

# introduction

How can people at risk in war and disaster be better protected? And what practical role can humanitarian agencies and their staff play in helping to bring about such protection on the ground? This guide aims to provide some answers to these questions, and is intended as a practical guide for field staff in humanitarian agencies.

# Introduction

Many millions of civilians continue to be deliberately targeted in war today, or suffer from the extreme consequences of armed conflict with its inevitable disruption, deprivation, displacement, disease and discrimination. Millions of others need protection in the many natural disasters or protracted social conflicts that come to dominate their lives. People at risk are usually the main actors in their own protection – making extraordinary efforts to protect themselves and their families. But there is also much that humanitarian agencies can do to help them and to mobilise responsible authorities.

A concern for human rights, international humanitarian law and refugee law has been integrated into the policies and practice of internationally mandated humanitarian agencies and many non-governmental organisations (NGOs). But a new determination to develop truly practical programming that protects people from all forms of violation, exploitation and abuse during war and disaster has emerged in recent years. Fieldworkers in both types of humanitarian organisation are now expected to know about protection and be able to work as much for people's protection as for their physical needs. They are also expected to train others to do so too. This involves an active concern for people's personal dignity as well as for their safety and material needs.

Despite all this goodwill, ensuring people's protection is extremely difficult and is the legal responsibility of *de jure* or *de facto* authorities in a given situation. These authorities are usually governments, international peacekeeping forces or armed groups. Humanitarian agencies are rarely in a position to protect anyone directly from the violent assaults, terror tactics, displacement and dispossession that cause so much suffering and destitution to the victims of war and disaster. As a result, and particularly in war, humanitarian agency personnel have often felt like bystanders to atrocity. Much of the advice offered in this guide inevitably concentrates, therefore, on more indirect approaches to protection. Here, there are

important things that humanitarian agencies can do in addition to and alongside their primary role of providing aid and assistance to those who suffer.

Most immediately of all, humanitarian agencies can work practically and carefully with affected populations to support concrete ways in which they can avoid and resist the threats ranged against them as they cope with constant danger. Humanitarian field staff can also use their presence on the ground creatively to witness violations and unacceptable conditions and to deter further abuses. Agencies can also work hard to ensure that the humanitarian assistance programmes they design and deliver do not thoughtlessly expose civilian populations to yet more dangers from raiding, exploitation, rape, isolation, permanent displacement or corruption, and so inadvertently supporting those pursuing war or personal enrichment.

Politically, humanitarian agencies can also work to influence the responsible authorities, and so play their part in important local, national and international efforts to ensure respect for the norms, rights and duties set out in international law. Holding the appropriate authorities responsible and accountable is critical in protection work. A great part of this involves putting pressure on and working with those with legal responsibility for protection – state authorities, international peacekeeping forces and *de facto* authorities like armed groups. Much of it also involves liaising closely with other international organisations with protection mandates, such as the International Committee of the Red Cross and United Nations agencies like the Office of the High Commissioner for Human Rights (OHCHR), the United Nations High Commission for Refugees (UNHCR) and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and other specialist UN agencies, so that they too bring their influence to bear on those responsible.

Finally, humanitarian organisations can work long-term to influence the deeper values of violent, war-torn and disaster-prone societies so that the principles of human dignity and protection are more broadly embraced by the hearts, minds and institutions of a society.

## **Focus on safety, dignity and integrity of the individual**

The approach used in this guide is intended to help every humanitarian agency to look beyond people's immediate material needs to wider questions of personal safety and the dignity of the whole human person. As such, it draws attention to the main violations and abuses that are most likely to threaten people's safety, dignity and integrity as human beings. It then challenges agencies to think creatively about a range of ways in which such violation and suffering can be prevented, alleviated and redressed beyond a simple 'aid-only' approach.

## **An emphasis on civilians**

The guide maintains a predominant emphasis on civilian populations affected by war but applies equally to people's protection needs in natural disasters and protracted social conflicts involving consistent violations and abuses of human rights.

In concentrating on civilians in war, however, it is appreciated that civilians are not the only people in need of protection in war. 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 captured, they are entitled to important protection guarantees. However, the particular needs of these important groups are not considered here.

## The purpose of this guide

This guide aims to introduce and illustrate this approach to protection so that humanitarian agency staff members are in a better position to judge whether and how to engage in protection work. The guide is broadly organized into two parts. Part One (sections 1–3) is a general introduction to the concept of protection. It looks at why people need it, who is responsible for it and how humanitarian agencies can best think about it in their work alone and in complementary partnerships with others. It also alerts agencies to certain key risks of protective programming. Part Two (4–8) builds on a risk-based model of protection to offer a four step operational framework for assessing, designing, implementing and monitoring humanitarian work with clear protection objectives.

In particular, the guide will:

- **describe the thinking and objectives behind protection work**
- **identify the key elements of basic programming that enable agencies to be more protection-focused in their work**
- **offer some general guidance on how to monitor protection work**
- **alert agencies to the risks of pursuing protection objectives.**

Above all, it is hoped that the following pages will help people in humanitarian agencies to be more conscious of the possible protection opportunities in their work, and so make more informed choices about what to do and when and how to do it.

The guide's methodology also aims to increase the level of results-based reporting on protection objectives in humanitarian programmes. Better objective-setting and monitoring will then serve to improve agency learning and practice. It will also enable future *ALNAP Reviews of Humanitarian Action* to draw wider conclusions about protection across the humanitarian sector as a whole.

## General guidance only

This guide is not a comprehensive field manual. It does not go into great detail on specific methodologies essential to protection activities – like needs assessment, monitoring human rights and international humanitarian law (IHL), security analysis, capacity-building, advocacy or interagency cooperation. It does not examine the detailed rights, experiences and likely protection needs of particular groups of people in war, such as women, children, the elderly, minorities, the displaced and refugees.

Instead, it aims to point field personnel from any humanitarian agency 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 well aware of the operational demands of their particular mandate and the mandates of other relevant organisations. It also takes for granted that each agency has considerable understanding of the experience and needs of the particular groups it is seeking to help, and significant expertise in the sectors in which it works.

The guide needs to be used alongside:

- **international legal standards in humanitarian, human-rights and refugee law**
- **detailed best-practice guides for protecting particular groups**
- **good-practice guidance for technical assistance programming in specific sectors like water, food and health – much of which can be found in the Sphere standards.**

## How the guide was written

This guidance booklet draws on many of the excellent and important new policy papers, agency guidelines and manuals that have been written on this topic in recent years, including those which emerged from the pioneering series of workshops on Protection for Human Rights and Humanitarian Organisations convened annually by ICRC in Geneva from 1996–2000. Many of these are listed below in Annex 1. This guide attempts to place key principles and ideas from these works in one place, so that humanitarian agencies have a general field guide for designing and managing protective programming.

Several of the examples of protective humanitarian programming in this guide are taken from the 2002 IASC publication on protection, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, which is a rich source of practical examples of recent agency protection activities.

## Structure of the guide

This guide is organised into nine main sections.

### Part 1: Understanding protection

**Section 1** identifies the different contexts in which protection is a priority for humanitarian agencies, and looks at the main forms of deliberate personal violence, deprivation and restricted access that create protection needs.

**Section 2** uses the principle of humanity to define protection in terms of a person's safety, dignity and integrity as a human being. It then looks at the main sources of protection in international law, the primacy of state responsibility for protection, and agencies with protection mandates.

**Section 3** introduces the egg framework for protection, its three spheres of action and its emphasis on complementarity within the international system for protection. It also identifies a number of common operational risks in protection work.

## **Part 2: Programming for protection**

**Section 4** introduces a risk-based model for protection work that concentrates on reducing threats, vulnerability and danger time.

**Section 5** offers a particular approach to situation analysis and gives guidance on making a protection assessment using a range of checklists and information-gathering techniques.

**Section 6** introduces the idea of protection outcomes and objectives as the key planning instrument from which to design and monitor a protection programme.

**Section 7** examines five main modes of protection action appropriate to humanitarian agencies, with checklists on good practice. It also includes a case-study example of designing protection objectives in a humanitarian programme.

**Section 8** gives general guidance on how to use protection outcomes and protection indicators to monitor the success or failure of protection work.

**Section 9** finishes the guide with a summary of eight best-practice principles for effective protection work by humanitarian organisations.

Following these nine main sections, the **Bibliography** provides a list of full reference details, further reading and resources for protective programming, **Annex 1** lists the most relevant international and regional legal standards for humanitarian protection, and **Annex 2** summarises the UN's checklist of key actions for the protection of civilians.