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Partnerships in the protection of refugees and other people at risk: emerging issues and work in progress

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Table of Contents

Introduction
Emerging issues
Nomenclature
The international legal framework
Institutional division of labour
Operational challenges
The roles of indigenous organizations
The nature and appropriateness of advocacy
Professionalism and accountability
Conclusion
ANNEX: WORK IN PROGRESS

Introduction

This paper was originally prepared for a UNHCR conference on 'Strengthening collaboration with humanitarian and human rights NGOs in support of the international refugee protection system', held at the Council on Foreign Relations in New York on March 11-12 1999. The conference was designed to promote a 'protection partnership' between UNHCR and NGOs, with an emphasis on identifying the steps needed to put such a partnership into place. The paper analyzes emerging issues and recent developments as they bear on the three major issues on the conference agenda: cooperation between UNHCR and NGOs on advocacy and the promotion of protection principles; cooperation in specific field settings; and greater sensitivity to protection needs on the part of NGO field operations.

Emerging issues

The UNHCR conference on protection partnerships took place at a time of both negative and positive developments in the area of protection. On the negative side is what the UN High Commissioner for Refugees, in her letter of invitation, termed the “continuing decline in states’ respect for their international treaty obligations in this area.” On the positive side is a growing awareness that protection issues must loom larger in the work of the wider family of organizations involved in the humanitarian enterprise.

As a result of sometimes bruising experiences during the first post-cold war decade and the soul-searching that these experiences have prompted, there is a growing recognition among organizations active in providing relief assistance that they must be more sensitive to human rights violations among the populations they serve. The experience of the Rwandan refugee camps in Goma, Zaire, was a watershed for aid groups in this regard. For their part, human rights organizations are coming to acknowledge that relief assistance represents a companion endeavour to the realization of basic economic and social rights.

For reasons examined below, however, productive partnerships on protection concerns are at a fairly early stage of evolution. That is clearly the case within the NGO community, where partnerships are beginning to emerge between NGOs that focus on assistance delivery and human rights groups. It is also the case within the UN system. There, while UNHCR is the focal point on refugee protection and has established ongoing relationships with NGO partners, many other UN agencies are also involved in human rights concerns. Protection partnerships thus involve multiple relationships, some within the NGO family and others between NGOs and one or more UN agencies. Some of those relationships are already in place, others are still in the process of being created.

Stepped-up interaction at the interface between assistance and protection has highlighted a number of issues that are currently being examined in discussions within and among organizations. Seven are identified in this paper: nomenclature; the international legal framework; the institutional division of labour; operational challenges; the roles of indigenous organizations; the nature and appropriateness of advocacy, and the need for greater professionalism and accountability. Each is examined in the sections which follow.

Nomenclature

The March 1999 meeting in New York brought together what are commonly referred to as ‘humanitarian’ and ‘human rights’ NGOs. There is considerable debate, however, about what the two groups of agencies and their respective activities should be called. There is a growing sense that to frame the debate in terms of a dichotomy between humanitarian assistance and human rights works against the holistic approach to protection that many are seeking to promote. The traditional nomenclature seems questionable for a number of reasons.

The first is conceptual. Relief activities are based on underlying affirmations concerning human rights. ‘Humanitarian NGOs’ are implementing internationally recognized rights: for example, to food, shelter, health care, and education. Their work affirms that persons in need enjoy the right to humanitarian assistance, that humanitarian organizations have a concomitant right to provide it, and that governments should grant them access. Conversely, human rights organizations, while they have traditionally focused on civil and political rights, are increasingly sensitive to the rights-related nature of relief work.

A second difficulty with the standard nomenclature is an institutional one. Some flagship humanitarian organizations - foremost among them ICRC and UNHCR - have ‘dual mandates’: that is, their reason for being encompasses both assistance and protection. The ICRC, for example, approaches the two elements as opposite sides of the same coin. “In an armed conflict,” writes one official, “it is not the provision of relief as such which gives the Red Cross

its unique character but rather the *conjunction* of relief and protection.”¹ UNHCR views every field person, whatever their specific portfolio, as involved in protection, although it also has a separate protection department and emphasizes the need for trained and experienced protection officers to undertake this function.

Thus arises a third difficulty, more operational in nature. Activities in the field by single mandate as well as dual mandate agencies do not fit neatly or exclusively into one category or the other. Many assistance activities, by virtue of their contacts with imperilled populations, have a clear protection impact and even intent. Conversely, human rights monitoring can play a role in the needs assessment and strategic planning on which effective aid programmes are based. Indeed, as each set of agencies contextualizes its work more clearly in relation to the wider task, the era of ‘single mandate’ agencies - or at least of assistance and rights agencies operating in isolation from each other - is waning.

But what should the wider task be called? The nomenclature issue involves more than semantics. Although activities to provide relief assistance and protect human rights now more clearly affirm a common commitment to human dignity, agreement has yet to be reached regarding how such activity at its most inclusive should be labelled. Some analysts, including the Humanitarianism and War Project, have defined ‘humanitarian action’ as encompassing both assistance and protection activities. Others are committed to making ‘human rights’ the chapeau for both. Still others believe that ‘protection’ itself is the best overarching concept, since protection is what is needed to ensure that the full spectrum of human rights is realized.

Of course, the historical relationships of the two communities and their perceptions of each other influence views on the choice of chapeau. Some humanitarian organizations are reluctant to situate their activities in a rights framework because of the perceived political nature of the human rights enterprise. At issue is both the behaviour of political authorities that create such abuses and the traditional denunciation of such behaviour by human rights organizations. Aid groups fear for the neutrality and continuity of aid activities themselves. Both stand to be affected either by a backlash from criticisms of rights abuses or by the imposition of human rights conditionality as a means of pressuring abusers.

Some rights advocates view the word ‘humanitarian’ itself as pejorative. They challenge the perceived unwillingness of aid groups, intent on the imperative of relief delivery, to address the abuses suffered by aid recipient populations. As a result, some rights organizations are reluctant to situate their work as one element in the broader field of humanitarian action. Similar nomenclature issues affect discussions of the links between human rights and development. Some see human rights as the appropriate chapeau for good governance, while others view good governance as a framework that ensures the protection of human rights. The nature and outlines of a ‘protection partnership’ will be influenced by how such nomenclature issues are approached and resolved.

The international legal framework

There is growing awareness among the wider humanitarian community of the extent to which international law provides a supportive framework for operational activities. That framework entails elements of international human rights, humanitarian, and refugee law. Recent debates are clarifying for practitioners, many of them previously unfamiliar with the provisions or nuances involved, that each of the three set of laws has its own specificities, some of them mutually reinforcing, and its own potential relevance to their work.

Refugee law articulates protections to be enjoyed by persons qualifying under the internationally agreed legal definition of refugees. Predating both refugee law and human rights law, *humanitarian law* stipulates certain rights in conditions of international and internal armed conflict. *Human rights law* is broadest in scope, applicable in peacetime and war and to non-refugee as well as refugee populations. In addition, international declarations and conventions

¹ Jean-Luc Blondel, ‘Assistance to protected persons’, *International Review of the Red Cross*, No. 260, September-October, 1987, p. 452. Emphasis in original.

provide both breadth and specificity of protections to general or selected populations.² Regional as well as international legal instruments make up the operative framework within which protection and assistance activities are conducted. That framework, international lawyers confirm, is itself evolving.

While the international legal framework provides a supportive context for the activities of practitioners, various legal instruments define protection variously. As understood by UNHCR, “the phrase ‘international protection’ covers the gamut of activities through which refugees’ rights are secured.”³ UNICEF defines the concept of protection as “ensuring respect for the rights expressed in the Convention on the Rights of the Child.”⁴

The ICRC’s mandate is framed by international humanitarian law, which seeks to limit the means and methods of warfare and to protect all those who do not (or no longer) participate in hostilities. The ICRC views the provisions for war-related needs articulated in humanitarian law as complementary to the protections provided by human rights law. The Guiding Principles on Internally Displaced Persons, distilling the applicable provisions of international law although still lacking formal legal status, affirm the right of each person “to be protected against being arbitrarily displaced from his or her home or place of habitual residence.” Enumerated principles govern protection during displacement, “in particular from genocide, murder, summary or arbitrary execution and enforced disappearances.”⁵

The joint promotion of protection principles will require a common understanding of the framework provided by international law. Various initiatives, some of them described in the annex to this paper, are currently seeking to make that framework more intelligible and accessible to practitioners. Even those who believe that the international legal framework needs to be more widely understood by practitioners, however, concede that the framework itself is no panacea. The rough and tumble world of civil wars is characterized by belligerents who show little or no respect for such laws and for their obligations under them.

Institutional division of labour

Given the interactive nature of protection and assistance concerns, there is considerable debate about the extent to which humanitarian agencies should see themselves as - and/or become - human rights organizations. Conversely, there are questions about the extent to which rights organizations have a stake in the effective functioning of assistance programmes and should take into account the impacts of their own activities on aid agency work. The debate currently engages not only both sets of agencies within the NGO sector but also UN agencies with single and dual mandates as well. Division of labour issues will need to be clarified in protection partnerships involving any or all such actors.

Discussions among aid NGOs provide a microcosm of prevailing attitudes. Most aid agencies acknowledge the relevance of protection issues though differing on how to relate to and respond to them. Some see human rights concerns as legitimate but a diversion from essential tasks that would carry aid groups into dangerous political terrain. Others see human rights as an alternative optic for viewing what they are already doing. For them, a modest repackaging of existing aid activities will suffice to position themselves properly in relation to human rights. Still others see rights-based programming of assistance activities as requiring more fundamental changes in concept, mission, operations, and support functions. For them, the language used by aid groups to describe their work - parlance about the moral obligation of

²² Cf. *International Review of the Red Cross*, No. 324, September 1998, special issue on human rights and international humanitarian law.

³ *Protecting Refugees: A Field Guide for NGOs*, UNHCR, Geneva, 1999, p. 3.

⁴ *Humanitarian Principles Training: A Child Rights Protection Approach to Complex Emergencies*, UNICEF, New York, 1998.

⁵ ‘Guiding principles on internal displacement’, principles 6, 10.

donors and about charity and beneficiaries, voluntarism and victims - needs to be replaced by talk of rights holders and claimants, entitlements and legal obligations.

Discussions among human rights NGOs have evolved as well, albeit in perhaps more unstructured ways. Such NGOs now articulate greater respect for - and perhaps a touch of envy about - the access enjoyed by aid organizations to uprooted populations. They are giving fresh thought to the indivisibility of rights and to the need to balance their traditional preoccupation with civil and political rights with greater attention to economic, social, and cultural rights. They are diversifying their own programmatic arsenal beyond fact-finding and denunciation. They are treating aid counterparts more collegially. By and large, however, human rights groups have shown less interest in the interface issues than have their opposite numbers in aid agencies.

In any event, emerging from the debate in each community and between them has come a growing awareness of shared interests. In recent years, the two sets of agencies have engaged on common priorities, although sometimes with different philosophical and political viewpoints, including generally effective efforts in opposition to land mines, child soldiers, and trafficking in small arms and in support of an international criminal court. There is now a sense that a division of labour among the increasing number of international actors in the protection field is both necessary and possible, and that the two sets of agencies are less strange bedfellows than they used to be. It should be based on the specificities of individual agency mandates and the comparative advantages of each, a topic explored in the annex to this paper.

The discussion of protection partnerships thus takes place within a network of existing relationships and with division of labour issues still to be clarified. The realization that protection is becoming more 'NGO-friendly' does not resolve all comparative advantage issues. In fact, it may create some. Different views are likely to emerge regarding whether NGOs, individually or as a community, should concentrate on advocacy, operational collaboration with UNHCR, or their own programmes, and in what relative balance. Reflection upon recent experience may help chart a future course.

Operational challenges

The growing interaction witnessed on protection concerns in recent years has a number of programmatic implications for those involved. These include such matters as coordination, information sharing, policies related to gender, and negotiations with non-state political authorities.

Coordination has proved daunting when it has involved only assistance agencies: the difficulties of coordinating the bevy of UN organizations, government aid agencies, NGOs, and the ICRC are well documented. The addition of human rights agencies to the mix increases the complexity, as would the upgrading of protection profile of aid groups. To realize maximum synergy, coordination would also need to extend to sectoral working groups in a given country, increasing the complexity further. To the extent that other UN organizations beyond UNHCR have human rights remits in a particular setting (e.g., the Office of the High Commissioner for Human Rights or a UN peacekeeping operation), still more complexity is added. At issue is not only the various aspects of the coordination function but also the differing institutional and political baggage of each of the collaborating actors.

Despite significant improvements in interagency coordination, serious confusion remains in the division of labour among organizations. UN agencies respond differently among themselves to operational challenges, thereby opening up differences not lost on the warring parties. Political authorities have expelled some UN organizations while continuing to welcome others, essentially picking and choosing among the lot. The lack of a common approach in the face of threats to humanitarian principle has proved damaging to the wider effort. While the talk is increasingly of cooperation among UN agencies, the operational partnerships in the field are still uneven and often quite dependent upon the personal inclinations of individual officials.

There are also tensions among NGOs, within relief agencies as well as between assistance and protection groups. These reflect a variety of factors, including their mandates,

beneficiaries, and governmental donors. NGOs, too, have been whipsawed by the belligerents and also by UN agencies. In addition to problems of duplication and disarray, there are also gaps on the ground in specific crises between relief organizations and various elements in the UN's human rights machinery, including the Human Rights Commission's special rapporteurs.

Information-sharing has proved an item of particular concern. On the one hand, aid organizations can serve as effective 'eyes and ears' in the monitoring of human rights violations. Sometimes they witness abuses firsthand or come into possession of sensitive information of major importance to international efforts in a given crisis. On the other hand, taking such violations up with the authorities or reporting these to other organizations often raises difficult issues for aid groups. Agencies which do engage the authorities may be reluctant to share such information with colleague organizations for fear that it will not remain confidential.

Potential protection partnerships involve agencies with differing groundrules, terms of reference, organizational cultures, relationships with the authorities, links to local personnel, acknowledged obligations vis-à-vis international criminal proceedings, and so on. Such factors complicate, but do not render impossible, agreement on formal or informal collaborative arrangements. The recent negotiation of a protocol between a major aid agency and a human rights organization suggests that such difficulties can be overcome.

Regarding gender, the international protection agenda has long included women and girls among 'vulnerable populations', recognizing that women have different needs due to their unique experiences of conflict. The media's focus on gender-based violence in conflict has heightened awareness of the need of uprooted females for physical safety and freedom from violence, for physical, psychological and reproductive health care, and for adequate nutrition and economic opportunities. Some aid organizations have taken steps to address the bias females often face in the delivery of relief and in access to legal protection.

There is now growing realization that many aspects of the lives of uprooted populations are 'gendered', including root human rights violations and other causes of flight, the type of violence encountered during flight and in temporary encampments, and the consideration of permanent solutions for resettlement and return. At the same time, gender bias still often exists in the delivery of aid and in asylum and other legal proceedings. Addressing the needs of women and girls means far more than recognizing their 'special' needs in existing programmes. It means transforming the protection agenda itself to incorporate fully a gender perspective. Some prospective partners have recently taken innovative steps in this direction.

Dealing with non-state actors has proved vexing for the United Nations system and agencies closely associated with it. "UN humanitarian agencies, with governing bodies composed of sovereign states and themselves integral parts of a world organization made up of such states, have exhibited well-documented structural difficulties in discharging their mandates to carry out needs assessments, provide assistance and protection to civilians, and monitor their programmes in government- and rebel-controlled areas alike."⁶ While the bias of the UN system toward state actors may prove more of a factor in dealing with the protection needs of internally displaced persons, it may affect the UN's approach to refugees as well. Previous operational experience and collaboration will have a bearing on the response of NGOs to UNHCR's suggestion that NGOs complement UNHCR's protection work.

The roles of indigenous organizations

In recent years, international relief organizations have emphasized capacity-building among local counterparts, a cardinal tenet of most development programming objectives over the decades. Finding ways to sustain emergency programmes and to transform them into a reconstruction and development mode as conflicts subside has become a major priority,

⁶ Larry Minear, 'Learning to Learn', in OCHA and Swedish Ministry of Foreign Affairs, *Humanitarian Coordination: Lessons Learned, A Report of A Review Seminar, Stockholm, April 3-4, 1998*, OCHA, New York, 1998, p. 30.

although with uneven results. In addition, as post-Cold War conflicts have rendered the direct involvement of international personnel increasingly perilous, donors and aid agencies have sought to keep programmes alive by 'remote control': that is, relying on local staff of international agencies or on local agencies themselves to carry on activities.

Rights organizations have generally done less than relief agencies in the way of local institution-building. The standard approach of fact-finding and denunciation has left less scope for indigenous organizations; the more sensitive and adversarial nature of human rights activities has also placed serious limitations on the involvement of indigenous groups, where they exist. As in the case of aid agencies, international rights organizations have had difficulty creating fora at which in-country groups play a major role. The heavily external and expatriate flavour of human rights work is also changing, however, as international human rights groups seek out in-country counterparts and frame human rights in non-western terms and as more local counterparts come into being and find their feet.

Discussions of protection partnerships involve not only dialogue between international agencies but between them and local counterparts. Enlisting and nurturing local capacity for protection may well prove to be an even more complex and perilous proposition than doing so for assistance purposes. Enhancing the capacity of national NGOs concerned with refugee rights will need to build upon the considerable experience to date, negative as well as positive, in local institution-building. The activities described in the annex to this paper may provide a useful starting point.

The nature and appropriateness of advocacy

Engagement with political authorities, sometimes combative in character, has been a stock-in-trade of human rights organizations over the years. With notable exceptions, aid agencies, in contrast, have been more reluctant practitioners of advocacy, often minimizing the extent to which they engage the authorities at home or abroad. US NGOs in particular have prided themselves on maintaining what they describe as a 'non-political' approach, a desideratum not necessarily shared by European counterparts. During the 1980s, however, even American NGOs sensed a need, now confirmed by experience during the present decade, "to engage governments *more* rather than *less*."⁷

Nowadays advocacy is viewed by aid practitioners as a logical extension of their bread-and-butter activities and, in some instances, even as a precondition for such work. Examples abound. A number of NGOs encouraged US policy makers to commit troops to Somalia in 1992 to protect humanitarian operations, although the recommendation proved divisive within the family. More recently, 41 NGOs sent a letter to US foreign policy officials urging "more meaningful action for peace" in the worsening Sierra Leone crisis.⁸ European NGOs regularly make their views known to the European Union and EU-member governments.

On several recent occasions, spokespersons for international NGO associations have addressed UN Security Council governments on humanitarian issues. For some time, the ICRC has regularly briefed the Council's president on the crises of the day. The UN Under-Secretary for Humanitarian Affairs and his Office have also played an increasingly active role - publicly as well as behind the scenes - in alerting the Council to life-threatening situations and in negotiating access for humanitarian activities in specific crises.⁹ OCHA has given higher priority than its predecessor DHA to humanitarian advocacy with belligerents in various conflicts.

⁷ Larry Minear, *Helping People in an Age of Conflict: Toward a New Professionalism in US Voluntary Humanitarian Assistance*, InterAction, Washington DC, 1988, p. 51. Emphasis in original.

⁸ Quoted in UN Integrated Regional Information Network (IRIN) for West Africa, Update 401 of Events in West Africa, February 12, 1999.

⁹ A recent appearance was on January 21, 1999 for the Council's discussion of post-conflict peacebuilding.

As a result of such developments, the key issues within the humanitarian community today concern not whether organizations should engage the authorities but rather on what issues, in what fora (private or public), and with what relative commitment of agency financial and personnel resources. In some quarters there remain questions about the extent to which advocacy may violate agency neutrality. Reluctance among private and public donors for agencies to engage in advocacy activities also remains something of a perceived deterrent.

Experience with advocacy and attitudes toward it will have a bearing on NGO responses to UNHCR's invitation to join in a world-wide campaign on accessions to international refugee conventions and other kinds of joint monitoring or promotional activities needed at the global level. At this point in time, however, the NGO response may turn less on the appropriateness of advocacy as an activity than on the structures for decision-making about advocacy campaigns and on the initiative, strategy, and tactics employed in such efforts.

Professionalism and accountability

The difficulties of providing assistance and protection to civilians in the post-cold war brand of conflicts has spurred a new concern for articulating standards of professionalism and for ensuring greater accountability on the part of major international actors. The initiative has come in part from aid agencies themselves, as demonstrated by the NGO Code of Conduct and the Sphere Project, with its agreed Humanitarian Charter and Minimum Standards in Disaster Response. The Charter speaks of the "right to life with dignity" as a cardinal principle of humanitarian action. ... International law recognizes that those affected are entitled to protection and assistance."¹⁰ An accountability concern also animates the recent proposal by UK humanitarian agencies to create a humanitarian assistance ombudsman.¹¹

Donor and other governments, as well as the international public, have of course also played a role in the heightened attention to accountability. Lessons-learning initiatives have been undertaken and lessons-learning units added to organization charts in public and private agencies, although how much significant institutional change has resulted remains in doubt. For their part, human rights groups are less far along in the process of developing professional associations and fora, performance standards and codes of conduct. Increased professionalism on the part of NGOs may help overcome selective resistance among UN organizations at having them pick up expanded protection roles.

Taking place in the context of increasing concern about professionalism and accountability, protection partnerships will need to incorporate agreed upon performance standards. They will also need to exhibit the kind of mutuality of accountability often lacking in dealings between and among governments, UN organizations, NGOs, and civilian populations.

Conclusion

The current state of dialogue on issues at the interface between protection and assistance is promising. The linkages between the two issues are increasingly well understood. While 'single mandate' agencies - that is, agencies with either assistance or protection mandates - still exist, many are now framing their activities in broader perspective. Rough edges between the two sets of agencies continue and, given the nature of the issues and the institutions involved, will probably remain. However, rather than squaring off as adversaries, organizations more often regard each other as colleagues, each with distinctive and necessary contributions to a broader effort.

What that common effort should be called - humanitarian action, human rights, protection, or something else - has yet to be agreed. However, the relevance of international humanitarian,

¹⁰ The Sphere Project, *Humanitarian Charter and Minimum Standards in Disaster Response*, Steering Committee for Humanitarian Response and InterAction, Geneva, 1998, pp. 7,8.

¹¹ Information is available from the Ombudsman Project, British Red Cross, 9 Grosvenor Crescent, London W1X 7EJ, UK (DDoane@redcross.org.uk)

human rights, and refugee law is increasingly acknowledged, even though its specific bearing on options available at the front lines remains unclear. The institutional division of labour - within the UN, among NGOs, and between the UN and NGOs - also remains problematic, despite significant improvements. Beyond coordination, operational concerns in the areas of information sharing, gender, and programming in settings with competing political authorities remain. The importance of local institution-building, advocacy, and increased professionalism is now widely accepted, although the relative priority and modalities for promoting each are variously viewed.

In sum, while serious issues remain to be addressed, the debate is proceeding apace, as is the evolution of law and institutions themselves. The moment is indeed ripe for forging productive partnership arrangements. The following annex describes some of the activities which have played a role in framing the issues just examined and will continue to be involved in their processing in the future.

ANNEX: WORK IN PROGRESS

The issues described above reflect a great deal of work in progress by a wide array of institutions and groups in a variety of fora. This annex provides an overview of some of the developments in the United Nations, among NGOs and the ICRC, and at research institutions and universities. Activities by governments, many of them supportive of the work cited, are noted in passing. Much of the information assembled has been provided by the institutions themselves. The activities described are illustrative rather than inclusive, with eight UN institutions and twenty non-governmental initiatives mentioned by name.

This annex may be useful in the discussion of specific action steps in the proposed UNHCR/NGO protection partnership. As with the preceding paper, it is presented with the expectation that the material will be fleshed out at the March meeting. The conclusion suggests some priority areas for action.

The United Nations system

In recent years, the UN system has given higher priority to the integration of human rights into its various activities and programmes. The level of activity was spurred by the 1993 World Conference on Human Rights and the resulting Vienna Declaration and Programme of Action. It has received more direct institutional impetus from the UN reform programme of Secretary-General Kofi Annan, who in July 1997 called for the mainstreaming of human rights throughout the UN system. At its 1998 session, ECOSOC held a five-year review of progress toward the system-wide integration of human rights, keyed to a study tabled by the Office of the High Commissioner for Human Rights (OHCHR). In the broader context of human rights, protection issues are emerging as a UN system-wide preoccupation.

UN interagency discussions have lent a higher profile to human rights and protection concerns. The High Commissioner for Human Rights is a member of each of the four Executive Committees through which the system's work in humanitarian affairs, peace and security, economic and social affairs, and development is orchestrated. The Executive Committee on Humanitarian Affairs (ECHA), composed of the heads of the major UN humanitarian agencies and the heads of the Departments of Political Affairs and Peacekeeping Operations and of the OCHA, reviewed human rights concerns in mid-1998 and is expected to return to the subject in the coming months. ECHA has proposed that the Secretary-General's priorities for the current year include a campaign to bolster respect for international human rights and humanitarian law.

The Inter-Agency Standing Committee (IASC), which includes NGOs and the ICRC as well as UN humanitarian organizations, has also reviewed a variety of protection issues, both generically and in specific crises. After examining working papers on humanitarian action and human rights prepared by OCHA and OHCHR in June 1998, the IASC created, at the working group level, a reference group on humanitarian action and human rights, composed of representatives of OCHA, OHCHR, UNICEF, UNHCR, the International Council of Voluntary Agencies, and the ICRC. Meeting in June 1998, January 1999, and (it is expected) on a more frequent basis thereafter, the reference group is becoming a focal point for interagency

discussions of interface issues between protection and assistance. Its Plan of Action is expected to produce by early next year a field practices manual to equip practitioners with options for addressing the challenges they confront in war zones.

Since its creation in 1998, the Office for the Coordination of Humanitarian Affairs (OCHA) itself has made the interface a major element in interagency conversations, lessons learning exercises, and commissioned research. "There is greater appreciation," an OCHA document confirms, "of the centrality of human rights to justice, peace, security, social equity and economic well-being and of the relationship between human rights violations and complex, protracted crises." The Office has hired an external consultant to conduct an analysis of the relationship between human rights and humanitarian action. Once reviewed by the IASC, the study will circulate to UN officials and others in the field in an effort to make international law more accessible to those facing with difficult programming decisions. OCHA is also conducting a study of humanitarian principles. By articulating principles shared by various UN and associated agencies, OCHA seeks to promote greater fidelity to these principles and encourage respect for them among the UN's interlocutors in conflicts.

IASC and OCHA activities are expected to generate or contribute to a number of workshops and training materials. The IASC reference group's Plan of Action puts into place a process for reviewing experiences in four specific regions and for producing a guide to assist practitioners, presenting various options for dealing with specific challenges. Issues to be featured include how aid personnel may provide assistance in a rights-enhancing manner, promote human rights standards without exacerbating an existing crisis, and enhance respect for human rights without jeopardizing their own presence and work. Guidelines will be developed to assist them in dealing with human rights abuses. For OCHA staff in headquarters and the field, a series of training events has been proposed.

Interagency discussions have both promoted and reflected stepped up involvement in protection issues by individual UN organizations. Selective activities involving UNHCR, OHCHR, UNICEF, and the Secretary-General's Representative on IDPs are noted below. Other UN agencies have also been engaged in the interface issues.

UNHCR is currently engaged in protection issues on a number of fronts, although a perceived reduction in its protection profile overall has been the subject of debate within and outside the agency. The High Commissioner has been a strong advocate of increased international action to protect refugees and internally displaced persons, addressing the UN Security Council, regional organizations, individual governments, and other fora on global as well as country and region-specific aspects of the crisis in protection.

In an effort aimed at "reinvigorating support for the international protection system and for UNHCR's protection mandate in particular," UNHCR has launched a 'reachout' initiative, of which the March 1999 meeting in New York, for which this paper was written, was one element. Over a period of years, the agency is reaching out in succession to the governments that make up its Executive Committee (a task formally completed last year), NGOs, the UN system itself, the international financial institutions, the corporate community, and perhaps, as a final chapter, refugee leaders and member of civil society.

UNHCR has also produced a host of materials and workshops on protection issues. It has finalized *Protecting Refugees: A Field Guide for NGOs* which is expected to see wide use among its NGO partners. It has also completed a set of guidelines on returnee monitoring to assist those working with both returnees and IDPs; a training module will follow shortly. Other modules are in production on negotiation skills in protection operations and the integration of protection and assistance measures. UNHCR has also collaborated with a consortium of agencies under the rubric of Action for the Rights of the Child to produce a series of training modules on protecting children's rights.

Protection issues have figured prominently in the collaboration between UNHCR and NGOs within the framework of PARinAC (Partnership in Action). Reflecting input from some 450 NGOs in regional meetings with UNHCR, the Oslo Declaration of June 1994 spotlighted "the protection and assistance needs of asylum-seekers and refugees" as well as of IDPs. The Oslo

Plan of Action contains myriad recommendations on refugee and IDP protection. Against the backdrop of recent developments, the concern expressed for protection - and many of the specific proposals, including the emphases on advocacy, practical measures, and partnerships with local NGOs - seem clairvoyant.

In the context of a five-year review currently underway, the PARinAC process is being reaffirmed and extended in a Framework Agreement for Operational Partnership between UNHCR and NGOs, now nearing completion. On the training side, UNHCR held workshops in Accra and Addis Ababa on protection for NGO implementing partners from countries in each region, following PARinAC meetings in late 1998. Similar events are planned for 1999. In short, the PARinAC collaboration with NGOs provides instructive experience and a solid basis for future protection partnerships.

The creation of the Office of UN High Commissioner for Human Rights in 1993 brought a higher profile to human rights within the UN system and stepped up monitoring of protection concerns in major crises. The intervening years have seen both augmented OHCHR presence in the field and increased activities in the human rights sphere by other UN staff, including UN peacekeeping personnel. Recent OHCHR efforts have been directed largely at achieving greater coherence and professionalism in the in-country human rights activities of the Office itself. At the same time, OHCHR has lent impetus to human rights activities broadly, participating actively in dialogue with other UN agencies and NGOs and highlighting the protection and assistance needs of IDPs.

OHCHR has a variety of protection-related materials for UN organizations, NGOs, and other agencies that are either in use or on the drawing boards. These include training packages on human rights monitoring and on human rights, humanitarian law, and the military; a training package for national and local NGOs; guidelines for incorporating economic, social and cultural rights and gender concerns into technical cooperation efforts; and a field guide for its own human rights operations. Since 1996, OHCHR has joined with UNHCR and the UN Department of Peacekeeping Operations to offer courses at the UN Staff College, described later in this section. The Office is currently joining with the Swiss Foreign Ministry to provide training in human rights monitoring. Late last year it collaborated with the OSCE to provide on-arrival training for the Kosovo Verification Mission.

Among UN aid organizations, UNICEF has been in the forefront of those embracing a 'rights-based' approach. Following a change in its mission statement in 1996, it has developed and is now implementing rights-based programming guidelines. Its protection work is grounded in the Conventions on the Rights of the Child and on the Elimination of All Forms of Discrimination against Women, the most widely endorsed human rights treaties in the history of the United Nations. Protection, in UNICEF's view, involves promoting the rights of the child, civil and political as well as economic, social, and cultural. This translates into "adopting appropriate laws, providing education during armed conflicts, tracing family members, providing training in land-mine awareness, and so on. ... [H]umanitarian aid in complex emergencies is not only about giving aid to those in need, but it is often about protecting civilians, be it through the aid per se, or otherwise."

UNICEF has published a variety of resources, including an *Implementation Handbook for the Convention on the Rights of the Child and Humanitarian Principles Training: A Child Rights Approach to Complex Emergencies*. Currently in draft form is *UNICEF and Rights: Resources for Learning and Doing*. UNICEF's emergencies unit is engaged in a series of special focus workshops and other training events for headquarters and field staff, including other UN and NGO partners as well. A training module is being introduced during 1999 at events in all seven UNICEF regions. In addition to nurturing greater capacity among existing staff on protection issues, the organization is making sensitivity to protection concerns an element in recruiting new staff. UNICEF cooperates closely with the Secretary-General's Special Representative for Children and Armed Conflict, Olara Otunnu, who has also brought increased attention to protection needs.

The Secretary-General's Representative for Internally Displaced Persons, Francis Deng, has also played a prominent role in highlighting protection needs. Since his appointment in 1992,

he has undertaken fact-finding mission to more than a dozen countries, engaged governments and regional organizations, NGOs, and human rights bodies in the issues, developed a legal and policy framework for IDP activities, and published a variety of reports. In March 1998, the IASC reviewed and welcomed the Guiding Principles on Internal Displacement - in effect, the first statement of the meaning of protection for IDPs - and encouraged members to embrace, disseminate, and implement them. In April 1998, the Commission on Human Rights unanimously adopted a resolution acknowledging the Principles and the Representative's intention to utilize them in future efforts, including his dialogue with governments.

Reflecting the expressed needs and resources of UN agencies, the UN Staff College at Turin plans to offer a number of courses and workshops that include human rights issues, including refugee protection. While the courses are primarily for UN staff, some NGO and national government participation is possible. A set of readings for a possible training module on humanitarian principles, compiled by the Crisis Environments Training Initiative (CETI) for a pilot workshop in May 1997, is on file.

At the country level, a number of initiatives have taken place involving the UN and its operational partners that have included the protection of human rights firmly within the mandate of relief operations. These have resulted in statements of principles to govern activities in such settings as the southern Sudan, eastern Zaire, and Liberia. Those experiences are being reviewed as part of the OCHA study of humanitarian principles.

Non-governmental initiatives

One of the key non-governmental venues for dialogue has been a series of workshops on protection, convened by and at the International Committee of the Red Cross (ICRC) in Geneva in November 1996, March 1998, and January 1999. Drawing together a wide range of humanitarian and human rights groups, the workshops have struggled to find an acceptable definition of protection, to identify the various activities that constitute it, and to develop common strategies for promoting it. By the end of the most recent gathering, there was general agreement that protection encompasses all activities - preventive, responsive, and remedial - designed to ensure respect for the rights specified in international refugee, human rights, and humanitarian law. Strategies and standards for effective protection, however, were seen as needing further discussion and refinement, perhaps at future workshops in the ongoing series.

The ICRC has also been engaged in a number of other initiatives. It has joined with the Swiss Foreign Ministry to develop a two-week course on human rights in action which will be offered several times a year. The emphasis is on developing practical skills among southern NGOs (and possibly their northern counterparts) for dealing with real-life operational situations. Protection has also been a recurring subject of articles in *The International Review of the Red Cross*. In conjunction with the fiftieth anniversary of the Universal Declaration of Human Rights, the Review in 1998 devoted a special issue to human rights and international humanitarian law. A recent ICRC volume compiled for the wider international public examines the tough choices and trade-offs inherent in humanitarian action. Protection issues were the focal point of the third Wolfsberg Humanitarian Forum which, once again hosted by the ICRC, drew together officials from UN organizations, governments, and NGOs for informal discussions in May 1999.

A initiative launched by Médecins Sans Frontières-Holland, somewhat paralleling the ICRC workshops, took the form of an international conference convened in Amsterdam in February 1996 and drawing together some 200 participants from 40-plus organizations. Reflecting on experiences in such crises as the Great Lakes region and former Yugoslavia, participants sought ways that humanitarian and human rights groups might collaborate more effectively to realize their common commitment to human dignity, at the same time maintaining the specificity and distinctness of their activities. The conference produced 100 recommendations designed to encourage more effective communication and cooperation. Two follow-up meetings have been held by a small group of human rights and aid agencies.

MSF-Holland is also developing regional training workshops on protection for field personnel. Work is also proceeding on a set of protection guidelines which aim to help staff identify and respond to human rights and humanitarian law issues, including violence against civilians, forced population displacement, the denial of access to emergency assistance, and abuse of aid and aid workers. Last year MSF-France published a compendium of applicable international law in French, with an English version to follow.

Other groupings of international organizations have held discussions of protection and assistance concerns. In November 1994 a consultation convened by the Lutheran World Federation and the World Council of Churches examined humanitarian ethics with specific reference to tensions between protection and assistance. In January 1998, the Steering Committee on Humanitarian Response engaged the Director of UNHCR's Protection Division on the issues and in June 1998 returned to the interface issues as part of an effort to develop a 'policy framework' for protection concerns. The Save the Children Alliance has developed a set of training materials and modules as part of its Action for the Rights of Children. (UNHCR's involvement in the Action was noted earlier.) Médecins du Monde convened a major conference in Paris in June 1999 on 'Saving lives in the midst of conflict: from humanitarian action towards humanizing governmental action'.

National associations of NGOs have also been engaged. Following discussions of the interface issues, the Disasters Emergency Committee, a coalition of 15 British NGOs, has launched an educational undertaking for its members. One member, the British Red Cross, is taking the lead in preparing materials and conducting workshops on international humanitarian law as it bears on the dilemmas confronted by aid practitioners. It is also coordinating the Humanitarian Ombudsman Project mentioned earlier. Discussions of creating an ombudsman are now moving to the international level.

InterAction has been the venue for an ongoing series of discussion of protection and related issues among US NGOs. At its annual meeting in 1996, one workshop topic was human rights and humanitarian assistance: complementarity and conflict; in 1997, accountability in complex emergencies; and in 1998 human rights and NGOs: reconciling different agendas. InterAction has also devised an NGO Security Training Curriculum that incorporates international law and strategies for protecting civilians at risk.

Individual agencies, too, have been seized with protection-related issues. Using resources from a variety of national donors, UN agencies, and NGOs, the Norwegian Refugee Council is developing a data base on IDPs, tracking both assistance and protection matters. It has worked to support the work of the Secretary-General's Representative on IDPs. In cooperation with the Brookings Institution and the US Committee for Refugees, it has organized or planned regional conferences in Angola, Colombia, and Thailand to promote the IDP Guiding Principles. A national IDP protection workshop in Uganda was held in March 1999. NRC has served as the focal point for NGO input into UNHCR's new Field Guide for NGOs on protecting refugees. The four issues to date of the *Forced Migration Review*, a joint NRC undertaking with the Refugee Studies Programme in Oxford, have given space to protection issues. At a more operational level, the NRC is incorporating a protection component in its aid activities, for example, in the Commonwealth of Independent States.

Led by CARE-USA, the CARE family has been engaged in a multi-year process of assessing the extent to which its in-country aid programmes might be improved by a stronger human rights-based approach. In January 1999, CARE staff with headquarters and field responsibilities met to review a set of case studies examining, from a rights perspective, recent experience in four countries. The wide-ranging discussion, involving outside experts as well, and the more extended process of which it was a part, is expected to result in changes in organizational policy and programmes. CARE is adopting an incremental learning approach including guidelines for strategic planning, programme design, monitoring and evaluation, and advocacy; training for staff; and documentation and dissemination of field experience in selected country offices.

Among a growing number of initiatives to strengthen institutions in crisis countries themselves is a project of the Lawyers Committee for Human Rights to train national NGOs in West Africa.

An outgrowth of a 1995 study by the organization of refugee protection in Africa, the project involves a series of workshops designed to equip local NGOs with the information and skills needed to provide refugees with access to internationally recognized rights. Following a workshop in Côte d'Ivoire in November 1997, the Lawyers Committee is planning a second workshop on protection in practice, geared to developing monitoring skills and advocacy techniques. A third workshop will focus on social and economic rights of nationals and refugees. The Lawyers Committee project seeks to nurture capacity for advocacy in national NGOs and development of networking skills at the regional and international levels. Publication of training workbooks and a video is scheduled for next year. The project targets both rights and relief NGOs.

Another training resource is the Lester B. Pearson Canadian International Peacekeeping Training Centre, which currently runs three series of courses on the issues open to officials from UN organizations, governments, and NGOs. A General Series seeks to identify "the operational impact of human rights resulting from both their violation and their protection." A Partnership Series examines "emerging human rights operational principles and priorities of the United Nations as well as the evolution of distinct human rights peacekeeping components." A Skills Series hones "human rights field skills, from monitoring through investigations to protection." Each August since 1996, the Centre has offered a two-week course in human rights in modern peacekeeping.

Research institutions and universities have also played a role in framing the interface issues and producing resources to address them. Since 1994, the Brookings Institution in Washington has carried out a Project on Internal Displacement, including a number of activities designed to reinforce the mandate and work of the Secretary-General's Representative on IDPs. The Project has participated in a series of conferences, meetings, and training events for governmental and non-governmental audiences to publicize the IDP Guiding Principles. It presented the principles to a UNHCR/OAU regional workshop in Addis Ababa in October 1998 and held a similar session in Colombia in June 1999. In cooperation with UNICEF and the Women's Commission on Refugee Women and Children, the Project in late 1998 published a special report on the gender dimensions of internal displacement. It has commissioned a handbook, scheduled for publication and dissemination later in 1999, translating the guiding principles into more practitioner-friendly language. The Project has also published a two-volume study providing a policy review of the issues of internal displacement and a series of case studies of particular crises. An annotated version of the IDP principles is currently in preparation.

The Overseas Development Institute, a London-based policy research institution with funding from the British government and UN organizations, has devoted considerable attention in recent activities and publications to the interface issues. Protection concerns figured prominently in an April 1998 conference in London co-sponsored with ECHO, 'Principled aid in an unprincipled world: relief, war and humanitarian principles'. They also were featured in a one-day seminar in February 1998 co-sponsored with the Disasters Emergency Committee and Mercurial, 'The emperor's new clothes: the collapse of humanitarian principles'.

Protection is also a recurring theme in *Disasters: The Journal of Disaster Studies, Policy and Management*, published by ODI. One recent issue in ODI's Relief and Rehabilitation Network (RRN) series provides something of a human rights primer for aid practitioners. Forthcoming RRN issues contain articles reviewing field methods of protection and recommending ways of making those standards operational. ODI also provides the secretariat for the Active Learning Network on Accountability and Performance (ALNAP) and a repository for evaluations and policy reviews.

Protection issues have figured prominently in the work of the Justice and Society Program of the Aspen Institute. Two major studies have been outgrowths of conferences in 1994 and 1997 reviewing the role of human rights in UN peacekeeping operations. The most recent study recommends that "The UN should explicitly include strengthening of NGOs and national human rights institutions in mission mandates and terms of reference" as it plans future peacekeeping operations, avoiding "operational strategies that may inhibit the effectiveness of local NGOs."

The International Human Rights Trust, a private research initiative established in Ireland in 1996 and underwritten with funds from the Irish government and European Commission, has been engaged in a host of conferences, publications, and training events on human rights and protection issues. It has sought to upgrade the quality, impact, and sustainability of human rights work in the field, defining such work in ways that avoid artificial distinctions between protection and assistance and that reflect the interdependence and indivisibility of "full spectrum" human rights. ECHO drew on the Trust's services at a meeting in late 1998 with its NGO implementing partners. In early 1999, the Trust held an international forum in Geneva to discuss its recommendations for OHCHR and its UN agency partners.

The Humanitarianism and War Project is carrying out a series of activities within the rubric of 'institutional learning and change in the post-Cold War era'. On the research side, it is reviewing interrelationships between assistance and protection, with two monographs nearing completion. The Project is advancing the idea that protection involves a continuum of activities, ranging from the minimal and passive to the more comprehensive, each activity exhibiting a varying degree of coordination, strategic planning, and advocacy. In a study encouraged by the High Commissioner for Human Rights, the Project, in collaboration with the International Human Rights Trust, is assessing progress in integrating human rights throughout the UN system. It also gathers North American aid practitioners in twice-yearly policy dialogues to reflect upon agency experience. A conference in May 1999 examined transatlantic perspectives on humanitarian research and operations at the interface. In collaboration with the Local Capacities for Peace Project, the Humanitarianism and War Project has recently published a guide for practitioners in the Caucasus in which protection issues figure prominently.

Reflecting the wider international debate, the interrelationships between protection and assistance have gained new prominence in academia. They are the subject of courses and lectures, dissertations and conferences. Some professors now take what a British academic calls a "full humanitarianism" approach, making explicit linkages between protection and assistance activities as twin features of humanitarian action. Others continue to organize their lectures with treatments of protection and assistance as separate undertakings by different sets of agencies operating within distinct legal frameworks.

Conclusion

This selective inventory of work in progress suggests a great deal of activity in a wide variety of fora on protection issues as they interface with assistance efforts. Within the UN system, interagency and agency discussions are occupied with the task of integrating human rights and protection into other activities. Among NGOs, too, agencies are examining the desirability of taking a more human rights-based approach to aid work. Issues are being processed both in ongoing workshop series and in individual gatherings. An increasingly large complement of training events and materials is available. Research groups are assisting in the review of recent experience and recommending improved approaches.

Where does this activity point? The newfound popularity of the issues is of course welcome. Yet there is an obvious need to move the dialogue beyond 'flavour of the month' status into the arena of fundamental institutional change. It may well be time to consolidate initiatives and give thought to an overall strategy. Unending debates about the fine points of protection theory, duplicative exercises in the preparation of training materials, and expensive conferences on the crisis in humanitarian values represent a luxury when violations of fundamental principles remain so widespread and so ineffectively challenged.

As activities such as the Annex has highlighted are reviewed and new initiatives planned, a number of priorities suggest themselves:

- a clearer understanding of key concepts and principles and their relationship to international law, standards, and practice;
- greater clarity on the implications of a 'full spectrum' approach to human rights for both relief and rights organizations, NGO and intergovernmental alike;

- more emphasis on practical steps to be taken, whether through operational programmes or advocacy, to strengthen effective protection;
- additional training to equip personnel and institutions, southern and northern alike, to function more effectively in this area; and
- the elaboration and implementation of a common strategy to animate and guide international efforts and hold them accountable.

As discussions concerning protection partnerships between UNHCR and NGOs therefore proceed, this overview of work in progress may provide some useful guideposts.