

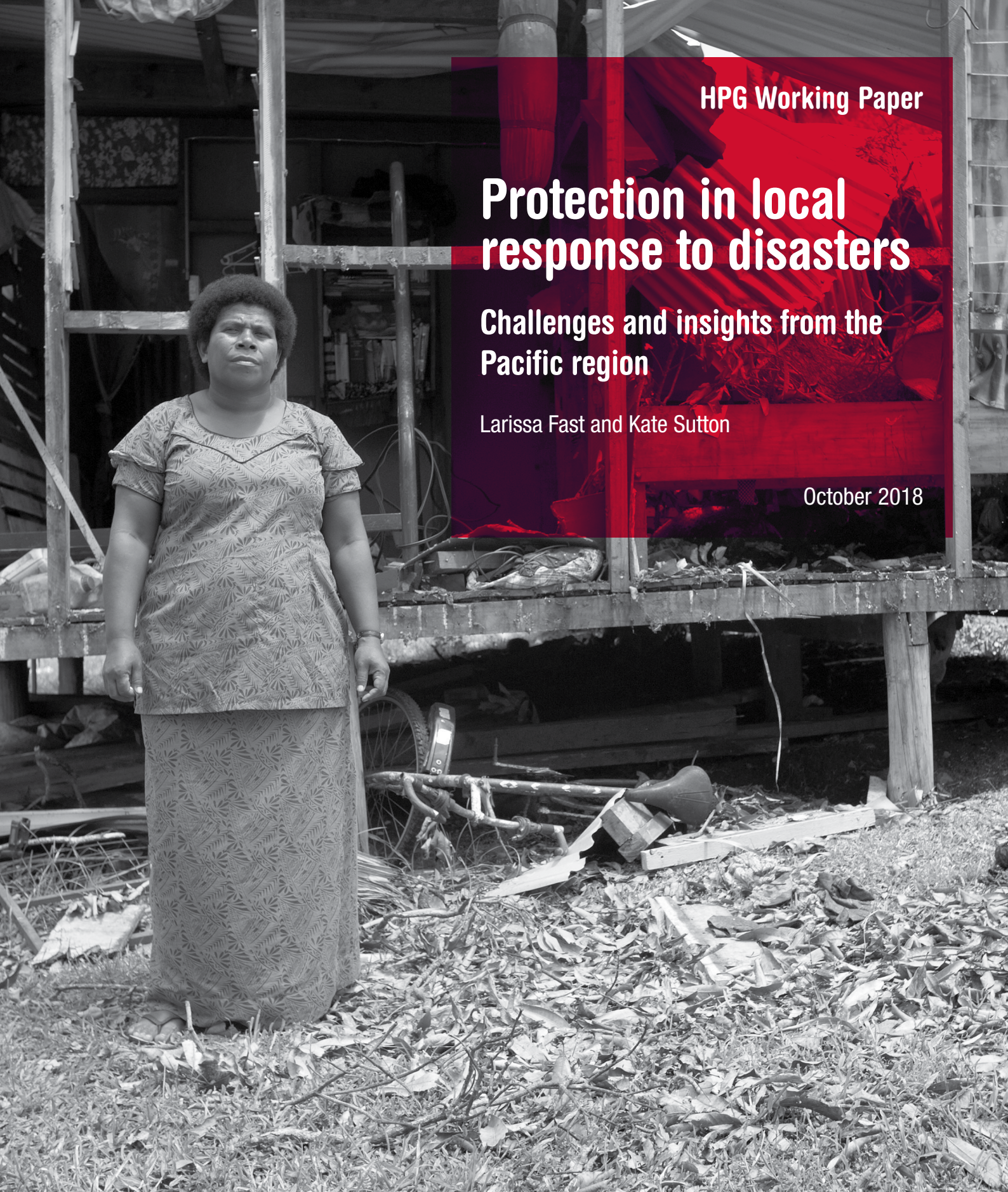
HPG Working Paper

Protection in local response to disasters

Challenges and insights from the
Pacific region

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Acronyms

ARC	Australian Red Cross
DFAT	Australian Department of Foreign Affairs and Trade
HAG	Humanitarian Advisory Group
HPG	Humanitarian Policy Group
IHL	International Humanitarian Law
IHRL	International Human Rights Law
INGO	International non-governmental organisation
IRL	International Refugee Law
SGBV	Sexual and gender-based violence
WHS	World Humanitarian Summit

1 Introduction

Much debate about reform and improving the effectiveness of humanitarian aid in recent years has revolved around 'localisation', a prominent theme of the 2016 World Humanitarian Summit (WHS). As humanitarian agencies implement the localisation commitments they articulated at the WHS, examining the impact of a localised response for protection outcomes has emerged as a topic deserving greater attention. This research initiative seeks to understand the impact of localised humanitarian protection in disaster preparedness and response, including identifying both the opportunities and challenges for effective protection in a locally-led response. This initial paper explores the existing literature on protection and localisation in disasters as the first stage of a joint research initiative of the Humanitarian Advisory Group (HAG), the Humanitarian Policy Group (HPG), and the Australian Red Cross.

The research initiative intentionally focuses on disaster contexts, where humanitarian needs are significant, but the complexities associated with conflict environments are typically diminished. It considers both sudden or rapid onset disasters such as cyclones, as well as slow onset and climate change-induced disasters including drought and sea-level rise. Although the importance of protection in disaster contexts is generally accepted, questions remain about which actors are best placed to provide protection and how international protection mechanisms can complement, rather than undermine, existing local initiatives. This framing paper and subsequent research aims to advance a collective

Box 1: About the localisation and protection research initiative

The Localisation and Protection initiative is a collaboration between HAG, HPG and the Australian Red Cross. The research explores the relationship between localisation and protection, and focuses on disasters in the Pacific context in light of their prevalence and the push for locally-led responses in the region. This paper provides an analysis of existing knowledge and literature on this issue, in particular the challenges and opportunities for protection in locally-led responses. As such, it frames the field research component to be undertaken in three Pacific Island countries: Tonga, Vanuatu and the Solomon Islands.

understanding of the operationalisation of localisation in the Pacific and its implications for protection.

The first section briefly describes the arguments in favour of and against local actors as protection agents. A second section focuses on the protection challenges that exist in disaster responses. Existing knowledge of the opportunities and challenges for protection in the process of localisation is then summarised. The paper concludes with a discussion of gaps in the existing research and proposes a series of questions to inform further research.

2 The case for and against local actors as protection actors

The current literature on the relationship between localisation and protection primarily relates to conflict-related emergencies (Green, 2015; Carstensen, 2016) with some suggesting that the move to devolve power and programmes to local actors risks undermining protection outcomes. One concern relates to the impact of localisation and funding patterns. Because protection programming is frequently underfunded (Pantuliano and Svoboda, 2016), especially in disaster contexts, a concern exists that this will be further amplified where international actors have a reduced presence. Others express doubt about the ability of local and national actors to implement an impartial and independent humanitarian response, particularly with regard to protection (Schenkenberg, 2016; also Healy and Tiller, 2014; de Geoffroy and Grunewald, 2017).

In contrast, a growing body of evidence articulates the contribution of local and national actors to protection responses and the advantages of their engagement and leadership in the sector (South et al., 2011; South et al., 2012; Antequisa and Corbett, 2018). These contributions include: a better understanding of the protection needs of local communities; access to (and influence of) local protection mechanisms; cultural sensitivity and language skills (Ansari, 2018); and the ability to provide protection through institutions with deep-rooted histories, such as religious institutions (Fletcher et al., 2013; Gero et al., 2013). Proponents argue that this results in more effective and accountable protection strategies that positively contribute to the agency of individuals in times of crisis (UNHCR, 2013; Barakat, 2017).

Despite increased understanding of the advantages of more localised approaches to protection, it is still predominantly conceptualised as something external actors provide to crisis-affected communities (Carstensen, 2016: 5; Russell, 2016). The tendency to overstate the importance of international actors and to disregard the role of local actors in their own self-protection has been described by some as ‘dangerous’, not least because international actors are often unable to access communities most affected

Box 2: Definitions

Disaster: This paper uses the Sendai Framework definition of disaster as ‘A serious disruption of the functioning of a community or a society at any scale due to hazardous events interacting with the conditions of exposure interacting with conditions of exposure, vulnerability and capacity, leading to one or more of the following: human, material, economic and environmental losses and impacts’ (UNGA, 2016). This definition distinguishes between hazards and their social consequences (see Wisner et al., 2003). National and international responses are usually only required once a hazard has become a disaster, such as when a natural hazard overwhelms people’s ability to cope.

Localisation: This paper uses the term localisation to refer to the process – versus end state – ‘of recognising, respecting and strengthening the independence of leadership and decision-making by national actors in humanitarian action’ (ARC, 2017: 4).

Protection: This paper uses the IASC definition of protection as ‘all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. International Human Rights Law (IHRL), International Humanitarian Law (IHL), and International Refugee Law (IRL)’ (IASC, 2016).

by crisis in a timely manner (Niland et al., 2015). Moreover, the recent allegations and examples of sexual misconduct in the aid sector demonstrate that an ‘international’ response does not always result in better or even positive protection outcomes (Flint, 2018).¹

¹ See reporting by IRIN on this issue since 2008: www.irinnews.org/in-depth/exploitation-and-abuse

Both perspectives are valid in different contexts. Even so, there is a need to shift the localisation debate (and its potential relationship to protection) away from the international–national dichotomy (Fast, 2017), towards a more nuanced understanding of the most effective combination of actors that can provide the best protection outcomes. International

agencies already recruit and rely on national staff in conflict and disaster contexts, serving as evidence that they implicitly accept a key role for national actors. To this end a complementary approach to protection needs to be better understood, articulated and agreed (Pantuliano and Svoboda, 2015; Carstensen, 2016).

3 Comparing contexts of protection: disaster and conflict response

Protection from threats to civilian safety that arise in emergency settings is important in both disaster response contexts and conflict situations. Context matters, however, as threats originating in response to disasters are of a different nature to those arising in violence and the context influences the applicable legal framework.

A range of contextual factors distinct to those in conflict settings influence protection strategies in disaster response. These include the role of government actors, traditional community practices and structures, legal frameworks, and planning and preparedness. Existing literature on these issues is explored below, highlighting the differences in relation to protection in both contexts.

Box 3: Overview of protection issues in disasters

In disasters, threats to civilians often result from displacement and the breakdown of law and order, such as increased violence, exacerbated vulnerabilities of individuals or groups and the loss of services, personal items and documentation (IASC, 2011; Niland et al., 2015). The speed and efficacy of a response affects these protection threats.

Following a disaster (whether a sudden or slow onset), individuals and even whole communities may be displaced and take refuge in temporary shelters or evacuation centres. Shelters are seldom adequate for the numbers of people, and may be unsafe or overcrowded (UN Women Fiji, 2014; Verdeja, 2016), health and other basic services are often disrupted, water and food are in short supply and police or other security personnel may be overwhelmed. People may lose their livelihoods, documentation and contact with family members (OHCHR, 2011). Outbreaks of violence may ensue, resulting from increased community tension and conflict. For example, following severe earthquakes in Papua New Guinea in 2018, the inability of aid workers to reach survivors and provide assistance led to outbreaks of violence by affected communities (Ferrie, 2018).

Physical, social and economic barriers may impact on people's ability to access life-saving assistance and services. Examples include the prohibitive cost of travel to or from distribution points,

inaccessible terrain due to flooding, destroyed roads or train lines, or information provided only in written format or in languages not commonly spoken (OHCHR, 2011; WHS, 2015). Limited access often disproportionately affects the most vulnerable in affected population (IASC, 2016).

Another key protection issue in disaster response is linked to the marginalisation of individuals or groups in the community. For example, pregnant women may be unable to access health services, adult males may be excluded from access to psychological services, older persons or people with disabilities may be unable to access toilet facilities, and sexual and gender minorities may experience discrimination (IPPF, 2018).

Gender-related protection issues, particularly sexual and gender-based violence (SGBV), become more prevalent in disaster situations (IASC, 2011; IFRC, 2018). Research has documented increased SGBV in Vanuatu in the wake of Cyclone Pam (DFAT, 2017: 61), in Samoa following Cyclone Evan, particularly affecting individuals who were physically displaced (IFRC, 2018), and in Fiji following flooding in 2013 (UN Women, 2016). One study regarding risk reduction and humanitarian response in Fiji highlighted experiences of discrimination with regard to shelter, livelihoods and recovery activities for sexual and gender minorities (Dwyer and Woolf, 2018).

3.1 The role of government actors

Governments have both responsibility and accountability for responding to disasters; in turn, international actors have an obligation to respect national government decisions and response structures. In conflict contexts, governments may exert weak or episodic control of portions of a country and pose a threat to civilians. By contrast, national and local government actors are more likely to lead or take a directive role in a disaster response, positioning them as leading protection actors. In many contexts, there is an established and mandated government disaster coordination body and functioning ministries or departments at multiple levels that have responsibility for addressing key sectoral issues in disaster response. While in theory the relationship between international actors or local community and government bodies in disaster contexts may be less complicated, governments are heterogeneous actors with multiple and sometimes competing interests. Even so, disaster-affected states also experience conflict and harmful cultural and gender practices that complicate protection responses in disaster settings (Niland et al., 2015).

3.2 The role of traditional practices and structures

Affected communities have long identified the importance of traditional practices in coping with the effects of disasters. These practices illustrate how people have coped with past disasters as well as how they serve as structures for organising an effective response. Traditional strategies may include faith and religious beliefs, governance and leadership and family and community engagement (Fletcher et al., 2013; PIANGO, 2018).

3.3 Legal frameworks

IHL defines the parameters of protection in armed conflict but there is no comprehensive international legal treaty providing protections for people affected by other types of disaster. This, however, is not to say that no legal protections exist. International human rights instruments guarantee the basic rights and protections that underpin humanitarian assistance, which should be reflected in the relevant national laws and regulations pertaining to disaster preparedness and response (IFRC, 2018a). The International Law Commission's *Draft articles on the protection of persons in the event of disasters* (2016) posits that persons affected by disasters are entitled to respect for

and protection of their human rights in accordance with international law. A series of non-binding agreements, existing guidelines and best practice documents outline the parameters of protection in disaster response.² For example, the internationally negotiated *Sendai framework for disaster risk reduction* (UNISDR, 2015) highlights protection as encompassing life as well as assets, livelihoods and cultural heritage. Affected communities understand protection similarly, going beyond only protection from physical harm (South et. al, 2012; Fast, 2018).

National sovereignty and respect and adherence to national laws are paramount in disaster response settings (IFRC, 2017; IASC, 2011). The legal framework for disaster management in any country normally includes disaster management law, other relevant sectoral law and constitutional law. Although most countries have reflected international human rights commitments in National Constitutions or Bills of Rights, these obligations are often not translated into their domestic disaster management systems. Preliminary research findings suggest that specific rights and protections relevant to humanitarian settings often remain aspirational statements without specific implementation or enforcement mechanisms provided under the relevant disaster management legal framework (IFRC, 2017; 2018b).

3.4 Planning and preparedness

Unlike many outbreaks of violent conflict, the recurrent nature of hazards creates opportunities to anticipate threats and proactively mitigate harmful impacts. Protection preparedness measures can include early warning mechanisms, planning for vulnerable groups and establishing complaints mechanisms (Verdeja, 2016). The preparedness phase can include developing relationships with local actors who can respond, and proactively identifying threats to civilian populations (PHPC, 2012). Preventive and risk reduction measures that involve relocation or sequestering of land or property can increase vulnerability and give rise to protection issues. A regional consultation about the future of humanitarian action in the Pacific highlighted the possibility that intra-communal violence could result from planned or acute displacement (WHS, 2015: 26).

Together these factors offer a series of potential opportunities and challenges for localisation and protection outcomes.

2 These include the Sphere Standards (forthcoming), relevant IASC Guidelines and relevant UN General Assembly resolutions.

4 Challenges and opportunities for protection in localised disaster response

A key issue in relation to increasing localised response operations revolves around the potential positive and negative protection outcomes that could arise. A range of potential challenges and opportunities are identified in existing literature and research on localisation and protection. This section also identifies the gaps in existing research, and where there is a need for increased evidence, providing direction for the field research and data collection process in Tonga, Vanuatu and the Solomon Islands.

4.1 Differing concepts of ‘protection’: what does protection mean to national and international actors?

Existing research suggests that local and international communities and actors perceive concepts of protection differently (Agengo’o et al., 2010; South et al., 2012; Couldrey and Herson, 2016). Local actors’ views of protection often rely on customary law, cultural norms and practices, and a community-based approach to keeping safe, such as the use of local chiefs to resolve protection concerns arising in relation to gender-based violence (Agengo’o et al., 2010; Carstensen, 2016). They are also more likely to understand community protection perceptions and nuances. The literature suggests that this may strengthen protection outcomes in three key ways. First, local actors may be more aware of the most acute protection needs and thereby target assistance more effectively; second, they may develop more culturally appropriate protection interventions; and third, local actors are more likely to have access to and influence over self-protection mechanisms (Koser and Cunningham, 2016). At the same time, protection outcomes for particular members of the community may be undermined if local protection actors align with culturally accepted protection

approaches that in reality do not keep everyone safe. For example, traditional coping strategies and structures may exclude women and other vulnerable or marginalised groups (Fletcher et al., 2013; WHS, 2015: 10 and 16).

International actors’ concept of protection relies heavily on international legal frameworks and associated standards to guide protection work (e.g. ICRC, 2018; Sphere, forthcoming). This strengthens protection responses by ensuring that interventions are based on best practice and applicable legal standards and draw on learning and experience from other contexts. These frameworks also require international actor adherence to operational guidelines (such as ‘do no harm’ (Anderson, 1999)) and inclusion, whereby interventions actively plan to support the protection of all individuals and groups in an affected community, including those who may traditionally experience discrimination (Sphere, forthcoming). International actors also actively advocate on behalf of groups that local and national actors may otherwise overlook in disaster response.

4.2 Different prioritisation and perspectives: who is best placed to prioritise protection issues?

International approaches to protection may at times focus on groups or issues that national or local actors overlook. This prioritisation may reflect a more objective process using tools and standards to design a protection programme but may also demonstrate a fundamental misalignment of needs and appropriate protection responses, sometimes informed by what is possible rather than what is necessary. For example, the international community’s focus on child-friendly spaces or the distribution of dignity kits as a protection strategy may mask an inability to address more serious protection issues (Niland et al., 2016).

In some situations, international actors have been criticised for undermining existing local protection approaches and actors. For example, in Vanuatu the international response to Cyclone Pam in 2015 was large and facilitated the arrival of new protection actors in the country. The systems and funding mechanisms established by new actors increased the presence and dominance of international actors in the protection space while undermining the potential role of national and local actors (Barber, 2015; DFAT, 2017: 23–24/sec 2.2.1). Protection analyses do not necessarily factor in the protection effects of an international influx on the community, such as the distortions of local economies that may occur (Anderson, 1999). A system-wide review of protection likewise documented a disparity between statements and the reality of the need to support rather than undermine community-based protection efforts during an emergency response (Niland et al., 2015).

4.3 Multiple mandates: how do multiple mandates impact on the quality of protection action?

Local actors often have multiple roles and mandates in disaster response. For example, local and national authorities, as key actors in a locally-led response, may be both partners in implementing protection programming as well as the target of advocacy related to protection threats. While this may be more of a concern in situations of conflict (e.g., in the DRC, see de Geoffroy and Grunewald, 2017), similar issues may arise in regard to disasters. In response to Cyclones Pam and Winston in Vanuatu and Fiji respectively, concerns were raised about the inclusion of minority groups in response operations (Live & Learn and CARE, 2016; Dwyer and Woolf, 2018).

Local actors, such as national NGOs or religious organisations, are often primarily focused on development programming. In the event of a disaster response they are expected to transition into humanitarian actors without having the training or expertise to implement humanitarian programmes. These multiple mandates may compromise protection when development actors are not adequately trained in, or aware of, a broad spectrum of protection issues (Live & Learn and CARE, 2016).

Some international actors have a specific protection mandate or protection specialist focus, for instance UN Women on the protection of women, or UNICEF on the protection of children. Likewise, large international non-governmental organisations (INGOs)

often designate teams with specific expertise to operate in disasters (e.g. child protection specialists within an organisation such as Save the Children). These are more likely to have substantial training and expertise on protection and may be better placed to identify and respond effectively to protection issues.

4.4 Gender and cultural norms and biases: how do gender and cultural norms and biases impact on protection outcomes?

Crises exacerbate existing inequalities (UN Women Fiji, 2014; Live & Learn and CARE, 2016). If ethnic or gender minorities lack political representation or voice in decision-making bodies, they will have less ability to shape the response and its aftermath, and these inequalities may be magnified by localised response (ARC, 2017: 30). At the same time, crises provide opportunities to influence established culture and gender roles; localising responses can give leadership roles to those whose lives are directly affected (Konda et al., 2016; Webb et al., 2016).

In the Pacific, Christian churches are critical protection actors in disaster response and can be involved in supporting or challenging traditional and cultural practices (Lutheran World Federation, 2018). Pacific Islanders consider faith-based interventions as a culturally appropriate part of their daily lives. In some instances, however, individuals who are isolated from faith-based institutions may become further marginalised in a response. Some research suggests that ethnic minorities, people with disabilities and sexual and gender minorities in particular may be discriminated against in disaster response operations that are locally managed by faith-based institutions (Fletcher et al., 2013).

International actors need to understand and work with communities to manage biases that may impact on protection outcomes. At the same time they must recognise that international actors also have their own agendas and biases that influence approaches to protection (Carstensen, 2016).

4.5 Humanitarian principles: eroded or strengthened localised humanitarian action?

A key debate in the existing literature focuses on the potential impact of a more localised response

in relation to adherence to humanitarian principles, particularly in conflict settings. Some have argued that religious, ethnic, tribal and political affiliations will complicate national and local actors' efforts to apply humanitarian principles, and may even preclude them (Schenkenberg, 2016). This is relevant to the principles of independence and impartiality in the context of disaster response. The lack of adherence to humanitarian principles may or may not be intentional, but ultimately may hinder an independent and impartial response (Healy and Tiller, 2014; Schenkenberg, 2016; ARC, 2017; de Geoffroy and Grunewald, 2017). Concerns regarding the extent to which local and national actors adhere to humanitarian principles are compounded by the fact that the role of local actors is often unobserved and therefore potentially less accountable than that of international actors (O'Hagan and Hirono, 2014). International mechanisms, including coordination structures such as the cluster system, are not often accessible to, or utilised by, national and local actors, making their humanitarian activities and contributions less visible. Those that do participate often have pre-existing relationships with INGOs or foreign donors, while community groups, informal networks and private sector actors may not know about or participate in these systems even if they provide support and resources in a disaster response.

4.6 Representation and accountability: who speaks for local communities and where does accountability lie?

Without prolonged engagement, it is difficult in a sudden onset crisis for international actors to judge which local actors, aside from governments, 'speak for' or otherwise represent communities (Fabre, 2017: 15). Local actors may also only represent a small geographic community or minority group, with limited ability to scale up or understand the broad spectrum of protection issues that communities face (Schenkenberg, 2016). The composition of local and national protection actors will affect which issues are prioritised. As a result, it is important that a high priority is placed on protection in disaster preparedness, including developing partnerships with representative national and local actors (Verdeja, 2016).

The other side of representation pertains to accountability, and by extension to questions of capacity. The local accountability structures in place – to or via traditional, religious, or community leaders – may be informal and therefore unknown or hidden to outsiders. Research about local response capacity suggests international actors privilege financial and administrative capacity over other types of capacity, such as the quality of service delivery or access to affected communities (Howe et al., 2015; Barbelet, forthcoming). While these issues are important, little evidence exists about the impact of accountability and capacity on protection outcomes.

5 Generating evidence on localised response and protection outcomes: next steps

The potential challenges and opportunities for protection in a locally-led response provide important areas for the field research to explore in the three case study countries. They also provide a basis for exploring what complementary roles might look like in a protection response. Instead of beginning by comparing and critiquing local actors in relation to international actors, identifying preferred protection outcomes and using these as a starting point promotes an agnostic position with regard to actors. Defining preferred protection outcomes could become a key preparedness activity, a collaborative exercise involving local, national and international actors and, most importantly, those facing protection threats. Such an approach would allow an examination of which actors are best placed – whether local or international – to maximise positive effects and achieve the desired outcomes. This process could promote the exploration of opportunities for complementarity to reach these outcomes, aligning with the approach of ‘as local as possible, as international as necessary’ as outlined in localisation commitments of the Grand Bargain or those of the Charter for Change.³ This could provide a building block for improving protection in localised responses to disasters and potentially also in conflict.

5.1 Challenges and opportunities for protection: key questions

The next phase of the localisation and protection research initiative will explore the opportunities and challenges associated with the process of localisation in the Pacific, thereby providing an evidence base for a complementary approach to protection in future responses. The findings may have broader applicability that can be tested in more complex humanitarian contexts.

This framing paper has generated a series of questions for further exploration in the field research in the three Pacific case study countries, in particular drawing on the themes identified above as challenges and opportunities. These include:

- **Differing concepts of protection:** who decides what protection means? Are there opportunities to adapt our understanding of protection to make it more accessible to national and local actors?
- **Different prioritisation and perspectives:** who decides which protection issues should be prioritised and their importance relative to other needs? Can or should international actors defer to local actors if they identify differing protection issues and outcomes?
- **Multiple mandates:** what are the challenges for local actors in the Pacific with multiple mandates? How does this impact on protection outcomes? What opportunities exist to strengthen protection preparedness for actors with multiple mandates?
- **Gender and cultural norms and biases:** how should international actors respond if localised responses to protection issues entrench ‘negative’ cultural norms and biases?
- **Humanitarian principles:** should local and national actors be held to account against humanitarian principles? Are international actors always held account to those principles? How can international and local actors work together to meet humanitarian principles?
- **Representation and accountability:** what accountability structures exist that may be relevant in achieving positive protection outcomes? How do local and international actors conceptualise accountability in relation to protection? How is capacity defined in relation to local response and protection?

3 See <https://charter4change.org/>.

- **Protection outcomes and complementary roles:** which actors are best placed to meet protection needs and why? What processes are or could be put in place to discuss and decide upon preferred protection outcomes? What do complementary

local and international protection strategies look like? How are these compromised or strengthening in a localised response? How can international actors work to support national actors in complementary or supportive roles?

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Cover photo: Salote Tubuna, 42, outside one of her two small houses in Buka Settlement near Rakiraki, Fiji, after Tropical Cyclone Winston.
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