

Leadership of protection in the humanitarian sector

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Introduction

Humanitarian leaders are critical to setting and advancing strategies that help reduce protection risks for crisis-affected people. They are key to contributing to cultures in the institutions and organisations that they lead which support protection. However, in recent years humanitarian leaders have not prioritised protection as central to humanitarian action at the country or global levels (Cocking et al., 2022).

At the highest levels of leadership within the United Nations-led international architecture, including with the UN Secretary-General (UNSG), rhetoric on prioritising the protection of civilians has rarely translated into results. Geopolitical tensions, fragmentation of traditional alliances, and a crisis of multilateralism have all led to paralysis at the UN Security Council on protection risks (Metcalf-Hough, 2020; Bowden and Metcalfe-Hough, 2020; Davies and Spencer, 2022a; Metcalfe-Hough, 2022).

Within the humanitarian system, protection is poorly understood. It lacks institutional and political support. In the absence of leadership that promotes protection as central to humanitarian action, there is a lack of commitment to and prioritisation of protection (Cocking et al., 2022).

Lack of clarity on roles and responsibilities at the global, regional, national and subnational levels has led to a fragmented, mandate-driven approach to protection, with the prioritisation of specific population groups or risks (e.g., children, refugees and gender-based violence (GBV)). Rather than being recognised as a strategic issue across responses, protection is often delegated to a technical level. This has undermined progress towards a strategic, coherent and collective approach to strengthening protection (Metcalf-Hough, 2020; Bowden and Metcalfe-Hough, 2020; Cocking et al., 2022).

The need for stronger, more courageous leadership at the institutional, system and individual levels is well recognised, including the need for an increased use of humanitarian diplomacy as a tool to strengthen protection (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2022; Cocking et al., 2022). Opportunities exist. Protection

and advocacy¹ are stated priorities of the current Emergency Relief Coordinator (ERC). Humanitarian leadership of protection was a key recommendation of the Independent Review of the Inter-Agency Standing Committee (IASC) Protection Policy, and leadership is a priority for the UNSG's 2020 Call to Action on Human Rights, as well as the Agenda for Protection. If implemented, they could offer opportunities for more effective leadership of protection. However, translating such calls into action requires commitment from the highest levels of the humanitarian sector – the UN SG, the ERC, and the UN Principals and executive directors of international non-governmental organisations (INGOs). It requires political will, with identified actions to empower leaders, and to address barriers and disincentives.

This paper focuses on challenges, barriers and enabling factors to strengthen humanitarian leadership of protection as a central tenet of humanitarian action. It will focus on the role of leadership in reducing protection risks to civilians, defined as risks of violence, coercion and deliberate deprivation.² It considers leaders from the country to global levels, considering what is required for more bold, empowered leadership of protection (Cocking et al., 2022). Due to the focus of the Global Executive Leadership Initiative (GELI) project, this paper predominantly focuses on humanitarian leaders within the formal humanitarian architecture, with the recognition that effective leadership of protection does not and should not come solely from within the traditional international humanitarian architecture.

This briefing note is based on the recent IASC Protection Policy review led by HPG (ibid.), as well as its three-year programme of research and policy engagement on the role of advocacy in strengthening the protection of conflict-affected civilians (Metcalf-Hough, 2022). This research was complemented by a small number of targeted interviews with current and former humanitarian leaders, as well as people who work on leadership and protection, to ensure it is situated within current policy and operational dialogue and practice.

¹ For the purposes of this paper, advocacy is defined as all forms of approaches seeking to influence the behaviour of duty bearers – from private engagement, through third parties and public advocacy, using approaches including persuasion, mobilisation and denunciation.

² For the purpose of this paper, we refer to protection risks in terms of reducing risks of all forms of violence, coercion and deliberate deprivation, in line with the approach of the IASC Protection Policy Review. For more information see the Independent Review of the IASC Protection Policy (Cocking et al., 2020: 20).

The state of play: leadership of protection

Leadership of protection is necessary at different levels across the humanitarian sector – in individual organisations and their networks, in coalitions and through personal action (Cocking et al., 2022). This includes designated leadership roles within the UN system; for example, the Special Representative, Special Envoy and Humanitarian Coordinator (HC) roles, and the Principals of UN Agencies. It includes UN heads of agencies and leaders of humanitarian coordination systems, such as the Global Protection Cluster (GPC) or heads of protection clusters. Considerable protection leadership and expertise can be found within non-governmental organisations (NGOs), which can and have driven systemic shifts outside of the formal humanitarian coordination architecture (Cocking et al., 2020: 47). Individual leadership qualities are key to ensure approaches to addressing risks are translated into action.

The IASC *Policy: on protection in humanitarian action* calls on leaders to ‘harness the diverse mandates and expertise of IASC organizations in achieving protection outcomes’ (IASC, 2016: 9). The policy recognises strengthened protection is reliant on collective and coherent leadership across and beyond the humanitarian system – including among peace, human rights and political actors (Cocking et al., 2020: 41).

At the global level, the ERC sets the agenda and focus of the IASC as Chair of the IASC Principals. The prioritisation of protection as one of the five IASC priority areas (IASC, 2021a), and the recent Principals’ endorsement of the IASC Protection Policy review and identification of senior champions to take forward the recommendations could provide entry points to strengthen protection.

Since 2005, the GPC, under the overall leadership of the UN Refugee Agency (UNHCR) as Cluster Lead Agency, has been the main leading entity coordinating technical-level, programmatic responses to protection across the humanitarian system at both global and country levels. However, the GPC and Areas of Responsibility (AoR) are led by the mandates of their agencies. This results in the provision of technical support to categories of vulnerable populations (e.g., displaced people and children), or specific risks (such as GBV), rather than the most acute risks

affected people face. Programming and funding priorities of the GPC, AoRs and their lead agencies, too, drive priority approaches and risks to address. This has undermined a strategic approach that humanitarian actors can collectively adopt in a given crisis (Cocking et al., 2022: 46).

At the country level, the HC Terms of Reference (ToR) require HCs to advocate for the respect of international humanitarian and human rights law (IHL/IHRL) and to coordinate advocacy efforts (IASC, 2009). The centrality of protection is listed as a mandatory responsibility in the 2021 *Leadership in Humanitarian Action: handbook for the UN Resident and Humanitarian Coordinator* (IASC, 2021b) and is part of the ERC–HC annual compact. The IASC Protection Policy itself sets out the leadership role of the HC, supported by the Humanitarian Country Team (HCT), in identifying protection priorities and required collective action (IASC, 2016). Protection was made one of four mandatory tasks in the ToR for HCTs adopted in 2017, and was included in HCT compacts,³ though this has rarely translated into concrete action and its implementation is not mandatory (IASC, 2017; 2020). International and national NGOs, at the global and country levels, have developed expertise, some of which has ‘led to significant change, influence and impact on protection’ (Cocking et al., 2022: 47).

The commitment of humanitarian leaders to protection as central to humanitarian action has diminished in the past two decades. Leaders across all levels are more cautious (Bowden and Metcalfe-Hough, 2020; Cocking et al., 2022). Leaders need to be supported to ‘walk the talk’ and systematically prioritise addressing protection risks. They need to be held accountable, and hold their staff to account, for delivering on their responsibilities. To achieve this requires working with human rights, peace, development and political actors using comprehensive approaches.

³ The HCT Compact sets out key commitments of HCT members towards the HC and one another, drawing from the HCT ToR. It is intended as a tool for mutual and collective accountability between the HC, the HCT and in support of HC accountability to the ERC.

Effective protection leadership: key challenges and dilemmas

Lack of strategic approach to addressing protection risks

A primary role of humanitarian leaders is to set strategic approaches to addressing protection. However, identifying and prioritising protection risks that crisis-affected people face and the actions to be taken to reduce them is challenging. The complexity and sensitivities of addressing protection risks can lead to tensions and divisions in how to address them. Such decisions can polarise opinion among humanitarian actors on the ground and therefore serve as the litmus test of leadership. Low levels of mutually reinforcing positions and approaches have undermined a collective, coherent approach for humanitarian leaders to effectively address protection risks.

There are a number of challenges that leaders face in establishing a strategic approach to address protection risks. Firstly, at the country level there is an absence of an integrated multi-year strategic framework whereby humanitarian leadership can prioritise protection risks that can be collectively addressed. Current frameworks – within individual organisations, the humanitarian programme cycle, HCT Protection Strategies and across integrated UN missions – all fall short of, or undermine, a strategic approach. This is exacerbated by 'fragmented approaches driven by the mandates and priorities of different organisations or coordination mechanisms, rather than priority protection risks facing affected people' (Cocking et al., 2022: 30).

Secondly, funding and programme structures focus on funding based on organisational and cluster expertise and mandates, which often act as disincentives to collective approaches.

Thirdly, there are overlapping concepts and guidance on priority areas for leadership to take action – e.g. accountability to affected populations, the prevention of sexual exploitation and abuse, gender, disability, older people, inclusion and localisation. There is little practical direction on how to bring these risks together, which causes confusion and parallel ways of working by different specialist groups in a response. This can lead to a tick box and/or cherry-picking

approach to which risks to prioritise, which can be exacerbated by donor priorities and funding.⁴

Lastly, the misguided notion that directly engaging conflict parties on their abuses of IHL/IHRL might breach the principle of neutrality fails to recognise the primacy of humanity as the core goal of humanitarian action – to address human suffering. Principles have been ‘instrumentalised by the (Western-dominated) humanitarian sector as a gatekeeper to humanitarianism itself’ (Dubois, 2020: 9). Nonetheless, such interpretations seem to have led to humanitarian leaders’ reluctance to directly engage state and non-state actors on their conduct. But as Dubois states, principles are ‘subject to deliberate compromise – and indeed compromise is the rule’ (ibid.; see Metcalfe-Hough, 2022: 27). Critically, the qualities of moral courage, ethical and principled leadership – often disincentivised but crucial to effective leadership of protection – will require humanitarian leaders to be strategic as to when and which compromises are necessary (see Gilmore, 2022: 43).

The gaping analysis, advice and capacity gap

One of the critical gaps for humanitarian leaders is the lack of a robust evidence base of protection risks. This is in part due to structural issues. Analysis by different actors in the humanitarian sector is undertaken in accordance with the mandate of the ‘institutional priorities of UNHCR and the AoRs rather than driven by a detailed analysis of risks and patterns of abuse for affected populations’ (Cocking et al., 2020: 85). Individual UN and NGO organisations, too, tend to analyse a relatively narrow set of protection risks predominantly in line with their mandate, expertise and programming priorities, which is often linked to real or perceived donor priorities.

The Office of the High Commissioner for Human Rights (OHCHR) conducts analysis where it has presence through country offices, in political and peace missions, or through its emergency response teams. While this analysis can be of great utility – with HCs reporting that it is often of greater use in their understanding of protection risks than analysis provided by the protection cluster⁵ – it too has its shortcomings. OHCHR staff have relatively limited presence in crisis countries, and therefore their ability to monitor critical trends and risks over vast geographical areas is also limited. Furthermore, the focus of analysis tends to be on the violation of rights, with a weaker focus on violations of IHL and the behaviours of conflict parties. Critically, in most cases it does not inform protection analysis from the GPC and AoRs described above.

⁴ Some organisations – such as the International Federation of the Red Cross – have adopted an integrated approach to protection, inclusion and accountability. This is an approach that could be built on, though this does not necessarily support – and indeed could be incongruent – to supporting humanitarian leadership to identify priority protection risks to collectively address in a given crisis context.

⁵ This is specifically in instances where OHCHR is not the Cluster Lead Agency.

The GPC's Protection Analytical Framework (PAF), finalised in 2021, was developed to respond to such concerns (GPC, 2021).⁶ The tool seeks to provide multidisciplinary protection analysis to support decision-making and the development of risk-reduction strategies. It is now the foundation of protection cluster analysis efforts. It will also be applied in five country-based protection clusters with the aim to inform humanitarian programme cycle, analysis and response processes. However, to ensure the use of the tool informs decision-making and supports leaders to prioritise critical protection risks, it is crucial that it: is delinked from individual agency programming and funding but informs humanitarian programming as a whole; is driven by context and the protection risks as articulated by affected communities; and contributes to monitoring trends over time.

Even where there is relatively strong analysis, humanitarian leaders, the HCT and humanitarian actors require informed specialist advice on how to prioritise amidst an array of different protection risks, and ways to manage options, dilemmas and approaches to addressing risks. Such advice can be undermined by the protection cluster and AoRs due to these bodies often prioritising according to mandate, funding and programmes. It can be further exacerbated by protection actors, who often assume the roles of 'activists' or 'idealists' who can call for purist outcomes in upholding IHL/IHRL, rather than supporting leaders to manage such options and dilemmas (UNHCR and OCHA, 2017; Davies and Spencer, 2022a). The IASC Protection Policy review called for strategic-level support to HCs, HCTs and non-protection specialist organisations, as well as at the global level, which should sit separate to and outside of the protection cluster (Cocking et al., 2022: 16). While potential options for this are currently being considered, it is critical to ensure that this mechanism is delinked from programmes and funding in order to ensure the priority risks addressed are the most relevant for affected people that humanitarian leaders could seek to address.

Lastly, a critical and long-standing gap is in the selection of leaders with adequate experience and skillsets in humanitarian diplomacy, negotiation, mediation and IHL/IHRL. Historical efforts to address these capacity gaps have focused on investment in training and guidance. However, this has not been effective in addressing the issue. Additionally, previous investments to prioritise the recruitment of HCs with coordination skills have been to the detriment of ensuring adequate skills in humanitarian diplomacy and negotiation. There is a critical need to prioritise the recruitment of leaders with such profiles (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2022).

⁶ By October 2022, the PAF has been utilised by approximately 16 protection clusters in the development of their respective Protection Analysis Updates .

Risk aversion as a disincentive to protection leadership

A critical dilemma that humanitarian leaders within crisis-affected countries face is in finding the right balance of maintaining relations with the host state and relevant authorities in order to maintain access and the delivery of services, while retaining the level of influence to raise sensitive, often unwelcome, protection risks.

With high levels of risk aversion across the humanitarian sector in recent years, humanitarian leaders across the board have become increasingly cautious. How far humanitarian leaders are willing to go in taking calculated risks to addressing protection risks, along with limited support for taking bolder approaches, is one of the most critical factors undermining leadership of protection in the humanitarian sector (Metcalf-Hough, 2020; Bowden and Metcalf-Hough, 2020; Cocking et al., 2022; Metcalf-Hough, 2022). This is across all levels – between individual leaders, and also institutional, structural and diplomatic support at both country and headquarter levels.

Senior leaders across the humanitarian sector are expected to maintain presence and access for the delivery of assistance, and often prioritise this whatever the cost. UN Heads of Agencies and INGO country directors whose performance is judged on funding and the number of beneficiaries reached seek to retain access for the delivery of programmes (Davies, 2021; Cocking et al., 2022). When leaders of individual agencies prioritise individual agency interests it can lead to compromises for short-term individual gain – for example in access – at the expense of a collective approach with longer-term impact (Montemurro and Wendt, 2021; see Box 1). This remains a major barrier for the humanitarian response to developing collective approaches to addressing protection risks. For HCs, in particular, this means managing the diverse interests, expectations and disincentives of HCT members, with Heads of Agencies potentially influencing assessments of HC performance appraisals. It can lead to HCs treading a careful line to keep Heads of Agencies on side to safeguard their own position and career. Such perverse incentives (or disincentives) can lead to warped priorities at the expense of the acute risks faced by affected people. This is where moral and ethical leadership is critical, but it is often unsupported by both institutions and the sector writ large.

Box 1 The Prisoner's Dilemma

A recent report considered the opportunities and challenges to a principled collective humanitarian response in Yemen, whereby a lack of trust and communication in how individual agencies operationalise humanitarian principles undermines the effectiveness of the response.

The authors liken such practice to the paradigm of the 'Prisoner's Dilemma', a situation where individual decision-makers are incentivised to make decisions such as making compromises to ensure access to deliver programmes, which undermines collective gains for all humanitarian actors. Organisations focusing on individual agency programmes and funding to be granted access to deliver assistance allowed the authorities to 'divide and conquer'.

When one organisation makes compromises for short-term gains of access, it undermines the ability of other organisations to uphold a principled approach. To address this dilemma requires a common recognition that short-term gains undermine long-term collective benefits. The role of humanitarian leadership should therefore be to foster collective approaches such as jointly agreed operating principles, and to promote commitment to longer-term strategies to secure humanitarian and protection objectives. More open communications from agencies on how their actions are aligned with a common position can enhance the collective leverage of the humanitarian community and improve the impact of humanitarian action for affected people.

Box source: Montemurro and Wendt, 2021: 5

Risks to operations and access continue to have a chilling effect on leaders taking bold and common positions in seeking to strengthen protection. Host states are aware that even the threat of retaliation is enough to silence humanitarian organisations, and that organisations often prioritise maintaining presence despite the cost (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2022).

However, there must also be recognition that silence in the face of abuses is itself taking a position vis-à-vis protection. It can lead to perceptions that organisations are negating the critical risks faced by affected people. For example, a leaked audio recording documented UN officials questioning the level of conflict-related sexual violence taking place a day after the release of an Amnesty International report detailing the context and scale of sexual and gender-based violence (SGBV) in Tigray, the gravity of which they assessed could amount to war crimes and crimes against humanity (Amnesty International, 2021). A women's civil society group responded that their remarks were 'sanitising, rationalising, and discrediting the voices of survivors' (Women of Tigray, 2021). In extreme cases, silence can lead to perceptions that humanitarian organisations are complicit in abuses experienced by civilians (Davies, 2021). Without humanitarian leaders putting in place a strategic approach to protection, and agreeing on collective red lines, they can risk contributing to a culture of impunity. This was the case, for instance, in relation to Myanmar whereby the abject failure of the UN to act in the face of years of widespread, grave violations of IHL/IHRL and of the Rohingya population – amounting to harsh persecution and the

risk of genocide – raised questions as to whether the UN tolerated mass atrocities, contributing to a ‘cycle of impunity’. Shamefully, the ‘systemic failures’ of the UN in its mandate to protect human rights in Sri Lanka a decade earlier were found to have been repeated (Rosenthal, 2019; OHCHR, 2019).

Risks to addressing protection obviously vary between contexts. While there is an array of potential risks related to promoting protection, most common concerns can include restrictions of programmes, denial of visas, and harassment. However, in reality, HPG has found that incidents of retaliation directly related to advocating on protection risks are not as pronounced as often assumed, while risks associated with carrying out advocacy are rarely assessed (Davies, 2021). An HPG survey⁷ with a broad set of national and international humanitarian actors at crisis and global levels found that 68% of respondents had not experienced negative repercussions as a result of undertaking protection advocacy⁸ (Spencer and Davies, 2022). We also found worryingly few examples of mitigating measures put in place to manage potential risks. This is problematic: if organisations do not develop tools to track and manage risks and harassment, they can be more easily controlled and manipulated (Mahony, 2018; Davies, 2021).

Linked to this, the impact of such risks can be overstated. The expulsion of individuals and leaders from a country is often perceived as a significant risk with significant impact. But that is not necessarily the case. It may not lead to a major disruption in programming. It could even lead to positive results – as was found in South Sudan when a Médecins sans frontières (MSF) staff member was expelled after MSF publicised the exponential increase in cases of sexual violence that it was treating in a clinic in Bentiu. It was reported that there were concrete and positive changes to the lives of survivors of SGBV following the expulsion as a result of increased provision of health, psychosocial or judicial support. Interviewees reported that the resulting public advocacy gave confidence to national actors and survivors of SGBV to demand change (see Davies and Spencer, 2022b). This comes back to what affected people want and need from the international community – which in some cases, including the two cited here, is recognition and condemnation of the abuses they are experiencing as much, or potentially more, than the delivery of assistance.

⁷ The survey, carried out at the end of 2021, had 460 respondents from across UN, INGO and national NGOs, 63% of which were working in country operations. For more information see Spencer and Davies (2022).

⁸ For the purposes of the survey, protection advocacy in crisis contexts was defined as any action that seeks to directly or indirectly influence the behaviour, policies and actions of duty bearers in order to strengthen the safety and security of civilians in crises and reduce their exposure to risks. Advocacy can range from private diplomacy to public condemnation and the range of actions in between, or a range thereof.

Setting the tone for effective leadership requires institutional and organisational support. However, HPG's research shows that senior humanitarian leadership – particularly HCs – do not feel supported by their headquarters to raise sensitive protection risks with relevant authorities. Institutional support is often weak, and donor/member state support perceived as inadequate (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2022). High-level support is relatively rare, but there are precedents. Take, for example, the public interventions from the UNSG, ERC, the United States, the United Kingdom and other member states following the 2021 suspension of operations of MSF and the Norwegian Refugee Council (NRC) in Tigray, and the subsequent expulsion of seven UN senior staff members from Ethiopia (UN News 2021; Metcalfe-Hough, 2022). As Gilmore states:

if the organisation's culture is to encourage and reward only 'yes-people' rather than the daring, or fails to signal clearly that it 'has the back' of its leaders when they stand up for principles, or fails to provide clear and accessible protections if leaders face threats, intimidation and bullying of the kind for which some Member States are infamous, then again it is daring that will be among the first casualties (2022: 47).

Leadership needs to come from the top and across the humanitarian system – starting with the UNSG. UNSGs sometimes indicate support to promoting protection early in their tenure, as demonstrated with the previous UNSG's development of the Human Rights Up Front initiative (UNSG, n.d.) and the current UNSG's efforts on the Call to Action for Human Rights (UNSG, 2020). However, leaders often fall short of translating rhetoric into action especially when such initiatives are not supported, or are blocked, by member states. Interviews carried out by HPG found that the current UN Secretary-General too often bows to political pressures from member states when concerns of human rights abuses are raised, and is inconsistent in his response to different crises. Some believe that the UNSG is not sufficiently upholding his mandate to address serious violations of IHL/IHRL and to prevent or halt their escalation to atrocity crimes (Lilly, 2022; Davies and Spencer, 2022b). Lack of leadership at such senior levels undermines strategic and operational leadership across the international system (Lilly, 2022).

Within individual organisations, where there is an organisational culture of promoting protection, there is often greater consistency in supporting and promoting protection concerns, and support to leaders in this regard. For the International Committee of the Red Cross (ICRC), humanitarian diplomacy and protection dialogue are a core part of its mandate. One of MSF's founding principles is *témoignage*, or bearing witness and speaking out where necessary to the abuses one witnesses affected people suffering (MSF, n.d.).

Protection has been an institutional priority of the NRC for many years. Supported by the leadership of Secretary General Jan Egeland, the protection of civilians is now a global priority. This demonstrates that when the tone is set for effective leadership on protection, with organisational and institutional support, leaders can be empowered to take a stronger and more strategic approach to protection.

In the absence of structural and institutional support or incentives in prioritising protection, whether a leader acts to prioritise it frequently depends on their own commitment and willingness (Bowden and Metcalfe-Hough, 2020; Cocking et al., 2022). At times, this can be towards the end of a leader's career, when they have less at stake and/or more confidence and networks to leverage. This results in a lack of consistency in addressing protection risks with some taking a strategic approach while others do very little. Critically, changes in leadership can result in a change in approach – undermining a long-term strategic approach that is crucially required for addressing protection risks.

Enabling more effective leadership of protection

Strengthened analysis

A granular understanding of the drivers of conflict and protection risks is yet to become a systematic tool to support the decision-making of humanitarian leaders. In recent years, some humanitarian organisations have strengthened investments in conflict and context analysis. Mercy Corps has significantly developed its crisis analytics capacity, the International Rescue Committee (IRC) and the World Food Programme (WFP) routinely invest in conflict analysis at both the global and crisis levels, and an increasing number of organisations have developed partnerships with research institutes.

The protection analytical framework seeks to address this. It recommends that protection analysis should be informed by the analysis of affected people, as well as thematic, context and cultural experts in a given crisis-affected country. While this is a positive development, it is critical the tool is accessible and of practical use to humanitarian actors.

A more comprehensive analytical approach is required. Comprehensive protection analysis requires drawing on the expertise of a range of actors within and outside of the humanitarian system – from the peace, political and human rights spheres, to research and academia at the local, subnational, national, regional and global levels. Such analysis should be routinely invested in across humanitarian responses, potentially as a shared resource among humanitarian actors, and should be regularly reviewed and updated to allow for nimble use in real time. This would serve as an entry point to identify strategic approaches to engagement with state and non-state actors in addressing protection risks.

Strategic approach to prioritising protection

Comprehensive protection analysis is one step towards equipping humanitarian leaders to collectively develop a long-term vision to addressing protection risks. Another step is the identification of a limited set of critical protection risks that humanitarian leaders can collectively address. Doing so will enable them to leverage

opportunities and developments to identify entry points to carry out humanitarian diplomacy. Such diplomacy requires investing in building relationships with all conflict parties and duty bearers, and maintaining regular protection dialogue in the long term. A long-term approach can and should be built on over years. Leaders should have analysis available when they begin their tenure to equip and enable them to collectively devise strategies to address protection risks.

The aide-mémoire on protection of civilians could be drawn on further, to provide a strategic analytical framework (UNOCHA, n.d.; Bowden and Metcalfe-Hough, 2020). Along with protection-of-civilian debates at the UN Security Council, this can serve as a basis to support humanitarian leaders to collectively develop a contextually based set of protection priorities that humanitarian leaders can seek to address – while considering the limitations, added value and opportunities, and working towards realistic, specific outcomes (see Box 2). Where there has been collective action, it usually comes from determining common objectives. Analysing examples of good practice, and factors that enabled it could support leaders to understand what is possible, building on such approaches.

Box 2 ‘Tea with the Taliban’ – establishing a dialogue on the protection of civilians

A difficult challenge for humanitarian leaders, particularly HCs, is engaging with non-state armed groups (NSAGs). Between 2012 and 2017, Mark Bowden, then HC of Afghanistan, oversaw an integrated approach to engaging in dialogue with the Taliban to address protection-of-civilian concerns.

In Afghanistan, a key principle in engaging with the Taliban was not to treat engagement as negotiations for humanitarian access (as is often the case), but to initiate a broader, sustained dialogue on commonly identified protection-of-civilian concerns and to ensure the public recognition of the legitimacy of humanitarian action by the Taliban. Establishing an effective and meaningful dialogue involved identifying legitimate and senior interlocutors with delegated authority from senior levels of the Taliban leadership councils and securing their trust. This required maintaining a neutral and non-partisan approach along with total transparency on the nature, extent, intention and distribution of humanitarian action. It required patience and recognition of the opaque and lengthy nature of the Taliban policy- and decision-making processes. From 2013, the results of the dialogue were communicated through the Emir’s various Eid messages, garnering wide acceptance by Taliban supporters and militias.

Dialogue with the Taliban was possible because the Taliban recognised some aspects of IHL and acknowledged IHRL. The protection of civilians agenda as reflected in the aide-mémoire could therefore be used as a framework that set an agenda around the following areas of concern: who was defined as a combatant or non-combatant;⁹ the legitimacy of humanitarian action;¹⁰ maintaining the protection and integrity of health facilities in Taliban-controlled areas; the rights to all for primary education and the protection of girls attending schools in Taliban areas; and a continued protection-of-civilian discussion led by the human rights delegates in the UN Assistance Mission in Afghanistan (UNAMA) to report and analyse key incidents and civilian casualties.

The dialogue resulted in important, specific outcomes, including the recognition and acknowledgement of all humanitarian organisations; the establishment of a 'hotline' to address incidents affecting humanitarian organisations, recognition of the non-combatant status of health workers and teachers, and the protection of schools and health centres. The success of the dialogue resulted from three key elements under the HC's leadership:

- A broad-based common platform that reflected the interests of the humanitarian community as opposed to the individual interests of individual organisations.
- Coordination with other key interlocutors such as the ICRC on common messaging and consistency in approach to develop mutually supportive agendas.
- The critical need for communication. The humanitarian and donor community were regularly briefed on the status and nature of discussions and the humanitarian community was involved in setting the agenda and its specific concerns were included in the dialogue.

Box source: Mark Bowden, former HC, Afghanistan.

Leveraging senior-level support and accountability

A critical factor enabling country-based humanitarian leaders to prioritise and seek to address protection risks – even where there are risks – is through senior headquarters leadership support. To achieve this, spaces for frank engagement between country-based leaders and regional or headquarter leaders, where sensitive risks can be discussed, should be made available. Peer-to-peer networks of

⁹ At the time, the Taliban classed all government staff including health workers and teachers as combatants.

¹⁰ Humanitarian organisations were treated with suspicion and often seen as an extension of US and western intelligence interests.

¹¹ The two champions are Filippo Grandi, UNHCR Principal, and Sam Worthington, Executive Director of InterAction.

current and former humanitarian leaders could also enable leaders to consider what is possible.

Strengthened accountability is critical. Leaders and institutions need to be held accountable to prioritise protection as central to humanitarian action, and supported in doing so (Cocking et al., 2022). Accountability should come from multiple directions: from leaders to their staff, organisations to affected populations, institutions to donors, and donors to affected populations (Metcalf-Hough, 2022). Strengthening accountability requires a range of approaches. The IASC Protection Policy review recommended the development of an accountability mechanism with clear roles and responsibilities established (Cocking et al., 2022). Installing feedback mechanisms could allow for more agile identification of positive practice and practice requiring course-correction. Individual agencies should put in place policies and frameworks to hold leadership to account. Monitoring leaders' performance through performance appraisals, and reporting on investments and achievements, are practical approaches in assessing whether responsibilities to promote protection have been delivered regardless of results (Metcalf-Hough, 2022). Significant engagement and support are required from member states and donors to achieve this. (Cocking et al., 2022)

Collective responsibility

Protection challenges are multifaceted and cannot be resolved by humanitarian actors alone. Collective responsibility and mutually reinforcing approaches across human rights, peace and political actors that work within, alongside and beyond the humanitarian system are critical to reducing risks. However, there is limited evidence of coherent approaches to addressing protection risks. Institutional and cultural factors remain a barrier to strengthen complementarity. There are several barriers to strengthening complementary approaches, which act as exclusionary factors to actors beyond the humanitarian sector: humanitarian actors' focus on systems and processes, which undermines collective analysis and strategic decision-making; the lack of appropriate strategic forums for effective engagement; and humanitarian protection jargon and a legalistic approach to protection. A normative change is required to ensure greater complementary approaches with actors within, alongside and beyond the humanitarian system (Cocking et al., 2022).

Conclusion

The humanitarian sector writ large needs to reorient humanitarian action to ensure reducing risks to affected people is central to humanitarian action, translating rhetoric into action. This requires a mindset shift whereby leaders are rewarded, and in turn reward their staff, to address protection risks – even when well-intentioned action fails (Cocking et al., 2022). Centring protection in this way can only be born of political will and commitment from the highest level of the humanitarian system, supported by UN member states but also by a diversity of actors beyond the humanitarian system.

Courageous, empowered leadership of protection is required to ensure that protection is central to humanitarian action, so that the atrocities and abuses that crisis-affected populations face are not ignored. Humanitarian leaders need to be supported by organisations to strengthen current approaches. They need to be held accountable and to hold their teams to account for commitments to protection (ibid.). To enable this, the right leaders, with the right experience, need to be put in place at the right time (Rosenthal, 2019: 25; Metcalfe-Hough, 2022). This requires investment in skills such as negotiation and mediation; understanding of ways to balance hard and soft diplomacy; and the ability to manage the risks of carrying out humanitarian diplomacy.

More must be done to ensure strategic approaches for humanitarian actors to collectively address protection risks; to allow them to work more effectively with broader sets of political, peace, human rights actors and researchers; and to create ways to flexibly adapt approaches according to change in context.

To achieve this, leaders need an understanding of the fundamental components of IHL/IHRL. This should be supported by community-driven, locally grounded context analysis, and bolstered by regular presence in and visits to affected areas.

Current opportunities should be leveraged. There has been a recent commitment from the IASC Principals to take forward recommendations of the IASC Protection Policy review under the leadership of two identified co-champions.¹¹ Leadership and accountability are also priority focuses for the UN Agenda for

¹¹ The two champions are Filippo Grandi, UNHCR Principal, and Sam Worthington, Executive Director of InterAction.

Protection. The current ERC has set the tone for leadership of protection. Likewise, the incoming principal of OHCHR could make for a strong protection leader with his expertise in humanitarian protection. These developments offer opportunities to strengthen institutional and structural support for bolder leadership of protection, to course-correct and empower leaders to more effectively address protection risks, and to provide much needed incentives to do so.

But, in order to do so, political will and commitment is required from the highest level of the humanitarian system, supported by a diversity of actors beyond the humanitarian system, supported by UN member states. This requires a mindset and culture shift to ensure protection is central to humanitarian action. Bold, principled leadership that prioritises humanity, and is willing to take risks by prioritising protection in the best interests of affected people, is so pivotal that 'if you know you are not made for daring, please don't dare lead' (Gilmore, 2022: 49).

References

Amnesty International (2021) *'I don't know if they realized I was a person': rape and other sexual violence in the conflict in Tigray, Ethiopia*. London: Amnesty International (www.amnesty.org/en/documents/afr25/4569/2021/en/).

Bowden, M. and Metcalfe-Hough, V. (2020) 'Humanitarian diplomacy and protection advocacy in an age of caution'. HPG briefing note. London: ODI (<https://odi.org/en/publications/humanitarian-diplomacy-and-protection-advocacy-in-an-age-of-caution/>).

Cocking, J., Davies, G., Finney, N. et al. (2022) *Independent review of the implementation of the IASC Protection Policy*. HPG commissioned report. London: ODI (<https://odi.org/en/publications/independent-review-of-the-implementation-of-the-iasc-protection-policy/>).

Davies, G. (2021) 'Protection advocacy by international NGOs in armed conflict situations: breaking the barriers'. HPG briefing note. London: ODI (<https://odi.org/en/publications/protection-advocacy-by-ingos-in-armed-conflict-situations-breaking-the-barriers/>).

Davies, G. and Spencer, A. (2022a) *Collaborative advocacy on the protection of civilians: children and armed conflict and explosive weapons in populated areas*. HPG report. London: ODI (<https://odi.org/en/publications/collaborative-advocacy-on-the-protection-of-civilians-children-and-armed-conflict-and-explosive-weapons-in-populated-areas/>).

Davies, G. and Spencer, A. (2022b) 'Complementary approaches between international and local protection advocacy: "Don't speak for me, I'll speak for myself"'. HPG briefing note. London: ODI (<https://odi.org/en/publications/complementary-approaches-between-international-and-local-protection-advocacy-dont-speak-for-me-ill-speak-for-myself/>).

Dubois, M. (2020) 'The triple nexus – threat or opportunity for the humanitarian principles?' Discussion paper. Berlin: Centre for Humanitarian Action (www.chaberlin.org/en/publications/triple-nexus-threat-or-opportunity-for-the-humanitarian-principles-2/).

Gilmore, K. (2022) 'How dare you?' in M. Jacquand and V. Tywuschik-Sohlström (eds) *The art of leadership in the United Nations: painting perspectives, staying true to principles*. Uppsala, Sweden: Dag Hammarskjöld Foundation (www.daghammarskjold.se/publication/the-art-of-un-leadership-2022/).

GPC – Global Protection Cluster (2021) 'Protection Analytical Framework: an introduction'. Global Protection Cluster (www.globalprotectioncluster.org/old/2021/08/11/protection-analytical-framework/).

IASC – Inter-Agency Standing Committee (2009) *Terms of reference: the Humanitarian Coordinator*. New York: IASC (<https://interagencystandingcommittee.org/working-group/iasc-terms-reference-humanitarian-coordinator-2009>).

IASC (2016) *Policy: protection in humanitarian action*. New York: IASC (<https://interagencystandingcommittee.org/iasc-protection-priority-global-protection-cluster/iasc-policy-protection-humanitarian-action-2016>).

IASC (2017) 'Standard Terms of Reference for Humanitarian Country Teams, February 2017'. New York: IASC (<https://interagencystandingcommittee.org/emergency-directors-group/iasc-standard-for-humanitarian-country-teams-hcts-february-2017>).

IASC (2021a) 'IASC Strategic Priorities 2022 – 2023'. New York: IASC (<https://interagencystandingcommittee.org/operational-policy-and-advocacy-group/iasc-strategic-priorities-2022-2023>).

IASC (2021b) *Leadership in humanitarian action: handbook for the UN Resident and Humanitarian Coordinator*. New York: IASC (<https://interagencystandingcommittee.org/humanitarian-leadership-strengthening-section/leadership-humanitarian-action-handbook-un-resident-and-humanitarian-coordinator>).

Lilly, D. (2022) *The UN Agenda for Protection: policy, strategic, and operational priorities*. New York: International Peace Institute (www.ipinst.org/2022/03/the-un-agenda-for-protection-policy-strategic-and-operational-priorities).

Mahony, L. (2018) 'Time to break old habits': shifting from complicity to protection of the Rohingya in Myanmar. Fieldview Solutions (www.fieldviewsolutions.org/2-uncategorised/64-time-to-break-old-habits-groundbreaking-new-study-on-the-rohingya-crisis-in-myanmar).

Metcalf-Hough, V. (2020) 'Advocating for humanity? Securing better protection of civilians affected by armed conflict'. HPG briefing note. London: ODI (<https://odi.org/en/publications/advocating-for-humanity-securing-better-protection-of-civilians-affected-by-armed-conflict/>).

Metcalf-Hough, V. (2022) *Advocating for the better protection of civilians: from stagnation to action*. HPG report. London: ODI ([Advocating for the better protection of civilians | ODI: Think change](https://www.odi.org/publications/advocating-for-the-better-protection-of-civilians)).

Montemurro, M. and Wendt, K. (2021) *Principled humanitarian programming in Yemen: a 'prisoner's dilemma'?* Geneva: HERE-Geneva (www.alnap.org/help-library/principled-humanitarian-programming-in-yemen-a-prisoners-dilemma).

MSF – Médecins sans frontières (n.d.) *Advocacy and témoignage*. Webpage. MSF (<https://msf.org.au/advocacy-and-t%C3%A9moignage>).

OHCHR – Office of the High Commissioner for Human Rights (2019) 'Statement to the 42nd session of the Human Rights Council. Marzuki Darusman, Chair of the Independent International Fact-Finding Mission on Myanmar'. Webpage. OHCHR (www.ohchr.org/en/statements/2019/09/statement-42nd-session-human-rights-council-marzuki-darusman-chair-independent?LangID=E&NewsID=25002).

Rosenthal, G. (2019) *A brief and independent inquiry into the involvement of the United Nations in Myanmar from 2010–2018*. Geneva: UN (<https://digitallibrary.un.org/record/3809543?ln=en>).

Spencer, A. and Davies, G. (2022) 'Advocating together to strengthen protection: collective efforts of international and national organisations'. HPG briefing note. London: ODI (<https://odi.org/en/publications/advocating-together-to-strengthen-protection-collective-efforts-of-international-and-national-organisations/>).

UN News (2021) 'Guterres criticizes "unprecedented expulsion" of staff from Ethiopia; calls for focus on saving lives'. 6 October (<https://news.un.org/en/story/2021/10/1102352>).

UNHCR – UN Refugee Agency and OCHA – Office for the Coordination of Humanitarian Affairs (2017) 'UNHCR and OCHA meeting with Humanitarian Coordinators on advancing the Centrality of Protection'. Meeting summary. New York: UNHCR and OCHA.

UNOCHA (n.d.) Protection of civilians aide memoire. Webpage. UNOCHA (<https://poc-aide-memoire.unocha.org/>).

UNSG – UN Secretary-General (n.d.) "'Human Rights Up Front" Initiative'. Webpage. UNSG (www.un.org/sg/en/content/human-rights-front-initiative).

UNSG (2020) *The highest aspiration: a call to action for human rights*. New York: UNSG (www.un.org/en/content/action-for-human-rights/index.shtml).

Women of Tigray (2021) 'Leaked audio of UN representatives & chiefs of mission in Ethiopia'. Tghat, 21 August (www.tghat.com/2021/08/21/leaked-audio-of-un-representatives-chiefs-of-mission-in-ethiopia/).