HPG

**Humanitarian
Policy Group**

Advocating for humanity? Securing better protection of civilians affected by armed conflict

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Key messages

- Engaging conflict parties in order to persuade them to comply with international humanitarian and human rights law and thereby protect civilians is a core tenet of humanitarian protection work.

- But current engagement efforts are generally ad hoc, unstrategic and, critically, largely ineffective in influencing the behaviour of states and non-state actors.

- International humanitarian actors that have a responsibility to engage conflict parties on protection issues often fail to capitalise on local agency or to work in complementarity with other international actors that share similar goals of protecting civilians affected by war.

- Geopolitics, the increasing complexities of armed conflicts, system-wide gaps in capacities for analysis and negotiations, high levels of risk aversion and inadequate leadership all inhibit more effective protection advocacy.

- A radical rethink of strategies and tactics is required: drawing lessons from recent popular non-violent action, partnering with local and other international actors in a way that minimises risks and maximises respective comparative advantages, and setting new objectives that navigate the geopolitical environment all offer possible ways forward.

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Introduction

In 2020, more than 30 violent armed conflicts are raging across the world – from Syria to South Sudan, from Nagorno-Karabakh to the Philippines (IISS, 2020). Though they vary in duration, geographic spread and geopolitical impact, these conflicts are all characterised by one common factor: the devastating impact on the civilian population. Humanitarian actors, including international, national and local non-governmental organisations (NGOs), the United Nations (UN), the Red Cross and Red Crescent Movement (RCRCM), all have unique but equally critical roles to play in trying to prevent this violence as well as mitigating its impact. More humanitarian actors are delivering more assistance and services to more people than ever before, so why are violations of international humanitarian law (IHL) by state and non-state parties to conflict still so widespread and systematic (UNSC, 2020)? Why have humanitarians been unable to persuade conflict parties to stop attacks against, or incidental harm to, civilians?

Recent debates on localisation have reinforced the understanding that local governmental and non-governmental actors, including affected communities, are at the forefront of protection advocacy efforts. They have a particular advantage in persuading local conflict parties to halt violence against civilians through their greater proximity to and knowledge of these entities (see for example Metcalfe-Hough, 2019). But what of *international* humanitarian actors, particularly those that have a formal mandate or self-conferred responsibility for helping to protect civilians? In recent years, many international humanitarian actors appear to have focused more on mitigating the impact of conflict violence on civilians through programmes and services. There has been less visible focus on trying to persuade conflict parties to stop their attacks on civilians or third-party states to fulfil their responsibilities to 'ensure respect' for IHL and international human rights law (IHRL). There are certainly huge challenges in effectively influencing states and non-state actors in order to

prevent or halt violence, including a profoundly negative geopolitical environment and the increasingly complex nature of conflict parties, as well as rising attacks on aid workers. But to what extent are international humanitarian actors rising to these challenges? How far are they utilising their comparative advantages as internationals to persuade conflict parties to uphold their obligations under IHL/IHRL? And to what degree are they working in complement to the efforts of other actors engaged in protection advocacy?

HPG's multi-year programme of research and public affairs work on the protection of civilians in armed conflict is premised on several hypotheses. First, engaging with conflict parties and third-party states to secure their greater respect for IHL/IHRL is a core tenet of protection work, and of humanitarian action more broadly. Second, notwithstanding the critical role of national and local actors, international actors and leaders that have a formal mandate for promoting IHL/IHRL or which self-define as protection advocates have a particular responsibility and opportunity to engage in such efforts. Finally, with some exceptions, these international actors are failing to deliver on their collective responsibilities in this regard. They are not capitalising on their comparative advantages as internationals, and are not harnessing existing capacities for influencing across and beyond the humanitarian system in order to multiply the impact of such efforts. Part way through this project, this briefing note aims to take stock of the evidence collated thus far, to determine whether these hypotheses are accurate and, if so, to explore some of the key inhibitors to more impactful advocacy or engagement with conflict parties and third-party states on the protection of civilians affected by armed conflict.[1]

This note is informed by a series of research interviews with staff of humanitarian organisations and with UN leaders, a scoping study on the current practice of protection advocacy by the Global Protection Cluster (GPC) and its field-based protection cluster working groups (PCWGs), two virtual roundtable discussions with headquarters and

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1   This project focuses primarily on advocating greater respect for IHL/IHRL as means to better protect conflict-affected populations, which includes both displaced and non-displaced populations. It acknowledges that there are similar issues relating to refugee-specific protection advocacy (see for example Crisp, 2018) and expects the recommendations to be developed at the conclusion of the project will also be relevant in such cases.

field-based protection actors, and a review of available literature. This note was peer reviewed by external stakeholders prior to being finalised for publication.

Advocating for better protection of conflict-affected civilians: differing roles, responsibilities and capacities

Engagement with conflict parties undertaken with the express purpose of promoting greater respect for relevant bodies of international law and thereby the protection of civilian populations is generally understood as a core element of humanitarian action, as articulated in the Inter-Agency Standing Committee (IASC) statement on the centrality of protection (IASC, 2013; see also ICRC, 2008; Bernard, 2014; Niland et al., 2015; IASC, 2016; ECHO, 2020). This engagement can take multiple forms and can be conducted directly or indirectly with parties. It can be undertaken through quiet diplomacy with full confidentiality, through third party diplomatic channels, via public communication, including public condemnation and campaigns, or any combination thereof. The form and nature of this engagement will necessarily vary according to the mandate, role, status, and capacities of and opportunities presented to different humanitarian actors – as well as according to local and global contextual factors and the status of the conflict. There are regular debates within the humanitarian community about whether 'challenging deliberate or incidental harm' compromises the principle of neutrality or risks operational access, but for any humanitarian actor engaged in helping to protect civilian populations, seeking to influence the parties to conflict is, or certainly should be, a key activity (as quoted in The New Humanitarian, 2020).

National and local actors are often the first, and in some cases the only, humanitarian actors engaging local conflict parties directly in an effort to persuade them to better protect the lives and livelihoods of civilians. Whether government or non-governmental, religious or secular, political or civil society, such actors play a vital role in improving the safety of local communities and individuals. They are able to utilise their geographic proximity and their inherent knowledge of local politics, economics, society and culture, as well as the history and trajectory of the conflict dynamics and conflict parties, as points of leverage to influence the behaviour of local armed actors. Their efforts are wide-ranging in nature and impact, and can adapt to changing circumstances on the ground. Contrary to much of the historical literature and commentary, affected communities are not passive victims but instead have proven particularly adept, when adequately organised, at influencing conflict parties (Kaplan, 2017). From Syria, to the Democratic Republic of Congo, to Myanmar, affected communities, religious leaders, civil society organisations and local politicians have successfully negotiated removal of barriers to access education and other services, stopped illegal 'taxation' by armed forces or groups, requested government forces to institute security patrols to prevent attacks by non-state armed groups, and secured increased freedom of movement for communities trapped by violence (Haddad and Svoboda, 2017; Lindley-Jones, 2017; Metcalfe-Hough, 2019). But these actors also often bear the greatest physical risks in undertaking such engagement and there are limits on the impact they can have and even the access they can gain to some conflict parties, particularly international militaries or foreign or transnational armed groups (Metcalfe-Hough, 2019).

For their part, international humanitarian actors also have an important role to play, based largely on advantages accrued *because* they are international entities. Specifically, they have greater access to or points of engagement with the systems of global governance through which multilateral diplomatic, military or economic influence can be brought to bear on conflict parties. They also have access to individual third-party states that have strategic security partnerships with conflict parties and through which bilateral influence can be exerted. International actors often have greater financial resources than national or local advocates. Some, particularly the International Committee of the Red Cross (ICRC), may also be considered a more objective or credible voice than local actors who are at times, rightly or wrongly, dismissed due to actual or perceived political or other bias. Not all international humanitarian actors have equal roles, capacities or expertise, however. Those with a legal mandate or

designated responsibility for protection work[2] have more specific responsibilities, capacities and opportunities for promoting greater respect for IHL/IHRL. For example, the ICRC and UN protection-mandated agencies have, by nature of their legal mandates conferred by states, an international legitimacy, a moral authority to engage any and all conflict parties as part of their effort to secure protection of civilians. There are also a number of international NGOs and other UN agencies, including the World Food Programme (WFP), that have declared they have a role in enhancing protection of civilian populations and have built institutional knowledge and expertise that can be used to positive effect (WFP, 2020).

Fully recognising the role of local and national actors in influencing conflict parties, this HPG project focuses on this set of international humanitarian protection actors. It assesses the extent to which they are working together to deliver on their advocacy role (including whether they are using the points of leverage and opportunities indicated above) and how far they are working in complementarity with all other actors – local, national and other international actors – that share a common goal of better protection of conflict-affected civilians.

Are international humanitarian actors actively engaging conflict parties or their state supporters on the protection of civilians?

At policy level, there is a general – though perhaps not universal – acknowledgement within the international humanitarian system that engaging conflict parties on their responsibilities to protect civilians is a core tenet of protection work, as noted above. However, HPG's research indicates that in practice many international humanitarian protection actors are not living up to expectations in this respect and that there are differing understandings of exactly

who or which entities should be doing this. It was widely acknowledged by humanitarian practitioners interviewed for this project that, as a collective body, international humanitarian organisations and leaders are not effectively engaging conflict parties – directly or indirectly – to secure their increased compliance with IHL/IHRL. Practitioners described a lack of collective and institutional investment in establishing and utilising channels of communication with state and non-state actors to discuss protection concerns, pointed to a lack of clear and consistent collective public condemnation of some of the worst perpetrators of violence against civilians, and indicated diminishing engagement or strategic partnerships with third-party states that have their own, generally greater, points of leverage over conflict parties.

International humanitarians' collective engagement in protection advocacy has hit various peaks and troughs – from the unprecedented investments in protection responses to the conflict in Darfur in 2004–2006, to the highly criticised failure of the UN to call out the Government of Sri Lanka for its violations of IHL/IHRL in the civil war in 2009 (Buncombe, 2012). The situation in Darfur was catalytic, driving huge investment across the international humanitarian system in protection advocacy and programming aimed at preventing or halting violence against civilians, as well as mitigating its impact (Pantuliano and O'Callaghan, 2006). These efforts were multifaceted, involving UN and non-UN humanitarian, human rights and other actors collectively bringing pressure to bear on conflict parties and third-party states at different levels. While there were many limitations, and perhaps repercussions, these efforts did result in some relative successes, including the government easing some access for humanitarian actors to provide protection services and relief. They also informed a proactive approach from member states, which ultimately led to the UN Security Council (UNSC) referral of the situation to the

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2   These include the ICRC, specialised UN agencies including the UN High Commissioner for Refugees (UNHCR) and UN Children's Fund (UNICEF), other parts of the UN system including the UN Office for the Coordination of Humanitarian Affairs (OCHA), and individual UN leaders including the Under-Secretary General for Humanitarian Affairs/Emergency Relief Coordinator (USG/ERC), heads of the UN protection-mandated agencies, Special Representatives of the Secretary General (SRSGs)/heads of UN political or peace operations at field level and Humanitarian Coordinators (HCs).

prosecutor of the International Criminal Court (ICC) in 2005 and the subsequent indictment of then-President Omar Al Bashir in 2009.[3] In Syria, while impact on the overall conduct of hostilities has been limited, there has been significant investment in seeking to influence some conflict parties on specific issues, such as protection of children, with some small but hard-won successes (HPG interviews, 2020; SDF, 2020).

But such efforts have been largely overshadowed by high-profile failures. The UN internal review panel on Sri Lanka slammed the 'unwillingness of the UN in UNHQ [UN Headquarters] and Colombo to address Government responsibility for attacks that were killing civilians' and asserted that UNHQ engagement with member states on the conflict was 'heavily influenced by what it perceived Member States wanted to hear, rather than by what Member States needed to know if they were to respond' (UN, 2012: 26). Similar concerns were raised in the 2019 review of the UN's response to grave human rights violations in Myanmar. In that case, the 'absence of a clear and unifying strategy' to respond to the actions of the government, with wildly divergent views on when to use quiet diplomacy and when to speak out publicly in the face of abuses of civilians, contributed to a 'systemic and structural failure' (Rosenthal, 2019: 17–24).

Reflecting on past decades, humanitarian actors engaged in this research readily acknowledged the mistakes made, the challenges faced and the risks involved in protection advocacy. But there is general consensus that the international humanitarian voice has gradually diminished over the last ten years and, despite some investments in engaging conflict parties having proven relatively effective, these have been ad hoc reactions to specific issues or events, not a sustained, collective, systematic approach. Instead, the majority of interviewees reflected on what they see as a worrying trend of many international humanitarian actors reducing their direct engagement with conflict parties or third-party states on protection issues. Some interviewees did not feel that sufficient institutional resources are being invested to

meet current challenges to securing even the most basic protection of civilians caught up in conflicts. Others asserted that traditional advocacy approaches were simply not effective in influencing the behaviour of states and non-state actors and that a radical rethink of strategies and tactics was thus required. Much concern focused on the lack of a strategic approach to calling on member states to end the political stalemate over the conflict in Syria. Other examples cited included the failure to robustly call out European states – formerly considered stalwart defenders of human rights – for their failure to protect conflict-displaced populations crossing from the Middle East and North Africa, and the concerted but ultimately ineffective campaigning against sales of arms to the Saudi Arabian-led military coalition operating in Yemen, a conflict that has caused so much civilian suffering (see also Gray-Meral and Aslan, forthcoming; Petitbon et al., 2020). To many stakeholders, the humanitarian voice seems weaker and less effective at a time when it has never been more important.

Are international humanitarian actors working in complementarity with others?

As Bernard (2014: 695) asserts, 'the goal of influencing behaviour clearly cannot be achieved by one actor alone. This means accepting that there is plenty of work to do for everyone, and looking at how to capitalize on complementarities'. However, much of the available evidence highlights a common failure of international humanitarian actors to work in complementarity with other entities engaged in promoting protection of civilians.

Complementing and supporting local agency
Recent research and debates on localisation of humanitarian responses have highlighted concerns that international humanitarian actors are not collaborating with local actors who are engaging conflict parties directly in an effort to protect themselves and their communities (Barbelet, 2019; Metcalfe-Hough, 2019; Gray-Meral and Aslan, forthcoming). At best, internationals are failing to recognise the critical role these entities play in

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influencing the behaviour of conflict parties, and not supporting their efforts or echoing their voices at the international level. At worst, local actors are consciously dismissed or the relationship is purely extractive, fuelling accusations of neo-colonialism and racism (Barbelet, 2019; Gray-Meral and Aslan, forthcoming). South (2019) reports that in 2018 in Myanmar, Kachin organisations felt ignored by international humanitarian actors who solicited their analysis to inform advocacy efforts but failed to credit them for this or explain how it was used. Meanwhile Mahoney (2018: 30) asserts that 'internationals are speaking and negotiating in settings where Rohingya have no voice, but they are generally doing so based on a very limited understanding of what the Rohingya actually think'. There are some positive practices, such as Oxfam's work on community-led protection and the Act Alliance/Local to Global Protection initiative (Lindley-Jones, 2017).[4] But, more commonly, international humanitarian actors are collectively failing to recognise, capitalise upon and complement local agency, with the result that their efforts to engage conflict parties are less well-informed and thus likely to be far less effective. The reasons for this lack of collaboration with local actors are multiple but include persistent assumptions, not always based on proper assessment, about the lack of neutrality of local actors (Schenkenberg, 2016).

Partnerships beyond the humanitarian sphere

It is also evident from the research thus far that international humanitarian actors continue to fail to invest in strategic partnerships with entities outside the humanitarian space, despite sharing a common goal in protecting civilians. There are positive examples of collaboration between humanitarian and human rights and other non-humanitarian actors. Some protection clusters include human rights as well as humanitarian organisations: for example, in Palestine the cluster includes a wide range of civil society organisations, including Israeli, Palestinian and international, who have identified common positions on key protection issues such as forced displacement. A number of protection clusters have also engaged, though admittedly in an ad hoc manner, with the UN

human rights systems, including the UN Human Rights Council and Special Rapporteurs and other Special Procedures, in order to raise concerns about persistent violations of IHL/IHRL by conflict parties. And many protection clusters regularly contribute to reporting to the UNSC through the Monitoring and Reporting Mechanism (MRM) on grave violations committed against children in times of armed conflict, and the Monitoring, Analysis and Reporting Arrangements (MARA) on conflict-related sexual violence.

Though still not optimal, collaboration with UN peacekeeping and political missions or entities on protection has evolved positively over time. The GPC developed a diagnostic tool and guidance on the interaction between field protection clusters and UN missions (GPC, 2013), and there has been collation of lessons from specific contexts such as the Democratic Republic of the Congo (DRC) where the UN peacekeeping mission (MONUSCO) and the humanitarian community engaged in joint planning to identify priority areas for protection intervention (Novosseloff et al., 2019). Consensus also appears to be growing among international humanitarian actors that collaboration with development and peacebuilding actors – as part of the wider 'humanitarian–development–peace nexus' is important, though there are concerns about how to ensure such collaboration is sustained (see for example PHAP, 2019; Lilly, 2020).

Most interviewees indicated, however, that collaboration beyond the humanitarian system is still far from the norm, with many international humanitarian actors reluctant to exploit the potential for collaboration with human rights, peacebuilding, peacekeeping, development and political actors who are or may be engaging the same conflict parties on the same issues, albeit from different perspectives (HPG interviews, 2020).

What are the factors inhibiting effective protection advocacy?

The research indicates a number of factors are inhibiting more effective engagement with conflict parties or third-party states. Some of these are beyond the control of international humanitarian actors but others relate to the

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4   See www.local2global.info.

character and evolution of the sector itself. Most stakeholders in this research have tended to blame the geopolitical environment, counter-terrorism frameworks in particular, and increased levels of violence and corresponding threats to the safety of humanitarian workers for the lack of effective engagement. This is, to an extent, borne out in past and current research (e.g. Niland et al., 2015; McAvoy, 2020). But it is also becoming increasingly clear that there is a lack of capacity in areas that are key to effective advocacy; a prevailing aversion to risk-taking that discourages advocacy more generally as well as inhibiting collaborative advocacy with local or other international actors; and, critically, insufficient leadership within the sector to generate a more coordinated, robust humanitarian voice.

Geopolitics, counter-terrorism and the evolving nature of armed conflicts

Humanitarians today are operating in a geopolitical climate that is probably less conducive to the protection of civilians than at any time since the adoption of the agenda by the UNSC 25 years ago. After a decade characterised by the failure of UNSC member states to stem the most egregious attacks on civilians, events during the last couple of years have reached a new low: states that created the international architecture on the protection of civilians are undermining it more blatantly than ever before. Many EU governments have continued efforts to deter refugees and migrants, including closing borders, halting processing of asylum claims, publicly criticising lawyers representing asylum-seekers and reportedly summarily deporting and even endangering the lives of asylum-seekers at sea (Amnesty International, 2020; BBC News, 2020; Grant, 2020). The US has, similarly, adopted a range of immigration policies that 'have caused catastrophic irreparable harm to thousands of people … and manifestly violated both US and international law' (Amnesty International, 2018: 4). Meanwhile, the UK, US and France continue to sell arms to Saudi Arabia despite evidence they have been used in attacks in Yemen, with the UN panel of experts asserting that 'such transfers help perpetuate the conflict' (UNHRC, 2020: 20; see also CAAT,

2020; Petitbon et al., 2020; Warrell, 2020). And in September 2020, the US Government imposed sanctions against the Prosecutor of the ICC and other senior staff in what is seen as an attempt to obstruct the Prosecutor's investigations into conduct by US forces in Afghanistan and the Israeli military in Palestine (HRW, 2020b). Such behaviours have pitched the already tenuous credibility of the West as defenders of IHL/IHRL and refugee law into freefall and left international humanitarian actors without their traditional state allies.

Many of these Western states also created the international legal and policy framework on counter-terrorism, which continues to have an – albeit unintended – chilling effect on humanitarian operations in the most high-profile armed conflicts. Both the real and the perceived scope of this framework has discouraged engagement by international humanitarian actors, including on protection issues, with non-state actors listed as 'terrorist' organisations in Afghanistan, Iraq, Syria and elsewhere (see for example Metcalfe-Hough et al., 2015; NRC, 2018). At the national level, the international rhetoric of counter-terrorism has been used by some states to try to ignore or refute the applicability of IHL to their actions, making it even more challenging to engage them on the protection of civilians (Ojeda, 2017; NRC, 2018; HRW, 2020a).

The nature of armed conflicts and parties to them has changed in the last decade, with an ever more complex set of protagonists and rising levels of violence against civilians met with almost total impunity. Most of today's conflicts are non-international in character but involve multiple armed actors: according to the ICRC, 44% of armed conflicts in 2018 involved 3–9 separate armed groups and a quarter of states that were in armed conflict that year had more than ten armed actors operating in their territory (ICRC, 2018). The sheer number and diversity of conflict parties presents a very practical challenge to engagement on protection issues, rendering it more difficult to identify perpetrators of abuse or to forge the contact with all armed groups that is necessary in order to raise protection concerns. Non-state armed groups are often characterised by horizontal structures, decentralised chains of

command, shifting alliances, extensive use of new technology and media, and wide-ranging economic interests (IISS, 2020) – all of which present major challenges to humanitarian actors seeking to influence their behaviour vis a vis civilians on protection issues. State parties have been bolstered by the growing emphasis on national sovereignty and declining interest in multilateral interventions by the international community. Increasingly, both state and non-state conflict parties are being used as proxies by third-party states seeking strategic gains for their own national interests – whether considered 'just' or not – and whose support perpetuates, and even increases, levels of violence (von Einsiedel, 2017; Pfaff and Granfield, 2019). Furthermore, all of these actors are emboldened by the lack of accountability for even the gravest violations of IHL/IHRL.

Capacity gaps, risk aversion and questions of leadership

Gaps in capacities for engagement

Effectively engaging state and non-state armed groups in conflicts in places such as Libya, Nigeria, the Philippines, Syria and Yemen requires capacity for continuous, in-depth analysis of conflict dynamics, which simply does not yet exist within the international humanitarian system. Niland et al.'s (2015: 11) assertion that humanitarian protection responses are characterised by a 'lack of … contextual intelligence' remains largely correct (HPG interviews, 2020). Protection analysis is generally formulaic, based on a standardised set of indicators that are used to build a picture of vulnerabilities to inform annual funding appeal processes. Analysis is often fragmented, with each protection actor conducting its own analysis based on its own mandate, and with limited investment in developing a common or shared understanding of what is happening. Analysis is also rarely a continuous process and therefore generally offers a limited perspective on what are often highly dynamic situations (McAvoy, 2020).

These weaknesses in analytical capacity, in part, explain international humanitarian actors' seemingly limited understanding of how to communicate with conflict parties. The language utilised by humanitarians in their

engagement is often standardised, centred on broad references to IHL/IHRL and developed as a series of 'messages' that are often unclear in terms of what change they are calling for or to whom they are targeted. Such messages thus generally fail to resonate with conflict parties that have limited knowledge of, have no interest in or simply dispute the relevance of international legal frameworks. In many contexts, humanitarians have particularly struggled to influence non-state actors and there are few examples of humanitarians adapting the nature of their arguments, language or tactics to respond to these parties' motivations or agendas (Beckerle and Al-Fakih, 2020; GPC et al., 2020; HPG interviews, 2020). Additionally, although humanitarians' lack of skills to conduct sensitive negotiations with conflict parties is acknowledged, efforts to address this have mainly focused on increasing capacities to negotiate access to populations in need (often through hiring more security staff), rather than on securing these populations' rights to freedom of movement or to address other acute protection issues (HPG interviews, 2020).

The 2016 IASC protection policy and the 2017 terms of reference for Humanitarian Country Teams (HCTs) (IASC, 2017) require HCTs to consider protection as a core element of humanitarian action and to take a more strategic approach. But in practice this policy push seems to have resulted in HCTs focusing primarily on ensuring that humanitarian programmes do not exacerbate existing protection risks, and less on gearing the wider response towards achieving overarching protection goals. The policy also requires HCTs to draft strategies on protection but the process of developing these seems to have become more of a tick-box exercise than kickstarting a meaningful common effort to undertake more effective advocacy on protection concerns (HPG interviews, 2020). Anecdotal evidence indicates that the policy has not thus far translated into more robust engagement by HCTs with conflict parties and third-party states to try to prevent or reduce violence against civilians (HPG interviews, 2020; Lilly and Spencer, 2020).

Even where engagement is undertaken, the strategies adopted often fail to take account of the long-term, sustained, coherent and credible

investments required to change conflict parties' behaviour. Instead, international humanitarian organisations remain largely entrenched in a culture of short-termism even in the most protracted conflict contexts, and thus have limited capacities to plan and deliver the necessary long-term approaches to engagement with conflict parties (HPG interviews, 2020).

Heightened aversion to risk

One of the principal inhibitors to effective protection advocacy by international humanitarian actors appears to be their increasing aversion to risk. Risks relating to engagement with conflict parties or third-party states on protection issues include:

- Retaliation by states or non-state actors angered by criticisms of their behaviour, manifested in physical attacks on staff or organisational assets, restrictions on or the shutting down of operations and programmes.
- Possible prosecutions by donor and host states under national counter-terrorism laws of organisations or individuals who engage with non-state actors that are proscribed entities.
- Damage to personal reputation or career progression for individuals who speak out to condemn violations of IHL/IHRL.
- The potential that protection issues will be deprioritised in favour of political objectives (see for example IASC, 2015; Debarre and Di Razza, 2019; Redvers, 2019; Lilly, 2020).

Fears of such risks are well-founded. States such as Sri Lanka, Sudan and Syria[5] have regularly withheld access or put effective obstacles on operations of international humanitarian organisations in what are seen as retaliations for criticism or 'interference' in domestic affairs.[6] HCs and other senior humanitarian leaders are regularly side-lined by host states unhappy at being criticised for their human rights record. Crucially, there has been limited response from

UNHQ or from donor or member states to host states taking such action; individuals that do engage conflict parties often find that, rather than being rewarded for standing up to them, their career prospects take a direct hit (GPC et al., 2020; HPG interviews, 2020; Bowden and Metcalfe-Hough, forthcoming).

There are also risks to closer collaboration with local and national actors or other international entities engaged in protection advocacy. Specifically, international humanitarian actors remain acutely concerned with protecting local perceptions of them as neutral, impartial and independent – perceptions which they rely upon to obtain permission from local conflict parties and local communities to operate safely. Despite much debate about this, international humanitarian organisations remain concerned that close association with any other actor that is, or is perceived locally to be, biased in favour of one side of the conflict or another would undermine their own reputation and thus undermine their access to populations in need.

There is no doubt that engaging conflict parties and third-party states on their obligations to protect civilians is fraught with risks. However, there is limited evidence of the extent to which international humanitarian protection actors are trying to better understand and manage them. It is not clear that they are fully assessing the risks they may face when speaking out compared to the risks to conflict affected populations if they do not speak up on their behalf. Nor is it apparent whether humanitarian actors are balancing the risk to their own reputation as neutral, independent and impartial actors against the risk to local and national advocates if they are not backed up or supported by international partners. It is also unclear whether international humanitarian actors adequately consider the risk of failure if they go it alone compared to the risks of working in complementarity with other international actors who may be able to echo concerns in different ways at different levels.

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5   Perceived engagement with the ICC, for example, was one of the factors reportedly behind the Government of Sudan's decision to expel 13 international NGOs and revoke the licenses of three national NGOs from Darfur in 2009 – an act which threw the international humanitarian response into crisis (Charbonneau, 2009; Kleinman, 2009).

6   The 2015 IASC review of the impact of UN integration policy on humanitarian space found that leaders of UN integrated missions have, in some cases, tried 'to control the narrative on humanitarian issues to support their goals' (IASC, 2015: 55; see also Metcalfe et al., 2011).

Furthermore, there is little evidence of the extent to which international humanitarian actors are putting in place risk mitigation measures such as using different tactics, working collectively to exploit different comparative advantages or using third-party channels to voice concerns.

A need for more strategic leadership
Leadership was highlighted as a concern by many stakeholders in this project. They pointed to a lack of overall direction, a lack of clarity on who should be responsible for what at global, regional, national and subnational levels and a consequent failure to capitalise on the comparative advantages that each set of protection actors – national, local, international, humanitarian, non-humanitarian – has in trying to influence the behaviour of conflict parties (HPG interviews, 2020; Lilly and Spencer, 2020). While acknowledging the progress made by the GPC since its establishment in 2006, some commentators continue to question whether UNHCR as its lead agency is well placed to coordinate and encourage advocacy on a broader set of protection of civilians issues, particularly if this may adversely affect their refugee protection mandate (see for example, Niland et al., 2015; HPG interviews, 2020).

The GPC is currently trying to step up, integrating advocacy as a core objective in its new Strategic Framework 2020–2024 and developing a collective plan for advocating for protection of vulnerable populations in the current pandemic (GPC, 2020). But there are many challenges to overcome. Foremost among these is that the GPC needs to clarify what added value it and its field-based clusters have in protection advocacy/diplomacy, given that it has no particular leverage over duty bearers and decision-makers outside the humanitarian system (Lilly and Spencer, 2020). The GPC also needs to find ways to prevent the sheer size of the cluster membership from undermining coherent, coordinated approaches and instead harness the advantages that the diversity of its membership presents for a multi-faceted advocacy response.

The IASC also has an important role to play as a platform of senior leaders from which they can collectively agree and act upon protection advocacy priorities. The leverage this body

has in terms of duty bearers and decision-makers has limits but it can and should act more robustly in its engagement with the international donor community and with the wider body of member states who, via the UN General Assembly (UNGA) resolution 46/182, created this coordination mechanism. A recent reform process intended to ensure a more results-orientated approach from the IASC in general but this seems to have had only limited impact thus far in terms of strengthening IASC engagement in protection advocacy.

A number of stakeholders in this project highlighted the protection advocacy role of the Emergency Relief Coordinator/Under-Secretary General for Humanitarian Affairs (ERC/USG) and the Office for the Coordination of Humanitarian Affairs (OCHA). Since the creation of these entities by UNGA in 1991, the role of both the individual and the institution on protection has evolved significantly, with them now playing a key role in raising protection concerns at the highest global level, namely at the UNSC and UNGA, with their constituent member states, and through engaging state and non-state conflict parties at the local level. But several interviewees for this research expressed concerns that OCHA has gradually retreated from its role in protection, particularly at country level, and reduced its internal capacities accordingly, seemingly on the assumption that this function has been transferred to the protection cluster. There has, however, been some recent positive progress, with internal discussions on and actual practice of expanding use of OCHA's Civil–Military Coordination (CMCoord) capacities at field level to facilitate engagement between humanitarian actors and military actors on protection (Grace and Card, 2020; HPG interviews, 2020).

There has been much expectation placed on the role of HCs to lead protection efforts at crisis level. The official terms of reference require HCs to promote 'the respect of international humanitarian and human rights law by all parties, including non-state actors, by coordinating the advocacy efforts of relevant organisations and using private and/or public advocacy as appropriate' (IASC, 2009: 2). But the ongoing reality is that this task is extremely challenging, particular given an HC's need

to maintain relations with a host state that is party to conflict. The inherent challenges aside, current and former UN leaders engaged in this research indicated a number of other factors that undermine their ability to deliver on this task. First, many HCs and HC candidates do not have sufficient understanding of the legal and policy frameworks for the protection of civilians. Second, some feel that they do not have sufficient technical support in terms of in-depth, accurate analysis of protection trends on which to base their advocacy efforts. And third, few have confidence that UNHQ, donors and other states will support their stance vis a vis host states or non-state actors if their advocacy – quiet or public – precipitates a backlash (GPC, 2018; Sebastian and Gorur, 2018; GPC et al., 2020; HPG interviews, 2020). Recent reforms of the HC recruitment process have increased the focus on selecting individuals with management and coordination skills that are undoubtedly crucial to the role. But this has left an ongoing gap in terms of critical political and negotiation skills – a gap which has yet to be addressed through available training and mentoring (GPC et al., 2020; HPG interviews, 2020).

The waning influence of the UN
A key issue highlighted by stakeholders is the waning influence of the UN and its institutions on states and non-state parties to conflict. Commentators from inside and outside the organisation expressed concern that the influence of the UN, an organisation invested with unique international legal and moral legitimacy to intervene to protect civilians affected by armed conflict, is at a low point, not least due to the factors outlined above. In effect, the geopolitical trend away from multilateral action is manifested in insufficient financial commitments for the organisation and its peace support and other conflict response interventions; host states are increasingly asserting national sovereignty to limit what role the UN has in their country; and senior UN leaders who speak out against abuses receive little if any visible diplomatic support in the face of retaliation from those they criticise. Internally, the UN system has, under successive UNSGs, sought to strengthen its capacities to enhance protection of civilians affected by armed conflict, both in

specific institutions and across its main pillars of intervention, but these multiple initiatives appear to have had insufficient impact, as indicated by the repetition of systemic failures between the response to the conflict in Sri Lanka in 2009 and to human rights violations in Myanmar a decade later.

Seeming to recognise this, the UNSG launched a new 'Call to Action for Human Rights' to coincide with the 75th anniversary of the UN this year (UN, 2020). Intended to 'broaden the base of support for human rights', the Call to Action sets out seven key areas for action, including 'rights in times of crisis'. This is focused on developing 'a common agenda for protection' that includes engagement with the Security Council and 'creatively us[ing] the full spectrum of other tools and channels … to raise awareness, prevent crisis and protect people effectively' (UN, 2020: 7). It echoes previous calls for a 'protection agenda for the UN system, underpinned by a common understanding of the centrality of protection in our actions' and to build on previous recommendations on 'enhanc[ing] our organisational culture' including the Human Rights Upfront initiative and the Rosenthal report (UN, 2020: 7). It is still early days for this effort but it does recognise the challenges faced thus far and offers hope for a transformative approach. However, even if this initiative is successful in improving how the UN system seeks to enhance the protection of civilians affected by armed conflict, the institution will still face the same long-standing challenges in influencing the behaviour of conflict parties and third-party states, namely what political or diplomatic support they receive from member states for such efforts.

So, what next?

Reflecting on protection advocacy over the last few decades, it is clear that international humanitarian actors face significant internal and external challenges. Few, if any, of these are new but most have certainly worsened over time. International humanitarian actors seem stuck in entrenched practices, unable to adapt their strategies, tactics or partnerships or develop innovative approaches to meet these rising challenges. In many ways, international protection – dominated by international lawyers

and IHL experts – is the most anachronistic aspect of humanitarian action, which has overall proved highly resistant to change. But there is both impetus and opportunity for transforming how humanitarian protection actors undertake advocacy.

The moral impetus for changing current practice is clear: traditional approaches to influencing the behaviour of conflict parties and third-party states are simply not working. This is evidenced by the continuing rise in levels of violence against civilians (including aid workers) and the failure of the international community to hold perpetrators to account. Local and national actors are at the forefront of engagement with conflict parties, but they cannot and should not be expected to take such huge personal physical risks without greater solidarity, support and protection from their international partners. Although unpalatable to some, there is also a financial impetus. Effective engagement with conflict parties is a long-term and therefore resource-intensive endeavour but the costs associated with preventing violence are generally assumed to be lower than provision of emergency relief and services to address the impact of violence. Thus, from a practical perspective, the current difficult economic times may push investments in prevention up donors' priority lists.

Opportunities for change are wide-ranging and include reformulating or diversifying objectives, tactics, coalitions and partnerships. Traditionally, international humanitarian actors have focused on lobbying via the global governance system to get states to intervene. Objectives have largely focused on securing UNSC debates and resolutions on specific contexts or thematic issues of concern on the assumption that these will translate into diplomatic, political or economic pressure under which conflict parties will bend. The stark reality is that this has not happened – member states have either failed to act decisively, as is the case in Syria, or have done so in inconsistent or piecemeal ways that undermine their credibility and consequently have limited long-term impact.

The global governance system remains in place, however tenuously, and, given its legal and political legitimacy, it should not be dismissed. But are there other, additional or new objectives that international humanitarian actors could pursue to further the goal of protecting civilians? Might it make sense to campaign for individual or ad hoc groups of states to take action, in the hope that they may gradually bring others on board? One positive example is the coalition of states that worked together to secure UNGA agreement on a mechanism for documenting abuses perpetrated in the context of the Syrian conflict, effectively ensuring that UNGA took action where the UNSC would or could not.[7] A second is the coalition of more than 80 member states, convened in 2019 and 2020 by Ireland, working together on a political declaration to end use of explosive weapons in populated areas.[8] Where there appears a diminishing interest at the multilateral level in using the ICC and other judicial mechanisms to hold individuals to account for grave violations of IHL/IHRL, is it appropriate for international humanitarian actors to advocate for targeted sanctions, such as the so-called Magnitsky sanctions,[9] against alleged perpetrators of grave violations?

There are also opportunities for adopting new tactics to influence conflict parties. The last few years have seen a range of social movements gather pace globally, effectively bringing huge pressure to bear on states, multinational corporations and other entities on issues relating to climate change, gender equality and racism. From #MeToo to Black Lives Matter, popular, non-violent action is changing longstanding norms and practices around the world, using informal coalitions and social media to tap into universal demands for change. What can

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7 The International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syria Arab Republic since March 2011 was established by UNGA via Resolution 71/248 in 2016. Its mandate is to collect and preserve evidence of crimes for future prosecutions.

8 See www.dfa.ie/our-role-policies/international-priorities/peace-and-security/ewipa-consultations/.

9 'Magnitsky' sanctions have been used by the UK, US and Canada to impose sanctions such as asset freezes and travel bans on individuals or organisations alleged to have been involved in serious violations of human rights wherever they occur. Other governments have or are in the process of developing similar legislation. See for example Allen and Overy (2020); Daventry (2020); FCO (2020).

humanitarians learn from these successes? What tactics and tools could they adopt or adapt from these social movements to bring about change in how states and non-state actors treat civilians in armed conflicts?

The diversification of humanitarian action presents opportunities for new coalitions, partnerships and collaborations. The push for localisation and accountability to affected populations has not proven wholly effective so far. But arguably, with the greater political and financial support available, there is now greater opportunity to partner with local and national actors in a way that combines resources and expertise to more accurately identify protection threats and engage conflict parties and third-party states in an effort to mitigate them.

There are persistent questions over what barriers remain to more effective international–local partnerships on advocacy and how these can be overcome. How can such partnerships be better exploited in order to multiply the impact of their respective protection advocacy efforts? The current policy focus on nexus approaches presents prospects for closer collaboration with non-humanitarian actors. The value of working in closer partnership with human rights, peacebuilding and development actors has been demonstrated in a number of contexts and initiatives: from the collaboration between UNHCR and the World Bank on situations of forced displacement, to the broad-based partnerships of the Cluster Munitions Coalition – International Campaign to Ban Landmines (CMC-ICBL) and collaborative advocacy by US-based humanitarian and human rights NGOs towards the US government on civilian casualties resulting from its military operations overseas. How or to what extent could such collaborations be expanded to harness collective capacities for protection advocacy more broadly?

As this multi-year project progresses, it will focus on these emerging questions and themes, document positive practices and identify and disseminate key lessons learnt in terms of how to effectively influence conflict actors. It will also explore the opportunities for strategic collaboration and partnership beyond the humanitarian sector, and consider how to capitalise on and better support local agency to ensure that protection advocacy is better informed, better targeted and addresses the issues that affected populations deem priorities. At its conclusion, this project will aim to articulate a set of actionable recommendations for international humanitarian actors, intended to strengthen their advocacy on the protection of civilians, recognising that such efforts lie at the heart of the humanitarian response to armed conflicts.

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