able to make informed decisions regarding a selection of viable durable solutions. You believe that this will be achieved through the following outcomes.

> The ministry of interior implements a policy that allows for the relocation of displaced people who are unable or unwilling to return home.

> The government's humanitarian office continues to supply adequate food for an interim period, as well as working with the displaced to design and provide appropriate facilities and assistance packages that make both return and relocation viable options.

> The displaced have access both to adequate information and to the policymaking process so that they can make voluntary, dignified and informed decisions about their future.

Agreeing outcomes and indicators

To achieve this overall aim, and to know when you have achieved it, you need to identify the specific outcomes that will help you to define your success. And you will need to determine appropriate protection indicators that will measure progress towards success or failure.

To identify good outcomes there are two key questions that you must ask yourself and the people concerned.

■ **What needs to change for people to feel protected in this situation?**

■ **Who has to do what for this to occur?**

Specific protection outcomes typically involve clear changes in regard to the experience, safety and wellbeing of protected persons. However, remember that, in some cases, an agency may need to look at the least bad outcome rather than the ideal solution.

Protection outcomes are end-states that show the prevention of a pattern of abuse. In the example in the box (2) above, this might mean preventing forced return. Another end-state might be to help restore dignity after an abuse by identifying durable solutions. Or, at a social level, this could involve empowering communities to regain control of their own lives and the decisions that affect them.

Protective outcomes can therefore be grouped into three broad categories: (see page opposite).

MAIN TYPES OF PROTECTION OUTCOMES

1 › **Changes in the behaviour of perpetrators**, resulting in a reduction in the number of casualties, disappearances, threats, and other measurable human rights abuses over time.

2 › **Changes in the actions of responsible authorities and agencies**, resulting in the development and practical implementation of policies, commitments and actions to reduce violence, displacement and deprivation and to increase civilian protection.

3 › **Changes in the lives of protected persons**, resulting in improved levels of health and freedom of movement, as well as increased participation in normal livelihood activities, social networks and political life.

Having identified the desired outcomes, it is possible to choose a number of indicators so that you can gauge over time whether your programme is having the intended effect. That is, **are people better protected as a result of what the agency has done?** An indicator should do as it suggests: indicate whether progress is being made or not.

Wherever possible and appropriate, protection indicators are best established in a participatory way with the protected persons concerned. They should allow judgments to be made on two levels: whether progress is being made in regard to the identified outcomes; and whether that progress has made the expected contribution to the overall protection aim.

Indicators can relate to **quantitative** and **qualitative** information. In other words, they can be hard and capture empirical data relating to incidents and conditions. Or, they can be softer and reflect trends in people's opinions and the sense of their own safety. The information they produce can indicate positive, negative, mixed or paradoxical protection results (see below). A good indicator is one that is **SMART**.

Specific – it must tell you some thing particular.

Measurable – it must be able to be aggregated and compared over time.

Achievable – it must be possible to collect and process.

Relevant – it must relate to your outcomes and to all of the different social groups at risk.

Time-bound – it must refer to particular periods.

BOX › 3

> In the example above, we may look at the quantity of food per head that is supplied to the camp (quantitative) and the acceptability of return and relocation packages to displaced people (qualitative) in order to judge progress against the second outcome. We may examine a combination of the number of displaced people who leave the camp to return home, through organised relocation programmes or other means (quantitative), and garner their opinion as to whether they were forced to leave (qualitative), so as to determine whether all three outcomes are contributing to the overall aim of preventing forced return.

Setting objectives and choosing activities

If the protection **outcomes** describe what needs to happen to satisfy your protection aim, the **protection objectives** describe specifically what your programme intends to achieve, whether in the short, medium or long term. These objectives should also be SMART, like your indicators, and should usually be driven by a verb that suggests what you are trying to effect in one or other kind of protection activity: to stop; to prevent; to support; to change; to persuade; to care for; to treat; to provide; to monitor; to report; and so on.

BOX › 4

Continuing with the above example, in regard to the first outcome, **objectives** may include:

> To persuade the ministry of interior within three months to adopt a policy of allocating sufficient, suitable land (for living and agricultural use) to displaced people who cannot or will not return home;

> To support the efforts of local administrations in three districts to identify suitable, safe land for up to 2,000 displaced people within six months;

> To provide financial support to local administrations in three districts so that they can arrange transportation for 2,000 people from the capital to the relocation sites;

> To provide sufficient water and sanitation (Sphere standards) infrastructure for 2,000 people in six new relocation sites within nine months; and

> To intervene with responsible authorities in order to take punctual and appropriate action to remove a threat to the safety of the relocated people.

If protection objectives determine what you are going to do to achieve your outcomes, the programme activities you choose will define how you will do it. These might include those suggested in Section Four: assistance, presence, accompaniment, human rights monitoring and advocacy. Any activity that you carry out will usually produce various outputs. Activities to persuade authorities to act may result in the production of reports or create the need for meetings. Activities to provide assistance may lead to the construction of wells, clinics or an IDP camp. Activities to prevent violations may result in monitoring visits and witnessing.

The trick in programming is to see if the outputs can combine with the context to deliver the outcome you desire.

BOX › 5

Related activities may include the following.

> Survey 500 displaced people to determine how many are unable or unwilling to return home and why, as well as to determine criteria regarding the suitability of a relocation site.

> Agree and implement a common advocacy strategy with five major humanitarian agencies to persuade the ministry of interior to develop and adopt the relevant policy, and to instruct its agents accordingly.

> Train four officers in each of the three districts in site identification; provide funds to cover transport and administrative expenses.

> Provide funds to three districts for the rental of buses to transport the displaced.

> Provide, for example, 'x' wells with hand pumps and 'y' latrines at six relocation sites.

> Carry out monthly monitoring visits in three districts to monitor the safety of the relocated population and their hosts.

> Consolidate reports and persuade local authorities to take action when necessary.

AN EXAMPLE OF A HUMANITARIAN PROTECTION PROGRAMME

Humanitarian agencies commonly work in countries where there is a civil war between various armed groups and the central government. This second example of a protection programme is written from the perspective of a humanitarian agency with a history of working in rural areas in such a context. It is perhaps worth noting that many objectives and activities, carried out over different timeframes, may be required to deliver a single outcome. Likewise, although activities and objectives can contribute to several outcomes, their impact is likely to be greatest if the strategic linkages are expressly made at the design stage.

EXAMPLE BOX...

Rival armed groups are carrying out vicious and indiscriminate attacks on rural populations in their respective territories in the north of Country K. Both sides are avoiding attacking each other's forces and are instead deliberately directing their violence against villages and market towns whose populations are predominantly made up of civilians from the opposing group.

The violence is characterised by the public killing of village elders, the segregation and disappearance of young men and extensive sexual violence against young girls and women of all ages. Young men are rounded up in early-morning raids on villages; houses are often burnt down and food and valuables pillaged. By day, groups of women are abducted and sometimes raped when working in the fields, going to market, or collecting water and firewood.

These attacks are rapidly curtailing the movement of rural civilians. Young men are forced to flee and limited water sources are under pressure, as women will not leave their villages to access wells. Insecurity on the roads has raised transport prices tenfold, with a significant effect on people's livelihood and survival.

Government forces in the area are trying to intercept and engage all armed groups but their forces are mainly situated in market towns. These towns are now taking on the characteristics of garrison towns, as government soldiers levy food from the local population, tax goods moving in and out of the town and sexually exploit young women. At present, humanitarian access to the area is sporadic and confined to government-controlled towns.

Overall protection aim
To reduce the incidence of attacks on civilians by *all* parties to the conflict, and to reduce the impact of the attacks by enabling the free movement of the civilian population and access for humanitarian agencies.

OUTCOME › 1

The civilian population has regular and safe access to its fields and markets and sufficient clean water.

Protection objectives

> To ensure that government forces increase the deployment of troops in rural areas, along trading routes and in market towns.
> To encourage leaders of all of the armed factions publicly denounce violence against the civilian population and take appropriate action against members of their group who are responsible for it.
> To ensure deployment of international military observers to Country K to investigate allegations of attacks on civilians, reporting back to faction leaders and the international community.
> To secure humanitarian agency access to rural communities in order to provide safe water-points within the perimeter of the villages.

Protection activities

> Build alliances with other agencies to lobby the ministries of defence and interior in regard to troop deployments, particularly on market days.
> Persuade the UN to deploy military observers to Country K via in-country alliance building and advocacy work, as well as through the international media.
> Lobby the in-country diplomatic community to pressure armed faction leaders into curtailing violence against civilians, as a precondition for international engagement based on a clear understanding of the motivation of key armed groups,
> Negotiate access to improve over-used water points and to develop new ones in villages where violence is preventing people from enjoying safe access to sufficient clean water.

Protection types Response; Environment-building.

Modes of action Persuasion; Mobilisation; Substitution.

Protection indicators

> Observation of, and reported trends in, land cultivation.
> Price and availability of manufactured and agricultural goods in market towns; price of transportation to and from the towns.
> Figures on number of attacks on villages and women.
> Level of confidence and sense of safety among all sections of rural civilian population.
> Number of water points visited and repaired by agency.

OUTCOME › 2

Young women live free from the threat of sexual exploitation by government forces in garrison towns.

Protection objectives

> Stop troops serving in garrison towns exploiting vulnerable women and girls.
> Ensure commanders in garrison towns take effective action to prevent sexual exploitation and abuse and punish those responsible.
> Secure access for victims of sexual violence and abuse to appropriate care and assistance.
> Ensure vulnerable people living in garrison towns receive sufficient humanitarian assistance to prevent the need to resort to prostitution to survive.

Protection activities

> Create inter-agency group to document systematically allegations of sexual exploitation within garrison towns.
> Pressure national government authorities into investigating incidents and disciplining troops when appropriate.
> Encourage and support the government to include appropriate military training on the protection of women.
> Launch a public campaign in garrison towns to raise awareness and to de-stigmatise discussion of sexual violence and exploitation.
> Support civil-society groups in garrison towns in their efforts to pressure local commanders into controlling and disciplining troops.
> Persuade specialised national and international agencies working on the protection of women and children to develop programme to support victims of sexual exploitation and violence.
> Persuade donor governments and humanitarian agencies to increase the supply of aid to garrison towns.

Protection type Response; Environment-building.

Modes of action Persuasion; Mobilisation.

Protection indicators

> Trends reported on incidents of sexual exploitation.
> Existence of specific military training on the protection of women.
> Attitude of garrison troops to sexual exploitation and violence.
> Existence of an open public debate on the issue.
> Sense of safety among young women in garrison towns.
> Quantity of aid supplied to garrison towns.

OUTCOME › 3

Young men are able to live safely in their villages and to contribute to their family livelihood.

Protection objectives

> Reduce the number of young men abducted and forced into military service.
> Ensure the safe return of young men who have fled to the towns.
> Ensure the the safe return of young men who have been abducted.
> Enable young men to carry out economic activities (such as farming and trading) in safety.

Protection activities

> Systematic documentation of people who have disappeared from their villages.
> Present all parties to the conflict with lists of the disappeared and persuade them to investigate and respond.
> Launch a public campaign to highlight the plight of those abducted by armed groups in order to 'shame' those responsible and to encourage them to stop.

Type of protection Responsive; Remedial.

Mode of action Persuasion; Mobilisation; Denunciation.

Protection indicators

> Trends in the numbers of young men observed living in or returning to villages.
> Take-up of the issue of disappearances by responsible authorities and influential agencies.

Monitoring and evaluating process, outputs and impact

Programme monitoring offers the vital first line of learning about what works and what does not work in particular protection work activities. Consequently, it is essential that you set up a monitoring system of some kind to gauge the effectiveness of your programme on the ground, reporting on the outcomes and indicators that you have chosen.

While recognising that monitoring is essential, it is also important, however, to acknowledge that monitoring in situations of war and widespread human rights violations is often extremely difficult. In such conditions, it can be a major achievement just to get something done. To know how well it was done or whether observed results can be attributed to specific actions is more difficult still.

Hence, a good monitoring process must be able to capture short-term (such as over several months) changes as well as longer-term (such as over several years) trends if it is going to measure the impact of protection work accurately.

People-centred monitoring

The rule remains, therefore, that protection monitoring is essential and must be planned from the outset. The art is to develop appropriate monitoring for the situation at hand. But whatever the form your monitoring takes it needs to be focused on your programme's desired outcomes and the effectiveness of your chosen activities on the lives of protected persons. As such, your key monitoring question might be: **to what extent is what we are doing really protecting the people we want to protect from the threats that they are facing and the violations that they are experiencing?**

Answering this question requires that you constantly monitor two main variables:

■ **the changing nature of the threats and violations ranged against protected persons (the situation); and**

■ **their experience of your strategy and activities (the outcomes of your agency's actions).**

This means taking collection and analysis of your protection indicators seriously, regularly reporting on what you find, and, wherever possible, involving protected persons in the process.

Staff-centred monitoring

Agency staff must also be valued as an important source of monitoring information, especially in regard to their experience of running particular protection activities. Staff can be vital for monitoring and adapting particular strategies in accordance with certain key questions about improvement. How is the presence of the agency best projected? What kind of advocacy seems to be working? How can aid be more protective? What should we do more of? What should we do less of? What new things might be worth trying?

Regular team meetings provide the best forum in which to monitor in this way. And a good team meeting is one in which all members of staff feel able to share their experience, while knowing that they will be listened to properly. Such meetings can seem hard to prioritise in extreme conditions but they are very important.

An outsider's perspetive

The opinions of experts and agencies without your organisation can also be important in assessing your approach. How you are seen may not be how you see yourself. Soliciting the views of individuals outside your organisation and the people you are trying to protect may offer valuable insight on what you are doing well and what you are doing not so well.

Capturing good and bad impact

Positive impact in the above example of Country K might be captured in the form of quantitative indicators, such as a reduced incidence of rape. Indicators might also manifest themselves in a more qualitative form, such as a reduced sense of fear and a growing sense of safety. The latter can be detected both by observation and more rigorous surveying. The same indicators might also be used to expose **negative impact** that would report a sustained or rising incidence of sexual violence and disappearance with increasing levels of fear.

The results of certain protection activities can also demonstrate **mixed impact**, which is often revealed in conflicting indicators. Following an increase in the government military presence in rural areas of Country K, for instance, quantitative indicators may show that the incidence of reported rape and abduction is greatly reduced but that women are still experiencing high levels of fear. This may suggest that women are threatened less by raids by armed groups than they are by potential sexual exploitation by increased numbers of government troops.

This kind of phenomenon is an example of the **protection paradox**, whereby increased protection of one kind can render people vulnerable to new patterns of abuse. Similar paradoxical scenarios can develop in relation to: relief resources that expose people to the danger of raiding; the collection of large numbers of people in protected areas that expose them to disease; or their flight to asylum in refugee camps, which restrict their freedom of movement and render them vulnerable to exiled regimes and cross–border military operations.

As much as possible, all aspects of impact need to be captured and analysed in your monitoring, and used to guide your protection work accordingly.

Recognising protection dilemmas

A project planning approach to protection is important if your agency is to be systematic and accountable. But it would be unwise to mistake protection as a science or as a construction project that can be planned and delivered on schedule. The reality is somewhat different.

In protection programming, things seldom go as planned and humanitarian agencies control little on the ground. The context and choices that manifest themselves in protection work produce operational dilemmas and often throw up insurmountable obstacles. Protecting people in war when others are out to do them terrible harm is often a highly complicated task, can verge on the impossible, and routinely involves a number of strategic risks for the organisations concerned. It is vital that any monitoring and evaluation is able to spot these chronic risks and dilemmas as they emerge and to promote explicit discussion of them within your agency.

Beyond the unpredictable nature of events and the unplanned actions of others, protection programming has frequently been in danger of falling into a number of routine 'traps', which need to be monitored consistently by agencies engaged in humanitarian protection.

Monitoring the process via which your agency is dealing with such potential strategic risks (complicity, legitimisation, negative effect, bias and prioritising) is a vital part of being alert to the wider implications of your immediate protection programme.

FIVE STRATEGIC RISKS IN PROTECTION WORK

1 › The risk of **complicity:** humanitarian activities or resources are exploited by the perpetrators of human rights violations to facilitate abuses like forced displacement or raiding.

2 › The risk of **legitimisation** of violations or perpetrators. Deliberate starvation, for example, can be legitimised as 'famine' by aid workers unable to see the political intent behind it. Or contact with agencies and permission for their token operation can be used cynically by perpetrator groups to give them political credibility and as evidence of a false intention to protect.

3 › The risk of humanitarian aid and protection having a **negative effect** and becoming **counter-protective** through the manipulation of aid, corruption or insensitive behaviour by humanitarian staff.

4 › The possibility of bias in difficult decisions concerning **humanitarian targeting**. These involve inevitable prioritising in the selection of one group of protected persons over another because of limited resources, geographical restrictions or mandate constraints.

5 › The risk of not giving due consideration to hard choices between **two mutually exclusive goods**. Between assistance access or protection advocacy, for example, when it is impossible for an agency to combine both.

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Best-practice principles in protection work

On the basis of the preceding section, it is possible to identify a summary set of best principles in relation to protection work, which may provide a useful steer for humanitarian protection work of any kind.

1 › Think about law, violation, rights and responsibilities

A protection approach means first seeing the suffering of people in war as a violation. It is this violation that then produces secondary needs. Civilians in war who are hungry, ill, injured, destitute and impoverished or who have been sexually abused are in a state of extreme need because their rights have been violated. Their suffering and need result from a deliberate *pattern of violation* that is integral to the policy and conduct of the war and is in breach of international humanitarian law, human rights law and refugee law. Violations of legal rights impose clear humanitarian, military or political duties on governments, non-state actors, individuals, and humanitarian agencies.

2 › Aim to ensure respect as well as providing assistance

A protective approach requires that humanitarian workers go beyond an aid-only approach and also focus on ensuring respect for humanitarian and human rights norms. This involves humanitarian agencies taking up some key skills and techniques that have been more explicitly developed in human rights practice to date. These skills are vital if humanitarian agencies are to work closely to or adhere to international legal standards, recognise and report violations, advocate more effectively, pressure relevant authorities and develop more conscious and targeted forms of protective practice.

3 › Build on people's own self-protection capacity

Humanitarian common sense affirms the value of people's own knowledge, capacity, insight and innovation in any given situation that threatens them. As a result, good practice in humanitarian protection values close cooperation and participation in any relationship between humanitarian agencies and the people they are trying to help. People are seldom passive when they feel at risk: they engage in a range of finely judged actions to cope, respond, adapt and survive. This makes it essential that they are involved in, and often take the lead on, decisions concerning their own protection.

4 › Prioritise inter-agency complementarity

Different agencies have different mandates, protection priorities and expertise. They also work in different places and on different political levels, nationally and internationally. It is important to take advantage of these

differences in regard to combined efforts to protect civilians in war. Where appropriate, precedence should be given to mandated agencies. Care needs to be taken not to compromise one another's protection strategies and activities at any of the three levels of protective action.

5 › Prevent counter-protective programming or behaviour

Agencies can give, say and do things that seem sensible on one level, yet have a terrible affect on the very people they are trying to help. The personal behaviour and attitude of humanitarian workers is also critical to protective practice. Instances of social and political insensitivity by international staff in particular can pass unnoticed by the person concerned but can invite a terrible backlash against national staff and the community that person is supposedly trying to assist. Similarly, an agency's relationships with key actors, including military forces, the international media, and foreign governments, can be read in very different ways by different groups. Activities, attitude and behaviour can all prove counter-protective rather than protective and must be constantly and carefully scrutinised in relation to their impact on people's safety and protection.

6 › Be realistic about your agency's limits

Humanitarian agencies have relatively limited means with which to protect civilians. In many situations, mandated and non-mandated bodies lack the political authority, the military force and the legal mandate that would give them the practical power to protect civilians effectively. Recognition of this fact is critical to ensuring realistic programming, to dissuading excessive expectation and to preserving agency morale. Humanitarian fieldworkers are not the people primarily responsible for protecting civilians. While they must be as creative and courageous as possible in every situation, they are part of a much wider system of moral, legal and political responsibility. The tragic truth is that many efforts at humanitarian protection will fail. How agencies understand and deal with this is very important. More than many other areas of technical humanitarian assistance, protective programming often has to operate with a 'having tried well' notion of success rather than one of having protected everyone. And where there is success it must be valued deeply – even when it involves only a single person.

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International legal standards and further reading and resources

International legal standards

The following is a list of key instruments of international law that relate to the protection of people in war. All agency staff involved in humanitarian protection work will need to be familiar with them to differing degrees.

International humanitarian law
The Geneva Conventions of 1949 (especially the IV Convention on the Protection of
    Civilian Persons in Time of War) and their two Additional Protocols of 1977.
The Statute of the International Criminal Court.

International refugee law
Convention on the Status of Refugees, 1951, and the Protocol Relating to the Status
    of Refugees, 1967.
Guiding Principles on Internal Displacement, 1998.

International human rights law
Convention on the Prevention and Punishment of the Crime of Genocide, 1948.
Universal Declaration of Human Rights, 1948.
International Covenant on Civil and Political Rights, 1966.
International Covenant on Economic, Social and Cultural Rights, 1966.
Convention on the Elimination of All Forms of Discrimination Against Women, 1979.
Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or
    Punishment, 1984.
Convention on the Rights of the Child, 1989.

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List of Acronyms

ALNAP	Active Learning Network for Accountability and Performance in Humanitarian Action
ALPS	Accountability Learning and Planning System
EU	European Union
HIV	Human Immunodeficiency Virus
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
INGO	International Non-governmental Organisation
NGO	Non-governmental Organisation
SMART	Specific, Measurable, Achievable, Relevant, Time-bound
TOR	Terms of Reference
UN	United Nations
UNDP	United Nations Development Programme
UNFAO	United Nations Food and Agriculture Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations Children's Fund
UNOCHA	United Nations Office for the Coordination of Humanitarian Assistance
WFP	World Food Programme

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