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part one

understanding protection

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section one

Protection from what?

Perhaps the easiest way to understand the practicalities of protection is to think about the people who need it most, their experience in war and disaster, and the violations and abuses that they face.

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'.⁴ That food and safety, dignity and protection are integrally related as vital components of humanitarian action is an obvious truth. But it is one that is deeply difficult to realise when warring parties are intent on involving civilians or unable to protect them. Or when certain communities are marginalised or discriminated against in disasters.

If the little girl in Safwan needed personal protection rather than food, many other people affected by war or disaster are frequently in desperate need of both and all the other crucial elements of assistance, such as healthcare, shelter, water and sanitation. Beyond their immediate right to life, the reality of war, disaster and protracted social conflict for many people is just one massive violation of the whole range of their civil, political, economic, social and cultural rights.

Variety of contexts

Protection needs arise in a variety of situations in which humanitarian agencies tend to be involved, but particularly perhaps in five main situations, as follows.

- 1 Armed conflict** – either international or non-international armed conflict in which the civilian population suffers a range of deliberate violations and abuses as well as the terrible but unintended consequences of war.
- 2 Post-conflict situations** – in which a peace has been agreed but the effective rule of law is not yet complete, so that violations and abuses persist and conditions frequently remain life-threatening and personally degrading.

¹ Roberts, A (1996) *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), p 39.

- 3 **Natural disasters** – in which a natural hazard combines with poverty and social vulnerability to render people materially, personally and socially at extreme risk.
- 4 **Famine** – where drought, discrimination, political mismanagement and/or deliberate starvation cause severe food shortages, destitution and severe economic, social and personal risk.
- 5 **Protracted social conflict** – civil strife or political oppression that falls short of official armed conflict but nevertheless involves a crisis in which discrimination, violence, exploitation and impoverishment are constant risks.

In all five of these main contexts of humanitarian action, people are exposed to extreme levels of risk and can be forced to engage in equally perilous and exploitative coping or survival strategies. As a result, agencies operating in any one of these contexts are likely to encounter a broad and sometimes similar range of protection needs arising from various violations and deprivations, examples of which are given in Box 1 (overleaf). These various forms of suffering and indignity are typically the result of the triple dangers of deliberate personal violence, deprivation and restricted access. These pose extreme risks that continue to prove calamitous or fatal to many millions of people in war and disaster.

Box 1

Violations and deprivations that cause protection needs

- Deliberate killing, wounding, displacement, destitution and disappearance.
- Sexual violence and rape.
- Torture and inhuman or degrading treatment.
- Dispossession of assets by theft and destruction.
- The misappropriation of land and violations of land rights.
- Deliberate discrimination and deprivation in health, education, property rights, access to water and economic opportunity.
- Violence and exploitation within the affected community.
- Forced recruitment of children, prostitution, sexual exploitation and trafficking (including by peacekeepers and humanitarian staff), abduction and slavery.
- Forced or accidental family separation.
- Arbitrary restrictions on movement, including forced return, punitive curfews or roadblocks which prevent access to fields, markets, jobs, family, friends and social services.
- Thirst, hunger, disease and reproductive health crises caused by the deliberate destruction of services or the denial of livelihoods.
- Restrictions on political participation, freedom of association and religious freedom.
- The loss or theft of personal documentation that gives proof of identity, ownership and citizen's rights. Attacks against civilians and the spreading of landmines.

Deliberate personal violence

Direct personal violence in armed conflict, post-conflict or protracted social conflict is a common cause of suffering and death. The deliberate murder of civilians – women, men and children – has been central to the policies of belligerents in most recent wars.

The vicious use of sexual violence against civilians has also been central to the policies and practices of many of those pursuing war. Beyond the immediate humiliation, 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 personal violence.

Children have been murdered routinely in recent wars just as they have been throughout history. They have also been brutally coerced into becoming child soldiers and prostitutes or 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 deliberate signature atrocities such as amputation in Sierra Leone, or having their lips and ears cut off in northern Uganda. Others have been wounded for life by the ongoing and indiscriminate injuries caused by landmines. Millions of women, men and children have been left emotionally wounded and economically and socially vulnerable as widows, widowers or orphans.

The extent of these atrocities means that humanitarian action focused primarily on assistance can fall well short of protecting people's dignity and integrity or meeting their urgent 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.

Deprivation

Despite the scale of such direct personal atrocity, it is impoverishment, dispossession, destitution, disease and sheer exhaustion that are responsible for the bulk of civilian deaths in war. Throughout the 1990s, most civilians died *from war* rather than violently *in war*. This is true of most wars that do not involve the mass slaughter of civilians.

The deprivations caused by war – what people have taken away from them – often become the determinant factor in people’s suffering. Deliberate assaults on economic assets and livelihoods plunge people into poverty and threaten them with destitution and disease. Deliberate strategies of displacement and punishment mean that villages are burned, wells are poisoned, cities ransacked and homes bulldozed. Policies of terror, dispersal and restricted movement have ensured that people have lost access to their fields, natural resources, jobs and markets. Small businesses are 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. The destruction of social and cultural assets like schools, clinics, churches, mosques, temples and cemeteries, or a loss of access to them, have an extreme physical, social and emotional impact. Possessions are also routinely stolen in the endless pillaging that is a feature of so many wars.

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

Limited movement and restricted access

In war and after some natural disasters, authorities often deliberately restrict people's movements by imposing curfews, enforcing roadblocks and travel restrictions closing borders or forcibly returning people to unsafe areas.

Warring parties can often deliberately destroy economic, health and educational facilities like schools, markets and clinics. Such restriction and destruction can make access to important places and facilities impossible for people. Often, these strategies of restriction and destruction go well beyond legitimate military necessity and are part of a wider policy of oppression, punishment, marginalisation and group-targeted violence.

Even when local services are not directly destroyed or depleted and when no explicit restrictions are in force, people may still be too afraid to move and access the places and facilities they need. The intense fear resulting from surrounding patterns of violence can intimidate people sufficiently to make them restrict or alter their own 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. 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. Maintaining or recovering people's access to key social and economic services is one of the biggest challenges in protection work.

In many cases, force and fear may impel people not to restrict their movement but to extend it dramatically by becoming refugees or internally displaced persons (IDPs). Extreme movement of this kind creates similar problems of access, as people are usually forced to flee to areas where services are limited, congested or non-existent. In such situations, ensuring safe access to basic services becomes a major protection challenge.

In many situations, protection challenges are problems of safe access. People's fear or inability to gain access to their means of livelihood, healthcare and social care results in significant suffering. The frequent inability of humanitarian agencies to reach threatened populations because of political or military restriction increases this further.

The question of intent

The political, military and individual intent behind particular violations and abuses in war and disaster is a critical issue in protection work. Whether or not suffering is intentional determines the nature of the protection challenge your agency confronts. An enormous amount of civilian suffering in war is intentional. It is the result of deliberate and preconceived strategies of violence, discrimination, displacement and deprivation. This can also be the case in famine, post-conflict, protracted social conflict and with the policies directed at disaster-affected populations.

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

In other cases, suffering is not intentional and you can find yourself working with essentially cooperative and positive authorities. In some wars, civilian suffering may be an unintended consequence that is genuinely regretted by

one or more of the belligerents, who may then seek to protect and assist the civilians. In other situations, authorities may simply be overwhelmed by war. They may want to stop civilian suffering but be in no position to do so. In either 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 there may still be enormous protection challenges, you may be better able to operate in modes that are collaborative and more akin to a partnership.

In many situations, humanitarian agencies face a spectrum of intent within a given authority. For example, some parts of the state authorities will be deliberately perpetrating violations while others will be genuinely trying to mitigate extreme state policies and improve people's conditions. The same range of abusive and protective intent can exist within an armed group. Understanding the range of intentions within a given authority becomes a critical part of protection analysis and response.

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section two

Protection and responsibility

This section describes the basic concept of protection, the laws that demand it, the authorities that are required to provide it, and how the international system is intended to work to oversee and support people's protection.

Defining protection

Humanitarian agencies are moved to carry out humanitarian action by their most fundamental guiding principle – the principle of humanity. In his classic formulation of this principle the Swiss humanitarian, Jean Pictet, captures the essence of humanitarian action as being ‘to protect life and health and to ensure respect for the human being’.²

The emphasis in this principle on the whole human being is critical. It recognises that we are more than flesh and blood. When we are cut we bleed and when we cannot drink we thirst; but beyond our material needs, we also feel and care – about ourselves and others. This sense of self-worth, and the deep value of being together in family and community of some kind, are as important to protect and assist as are our physical needs. We live emotionally, socially and spiritually as well as physically, and so we suffer emotionally, socially and spiritually too.

This most basic insight of humanitarian action makes clear that preserving a person’s dignity and integrity as a human being is as much a goal in humanitarian work as ensuring their physical safety and providing for their material needs. The principle of humanity recognises human beings as much more than physical organisms in need of the means of survival. As such, humanitarian work extends beyond physical assistance to the protection of a human being in their fullness. This means a concern for a person’s safety, dignity and integrity as a human being.

Safety

Effective protection helps people to stay safe. Good humanitarian work is as much about securing personal safety as it is about giving humanitarian assistance. 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.

² Pictet, Jean (1979) *The Fundamental Principles of the Red Cross: a Commentary*. Geneva: Henry Dunant Institute, p 18. The principle of humanity is also reaffirmed by the United Nations in General Assembly Resolution 46/182 of 1991.

Defining protection by safety outcomes – keeping people safe – gives a clear cutting edge to all humanitarian activities whether they are assistance, advocacy, community mobilisation or rights education. Personal safety is essential and must be at the forefront of all protection work. Prioritising personal safety in violent conflict and disaster gives very clear protection goals in any humanitarian programming and allows us to measure progress against them.

Dignity

But, of course, safety is not enough in itself. People might be extremely safe from military attack by staying in a heavily guarded ‘protected village’ or confined to their house under sustained curfew. They might be safe but may also be hungry, ill, isolated, increasingly impoverished and, above all perhaps, humiliated by the way they are treated by those guarding them.

Safety is fundamental to survival but the emotional and material quality of that safety is critical. The inner emotional experience of an individual is as important as their outward physical needs. And, of course, the two are intimately related. Terrible physical conditions can take a great toll on a person’s dignity and sense of self-esteem. Yet, a person’s ability to maintain a strong sense of personal identity and self-respect can hold them through extreme physical suffering.

Protection, therefore, is as much about preserving the dignity of the human person as it is about the safety of that person. Many violations, deprivations and restrictions degrade a person and are often designed to do so. They make people feel less than human by shaming them, tormenting them, disregarding them, dispossessing them or reducing them to conditions of hunger, nakedness and destitution which render them desperate and at odds with their neighbour and their family over the very means of survival.

Also essential to a sense of human dignity is the feeling of freedom. People who are free to live their lives as they choose, to move freely, to speak freely and to assemble and associate freely with others are more likely to experience that sense of self-worth and personal autonomy which is so important to human dignity.

All kinds of violations and abuses are attacks on the dignity of a person. To keep one's dignity is often the highest priority for people enduring war and disaster. If people lose a sense of themselves as free and valuable human beings, they are close to losing everything.

Integrity

The idea of integrity brings together the priorities of safety, dignity and material needs. It captures the importance of a person's completeness as a human being as a combination of physical, emotional, social, cultural and spiritual attributes.

The notion of integrity affirms that people need protecting in their wholeness. A person is entitled to enjoy life in its fullness, and is most human when they do so. To violate or deprive someone in any way is to attack and damage their integrity: it is to wound them physically, psychologically, emotionally or socially.

Protection as empowerment

Protection is fundamentally about people. It is a mistake to think of states, authorities and agencies as the sole actors in the protection of populations at risk. People are always key actors in their own protection.

Protection is not just a commodity or service that can be delivered like food or healthcare. It is also something that people struggle for and achieve within a given situation, or secure more widely in the politics of their own society. One of the most important aspects of protection is, therefore, people's ability to organise and claim it for themselves. Experience from many armed conflicts and disasters throughout history shows that human rights and humanitarian norms are most readily respected, protected and fulfilled when people are powerful enough to assert and claim their rights. The principle of supporting and empowering communities at risk that are actively working for their own protection – both practically and politically – needs to be maintained as a core strategy in protection work. Protection that is achieved by people, rather than delivered to them, is likely to be more durable.

Discussion of protection can often be heavily centred on institutions. But it is essential to ensure that protection is not merely a legal and programming conversation between agencies, states and armed groups that takes place over the heads of protected persons. On the contrary, wherever access and contact permit, protection work is also about working directly with people to support, identify and develop ways in which they can protect themselves and realise their rights to safety, assistance, repair, recovery and redress.

Protection as rights-based

This understanding of protection, with its emphasis on safety, personal dignity, integrity and empowerment, is understood by the great majority of governments and international agencies in terms of rights. It is internationally recognised that people have rights to protection, while authorities and individuals have legal obligations to respect the law and ensure protection.

This rights-based approach to protection is most clearly summarised by the consensus reached in 1999 by a wide group of humanitarian and human-rights agencies regularly convened by the ICRC in Geneva. This group affirmed that protection is:

'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'.³

This rights and obligations approach to protection is rooted in the binding treaties and conventions of international law.

³ Giossi Caverzasio, Sylvie (2001) *Strengthening Protection in War: a Search for Professional Standards*. Geneva: ICRC, p 19.

Law and protection

The Geneva Conventions and Additional Protocols – a key part of the international laws of armed conflict, commonly known as international humanitarian law (IHL) – identify civilians as an essential social group to be protected in armed conflict, because they do not take an active part in hostilities.

Refugee law makes it clear that refugees – as a particular group of civilians – who require 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 internally displaced persons (IDPs) – another large category of civilians – are equally protected by international human-rights law and international humanitarian law.

Alongside international humanitarian law and refugee law which specifically protect civilians in war, International Human Rights Law (IHRL) recognises that all people have certain fundamental and 'non-derogable' rights that must be protected at all times – even in conditions of war, disaster and emergency. These include:

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

Various human-rights conventions outline many other more detailed civil, political, social, economic and cultural rights, including the rights of those most vulnerable to the abuse of power, including women, children and minorities.

The most serious violations of these various bodies of law may amount to *international crimes*, making their perpetrators liable to prosecution in international courts, and requiring all states to take appropriate action to ensure their punishment. In the past ten years, the international community has taken important steps to punish war crimes, crimes against humanity and genocide. The legal regimes constructed as a result are an important component of efforts to protect civilians in armed conflict.

In recent years, these bodies of law have been reaffirmed as the legal benchmarks of protection by several important resolutions of the United Nations Security Council. In particular, the Security Council is now committed to consider and prioritise the protection of civilians in armed conflict in all its decision making and in the relevant actions of UN member states.

Written into all these instruments of human rights, humanitarian and refugee law is the principle of respect for the safety, dignity and integrity of the human person. All these laws seek to ensure that in all situations people are to be treated humanely, that they should not be violated, abused, arbitrarily deprived or restricted and humiliated but be able to enjoy human life in its fullness. In practice, this means assuring a quality of individual life that is free from personal assault, sexual violation, degrading treatment and physical deprivation, and that is given sufficient civil, political, social, cultural and economic opportunity and autonomy.

Protection responsibility and protection mandates

Who has responsibility for ensuring that atrocity and deprivation do not happen in war? In other words, who is responsible for protection? 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 party 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. They 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. At an individual level, commanders and members of armed forces and armed groups also have personal responsibility for violations of the law.

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, by distributing aid on the basis of need alone. They are equally responsible for alerting the relevant authorities to protection failures and urging appropriate action. These *de jure* or *de facto* authorities may be governments, armed groups or peacekeeping forces.

This key principle that responsibility for protection in war and disaster lies primarily with state authorities and individual belligerents on all sides is affirmed in the 2004 guidance note issued to all United Nations Resident Coordinators and Humanitarian Coordinators:

⁴ Geneva Conventions, Common Article 1.

Primary responsibility for ensuring the protection of people affected by conflict rests with the national authorities, as prescribed by international human rights law. Additional legal responsibilities can be imposed under international humanitarian law on combatants in armed conflict (including non-state armed groups) and on occupying powers. Some agencies/offices, such as ICRC, UNHCR, UNICEF and OHCHR, are mandated with protection responsibilities for specific categories or groups of persons. These are considered 'protection mandates'.⁵

This legal understanding of people's protection in war is fundamental to protection work. The law provides important international standards for how people can legitimately expect to be treated. The law can also form a powerful part of any argument to persuade individuals and governments to take certain actions in a given situation. As importantly, the law is also the essential instrument in efforts to hold states and individuals accountable for their actions and inactions towards civilians in war.

Mandated and specialised agencies

Several internationally mandated humanitarian and human-rights organisations are charged by states to lead on particular aspects of humanitarian protection and specific groups of protected persons. Among humanitarian agencies, the United Nations High Commissioner for Refugees (UNHCR) is internationally mandated to work with states to ensure the protection of refugees. The International Committee of the Red Cross (ICRC) has a particular mandate for overseeing the implementation and development of international humanitarian law and actively working with all parties in a conflict to protect persons affected by armed conflict, including civilians, detainees, prisoners of war and the wounded. The ICRC mandate also covers protection activities in situations of internal strife and in any situation requiring the involvement of a specifically neutral and independent institution or intermediary.

The mandates and roles of other important specialised agencies of the United Nations are also especially relevant in situations of war and disaster. The Office of the High Commissioner for Human Rights (OHCHR) has an international mandate to promote and protect human rights, to take action to

⁵ UN IDP Division (2004) *Implementing the Collaborative Response to Situations of Internal Displacement, Guidance for UN Humanitarian and/or Resident Coordinators and Country Teams*. Geneva: UN IDP Division.

prevent human-rights violations and to work with states to realise all aspects of human rights. The Office for the Coordination of Humanitarian Assistance (UNOCHA) coordinates international humanitarian action and also supports the United Nations Security Council with its work on the protection of civilians. The United Nations Children's Fund (UNICEF) has a particular mandate to work with states to protect women and children. The UN Food and Agriculture Organisation (FAO) and the World Food Programme (WFP) are mandated to help states to meet their food-security responsibilities. The World Health Organisation (WHO) and the International Labour Organisation (ILO) are mandated to support state and international efforts to secure health and employment in line with international standards. The International Organisation for Migration (IOM) assists with the movement or voluntary return of endangered populations and is engaged in important counter-trafficking research and operations.

Non-mandated agencies

Other impartial humanitarian non-governmental organisations (NGOs) are also entitled to offer humanitarian action in support of persons affected by armed conflict and disaster. 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 that individuals and groups, as well as states, have a responsibility to promote and respect human rights.

The challenge of protection

The law, the legal principle of primary state responsibility and the mandates of particular human-rights and humanitarian agencies offer civilians important legal protection in war and disaster. However, people are not actually protected just because the law says that they are and because it identifies authorities with a duty to protect them. In many wars and disasters, laws are frequently broken consciously and purposively by all sides. In others, these

laws are simply unknown and it remains an open question whether knowledge of them would affect the behaviour of the parties concerned. Often laws are broken and rights are violated 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 needs that exist in so many armed conflicts and disasters. Despite laws and rights, people do not enjoy the protection to which they are entitled. Local, national and international enforcement mechanisms are not sufficient to apply the law in many places affected by war and disaster. The horrors of this implementation gap are painful features of many people's lives, and the determining factors in so many people's deaths.

The real challenges of protection work, therefore, are about not the sufficiency of law but the enforcement of law. The main protection challenges are highly practical ones of ensuring responsibility and enforcing good conduct on the ground so that people can live in safety and dignity.

In practice, this is a twofold challenge for humanitarian agencies – both strategic and tactical. The first challenge is a strategic political task to get responsible authorities to ensure respect for human rights and humanitarian norms across a given context. Much of this involves both urgent and long-term advocacy as well as structural support for national authorities and civil society movements to bring about a positive protection environment in society as a whole. The second challenge is a more immediate tactical task which requires humanitarian workers to work effectively with people at risk to create imaginative and effective ways of ensuring that their humanitarian programmes also meet people's practical protection needs amidst continuing violations and abuses on the ground.



section three

A framework for protection

This section introduces the egg model of humanitarian action as a general framework in which to consider any protection action. It also emphasises the importance of complementarity within the international protection system. Finally, it identifies a number of core risks or operational dilemmas commonly encountered by humanitarian agencies trying to meet protection needs.

The egg framework

One widely recognised model of protection among humanitarian agencies is the so-called *egg model* which emerged from the interagency discussions on protection lead by ICRC.⁶ This model uses the shape of an egg to think strategically about the different spheres of action in which protection needs to be addressed and the different types of activities required to meet protection needs.

Spheres of action

Three main spheres of protective action gravitate outwards from the point of violation.

- 1 The most immediate sphere of action is closest to the victims and the pattern of abuse to which they are subjected. This sphere demands a range of **responsive action** that aims to stop, prevent or alleviate the worst effects of the abuses.
- 2 Moving further outwards, the second sphere is more restorative and is concerned to assist and support people after violations while they live with the subsequent effects of a particular pattern of abuse. This sphere of action involves a range of **remedial action** to help people recover.
- 3 The third sphere of action is further away still from the point of violation and is concerned with moving society as a whole towards protection norms which will prevent or limit current and future violations and abuses. This is the most long-term and structural sphere of action and requires **environment-building action** that consolidates political, social, cultural and institutional norms conducive to protection.

⁶ Giossi Caverzasio, Sylvie (2001) *Strengthening Protection in War: a Search for Professional Standards*. Geneva: ICRC.

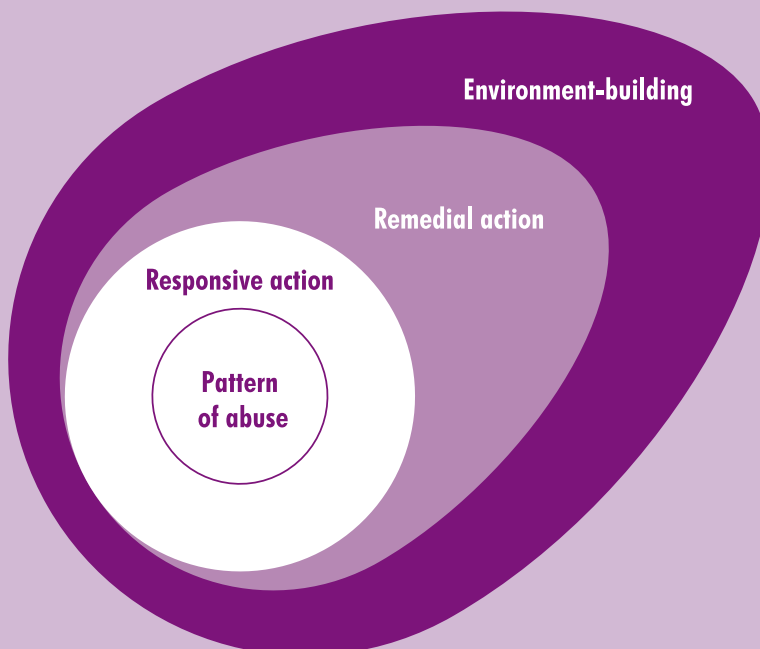
Box 2

Types of protection activity

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

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

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



Source: Inter-Agency Standing Committee (2002) *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action, Programmes and Practices Gathered from the Field*. Geneva: Inter-Agency Standing Committee, p 115.

Complementarity in protection work

As well as providing a useful framework for planning individual agency activities, the egg model with its three spheres of action provides a very useful way of looking at protection work at the system level by distinguishing between responsive, remedial and environment-building activities and considering which protection actor is best placed to pursue which action in a given situation. In other words, it allows humanitarian agencies to think together about how different agencies can complement one another in their efforts to work with authorities, with each other, with people at risk and with civil society movements to realise protection.

The key concept of complementarity emphasises the importance of diversity and cooperation in the protection system. Complementarity is perhaps best understood by analogy with a musical orchestra or band. All the instruments in the orchestra are important and each one needs to play its part if the orchestra is to interpret the music effectively. But every type of instrument plays different parts and not every kind of instrument is needed in every passage of the music. So, in some places the drums are essential and loud. In others they are silent. In some places the violins dominate, in others it is the woodwind or the brass. In vital moments, both loud and soft, all instruments boom or quietly tremble together. This is complementarity – each instrument playing according to the needs of the music.

Interagency complementarity for protection means that agencies will often be involved in different spheres of action and in different activities but the sum of their parts must all add up to better protection. The musical analogy begs the question of the conductor in protection work. The answer to this will differ depending on the situation. Sometimes the government itself will conduct. Sometimes people's movements from the population at risk will dominate the process and call the tune as they have tried to do in Colombia, for example. At other times, there will be a United Nations *maestro* in the form of a Special Representative of the Secretary-General (SRSG). And sometimes, complementarity will emerge from a genuine team effort among humanitarian agencies.

A concerted effort by all agencies to use their different mandates, expertise, resources and networks to meet commonly identified protection needs and desired outcomes for threatened populations can dramatically increase the likelihood of that protection being realised. Complementarity does not mean every agency doing the same thing. Instead, it involves each agency doing what it does best and what it is best placed to do. Such diversity of programming but unity of effort can be a significant protection multiplier.

Checklist A

Interagency complementarity

To achieve effective complementarity in and around your programme, a careful assessment must be carried out of the different mandates, strategies, capabilities and intentions of the many international agencies, government departments, NGOs and people's organisations operating in the situation. From this, a joint strategy that identifies different activities and plays to the comparative advantage of different agencies can be agreed and pursued. See also Section 7 on using the complementarity matrix.

- 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 interagency '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

- Interagency liaison
- cooperation, and
- coordination

Recognising protection dilemmas

The need to operate humanitarian programmes protectively in highly contested, dangerous and deeply politicised conditions often presents real operational dilemmas for humanitarian agencies. Securing people's protection when others are out to do them terrible harm or to discriminate against them is a highly complicated task. It can verge on the impossible and routinely involves a number of strategic risks for humanitarian organisations – obvious programming 'traps' which need to be anticipated and avoided wherever possible.

Eight strategic risks in protection work

- 1 The **increased risks to victims** that your fact-finding, activities and behaviour may present. Insensitive or unprofessional behaviour and advocacy by humanitarian staff can expose particular individuals and civilian communities to heightened risk by leading to punitive backlashes or accelerated military action by authorities and armed groups. More generally, aid assets and sanctuary can be co-opted and abused by belligerents. Corruption in aid distribution can also render civilian populations vulnerable to extortion, threat and deprivation.
- 2 The risk that **aid is incorporated into abusive strategies**. Humanitarian activities or resources can be exploited and anticipated by the perpetrators of human-rights violations to facilitate abuses like forced displacement or raiding.
- 3 The risk of inadvertently **legitimising violations or perpetrators**. Deliberate starvation, for example, can be legitimised simplistically as 'famine' by aid workers unable to see the political intent behind it. The contact between state or non-state perpetrators and humanitarian agencies and their permission for token operations can be used cynically by perpetrator groups to give them political credibility and as evidence of a false intention to protect.

- 4 The **possibility or perception of bias** in difficult aid-targeting decisions. Humanitarian organisations often face real difficulty in being completely impartial. Limited access or resources often forces agencies to give apparent priority to one group of victims over another. This can happen as much with protection programming as in assistance and be seen as taking sides.
- 5 An active concern for protection-focused work often risks **politicising humanitarian action in the eyes of belligerents** who see criticism of any kind as a violation of humanitarian impartiality and may act against humanitarian agencies accordingly.
- 6 The risk that **donor governments over-emphasise protection by humanitarian agencies** and invest in agency protection activities as a substitute for driving forward their own proper state-level political action to address and stop violations.
- 7 The risk that the **work of humanitarian agencies becomes skewed towards protection activities** and does not pay sufficient attention to feeding and sheltering people and providing them with clean water and health-care.
- 8 The constant struggle to decide wisely in **a hard choice between two mutually exclusive goods**. This most often arises when choosing between humanitarian access and advocacy, for example, when it is impossible for an agency to combine both.

Box 3

Summary of the principles of protection work

- Prioritise people's personal safety, dignity and integrity.
- Recognise people at risk as key actors in their own protection.
- Engage the legal responsibilities of authorities and individuals.
- Help key government and civil society actors to build a positive and long-term protection environment for all.
- Work in a complementary fashion on responsive, remedial and environment-building activities.
- Avoid increasing the risk to endangered populations by misconceived or badly implemented activities.

The safety of humanitarian personnel

Several of these risks illustrate the point that protection work – particularly in a hostile environment where the predominant political intent is to violate rather than to protect – can also be very dangerous for humanitarian agency staff. Many of the objectives and activities suggested in this guide entail risks for humanitarian workers themselves. Fine judgements are required between courage and recklessness, effective action and dangerous gesture.

The safety of victims

Finally, the further risks to victims from agency activity cannot be emphasised enough. It is essential to keep constant watch on how your presence, personal contacts and various activities might expose affected communities and particular individuals to even more risk. Sometimes, simply speaking to people may endanger them.