

# For Better and for Worse

## More actors in protection – for Better and for Worse

Summary of introductory remarks by Alain Aeschlimann, Head of Protection Division, ICRC.

This outline of the global situation was based on the remark that the primary duty of directly providing protection to individuals falls upon the authorities concerned and that the community of States have also clear responsibilities. It also emphasized the roles of human rights and humanitarian organisations (UN, NGOs, ICRC, etc.) and of affected individuals and communities. Distinction was also made between action possibly taken in the distinct protection spheres (political, military or security one, judicial and justice, economic and humanitarian) as required.

The points raised refer mainly to humanitarian actors. Nearly every point has both a positive and a negative implication. The challenge is to combine the strengths of these various actors in a complementary manner so as to amplify the positive effects for the people at risk, while avoiding negative results.

### For the Better

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| More protection capacity overall   | Increased capacity is positive in addressing protection needs in a more comprehensive way.  |
| Greater overall capacity for preventive action                               | Prevention of violations from occurring is the best form of protection, thus greater protection resources allow for an increased capacity for prevention.   |
| Protection needs have more visibility  | With increased actors building awareness, making proposals, and fundraising keeps political actors potentially better informed. This increases popular awareness generating power to build political concern and action at the policy level.  |
| Recognition of the global 'Responsibility to Protect'                        | Recognition that international political actors have an obligation to fill protection gaps when domestic authorities fail to protect their citizens.  |
| Increased resources available for protection action                          | The issues need visibility and understanding in order to receive adequate funding.  |
| Potential in increased diversity   | With an increased range of actors comes a diversity of approaches, focus in action, ability to address more issues, and the means to do so.   |
| Increased possibilities for complementing activities between agencies        | With more actors more complimentary – based on proven capacity and real action – can be generated. This may be more actors focusing on one issue; amplifying its effect. Or supplying a broader range of coverage both thematic and geographical. Thus a range of actors can better implement a range of approaches. However, in this it is even more crucial to be familiar with each other's mandates and approaches to work complementarily. |
| A greater focus on enforcement of community level auto-protection mechanisms | With assistance-oriented agencies with community-based approaches becoming engaged in protection action, there can be a significant value in examining and supporting, strengthening, or enhancing auto-protection or risk avoidance mechanisms the community adopts (early-warning, prevention and preparatory action, etc...).  |
| A greater capacity for environment building                                  | During conflict or non-conflict times protection actors can engage in activities at socio-cultural level, systems, legal framework, and institutions to change elements that cause tensions and inequities in the society.  |

## For the Worse

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| Absence of professional standards   | No minimum standards (norms, rules, practice and ethics) have been established. Poorly conducted or insensitive protection action could be deadly for humanitarian actors or beneficiaries.   |
| Sensitivities associated to assessment and analysis of protection issues  | Many protection issues are politically charged and extremely sensitive. As protection actors might pretty easily be perceived as having a political agenda, thus the manner in which all sensitivities are managed by each protection actor has implications for protection action; particularly access to information.   |
| Insufficient skills or lack of capacity   | Appropriate protection staff skills need to be acquired in a timely manner. Not all protection actors (or those who wish to be) have adequate knowledge, expertise, or technical support required. Associated to this is a shyness to refer to "hard law", particularly international humanitarian law, human rights law and refugee law. There is a reluctance to refer to anything other than UN guiding principles which can sideline treaty law as weaken normative protection. |
| Risk of confusion   | Confusion can occur for authorities or beneficiaries on who does what and reasonable expectations. Potential for increased burden on victims as case is investigated repeatedly by different actors. There are also risks of inconsistent and incoherent messages, not gaining consensus on critical issues, and search for easy 'sound bites' that oversimplify certain issues or overemphasize other.   |
| Creating alternatives and choices for the authorities   | Authorities may prefer to engage with actors that are less direct, accurate, credible, etc... and in doing so avoid dealing with those who have a more precise mandate or expertise.  |
| Shifting of protection responsibilities   | There is a trend to include protection responsibilities to humanitarian actors which can create unrealistic expectations on the capabilities of humanitarian action. This inappropriate 'responsibilizing' of humanitarian actors undermines the notion of the 'state and other parties to the conflict as the primary duty bearer'.  |
| Lack of clarity of what protection, in particular protection by humanitarian                                      | It is still unclear what protection means to different actors and what their protection activities concretely consist of. This makes meaningful communication difficult between protection actors and makes filling gaps difficult to address.  |
| Lack of predictability and coherence  | Potentially there is a huge variety of mandates and activities with new concepts and coordination methods making it difficult to understand the logic behind operations and have concrete follow-up.  |
| Repackaging everything as 'protection'  | The scope of protection remains undefined and thus there is a tendency to reclassify everything as protection.  |
| Overlap, duplication and/or outright competition  | These are obvious risks with more actors. This is particularly the case of actors not communicating.  |
| Distraction by a focus on process rather than action  | With the dramatic increase in the number of actors involved there is a risk of becoming paralysed in the process of coordination. Coordination should be concerned with complementarity that is based on proven capacities and real action that creates real results.   |
| Hampering impartiality by focusing on 'preferential populations' approach or on victims who can be easily reached | Parallel to protection being spotlighted in the global agenda is the specific focus on IDP's. Undeniably IDP's are at particular risk, but there is also needs for children, handicapped, marginalised ethnic groups, residents at risk etc... It needs to be insured that those at greatest risk in a given situation can be helped first to avoid a focus on a pre-determined population be detrimental to others.  |

Insufficient focus on prevention

Instead of alleviating consequences only, protection action must fundamentally focus on prevention of violations—which calls for a fundamental shift in humanitarian actors who focus on post-crisis interventions. This coupled with 'IPD-preferential' approach, which is by definition post crisis, is not congruent with a prevention agenda.

Risks of compromising humanitarian action through blurring roles and responsibilities

Positioning of more political actors and protection officers of donors in the field in addition to humanitarian groups may threaten the perception of neutrality and independence of humanitarian action. Furthermore, this increased focus on humanitarian action by political actors risks distracting their attention from their primary political role.

Humanitarian actors risking being drawn into the political sphere

This is especially the case when adequate political efforts are either absent or have failed to achieve adequate results to assure minimal conditions in which humanitarian action can take place.