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The 'protection crisis': A review of field-based strategies for humanitarian protection in Darfur

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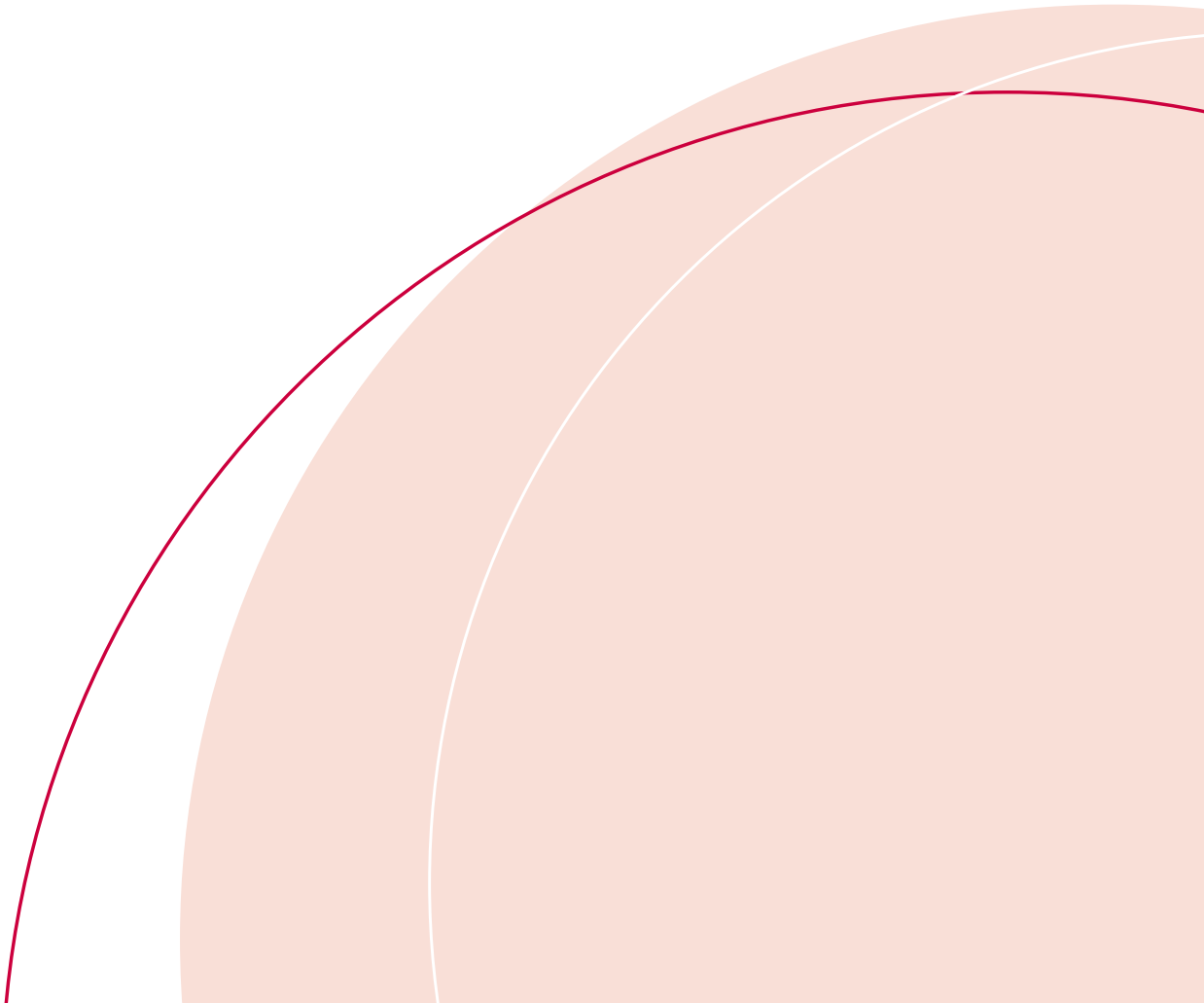

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Map of Darfur

Acronyms

AMIS	African Union Mission in Sudan
APGfS	Associate Parliamentary Group for Sudan (UK)
AU	African Union
CPA	Comprehensive Peace Agreement
DHP	Darfur Humanitarian Profile
DLF	Darfur Liberation Front
DPA	Darfur Peace Agreement
DRC	Danish Refugee Council
FAO	Food and Agriculture Organisation
HAC	Humanitarian Aid Commission
HIC	Humanitarian Information Centre
IAMG	Inter-Agency Management Group
IASC	Inter-Agency Standing Committee
ICC	International Criminal Court
ICG	International Crisis Group
ICI	International Commission of Inquiry
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IGAD	Inter-Governmental Authority on Development
IHL	International Humanitarian Law
INGO	International Non-Governmental Organisation
IOM	International Organisation for Migration
JEM	Justice and Equality Movement
JIM	Joint Implementation Mechanism
KPSG	Khartoum Protection Steering Group
KPWG	Khartoum Protection Working Group
LoU	Letter of Understanding
MCM	Management and Coordination Mechanism
MoU	Memorandum of Understanding
MSF	Médecins Sans Frontières
NCP	National Congress Party
NGO	Non-Governmental Organisation
NRC	Norwegian Refugee Council
OCHA	Office for the Coordination of Humanitarian Affairs
OFDA	Office of Foreign Disaster Assistance
OHCHR	Office of the High Commissioner for Human Rights
PWG	Protection Working Group

RTE	Real Time Evaluation
SD	Sudanese Dinar
SGBV	Sexual and Gender-Based Violence
SLM/A	Sudan Liberation Movement/Army
SPLM/A	Sudan People's Liberation Movement/Army
SRSG	Special Representative of the UN Secretary-General
ToRs	Terms of Reference
UN RC/HC	United Nations Resident/Humanitarian Coordinator
UNDP	United Nations Development Programme
UNDSS	United Nations Department of Safety and Security
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIS	United Nations Mission in Sudan
USAID	United States Agency for International Development
WFP	World Food Programme of the United Nations
WG	Working Group

Chapter 1
Introduction and background

This Discussion Paper is part of a study on 'protection in practice' by the Humanitarian Policy Group (HPG) at the Overseas Development Institute (ODI). The study aims to examine current practice in humanitarian protection and explore strategies, programmes and initiatives undertaken in different contexts to support the protection of civilians. Focusing on roles, outcomes and the internal and external limitations of humanitarian actors, the purpose of the research is to draw lessons and elicit best practice, rather than evaluate specific programmes or agencies. This Discussion Paper on Darfur, which is complemented by two Background Papers on Colombia and northern Uganda, will inform a comprehensive HPG report on field-based strategies for humanitarian protection due for publication in mid-2007. This work forms part of a wider body of research by HPG on the subject of civilian security and humanitarian protection, which includes separate studies aimed at understanding different concepts of protection (political, human rights and humanitarian) as well as the relevance and application of protective status (refugee, IDP, civilian) for people's security.

The Discussion Paper is based on an extensive review of published and grey literature on the Darfur crisis and the protection response by humanitarian actors. Documents include relevant academic material on the region, policy briefings, conflict analysis reports, humanitarian assessments and evaluations, NGO and UN internal documents, reports by human rights organisations, media coverage and official papers by the International Commission of Inquiry (ICI) on Darfur. The material reviewed informed questionnaires discussed with key informants and community groups. Primary data collection included extensive in-depth qualitative interviews with representatives from the Sudanese government, armed opposition groups, international and national humanitarian organisations, Sudanese academics, Sudan analysts, representatives from diplomatic missions and donor agencies and Darfuri communities in Khartoum, Nyala, Zalingei, Al Fashir and surrounding villages, undertaken during June 2006.

The conflict in Darfur is the first emergency to be characterised as a 'protection crisis'. This Discussion Paper demonstrates how this emphasis has fundamentally shaped the nature of the humanitarian response. An unprecedented number of agencies have engaged in protection in Darfur, giving rise to an unparalleled level of protection programming and coordination initiatives. The findings highlight how these developments have, in certain instances, helped to save lives or at least reduce the level of threat for many people. However, they also signal the limited role that humanitarian agencies can play in protecting civilians under threat. Many believe that, despite the increased emphasis on protection by humanitarian actors operating in Darfur, there has not been a significant improvement in the overall security of the civilian population.

The Discussion Paper analyses the evolution of the Darfur conflict and its impact on the civilian population, as well as the measures civilians have taken in response to the different threats they face. The Paper explores the conceptual framework behind humanitarian protection, and discusses the response by the international community to civilian insecurity in Darfur. The response is then examined using the ICRC 'egg framework', which divides protection activity into three complementary spheres of action. This description is followed by an in-depth analysis of some of the major challenges encountered by humanitarian agencies undertaking protection programming in Darfur, and of the gaps in the response. Finally, the Paper explores the politics of protection in humanitarian settings, and describes the dilemmas of leadership and coordination in Darfur.

1.1 History of the conflict

The Darfur[1] conflict has often been portrayed by the media as a struggle between 'Arabs' and 'Africans', sparked by ethnic tension and competition over resources. However, as with many other conflicts in Sudan, there is no simple or singular root cause. A complex set of interrelated factors is driving the war. Historical grievances, local perceptions of race, demands for a fair sharing of power between different groups, the inequitable distribution of economic resources and benefits, disputes over access to and control over increasingly scarce natural resources (land, livestock and water), the proliferation of arms and the militarisation of young people, the absence of a democratic process and other governance issues – all of these factors have contributed to the conflict, but none of them is a sole or primary cause. In the last few years, though, the new wave of conflict in Darfur has changed traditional relationships between ethnic groups and politicised them, giving local conflicts much wider political dimensions.

The current conflict started in 2003, after several years of sporadic fighting between different Darfuri groups, particularly the Masalit and the Rizeigat and the Zaghawa and the Awlad Zeid. By the end of 1999, these clashes had displaced over 100,000 people and turned 40,000 into refugees in Chad. Although the government dismissed the fighting as 'tribal' clashes, in reality old animosities and local fractures were being increasingly politicised and mobilised by different forces, including the government itself, for military

1 The correct transliteration from the Arabic is Dar Fur. However, the common spelling used by most aid organisations and the media, 'Darfur', is adopted in this report.

and political purposes (Johnson, 2003: 141; Flint and de Waal, 2005). Starting in mid-2002, the self-proclaimed Darfur Liberation Front (DLF) conducted a series of attacks on police stations and other government targets. The DLF insurgents, mainly belonging to the Zaghawa and Fur ethnic groups, changed their name to the Sudan Liberation Movement/Army (SLM/A) and stepped up the scope of their attacks in early 2003. In a joint operation with the newly formed Justice and Equality Movement (JEM) in April 2003, the border town of Tine was captured, and Al-Fashir airport was attacked.

The crisis in Darfur was exploited by hardliners in the government, many of whom were opposed to the IGAD peace process aimed at resolving the conflict in southern Sudan. The government decided to fight the rebellion outright but, mindful of the talks on the south and aware of the weakness of its army, 'outsourced' the counter-insurgency to local militia forces. Impoverished camel herding nomads from the northern Rizeigat, groups like the Zayadia, the Tarjam and the Beni Halba, small African tribes like the Gimir and the Tama and former Islamic Legionnaires[2] were reportedly provided with supplies and armaments and given a free hand. These militias have come to be widely known in the international media and among aid agencies and human rights organisations as the '*Janjawiid*'.[3] The counter-insurgency they waged was conducted largely through attacks on the civilian population, designed to curtail support for the insurgents and occupy land. Meanwhile, despite repeated claims by the government that it did not back the militias and was unable to rein them in, the Sudanese army consistently supported militia raids on villages, sometimes with helicopter gunships or fixed-wing aircraft (ICI, 2005: 54).

Violence continued throughout 2004 and 2005, despite intermittent peace talks and the deployment of an African Union force (the African Union Mission in Sudan (AMIS)) in August 2004 to monitor the N'Djamena Humanitarian Cease-fire Agreement signed the previous April. The conflict was further exacerbated in late 2005 by divisions within the main insurgent group, the SLM/A, which frustrated peace negotiations in the Nigerian capital Abuja. On 5 May 2006, the Sudanese government reached an agreement with the Zaghawa-dominated faction of the SLM/A, led by Minni Arcoi Minnawi. The Darfur Peace Agreement (DPA), as the agreement was called, was rejected by the Fur-dominated faction of the SLM/A, led by Abdel Wahid Mohammad Nur, as well as by the JEM, on the grounds that it did not meet fundamental demands concerning political representation for the Darfuris, did not offer adequate compensation to the civilian victims of the counter-insurgency and had insufficient guarantees with regard to the disarmament of pro-government militias. The signature of the DPA was followed by a renewed wave of violence (ICG, 2006: 4). On 31 August 2006, the UN Security Council expanded the mandate of UNMIS, the UN peacekeeping operation overseeing the implementation of the Sudan Comprehensive Peace Agreement (CPA), and authorised its deployment to Darfur to replace AMIS. However, its deployment in Darfur is conditional on Sudanese consent. From the outset, the Sudanese government has strongly opposed plans for a UN force on Darfur territory.

Box 1: Land and conflict

Most Arab groups in Darfur do not own land on the basis of the *hakura* (landholding) system, the prevailing land tenure management system in Darfur. This system, which dates back to pre-colonial times, was built upon by the British administration which allotted *dars* (homelands) to various settled and transhumant tribes. Several Arab transhumant camel herding groups, especially in North Darfur, were not assigned any land, though access to land and water along transhumant routes was generally accepted through customary practices. The breakdown of co-operative relations with their settled neighbours, particularly after the devastating droughts of the 1970s and 1980s, left many pastoralists impoverished and deprived them of a sustainable livelihood base. When the conflict broke out in Darfur, landless Arab groups saw an opportunity to expand their access to land and water. The conflict therefore became partly a violent assault by landless tribal groups against groups with land. The competition over essential livelihoods sources, which political marginalisation and poor governance have left unaddressed over the past three decades, has increasingly assumed racial aspects, and many people in Darfur now perceive the current violence in a racial context. However, larger, richer and more powerful cattle herding Arab Baqqara tribes of South Darfur (the Rizeiqat, the Ta'isha, the Ma'alia, the Habbaniya, the Beni Hussein and part of the Beni Halba) have not, as tribes, taken part in violent activities against non-Arab groups. The Baqqara Rizeiqat enjoy good trading relations with the Zaghawa and the Fur, and have greater access to land (Tanner, 2005: 22).

1.2 The impact of the conflict on the civilian population

Since the fighting began in earnest in February 2003, an estimated 200,000 people have been killed and a further two million displaced. The Sudanese army and pro-government militias have burnt and looted villages, raped women and killed men, forcing the survivors to flee across the border into Chad or to seek refuge in government-controlled towns and camps. Atrocities against civilians and human rights violations have also been perpetrated by the armed opposition movements, although on a smaller scale. This is believed to be a reflection of capacity, rather than will: some of the violence inflicted by the insurgents on civilians has been no less ferocious than that meted out by the pro-government militias (Flint, 2006a; Amnesty International, 2006). The scale of

2 The 'Islamic Legion' was created by Libyan President Muammar Qadhafi in the 1980s to prosecute Libya's war against Chad and pursue Qadhafi's pan-Sahelian 'Arab belt' ambitions.

3 The term '*Janjawiid*' was used for the first time in 1989 to denote groups of Arab camel herders engaged in militia fighting.

sexual violence against women has been a particularly brutal feature of the conflict.

In certain areas, people in camps remain vulnerable to militia violence, and many have inadequate access to external assistance. The pro-government militias have deliberately aimed to destroy the food-producing capacity of their non-Arab neighbours, inflicting serious and lasting damage on the livelihoods base of the local population and their livelihoods strategies. Crops and food supplies have been torched and people have been systematically stripped of their financial and physical assets. Access to markets and opportunities for labour migration (and related remittances) have been curtailed by insecurity, both within Sudan and between Sudan and neighbouring countries. Journeys to obtain firewood, cultivate land or access markets expose civilians to the risk of murder, rape, looting and forced taxation at checkpoints. The conflict has also affected pastoralist groups: livestock has been looted and wells and ground water have been poisoned. Livestock migration routes have become increasingly inaccessible and livestock trade is collapsing throughout the region (Young et al., 2005).

Most landless pastoralists saw in the government counter-insurgency a chance to seize land. The bestowal of secure land tenure has been a long-standing demand of the nomadic tribes in North Darfur, who have never had any entitlement to a *dar* (homeland). The local government has never been able to adequately address this issue, and the central government in Khartoum has manipulated the predicament of the nomads and used them to tackle security problems in the region. Many analysts believe that the pastoralist groups engaged in counter-insurgency operations have been promised an entitlement to the land of settled farming communities in return for their services in the war (de Waal, 2004a, 2004b; Polloni, 2005; Tanner, 2005; Pantuliano, 2005). Internal UN documents, interviews with Sudanese academics and analysts[4] and research conducted by NGOs show that the secondary occupation of land has taken place in western and south-western Darfur, where nomadic Arab groups like the Mahariya, the Missirya, the Salmat, the Beni Halba and the Beni Hussein have occupied grazing land originally inhabited by non-Arab sedentary groups such as the Masalit and the Fur (Intersos, 2006). The area around Awalla-Nankuseh, near Garsila, hosted more than 50,000 non-Arab communities before the conflict, but is today inhabited by nomadic groups of Arab origin (*ibid*.: 12).

4 Interviews in Fasher and Khartoum, June 2006.

Chapter 2
The protection crisis

2.1 Insecurity and protection in Darfur

The two main determinants of civilian (in)security in any violent conflict are the actions and motives of the parties to the conflict, and the steps that civilians take to protect themselves from the direct and indirect consequences of this (Darcy and Srinivasan, forthcoming). If the Sudanese government and the other warring parties were adhering to their obligations under international law, or if Darfuri civilians were able to find viable ways of remaining secure in their home environments or in a place of refuge, the need for third-party intervention to protect civilians might not arise. Unfortunately, neither of those conditions applies in Darfur.

The conflict in Darfur has been waged in direct contravention of international law. The International Commission of Inquiry (ICI) – which investigated violations of international humanitarian and human rights law in Darfur in 2004 – established that the Sudanese government and its allied militias were responsible for serious violations of their responsibilities under law, and that these violations may amount to war crimes and crimes against humanity (ICI, 2005: 3). The Commission found that government forces and militias had systematically conducted a lengthy catalogue of horrific crimes against Darfuris, including targeted and indiscriminate attacks on civilians, murder, torture, destruction of villages, rape and other forms of sexual violence and forced displacement. The Commission also reported that the insurgents had committed serious violations of international human rights and humanitarian law, indicating that these too may amount to war crimes. As the majority of insurgent attacks were, at the time, against government installations and personnel, the ICI found no evidence that violations were widespread or systematically targeted at civilians (*ibid*.: 69). However, the conflict has evolved significantly since the ICI investigation, as have insurgents' tactics, which increasingly involve the direct targeting of civilians.[5]

The second determinant of civilian security – the actions taken by civilians to survive or withstand violence – is often ignored (Bonwick, 2006: 274). Insecurity generally has the effect of limiting, but not entirely removing, the choices that people can make to stay safe. Even under extreme duress, a range of self-protection choices are often available to maintain assets, escape violence and mitigate threats. Faced with actual or imminent insecurity, people will tend to adopt risk-avoidance strategies that may themselves be highly risky. Especially in situations of active conflict, no safer options may be available (Darcy, 2005).

The main response of those who survived the attacks in Darfur was to flee. Some travelled short distances, to nearby hills or caves, where they sheltered from the violence before returning to their villages or moving to the relative safety of Darfur's three state capitals (Young et al., 2005: ix). Others walked to nearby villages, only to face attack and flight once again, sometimes up to three or four times before reaching a place of sanctuary.[6] Those with money paid to be transported straight to Khartoum or Darfur's capitals, or found refuge in the large displacement camps on the outskirts of government-controlled towns. An unknown number of families fled to areas under the control of rebel groups, with reports of population increases of up to 60% in some rebel-held areas (Buchanan-Smith and Jaspars, 2006: 78). Many of these families are divided, with women and children seeking the assistance offered in the estimated 230 displacement camps littered across the three states (OCHA, personal communication, 2006).

Less is known about the degree to which communities have joined the conflict in an effort to stay safe. There is a high level of popular backing for the insurgency in Darfur, with many communities providing military support. Reports indicate that there is also widespread forcible recruitment and abduction by many of the parties to the conflict. The UN estimates that thousands of children are actively involved in conflict in Darfur, many of them recruited against their will (United Nations, 2006a: 4). In areas under SLA control, communities pay taxes in cash or food to support the fighters and pay for protection. Others have sought to contain the violence. One example cited by local Darfuris is the negotiation of 'independent areas', secured by community defence forces. In these locations, communities obtain assurances from the warring parties that they will not deploy their forces in these areas, thus decreasing their military or strategic value. In areas such as Al Fashir, Dar As-Salaam and Umm Kaddada localities in North Darfur, agreement has been obtained from the *Wali* (the State Governor) that no government military or police personnel will deploy, with corresponding agreement sought from commanders within the insurgent groups to avoid these areas.[7] Different strategies have been employed in other locations, such as Mahla in North Darfur, where community *shaikhs* have *encouraged* authorities to deploy military or security personnel in order to reduce the risk of attack by pro-government militias. As described below, others have less bargaining power and have no choice but to pay so-called 'protection' money to aggressors to avoid being attacked.

5 The UN Secretary-General's Monthly Report on Darfur of 26 September 2006 (S/2006/764) reported that SLA-Minawi elements had attacked villages in North Darfur in July, looting livestock and killing at least 100 civilians. These and other clashes resulted in almost 20,000 internally displaced persons arriving in North Darfur camps in July.

6 Community Meeting, Mershing, South Darfur, June 2006.

7 Interview, Darfuri humanitarian official, Khartoum, June 2006.

2.2 Protection concepts and responsibilities

The fundamental objective of protection strategies is to reduce the risk and extent of harm to civilians by seeking to minimise threats of violence, coercion and deprivation, as well as enhancing opportunities to obtain security. The achievement of civilian security, or at least a reduction in *insecurity*, thus lies at the heart of protection (Darcy and Srinivasan, forthcoming).

To the extent that there is a global framework for the protection of civilians, it is principally enshrined in IHL, human rights law and refugee law. The fact that the conduct of warring parties is the primary determinant of the threats faced by civilians in conflict is reflected in IHL, which is concerned with limiting the effects of armed conflict on designated categories of protected persons and property, chiefly through setting limits on the methods and means of warfare. The protection of civilians, whether understood primarily in physical or legal terms, remains first and foremost the duty of governments, a reflection of their sovereign authority over, and responsibility for, all those living within their territory. In situations of armed conflict, IHL imposes duties on *all* the parties to the conflict.

Whereas IHL is concerned to regulate the conduct of warring parties, human rights law has a primary focus on individuals and their general (not conflict-related) entitlements. International law also includes a number of treaties which are intended to prevent and punish specific violations of human rights in conflict, including torture and genocide. Refugee law provides essential safeguards for those fleeing conflict and its effects, including the provision that such people should not be forcibly returned to their place of origin if doing so would jeopardise their safety.

A growing concern for the effects of internal – as opposed to international – conflict on civilians has led to increased international awareness of the need to reinforce the protection of civilians of *other* countries where governments are incapable or unwilling to do this. International concern for the plight of civilians in conflict has, over the past ten years, been increasingly recognised in human rights and political arenas. The role of humanitarian actors in ensuring civilian protection was, in the past, largely understood as the responsibility of UNHCR, the ICRC and UNICEF, whose mandates included upholding the rights of refugees, non-combatants and children. However, the increasing deliberate targeting of civilians in conflict (including by their own government) has led many to conclude that other humanitarian organisations too have a role to play in civilian protection in light of the fact that, in many crises, the over-riding threat to civilians is a lack of safety.

The humanitarian community has broadly adopted the following *concept of protection*, elaborated during a series of protection workshops hosted by the ICRC in the 1990s. This defines protection as follows:

> *all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law). Human rights and humanitarian organisations must conduct these activities in an impartial manner (not on the basis of race, national or ethnic origin, language or gender) (ICRC, 1999).*

Three forms of humanitarian protection activities are envisaged: *responsive action*, which prevents or halts a specific pattern of abuse or mitigates its immediate effects; *remedial action*, which restores people's dignity and ensures adequate living conditions through reparation, restitution and rehabilitation; and finally *environment-building*, which fosters an environment conducive to respect for the rights of individuals in accordance with the relevant bodies of law (Giossi Caverzasio, 2001: 21). These activities should be taken forward in parallel with other actors (political, military and human rights) as part of what is considered to be a collective responsibility to protect civilians when the responsible actors fail to do so.

These all-encompassing concepts and activities have often confused humanitarian actors searching for practical measures to help alleviate the suffering of civilians in conflict. Legal frameworks render protection obscure or intimidating for some, and the lack of clearly delineated roles and responsibilities can make the relationship between protection and other humanitarian activities unclear. Debates continue on the scope of protection as it concerns humanitarian actors. Can *all* humanitarian programming be termed 'protective'? Is protection a new *approach* to be integrated across all humanitarian work, or is it a new sector of activity with a set of attendant programming options? This confusion has made it difficult to translate protection into practice in complex emergencies such as Darfur.

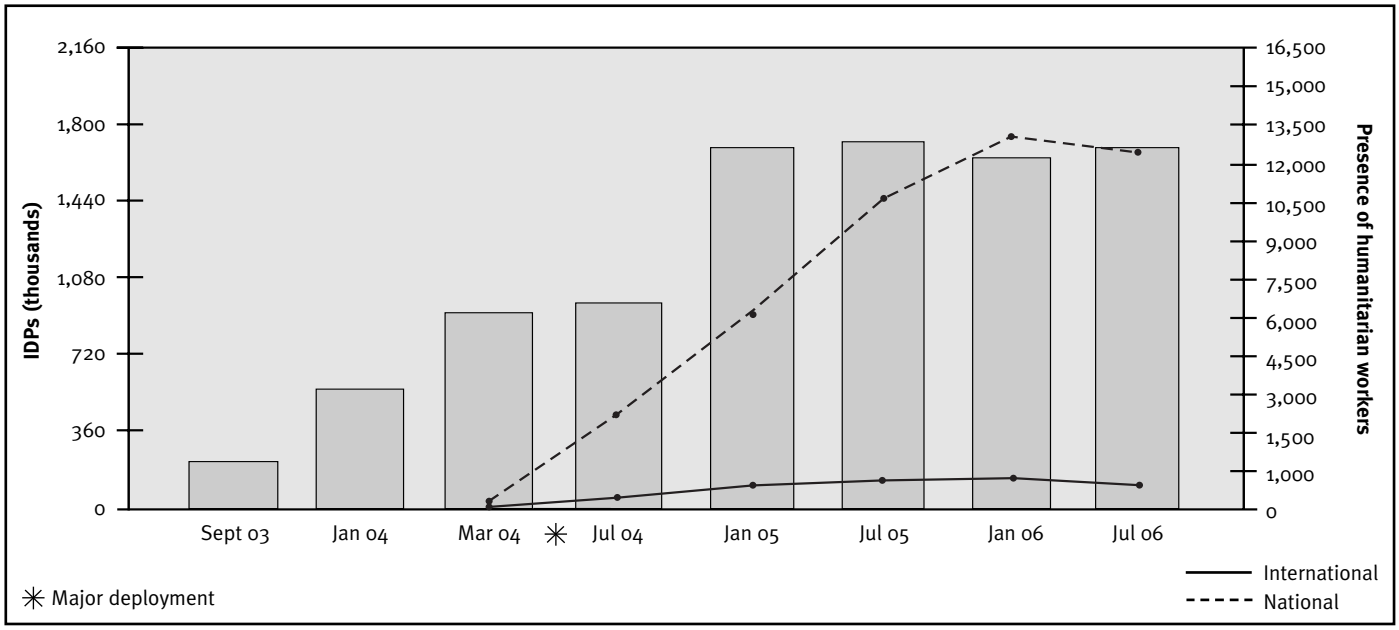
2.3 Why the '*protection* crisis'?

While the level of insecurity faced by civilians in Darfur is acute, the nature and scale of the violence are not without precedent, either within or outside Sudan. However, the way in which this situation has been characterised by the humanitarian community is different: Darfur is the first emergency to be labelled a 'protection crisis'. This description is now so widely accepted that even displaced people in camps in Darfur have adopted the term, speaking about the absence of security as a 'lack of protection'.[8]

The emphasis on protection reflects the growing international recognition of a collective responsibility to protect civilians caught up in conflict. However, it also stems from a coincidence of other factors, which between them ensured

8 Community meeting, Kass, South Darfur, June 2006.

Figure 1: Timeline of the international humanitarian response to the escalating crisis



that protection was central to the international response. The most significant has been the level and type of violence experienced by civilians, including widespread sexual violence against women (Minear, 2005: 88). Comparisons between events in Darfur and the genocide in Rwanda in 1994, drawn first by the UN Resident/Humanitarian Coordinator for Sudan, then by the UN Secretary-General, Kofi Annan, meant that the role of the international community in protecting civilians in Darfur has been put firmly on the agenda.

2.4 The international response to the 'protection crisis'

Despite the importance accorded to protection, almost all of the humanitarian actors in Darfur were late in responding to the crisis, and slow in scaling up in the face of overwhelming and escalating needs (Minear, 2005: 77). Most arrived after the conflict peaked in 2003 and early 2004, when hundreds of villages were burnt to the ground, hundreds of thousands of people were killed or displaced and there was widespread loss of subsistence and large-scale relief needs. Major humanitarian operations did not get underway until after the government eased visa restrictions in May 2004, by which point over one million people had fled their homes (see Figure 1).

The timing of the response determined the type of protection activity that agencies prioritised, and established a template of activities that persists today. The severity of the crisis and limitations in capacity meant that agencies directed their life-saving assistance to areas of high need and population density, where impact could be maximised. The approach involved targeting displaced populations squatting in make-shift encampments on the outskirts of Darfur's capitals and large towns, or populations across the border in Chad. Although the agreed strategy was one of 'protection by presence' (see Section 4.3), in practice activities were largely focused on camp, rather than rural, settings. In protection terms, this facilitated the (necessary) option of flight for civilians at risk, but little analysis was undertaken to determine whether other protection options could be supported, particularly for rural, non-displaced communities. With the number of conflict-displaced civilians continuing to escalate, this pattern has continued.

The implications of Darfur being characterised as a 'protection crisis' are still playing out today. One of the most obvious outcomes is the unprecedented number of international humanitarian actors involved in protection programming. Forty-one humanitarian agencies are currently listed in OCHA's quarterly report on humanitarian activities, the *Darfur Humanitarian Profile* (United Nations, 2006b), as having protection programmes; the figure in April 2004 was two.

Three organisations in Darfur have specific protection mandates under international law: the ICRC, which is involved in monitoring, training and confidential dialogue with parties to the conflict to encourage compliance with IHL; UNHCR, which coordinates protection activities in West Darfur, and is active in returns monitoring and camp coordination; and UNICEF, which is engaged in its traditional child protection functions.[9] The Office of the High Commissioner for Human Rights (OHCHR), which since January 2005 has been subsumed into UNMIS Human Rights, has an agreement with the government for the deployment of up to 100 human rights monitors to investigate and respond to violations in Darfur, and the UN Population Fund (UNFPA) leads on issues relating

9 ICRC's mandate derives from the four Geneva Conventions of 1949 and their two Additional Protocols of 1977, the Statutes of the International Red Cross and Red Crescent Movement and the resolutions of the International Conferences of the Red Cross and Red Crescent; UNHCR's derives from the Refugee Convention of 1951 and UNICEF's from the Convention of the Rights of the Child, 1989.

to sexual and gender-based violence. The International Organisation for Migration (IOM), like UNHCR, is active in returns monitoring as well as camp coordination, and UNDP and FAO are involved in issues relating to access to justice and land respectively. The level of penetration of UN agencies into Darfur was very limited in the early days of the conflict, with most confining themselves to the state capitals or Khartoum. While the situation has improved a little, very few UN personnel are based outside Darfur's three capitals.

There are over 100 international and national NGOs working in Darfur, around 30 of which carry out protection activities. Large INGOs with experience in protection undertake a range of stand-alone protection activities, including women and child protection programming and access to justice projects. Many have also mainstreamed protection approaches across their relief activities. Working on protection has resulted in antagonistic relations with the Sudanese authorities, and as a result many other agencies have limited their engagement in protection to less contentious programming, such as the provision of fuel-efficient stoves (described in Section 3.2). The crisis in Darfur has also attracted a large number of 'new entrants' to protection, many of whom are engaging in protection programming for the first time (see Section 4.5).

Humanitarian organisations share the protection field with a number of other actors. The most significant of these is the 7,700-strong AMIS. AMIS's mandate includes the protection of civilians 'whom it encounters under imminent threat and in the immediate vicinity, within resources and capability' (African Union, 2004). This relatively weak mandate, coupled with inadequate troops and funding, lack of experience, poor logistics and popular hostility (stemming from the AU's role as mediator of the DPA) mean that the protection it can provide is very limited. Furthermore, Darfur is host to the first field-based donor protection officer – an OFDA staff member based in Nyala – and local diplomatic and donor representatives have also engaged in initiatives to support the protection of civilians, although this activity has decreased during the lifetime of the crisis (see Section 6.5).

At a fundamental level, this proliferation of protection actors has drawn humanitarian organisations into a highly-charged and politicised arena. As roles have not been clearly defined or communicated, responsibilities and accountabilities have become blurred. On a conceptual level, there are concerns that the emphasis on protection in Darfur has meant a focus on the actions of third parties, rather than the behaviour of the warring parties and the responses of civilians at risk. Commentators believe that the emphasis on humanitarian activities has resulted in limited efforts to advance more direct political solutions. There are reports of unrealistic expectations being placed on 'unarmed humanitarian actors' to prevent abuses in Darfur. From an operational perspective, the scale of humanitarian protection activities, and in particular of monitoring and reporting, is unparalleled in any other emergency and is accompanied by a constellation of different mechanisms to coordinate this work across Darfur. As described later, these developments have in certain instances helped save lives or at least reduce the level of threat for many people. For the most part, however, this has not been achieved through obliging the parties to the conflict to meet their responsibilities towards civilians.

Chapter 3
Protection in practice in Darfur

3.1 The protection 'egg' and protection activities

Figure 2 (page 10) shows the ICRC's 'egg framework', which was developed in the late 1990s to depict the relationship between patterns of abuse and protection activities (responsive, remedial and environment-building), as well as the interdependent and complementary nature of these protection interventions. The main protection activities undertaken in Darfur have been positioned against this 'egg' in order to illustrate the breadth and focus of activities.

According to this framework, **responsive action** involves any activity undertaken in order to prevent abuse resulting from violence, coercion or forced deprivation, or alleviate its immediate effects. These activities are carried out when abuse is threatened or in its immediate aftermath to try to mitigate their effects on civilians. Activities are urgent, and are aimed at reaching a particular population suffering the immediate effects of a violation (Slim and Bonwick, 2004: 43). Action is also intended to pressure the relevant authorities, either through dialogue or public disclosure, into taking measures to stop the abuse and prevent its recurrence (ICRC, 2004). Examples of responsive action include: 1) providing direct services to victims of abuse by being present in affected areas, transferring or evacuating people out of affected areas and providing information and communications (e.g. assisting family members to contact each other); and 2) alleviating victims' *immediate* suffering through the provision of emergency material, medical assistance and psychosocial care (*ibid*.).

Remedial action focuses on assisting and supporting people while they live with the effects of abuse. These activities are aimed at ensuring adequate living conditions subsequent to violence through rehabilitation, restitution, compensation and repair. These actions can be similar to *responsive* activities but are longer-term, and are concerned with helping people to recover and restore their dignity. Examples of remedial action include: 1) providing direct services to victims of abuse by being present in affected areas, helping to bring about repatriation, resettlement, integration or final arrangements and establishing systems to track down missing persons and reunite families; and 2) providing appropriate material, medical and psychosocial assistance or care, promoting justice for victims and due process for perpetrators and supporting and protecting organisations working to defend rights (*ibid*.).

The third sphere of protection activity is **environment-building**. This relates to fostering an environment conducive to respect for the individual's rights. It is concerned with moving society as a whole towards political, social, cultural and institutional norms that prevent or limit violations and abuse. Examples of environment-building action include promoting knowledge and respect for human rights and humanitarian principles, supporting the drafting and adoption of treaties, assisting in the implementation of international law at national levels and in the development of a fair system of justice and helping to develop and establish such organisations at national and international levels, capable of enhancing respect for human rights and international law (*ibid*.).

As might be expected in a conflict involving such a high level of civilian insecurity, protection activities have been undertaken across these three areas. Many, such as IHL dissemination, reporting and persuasion, are difficult to categorise as they fall under the three different spheres of action, illustrating the extent to which protection activities are interdependent. However, as the conflict is ongoing, the focus has been on responsive and, to a lesser extent, remedial actions, in an effort to prevent violence and mitigate its effects on civilians. Environment-building activities do not feature as prominently in the current response, reflecting the limited potential of such activities during the height of a crisis as well as the difficulties in implementation when the primary duty-bearer, the Sudanese government, is a party to the conflict. As Figure 2 indicates, ongoing analysis which examines the evolving behaviour of warring parties, trends and patterns in civilian insecurity and different opportunities to support the protection of civilians is central to an effective protection response. Unfortunately, such analysis and understanding were often lacking amongst humanitarian actors working in Darfur (see Section 4.1).

3.2 Responsive activities in Darfur

Both mandated and non-mandated humanitarian agencies have tried to put pressure on the parties to the conflict to prevent or reduce the level of violence inflicted on civilians. The ICRC in particular engages directly with the warring parties to encourage adherence to the rules of war through IHL dissemination, monitoring and education. Given the impact of the conflict on civilians, monitoring IHL compliance and confidential dialogue with the relevant parties to indicate where breaches have occurred and to encourage action to limit their recurrence has been an area of intensive activity. Other actors, such as UNMIS Human Rights, UN agencies and some INGOs, have also undertaken 'responsive' action, for example by advocating directly with the government to rein in the militias, or working with the warring parties at a local level to encourage the release of children associated with the fighting forces. This

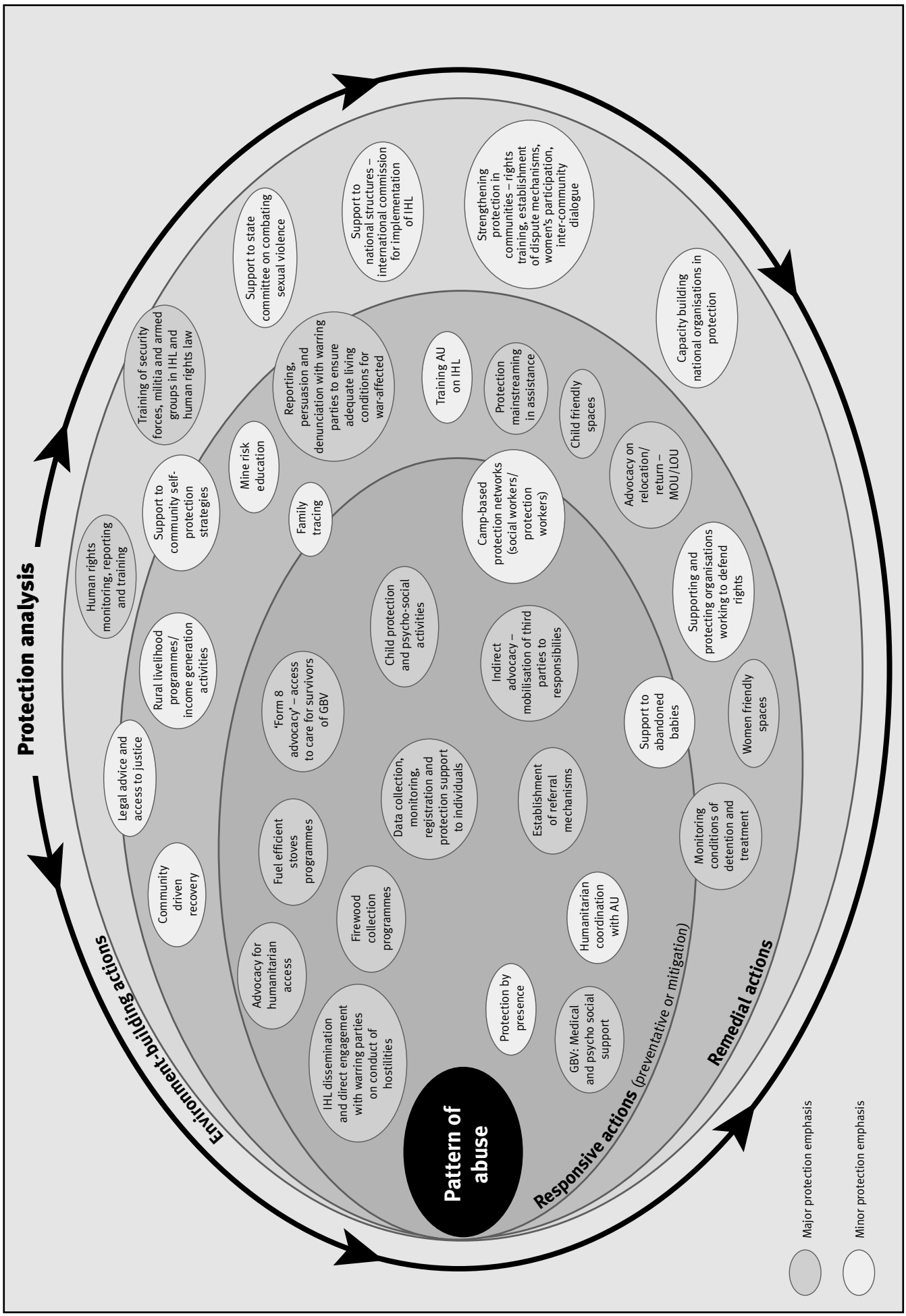


Figure 2: Mapping protection activities in Darfur against the protection 'egg'

work has been complicated by the fact that the number, profile and political allegiance of the warring parties have changed substantially during the conflict. Combatant parties have also demonstrated differing levels of interest in IHL, and as a result levels of interaction have not been uniform.

'Protection by presence' was accepted by the UN in 2004 as the concept underlying all protection-related activities by humanitarian organisations in Darfur. The thinking behind this is that humanitarian actors, by their very presence, may have a deterrent effect on the behaviour of belligerents towards endangered communities. Fourteen thousand aid workers poured into Darfur when humanitarian access was granted, but the protective benefit of their presence has been questionable (see Section 4.3).

One disappointing characteristic of the protection response in Darfur has been the limited emphasis on understanding and supporting community self-protection strategies. One example of working with communities has been the arrangement of patrols to protect women from sexual violence and abduction by militia while searching for firewood around camps. Humanitarian agencies have collaborated with AMIS to organise weekly or bi-weekly firewood patrols from the major camps. For the individuals involved, these patrols had a significant protective effect, but they were only carried out in a limited number of camps and were not consistently undertaken.

Another attempt to reduce the risk of sexual violence women face has been the provision of fuel-efficient stoves. Fashioned from clay and water, these stoves cut down on firewood usage by up to 40%, thereby reducing the frequency with which women have to travel outside the relative safety of camps in search of fuel. Although such stoves had been introduced with great success elsewhere in Sudan and in northern Kenya, humanitarian organisations spent over a year debating whether they would be appropriate in Darfur on the grounds that women who supported themselves by selling firewood would lose income – arguably a secondary consideration set against the risk of rape, and one that could have been addressed through complementary income generation. When the concept was finally adopted, further time was lost selecting the stove model. Today, nearly every NGO engaged in protection runs fuel-efficiency programmes, though concerns have been raised over the level of coverage of these programmes, with complaints that communities in larger camps such as Abu Shouk are receiving repeat attention, while many others have not been targeted at all.

Other methods to prevent or reduce threats have been more indirect, with humanitarian actors mobilising third parties to take action. While AMIS offers the most potential to intervene directly to help protect civilians, its restricted capacity and limited coordination with humanitarian actors have reduced the scope for complementary action. Nonetheless, some successes have been reported. At times, humanitarian agencies have passed on information about impending attacks, enabling AMIS to undertake 'preventive' patrols.

Box 2: Protection in action: lifting the siege of Kailek

In late February and March 2004, villages in Shattaya and Hamiya in South Darfur were attacked by pro-government militias, with reports of between 11,000 and 13,000 people fleeing to Kailek, a larger town in the area (United Nations, 2004). These people, along with the resident population of Kailek, were virtually imprisoned in what remained of the destroyed town. Reports indicated that about 1,700 people were trapped in Kailek for up to 50 days, during which time they were subjected to abuse including the summary execution and torture of men, the repeated rape of women and girls and deliberate deprivation of food (ICI, 2005: 75).

A CARE International emergency assessment team visited Kailek on 4 April 2004, and reported the abuse to the UN. Weeks passed before the local authorities granted a UN inter-agency mission permission to visit. The UN report on the visit accused the government of deliberately misleading the UN as to conditions in the town, and charged it with a 'strategy of systematic and deliberate starvation' against the people trapped there (United Nations, 2004).

On 28 and 29 April, shortly after the mission's visit and the high level of pressure on the government of Sudan that ensued, the government moved 1,000 people to Kass camp in South Darfur. Others were reportedly taken there by relief agencies (Human Rights Watch, 2005b: 15). Many are still there, and while conditions may not be ideal, the camp has offered a measure of sanctuary and assistance. The presence, however transitory, of humanitarian workers in Kailek and the advocacy that resulted from their reports succeeded in saving lives and certainly alleviated the terrible suffering of the people held there.

One of the predominant features of the response to the Darfur crisis has been the level of advocacy undertaken by humanitarian actors to draw attention to the crisis, facilitate humanitarian access and encourage action to protect civilians. Work has been done at local, national and international levels, with humanitarian agencies mobilising influential actors to put pressure on the parties to the conflict. This advocacy, which is described in more detail in Section 5.1, has attracted a great deal of attention to the Darfur crisis, and has resulted in some significant achievements, not least the deployment of AMIS troops and the referral of the Darfur situation to the International Criminal Court (ICC).

For humanitarian agencies to act directly or indirectly to prevent or reduce violence, in-depth knowledge is required of the risks that communities face. Evidence is also needed to support local, national or international advocacy efforts. The level of advocacy in Darfur has in turn created a significant

Box 3: Information uncertainties in protection

In early 2005, OCHA launched a 'protection database' to house information on protection incidents in Darfur. The aim was to develop an accurate picture of violations and abuse in Darfur in order to inform analysis, advocacy and programming. Despite specific requests for this service, and the months of work involved in setting up the system, the database was soon abandoned because of lack of use. Humanitarian organisations were concerned about the potential risk to themselves and to the victims of abuses in the event of breaches of confidentiality. In the absence of a centralised system, agencies developed different methods and models for collecting and sharing information, but these are *ad hoc* and unsystematic. The failure to agree on a common model exposes a lack of consensus within humanitarian organisations on their role in witnessing and reporting on violations, and points to a need for greater discussion on the potential of different models in future protection crises.

demand for and emphasis on data collection and monitoring violations. An unprecedented number of protection officers are involved in this work. Some of the more experienced protection NGOs have developed networks among the displaced population to provide details of threats and incidents.

Another important aspect of the protection response in Darfur has been its emphasis on dealing with the aftermath of abuse, and efforts to mitigate its impact on civilians. Arguably, this reflects the limited capacity of humanitarian actors to directly prevent or reduce insecurity during active conflict. While there has been a large amount of mitigation work under the 'remedial' sphere, the most tangible 'responsive' activity has related to post-rape assistance, an area where medical agencies have been very active. In some camps, referral mechanisms have been developed between different actors to ensure that survivors have swift access to services.

Advocacy has been successfully undertaken to remove legislative obstacles to assistance for rape survivors. Under Article 48 of Sudan's Criminal Code, rape victims were obliged to report the incident to the police in a 'Form Eight' report before they could receive medical treatment. This was a major barrier to treatment as victims frequently did not trust the authorities, and rapes were generally not reported (a fact which the authorities used to substantiate their position that claims of sexual violence were fabricated). Sudanese medical staff were also concerned about retaliation from the authorities, including harassment, intimidation and even prosecution, if they did not comply (Human Rights Watch, 2005a). Advocacy by UNICEF, the UNFPA, UNDP and the IRC, with support from local diplomatic representatives, led to the reporting requirement being removed. While poor communication of this change in policy by the Ministry of Health has limited its effect, in areas where people are informed it has allowed medical staff to treat survivors without fear of repercussions from the authorities.

Child protection programmes have also featured in the Darfur response, but to a lesser degree than SGBV programming. Camp-based activities have included direct support to abandoned 'rape babies', and education activities on this issue. ICRC has also been active in family tracing, which can be viewed as both a responsive and a remedial activity as it spans short- and medium-term programmes. While the number of unaccompanied minors is low relative to the scale of the violence, thanks to strong kinship ties within communities, significant resources have been invested in this area.

Similarly, monitoring the conditions of detention and treatment of detainees is both a responsive and a remedial action, in that it is critical to the prevention of 'disappearances' and also helps people live with the effects of conflict. This too has been an area of intense activity by the ICRC and by UNMIS Human Rights.

3.3 Remedial action

Examples of remedial action in Darfur include advocacy, dialogue and persuasion, either directly with belligerents or indirectly through third parties. The aim has been to ensure consistent humanitarian access to war-affected populations, and to prevent efforts to deprive civilians of their rights. During 2004, the government repeatedly sought to forcibly move displaced people, in contravention of IHL. These efforts, which occurred for example in Otash, Al Geer and Kalma camps in

Box 4: The LOU and MOU: preventing involuntary return and relocation

Following the signature of the N'Djamena agreement in April 2004, the government exerted increasing pressure on displaced people to return to their land for the planting season, in some cases using intimidation, harassment and force. In response, a Memorandum of Understanding (MoU) was signed in August 2004 by the IOM, the government and the UN. This set out a policy and procedures for the voluntary, safe, dignified and sustainable return and reintegration of IDPs. Subsequently, a similar Letter of Understanding (LoU) was entered into by the government and UNHCR. These agreements also put in place a Management and Coordination Mechanism (MCM) to monitor and verify whether movement adhered to these arrangements. The MoU and LoU were significant protection achievements: only a handful of isolated cases of forced movement were recorded following their signature. Many believe that it was the combination of an agreed mechanism around which to engage, as well as the involvement of local officials in developing and implementing it, which were the key to success in this area.

South Darfur, were frequently accompanied by force. OCHA drew up principles on relocation, engaging with the local authorities to encourage compliance and using advocacy to apply further pressure on the authorities to end this practice.

Much work has been done to help conflict-affected people in Darfur deal with the effects of violence. Child protection programmes provide targeted medical, psychosocial and other forms of support to those most at risk. According to UNICEF, 431 'child friendly spaces' have been created in Darfur's camps, serving around 155,000 children. These programmes provide learning, recreational and other activities for pre-school children and young people. Similarly, women's centres have been established in many camps across Darfur where social and recreational assistance is available. These centres provide a supportive environment where women can interact with each other, and attend classes in literacy, nutrition, income generation, health and hygiene. They operate as an effective entry point for engagement with women, many of whom have suffered sexual or other forms of violence. Medical, legal and psychosocial referral is also available in many centres.

Rule of law programmes constitute one of the more innovative areas of work in Darfur. These initiatives train local actors on human rights and international law, establish community-based paralegal networks and information centres and support access to legal aid for war-affected communities. This emphasis on rule of law is unusual during active conflict, and there has been significant opposition from the local authorities, which have closed down centres in some locations. Nonetheless, a number of cases have been brought to court, including the successful conviction of a military officer for rape.

In addition to this 'stand-alone' protection programming, many humanitarian agencies are also 'mainstreaming' protection in their humanitarian interventions. 'Mainstreaming', 'protection-oriented programming' or 'applying a protection lens' involves integrating protection analysis and approaches into the design and implementation of assistance programmes. Humanitarian interventions are framed in such a way that they maximise the positive protection benefits that might accrue from assistance, and mitigate or prevent any related harm. Examples in Darfur include providing additional water points (beyond the requirements of the SPHERE standards) in key locations, to lessen potential conflict between opposing groups, and choosing to work in rural areas to reduce the need for resident populations to move to access assistance. The challenges associated with this form of protection programming are described in Section 4.4.

3.4 Environment-building

A number of different initiatives are underway in Darfur to build a more protective environment for civilians. Training on human rights and international humanitarian law has been conducted with government officials and members of the insurgent groups; UNDP and its partners, for instance, trained over 6,000 people in a 12-month period in 2005. While these efforts are not having a significant impact on levels of violence, reports suggest that some individuals have changed their behaviour as a result of the training. Work is ongoing with displaced communities to foster a greater understanding of rights and to develop or reinforce social mechanisms which allow rights to be recognised, such as the increased involvement of women in decision-making. Humanitarian actors have established or strengthened women's committees which are consulted in relation to issues regarding food distribution and sexual violence. Humanitarian agencies in Darfur are also implementing programmes aimed at building the knowledge and capacity of national organisations to undertake work in support of human rights and international law. One concern in this regard is that international organisations do not have the capacity to protect local organisations from the heightened threats they face as a result of their increased involvement in protection work.

At a policy level, the ICRC, UNICEF, UNMIS Human Rights and others work to provide training, capacity-building and support to build knowledge on rights and develop policies and institutions, where they are recognised. The ICRC is also working with the Sudanese National Commission for Incorporation of IHL, which was established in 2003, and offers technical advice on drafting national IHL-related legislation.

Box 5: Mainstreaming protection in camp coordination

Violence in one of Darfur's largest IDP camps significantly increased in June 2006. Men on horseback were entering the camp at nightfall, firing gunshots and terrorising and injuring camp residents. The men, camel herders from a local village, were reportedly operating as government-aligned militia. An international NGO, which had developed a large network of protection officers within the camp, established that the incursions were intended to retrieve camels stolen by residents. With camel meat in short supply and prices high, butchers in the camp's market were no longer insisting on seeing people's papers before selling meat. Some camp residents used this as an opportunity to sell meat from camels stolen from Arab pastoralists. The NGO called a meeting with the butchers who – in an environment of such constrained means – had become powerful figures. They forcefully rejected the idea that they had any role in providing for the security of the camp, but later accepted their share of responsibility in the violence and agreed to be more vigilant in asking for papers. The NGO's in-depth knowledge of the camp, coupled with protection-oriented camp coordination and supported by appropriate analysis of risks, meant that a significant security threat was mitigated.

Chapter 4
The challenges of protection programming

4.1 Lack of strategy and inadequate analysis

The difference in focus amongst the various protection initiatives undertaken by humanitarian agencies in Darfur reflects not only the scale of the crisis, but also the lack of a clear, shared protection strategy. The inter-agency Real Time Evaluation (RTE) of the humanitarian response highlighted the fact that, although major efforts were (belatedly) made to develop a protection strategy in late 2004, there was 'a lack of UN leadership and expertise on this issue' (Broughton et al., 2006: 5). Senior UN staff in Khartoum recounted how, at the outset of the crisis, agencies vied amongst themselves to define roles and responsibilities around protection. Three different system-wide protection strategies were drafted between 2004 and 2006, but none has been translated into collective action. Agency personnel interviewed for this study complained that these strategies were drafted without the adequate involvement of field staff. More importantly, they have failed to prioritise and sequence the most urgent protection concerns, focusing instead on specifying roles and responsibilities. State-level strategies agreed in the field through Protection Working Groups (see Section 6.3) were more effective and better informed.

The absence of a common protection strategy has partly stemmed from insufficient analysis of the threats civilians face, and of the political economy of the conflict. While a phenomenal amount of data has been collected, the emphasis of humanitarian actors has been on collating incident reports, rather than on political, social and livelihoods analysis. One donor representative commented that, ICRC aside, there was no actor on the ground during the earlier stages of the emergency with the capacity and expertise to adequately analyse protection issues. The human rights and political analysis undertaken by UNMIS since 2005 has not been adequately shared with the humanitarian community. The absence of in-depth analysis is not uncommon in the early stages of an emergency response. However, despite continued urging by the RTE and others, humanitarian agencies in Darfur have only recently begun to invest in the requisite analysis in the form of the Inter-Agency Management Groups (IAMGs), state-level bodies set up to undertake research, analysis and priority-setting. The responsibilities of the IAMGs do not, though, include dedicated protection analysis relating to the levels of risk and threat facing civilians.

The lack of informed analysis, and in particular the inadequate understanding of the interrelations between nomadic, trans-humant and sedentary groups, was recognised by the RTE to be 'the single biggest impediment to informed planning and effective action in Darfur' (Broughton et al., 2006: 7). Sudanese academics interviewed for this study commented that most humanitarian agencies knew effectively nothing about Darfur and its socio-economic dynamics. Although they recognised the difficulty of gaining such an understanding at the height of an emergency, they also felt that expatriate managers had made very little effort to involve national staff and Sudanese academics in analysis of the context and in the design of the response.

Inadequate situation analysis and the absence of a common protection framework have reportedly led agencies, whether

Box 6: Undermining protection: deadly 'safe areas' in Darfur

On 5 August 2004, the UN Secretary-General's Special Representative to Sudan (SRSG) signed a Plan of Action with the Sudanese Foreign Minister, establishing seven 'safe areas' across Darfur. The government pledged to provide security in these areas through the deployment of armed forces and police. The Plan of Action also stated that the Sudanese government 'would provide secure routes to and between these areas'.

The Plan of Action was, however, signed without consulting the AU, the SLA or the JEM (African Union, 2004a: 2). It also contradicted the security arrangements of the N'Djamena agreement reached earlier in the year. Rather than increasing safety for civilians, the Plan of Action sparked new violence between the government and the SLA. The designated safe zones overlapped with SLA-held areas in North Darfur, thus arguably entitling the government to break the ceasefire and reclaim territory from the SLA in order to honour its commitment to the plan. Government forces were drafted into the areas as part of a so-called 'road clearance exercise' aimed at consolidating and expanding areas under government control. Air attacks on Hashaba and Gallab villages, for example, which resulted in civilian deaths and displacement, were found by the AU Ceasefire Commission to be directly linked to the implementation of the Plan of Action (*ibid*.). The insurgents counter-attacked in many areas, resulting in fresh ceasefire violations which were seen as a major factor in the failure of the first round of peace talks in Abuja (ICG, 2005: 7). The UN sought government commitments that it would not deploy forces in rebel territory, but very quickly the entire policy was abandoned. As a bilateral agreement with the government, the Plan of Action ignored the stipulations of IHL, which state that such arrangements can only be undertaken with the consent of all warring parties. It also revealed an acute lack of understanding of the Sudanese context. A widely criticised policy of 'peace villages' had been employed in the mid-1990s in South Kordofan, which had been used to keep displaced populations in government-controlled camps (APGfS, 2004: 63).

consciously or not, to collect information selectively, predetermine protection issues and prioritise needs on the basis of their own capacity to address them. Whilst some inter-agency assessments have been conducted, these have tended to be mono-sectoral and have often lacked a protection dimension. Protection issues were given some consideration during assessments, but reports generally lacked practical suggestions for action. Even UNICEF, a mandated agency, did not carry out a specific situation analysis until December 2005.

4.2 The 'explosion of substitution'?

As discussed in Section 2.2, the Sudanese government has the primary responsibility for the safety and protection of its civilians. However, the role played by the government in the conflict and its involvement in attacks on civilians has made it difficult for humanitarian organisations to engage with the government around civilian safety and risk, especially as it was felt that this would compromise the neutrality of these organisations. At the same time, the deployment of AU forces to Darfur created the (false) expectation that AMIS would take over full responsibility for the protection of civilians. This has led to the widespread perception that the failure to protect civilians in Darfur is the fault of the AU, rather than the Sudanese government. The focus on AMIS, itself poorly mandated and inadequately resourced, reduced political pressure on the government to improve its protection actions, above all by restraining militia attacks on the civilian population. It has also led humanitarian actors – with the exception of the ICRC – to scale down their efforts to work alongside the government and the armed forces to assist them to fulfil their obligations under IHL. As one informant remarked, efforts to responsibilise the authorities were replaced by 'an explosion of substitution'. In other words, international actors have worked on the assumption that third parties could substitute for the protective role of national duty-bearers.

Whilst humanitarian agencies and other actors have sought to educate the government about its protective responsibilities through training, capacity-building, reporting, persuasion, denunciation and other means, there has been a reluctance to work with the government on joint initiatives. The involvement of government officials from the Humanitarian Aid Commission (HAC) and other relevant bodies in coordination structures such as the state-level Protection Working Groups and the Khartoum Protection Steering Groups, for example, was strongly opposed by the majority of the INGOs participating in such mechanisms. In turn, this has given rise to deep suspicions in government circles of agencies' protection work, and protection staff are perceived as pursuing a political agenda aimed at undermining the government's authority. By contrast, all the government officials interviewed for this study praised the ICRC for dealing with the government in a 'transparent' and 'constructive' manner. Through sustained interaction, ICRC delegates had 'managed to reach consensus' with the government authorities on several issues related to the protection of civilians. While the involvement of political actors in the co-ordination groups may not be desirable, there are creative ways around the problem. In Liberia, for instance, two separate Protection Groups were established, one public, the other more private.

Problems in the relationship between agencies and the government have been particularly acute in IDP camps, where humanitarian organisations felt that working in close collaboration with the government would have put their staff at significant risk, given the level of anger of IDPs against the government. At the same time, however, this has made collaboration on less contentious technical issues more difficult. Long-standing partners such as the Ministry of Social Affairs were kept out of the development of the response, and only recently have agencies started to re-engage with government social workers and other partners in technical ministries. This breakdown in relations with the government has extended to key issues such as camp coordination. In many areas, the UN has outsourced camp management to international NGOs, such as the Norwegian Refugee Council (NRC) in Kalma and the International Rescue Committee (IRC) in Kass. Some 30 NGOs are involved in camp coordination. Agreements have been drawn up between OCHA and the NGOs concerned, excluding the HAC and other government counterparts, which strictly speaking are responsible for assisting and protecting IDPs, including in the camps. As a result, any action undertaken by NGO camp coordinators relating to IDP protection puts them in jeopardy.

Although the anxiety felt by many humanitarian organisations is understandable, it is important to emphasise that the government is not uniform in its approach to the Darfur crisis, and that a nuanced evaluation of potential 'reformers' within government, both at the central and local levels, would have helped to identify possible partnerships to promote more sustainable protective strategies (Mahony, 2006: 50). On some occasions, where engagement with certain government authorities has been sought, practical results were obtained. The MoU/LoU on voluntary returns, described in Box 4, is one such example. Other examples have, however, been less successful. The State Committee for Combating Sexual Violence in Darfur, for example, was set up in early 2005, but many consider it at best an empty gesture, at worst a mechanism deliberately designed to restrict humanitarian activities in this area.

As this experience shows, engaging with the authorities on sensitive issues is difficult and not always fruitful, though collaboration on less contentious questions such as returns is possible and can be useful. Where opportunities exist to create more effective partnerships with the government and other duty-bearers, it is important that these are built upon constructively. It should be recognised that the impact of these initiatives will often be limited, as they will not be able to change fundamentally negative policy environments. At the same time, however, substitution is not sustainable. While it may be necessary in the emergency phase, ultimately the safety and protection of civilians is in the hands of their government.

4.3 Protection by presence: myth or reality?

Many organisations and donors are of the view that the simple presence of humanitarian organisations on the ground has protective benefits for the local civilian population. Whilst the presence of international organisations can add a layer of protection, the extent to which this is an effective and advisable strategy must be analysed on the basis of recent experience in Darfur. As discussed earlier, the paradigm of 'protection by presence' was accepted by the UN as the underlying concept of all humanitarian protection-related activities in Darfur. However, no strategy was developed and little analysis was carried out to ascertain the protective potential of this approach.

International presence can have a protective impact by deterring belligerents, inspiring confidence in communities and attracting global attention to a crisis (Mahony et al., 2005: 20). It is felt to be particularly effective when it involves expatriate staff. In West and North Darfur, agencies reported that harassment of civilians had decreased, freedom of movement had increased and there was a heightened sense of safety among local communities. These gains appeared to be more widespread in areas where agencies had been present for a long time, with a substantial number of expatriate staff. Specific examples included Orakuma, in Wadi Salih, where apparent decreases in the rate of sexual violence and a reduction in payments of protection money were linked to the presence of expatriate humanitarian personnel. The increase in the number of international staff in Mukjar was also said to have been accompanied by a corresponding decline in security incidents in the area. Unsurprisingly, it appears that presence is likely to have greater potential value in areas which are not of strategic or military priority to belligerents. One case in point is Gereida, where the presence of the ICRC and some INGOs, in addition to active dialogue with pro-government militias, is thought to have deterred attacks. However, following the renewed violence which has accompanied the signing of the DPA, Gereida has been the site of intense fighting with severe consequences for the civilian population, despite the presence of the ICRC and other international agencies. This underlines how difficult it can be to quantify protection benefits and demonstrate a causal link between civilian security and the presence of expatriate staff.

Whilst protection by presence may deliver a benefit in certain circumstances, it is difficult to establish whether this constitutes deterrence, or whether the threat is simply delayed or deferred to a different area. The degree of protection afforded is, obviously, limited to periods when humanitarian staff are present, which in the context of Darfur can often be quite circumscribed. As Sudanese interviewees commented, international organisations tend to restrict their presence to safer areas and avoid areas where there is active violence. Almost one-third of South Darfur has been declared a no-go area by the UN Department of Safety and Security (UNDSS), and agencies tend to concentrate in IDP camps or in large urban centres. Representatives of IDP communities consulted in South Darfur observed that agencies quickly remove their expatriate staff in response to increases in the level of violence. Even where agencies are present, this presence is often limited to daylight hours, with any corresponding protection similarly limited. Nor can humanitarian workers protect civilians when armed groups are perpetrating violence against them and they should not be put in a position where their security is compromised (Broughton et al., 2006: 16). The risk to aid personnel is very real in Darfur: in the summer of 2006, 12 humanitarian workers were killed, often in deliberate attacks on humanitarian organisations or convoys.

The emphasis on the protective impact of humanitarian personnel through their mere presence in a given area can create a false feeling of security in the local civilian community, which may actually make them more vulnerable to violence and threats. The strategy also risks transferring responsibility from the Sudanese government to humanitarians. There is equally a danger of creating a false impression that the international community is fulfilling its responsibilities towards the people of Darfur by deploying young protection officers, a fact that was reinforced by comments of many donors in Khartoum who felt that there was pressure from their domestic constituencies to be seen to be 'doing something' in Darfur.

4.4 Protection and assistance: the difficulties of mainstreaming protection

'Protection mainstreaming' is the expression used to describe the integration of protection principles and concerns into assistance programmes. Humanitarian interventions focused on assisting people to meet basic needs, such as food, shelter or primary healthcare, may help mitigate or prevent harm to civilians related to the induced deprivation which often accompanies conflict. However, the delivery of assistance does not necessarily have a protective benefit unless careful consideration is given to analysing threats, risks, community assets, livelihoods strategies and other elements in the development of adequate protection policies and strategies. This means that, for assistance to be protection-sensitive, protection considerations must be purposely integrated into the design and implementation of assistance programmes from the outset (Interaction, 2004: 8). Protection can thus be considered 'as much an orientation and a way of approaching one's humanitarian work as it is a set of particular activities' (*ibid*.: 4).

In Darfur, the ICRC and NGOs with more experience in protection have prioritised protection in their delivery of humanitarian assistance. This approach has determined how and where they work, resulting for instance in the targeting of remote rural areas to reduce the flow of people to camps, or greater engagement with Arab pastoralist groups to reduce perceptions of bias. For humanitarian actors new to protection discourse, using a 'protection lens' in their assistance

programmes in Darfur has proved challenging. Many non-protection staff and managers interviewed admitted to being at a loss about how to translate protection into action, and knowing what their responsibilities should be. One CARE evaluation, for instance, noted considerable uncertainty within the organisation about how to develop or implement a protection strategy, and how to assess the risks associated with engaging in protection work (Minear, 2005: 89). Some agencies complained about the lack of practical guidelines and manuals on protection programming.

The difficulties around the practical application of protection in Darfur have meant that many agencies have been reluctant to allow protection officers and advisors to interact with other departments and inform programming. There is a belief that protection programming is political, and that doing it would jeopardise the work of the agency. Agencies and individuals have been threatened, and fears of repercussions on the wider assistance programme have led some agencies to reject the idea of integrating protection into programming in order to avoid conflict with the authorities. As a result, rather than being integrated into the country programme as mainstreaming requires, protection officers have often been isolated and marginalised, and have ended up focusing on data collection and reporting. Many people in organisations new to protection programming have been deployed with unclear ToRs and an ambiguous scope of work. Some humanitarian workers, particularly national staff, have even come to perceive protection officers as spies, especially where agencies have been less open and clear about the role these officers were meant to perform. In other instances, sectoral staff have felt that trying to integrate protection and assistance is too time-consuming. At the other end of the spectrum, there is a perception among some donors that a number of agencies, particularly INGOs, have placed too much focus on protection, particularly advocacy and reporting, to the detriment of their assistance programming.

The difficulty of mainstreaming protection into assistance suggests a clear need to enhance understanding of what the concept means, and its application in practice among humanitarian staff. A range of actions are needed to strengthen internal agency capacity to engage in more meaningful protection-sensitive programming. These actions include careful consideration of attitudes and competences during staff recruitment, training for specialists and non-specialists and greater institutional support. Managerial backing is particularly important to ensure that protection concerns inform needs assessments and assistance strategies, and that monitoring and evaluation systems are able to assess the multi-sectoral integration of protection issues.

4.5 Problems of skill and expertise

Mobilising enough experienced personnel has remained a significant hindrance to the expansion of protection programming throughout the Darfur crisis. Very few agencies and organisations have been able to recruit appropriate capacity in a timely manner. Constant staff turnover has resulted in communications gaps and poor institutional memory. Whilst staffing issues have been a general problem for the wider response, they appear to have been particularly challenging for protection programming, an emerging field where identifying and recruiting qualified protection personnel is already difficult. Many of the protection staff deployed in Darfur, particularly by organisations new to protection programming, have been junior officers, when the sensitivity and complexity of the situation demanded staff with a greater understanding of the normative frameworks behind protection, and with previous experience of designing and implementing protection initiatives. Even UN-mandated agencies have admitted finding it difficult to recruit qualified and experienced protection staff willing to serve in Darfur. These new and invariably junior officers have been offered little institutional support and even less appropriate induction or training, particularly by new protection actors. Some medical NGOs have been more successful than organisations with a multi-sectoral focus in training their protection personnel and helping them integrate their work within ongoing programmes. Medical agencies have long been faced with protection concerns relating to sexual violence, and so protection personnel typically have clear roles in terms of ensuring appropriate treatment and support, monitoring cases and referral to other actors where necessary.

There is a general perception that some organisations have been re-fashioning their traditional assistance programmes in protection language because they have detected that protection is a new funding fashion. Others have added protection elements to their programmes without a clear sense of direction or desired outcomes, often ending up focusing on monitoring and reporting violations. Mandated actors feel that the confrontational style adopted by some of the new organisations in raising protection issues has made it generally more difficult to operate in Darfur since their antagonism to the government has made the authorities more reluctant to acknowledge and discuss protection issues. These actors are also worried about the lack of knowledge of normative frameworks by the new protection personnel and by their misinformed references to IHL, the ICC and human rights law in meetings with the authorities.

The most important concern raised by the mandated actors has been the overload of reporting to the authorities about specific incidents. They point out that government authorities presently receive up to five different reports about violations (from the ICRC, the AU, UNMIS Human Rights, UNMIS Protection (including the Child Protection Unit) and, depending on the violation, OCHA or an INGO in charge of camp coordination). Arguably, this proliferation of reporting has provided the authorities with a justification to progressively ignore reports. Furthermore, the fact that these

reports are often based on individual testimony means that, in some cases, victims may be interviewed by an array of different actors, raising concerns about confidentiality and the risk that repeated questioning may increase trauma and leave victims bewildered. There is a general perception that multiple actors are gathering the same information, and that in most cases this process is unfocused and lacks a clear sense of purpose (Henry, 2006:17).

The inexperience of the new protection actors has translated into a lack of appreciation of indigenous protection responses, and an associated failure to build on them. Civilians have rarely been involved in the development of protection responses, often including those developed by mandated agencies, and there have been very limited attempts to support indigenous protection strategies such as those described in Section 2.1. Engagement with Sudanese academics and civil society has been very limited, both because of the constraints imposed by their limited capacity and their vulnerability particularly when based in Darfur, but also because many of the new protection actors have addressed the crisis with a focus on external protective capacities, rather than those of civilians themselves, or other Sudanese. Senior national staff who have been operating in Darfur with international organisations for over a decade spoke of being sidelined in internal discussions on protection and reporting, especially in the early stages of the crisis.

4.6 Protection in camps

Most of the humanitarian agencies in Darfur, with the notable exceptions of the ICRC, WFP and NGOs such as MSF Holland and France, Oxfam GB and the Danish Refugee Council (DRC), have worked mainly in IDP camps in government-controlled areas of Darfur. Camps allowed a 'safe flight' option for many IDPs as part of a deliberate strategy aimed at saving the greatest number of lives at a time of acute emergency. However, little has since been done to counterbalance this focus on the IDP population with a greater presence in the rural areas, especially as conditions changed in different parts of Darfur and opportunities to operate in specific areas arose, particularly between late 2004 and the signing of the DPA in May 2006. A better understanding of protection concerns and their integration into needs assessments would probably have encouraged greater efforts to address the vulnerable resident population in rural areas throughout Darfur. Greater provision of assistance in rural areas, wherever feasible in terms of security and access, would have helped residents make choices about remaining or returning to their home areas, instead of being compelled to move to or stay in urban centres or IDP camps to receive aid. A survey conducted in mid-October 2005 by the ICRC (2005: 116–17) showed that, in all three Darfur regions, targeting beneficiaries who had relatively secure access to farmland with staple- and cash-crop seeds helped them sustain their livelihoods, even though the harvest still did not match pre-conflict levels.

Agency action was skewed campwards to some extent by the earmarking of funding for camps. Faulty analysis, including suggestions that rural areas had been emptied of their populations, is also partly responsible (Mahony et al., 2005: 13). Inadequate analysis of the security situation has also prevented humanitarian organisations from reaching more remote areas. This is particularly true of UN agencies, which have been prevented from using routes travelled daily by some INGOs and the ICRC because UNDSS has been unable to provide regular and comprehensive security updates. This lack of balance in the provision of assistance has had a lasting negative impact on the sizeable populations who are still in rural areas, and has contributed to the perception that humanitarian agencies are biased (see Section 5.3). Whilst the needs of resident communities continue to grow and remain largely unaddressed, some camps have seen an over-concentration of agencies, particularly INGOs; Kalma and Abu Shouk camps have 16 and 20 organisations respectively.

The absence of a strategy governing the progressive encampment of the civilian population, the lack of site planning, ill-informed engagement with the IDP population and shortfalls in camp management have contributed to volatility in the camps, which now poses significant risks to NGOs. Senior UN officials have admitted that insufficient thought was given to preventing or mitigating violence in the camps, reducing the density of the population and advising the government about appropriate forms of intervention. There has been an assumption that maintaining the camps as they organically developed would allow greater control of the threat posed by pro-government militias.

Within the camps themselves, a self-appointed and often highly politicised leadership has emerged, which is often abusive towards camp inhabitants. These new camp *shaikhs* have replaced traditional leaders and established a power base which is often premised on the control or manipulation of relief assistance. In Kalma, for instance, many of these 'fat cat *shaikhs*', as they were called, were said to have 50 ration cards each before an appropriate registration was carried out. In any crisis, there is always a certain element of manipulation of assistance, especially food. Nonetheless, greater efforts should have been made to ensure that distribution mechanisms would not inflict further damage on already traumatised communities, undermining their traditional leadership and encouraging a shift in power to younger leaders (Mahony et al., 2005: 14). Some of the camps have become sanctuaries for criminals,[10] with no governance and no law and order; the police and AU forces are not allowed entry. People who kill and loot outside the camps seek refuge inside them safe in the knowledge that their impunity will be guaranteed. Agency staff in Darfur spoke of alarming levels of domestic violence and SGBV within camps, but admitted that humanitarian organisations were doing very little to draw attention to or address these violations.

10 Interview, UN official, Khartoum, June 2006.

4.7 Protection gaps: extortion and land

A key 'forgotten' protection issue is the payment of 'protection money'. IDPs in Kass reported that they had to pay substantial amounts before fleeing from Kailek to Kass to seek refuge from militia abuse in January 2005. These payments have become common in most areas. They can be in kind (payments of up to 50% of the harvest were reported in Kebkabya) and cash (SD100, or approximately $0.40 for a woman and SD200 for a man in return for 'permission' to move outside villages, for instance to go to the market). Movement outside of camps is also subject to these payments; in these cases, the currency is humanitarian aid. In several locations, communities appear to be paying protection money to guarantee freedom from attacks on their village. In Umm Kher, Bendisi, Garsila and other nearby areas, people talked of a 'tax' of SD75,000 (approximately $300) per village. Similar problems were reported in West Darfur, for instance in Treje, while in North Darfur people reported paying a 10% levy on their produce to the SLA. At checkpoints along main roads in North Darfur, for instance between Zam Zam camp and Al Fashir, pro-government militia and SLA soldiers exact 'tolls' of between SD200 and SD500. Some humanitarian organisations admitted buying security along roads in critical areas.

A plan to allow greater support to resident communities from humanitarian organisations needs urgent consideration. The current enclavement is reshaping the ethnic geography of Darfur, as populations are redistributed on ethnic lines, with the indirect support of humanitarian agencies. This process is aggravated by the secondary occupation of land in areas from which IDPs and refugees have fled. Land was recognised as a major protection issue at the Inter-Darfur Protection Working Groups meeting held in Nyala in November 2005[11], which provided an excellent analysis of secondary land occupation by nomadic groups in South and West Darfur. Yet no clear steps appear to have been taken to address land issues. Once again, there seems to be a lack of clarity as to which agency is responsible for leading on land and protection issues, and the valuable information and analysis gathered by organisations is not acted upon. Throughout the field research for this study, national staff proved considerably more aware of key protection issues related to land and new power structures in the camps; expatriate personnel would rarely refer to these problems unless prompted. National staff also reported with alarm that a reassignment of land titles had been endorsed by the authorities in South Darfur, where Fur land has allegedly been officially bestowed upon Bul Bul Arabs through the creation of a new nazirate.

11 Copy of the minutes, on file with the authors.

4.8 Assessing impact

To date there has been little analysis of the effectiveness of the protection response by humanitarian actors in Darfur. This is unsurprising, for a number of reasons. Measuring significant change and attributing such change to particular actors or activities is always difficult. This is especially the case in a field such as protection, which involves behavioural changes which are very difficult to attribute to specific activities, apart perhaps from stand-alone protection interventions focused on remedial action. The protection discourse is also very young and there is a limited understanding of mechanisms to assess the impact of protection work. While recognising these challenges, it is also fair to say, as many observers did during this study, that Darfur is acutely lacking in protection-related indicators and developed mechanisms to assess protection work. Where efforts have been made to develop benchmarks, as with the Darfur PWGs, these have been poorly supported at the national and headquarters levels.

The urge to show results, particularly to donors, has led several organisations to focus on protection activities which have quantifiable deliverables, such as numbers of people trained. However, there are initiatives whose impact, while less quantifiable, is still felt to be significant. These include, to name a few, the increased international awareness of the Darfur crisis; the elimination of the reporting requirement for rape victims; positive perceptions about the effectiveness of child and women friendly spaces; the effectiveness of paralegals mediating disputes in areas of South Darfur; and notably the ending of forced relocations and returns as a result of the MoU/LoU with the Sudanese government (see Box 4).

In any attempt to work towards assessing the effectiveness of protection work, it is important first to clarify expectations of what can reasonably be achieved by humanitarian actors. However, no such framework has been put in place. Efforts to that end by the Protection Working Groups (see Section 6.3) have not been operationalised. The last iteration of the RTE emphasises the role of the Inter-Agency Management Group (IAMG) in analysis, benchmarking and evaluation, and highlights the need for the Protection of Civilians Unit in UNMIS to link its work with the IAMG. There is clearly an urgent need for a much more considered approach to developing mechanisms for tracking the progress of protection efforts if learning is to be collectively captured and utilised.

Chapter 5
The media, politics and protection: a dangerous interface

5.1 Politics and protection advocacy in Darfur

The role of advocacy in humanitarian action has given rise to debates about the politicisation of humanitarianism, and concerns that greater engagement in advocacy undermines humanitarian principles and threatens humanitarian space (de Torrente, 2004; O'Brien, 2004). Experience from the Darfur crisis highlights how perceptions of politicisation can play out in practice, and underscores the difficulties engaging in advocacy can present for operational humanitarian agencies. While it is difficult to demonstrate causality, the work of humanitarian agencies in channelling information to the outside world has certainly increased international attention to the crisis in Darfur, and has ensured a focus on civilian protection. Public attention has in turn mobilised political action. However, these political achievements have, as yet, done little to improve security for ordinary civilians.

There was a dearth of information about the conflict in Darfur during 2003 and early 2004. The international community was, albeit hesitantly, embarking on a new period of rapprochement with the Sudanese government following progress in the peace negotiations in the south.[12] Consequently, *any* advocacy on the conflict in Darfur threatened the position of the Sudanese government. Advocacy on protection issues was particularly sensitive because it exposed how the war was being conducted and raised questions about the sincerity of the government's commitment to peace. Control over the amount and type of information emerging from the crisis became, and has remained, a major point of contention between humanitarian actors and the government.

The first major dispute concerned humanitarian access. In early 2004, when air and ground attacks were at their most intense, humanitarian visas and customs clearances for Darfur were taking up to three months to process, and humanitarian organisations were able to reach only 15% of those in need (UN OCHA, 2004). High-level advocacy, most of it behind the scenes, resulted in a progressive easing of these restrictions. The existence of established advocacy mechanisms, such as the Joint Implementation Mechanism (JIM – see Section 6.5) and the UN Secretary-General's monthly report to the UN Security Council, has meant that local efforts to relax restrictions on humanitarian access have been backed up by higher-level pressure. This has, for example, increased access to war-affected populations in Shar'ia in West Darfur, and helped to end a fuel embargo on SLA-controlled areas. However, problems have regularly resurfaced.

The sustained and high-level attention from political actors on humanitarian access has caused some to ask whether adequate attention has been given to political issues (Minear, 2005: 101). The sight of government ministers concentrating their efforts on getting aid agencies' vehicles out of customs, while the situation in Darfur was at its most alarming and demanded greater political engagement, would lend credence to this view. That said, these actions reduced the need for humanitarian agencies themselves to engage in advocacy work over access, and this has been a much less sensitive issue than protection.

Interaction with political actors, either through persuading governments to take up their responsibilities or by mobilising international actors to encourage them to do so, is critical to protection. When humanitarian agencies began to advocate on sensitive protection issues and call governments to account, the fundamental tensions, risks and repercussions associated with this form of humanitarian action were exposed. Press releases decrying 'diplomatic dithering' over Darfur led to the threatened expulsion of Oxfam GB's head of agency; similar threats were made against Save the Children-UK following a press release reporting the aerial bombardment of Tawila in November 2004. An MSF-Holland report documenting rape in West Darfur led to the arrest of two of the agency's senior managers. Public advocacy dramatically diminished thereafter. Between December 2004 and April 2005, at least 20 aid workers, most of them from organisations publicly advocating on IDP issues, were arrested or detained (Human Rights Watch, 2005).

5.2 Darfur in the media: playing to an international audience

Like humanitarian personnel, the media had very limited access to Darfur until June 2004, when restrictions on humanitarian access were finally lifted. Since then, the crisis has been regularly reported in the global media, and Darfur has become a household name around the world. Highly evocative reports by Amnesty International and Human Rights Watch highlighted the human rights issues, and the tenth anniversary of the Rwandan genocide helped build a compelling storyline for the crisis, and one which continues to underpin media coverage today.

12 For example, then US Secretary of State Colin Powell suggested in 2003 that the US would renew diplomatic ties and lift sanctions if Sudan reached a peace accord on the north–south conflict and took further action against terrorism. Powell, quoted in ICJ's Chronology of Darfur, http://www.africaaction.org/resources/darfur_chronology/CIJ_Complete_Darfur_Chronology.pdf.

In order to sustain engagement with the media, several humanitarian organisations recruited communications personnel who worked closely with protection officers and other advocacy staff on media activities. Many have courted media coverage, with the use of celebrities and high-profile events which, while successful in attracting public attention, have been of little strategic value to the protection agenda. The continued engagement of humanitarian organisations with the media has been criticised. During the research for this study, Sudanese academics and politicians suggested that the way the crisis has been portrayed has helped to polarise the conflict, and has influenced the attitudes of humanitarian actors towards the civilian population. Interviewees referred in particular to the distinctions between Arab and African habitually made by the media, and their effect on the way humanitarian assistance has been provided. National and international political dynamics meant that this stereotyping has resulted in a degree of unquestioning sympathy for the insurgents' cause.

One of the consequences of the internationalisation of the conflict has been to bolster the armed opposition movements and raise the level of their political demands, making a solution to the conflict all the harder to find. The insurgents have used the international media very effectively, and the increasing publicity they received contributed to the divisions within the main rebel movement. It has also been suggested that the desire to attract media attention may have increased civilians' exposure to violence. INGO personnel involved in camp management also commented that, in some camps, IDPs are very aware of their public position and have learned to play to the media.

The most significant impact of increased media attention on the humanitarian operation has undoubtedly been the effect it has had on humanitarian agencies' drive for visibility. For many humanitarian agencies, public advocacy is partly seen as a way of maintaining profile. Darfur has become a priority country for the media and communications departments of most humanitarian actors, and many have used advocacy not just to effect policy change, but also to gain exposure, not least for fundraising purposes. In some cases, headquarters staff have exerted pressure on managers on the ground to engage in protection work, especially around SGBV, for which these managers felt expertise was lacking. One interviewee complained that his colleagues in head office had little appreciation of the impact that media exposure had on staff security in the field. Many staff members we spoke to believed that the priorities of headquarters staff were driven more by external pressure than by the advice and needs of personnel on the ground.

5.3 The politics of protection

As discussed above, the bulk of the humanitarian response in Darfur has focused on IDPs and refugees living in camps in government-controlled areas. This has created a widespread perception, both in Darfur and in Khartoum, that humanitarian organisations are somehow siding with the IDP population and neglecting resident communities, particularly Arab ones. The protection bias towards non-Arab IDPs and the apparent solidarity with their 'cause' have meant that Arab pastoral communities have been overlooked, both in terms of assistance and protection. Yet Arab pastoralists, especially those without a *dar*, have always been amongst the most impoverished and marginalised communities in Darfur. Insurgent attacks, displacement and livestock losses during the conflict have only made the situation worse; migration and trading routes have become inaccessible and complementary livelihoods sources, such as labour migration and remittances, have been curtailed. Recent media reports citing the pastoralists themselves suggest death-rates of up to 20% in some areas and livestock deaths of 40% (Flint, 2006b: 2). The amount of humanitarian assistance these groups have received is minimal at best. In some areas, pastoralists complained that international aid was partial and prejudiced, with all assistance going to 'African' groups (Young et al., 2005: 158). This has often been a consequence of the still-widespread but inaccurate perception in humanitarian circles that all Arab groups are involved in the perpetration of crimes in Darfur. The neglect of the needs of Arab groups extends to their rights; one relief worker was told that UNMIS Human Rights had 'never investigated a single incident of violence against an Arab' (Flint, 2006b).

The perception of bias has been reinforced by recruitment policies, particularly amongst NGOs. There is a marked preference for employing Fur, especially as administrative and support staff. NGOs claim that personnel from Arab groups would not be accepted in IDP camps, and Arab staff have indeed been attacked and threatened by IDPs. There is however an obvious need for humanitarian organisations to apply clear standards, and ensure that they gain a nuanced understanding of the ethnic dimensions of the conflict, and how these factors affect staff dynamics and local perceptions. If humanitarian aid fails to reach affected Arab groups and the perception of bias is not redressed, this will almost certainly inflame tensions and could contribute to the further harassment of humanitarian workers. Several groups have apparently resorted to banditry, including looting and carjacking, for instance in the area between Gome and Gildu in West Darfur. Over the last year, agencies including WFP and some INGOs have begun to operate in pastoralist areas, but a more significant and collaborative effort is urgently required to address the needs of Arab groups and non-displaced populations.

Chapter 6
Coordination, collaboration and confusion

6.1 The evolution of the UN's role in protection in Darfur: turf battles and lack of leadership

Acknowledging Darfur as a protection crisis presented a dilemma for the UN system. At the outset of the crisis, no UN agency had a clear mandate for protecting IDPs, although UNHCR has since been designated as the lead under the cluster approach for the protection of conflict-generated IDPs.[13] The weaknesses of the 'collaborative approach'[14] to protection were thrown into stark relief by the fact that none of the three mandated UN agencies (UNHCR, UNICEF and OHCHR) was prepared to take the lead in civilian protection. After much dithering over roles and responsibilities, OCHA eventually took on a coordinating function in early 2004. UNHCR later took the lead on protection, but only in West Darfur, a decision which has been criticised by senior protection staff.

Reviews of OCHA's performance are mixed. Remarkably, not least given the outspoken position of the agency's head, Emergency Relief Coordinator Jan Egeland, OCHA did not deploy senior protection staff to Khartoum, and only relatively junior protection officers were deployed to the field. OCHA's limited influence within the UN family made it difficult for the agency to raise protection issues, or to encourage the UN Resident and Humanitarian Coordinator (RC/HC) to prioritise protection. At a field level, however, the agency appeared more effective, and both donors and NGOs commended its dynamism. The high level of trust built up with operational agencies meant that OCHA had very high-quality information and analysis, which it often used to good effect, particularly on issues such as humanitarian access, the relocation of IDPs and involuntary return. However, in the absence of a central capacity to analyse this information, opportunities for advocacy and programming may have been missed.

OCHA was not the only UN agency that struggled to find its footing in the protection quagmire of Darfur. In fact, as the RTE evaluation reports, the lack of UN presence, and in particular the lack of leadership by mandated UN agencies, transferred responsibility for shaping and driving the humanitarian response onto a core group of INGOs and the ICRC. This lack of presence critically undermined the UN's ability to act as a buffer between hostile authorities and NGOs working on protection (Broughton et al., 2006: 5). Despite some improvements in UN coverage, NGOs are still exposed. For instance, agencies reported access to justice programmes being closed by security officials, and then reopened following representations by visiting UN officials, only to be closed again once the officials had departed.

This lack of presence and capacity has also made proactive and practical responses to critical protection concerns difficult. The RTE evaluation highlights how, despite the appalling impact of the crisis on children, there was little attention to child protection issues. While UNICEF is now scaling up its programming in Darfur, commentators report that its protection capacity is still significantly weaker than in other crises, such as in Sri Lanka. Leadership on SGBV was even more challenging. The decision to confer the role to UNFPA in the context of wide-scale abuse, gross impunity and an absence of medical, psychosocial and legal support for survivors and their families was widely questioned. Senior UN staff noted that the level of operationality that this role required was unprecedented for UNFPA, and the agency 'struggled to coordinate or inform activities due to its lack of headquarters commitment, institutional experience, staff capacity and protection expertise'.[15] Others pointed to the agency's lack of presence in Darfur, with staff deployed to Zalingei, for instance, only in February 2006. Faced with this lack of field capacity, UNFPA has tended to concentrate on policy issues, and work in collaboration with other actors with greater presence on the ground. Despite successes such as the lifting of the Form Eight reporting requirements for rape victims, translating policy achievements into practical improvements in the lives of Darfuri women and girls has proved difficult. From an operational perspective, SGBV has been viewed as a reproductive health issue, rather than a protection concern (Broughton et al., 2006: 65). The result has been a focus on medical treatment, with limited attention to psychosocial and legal support. In effect, SGBV has been stripped of its thorny protection dimensions.

Individual agencies' confusion over protection roles and responsibilities reflects an overall lack of leadership on the issue by the RC/HC, who in Sudan also performs the role of Deputy Special Representative of the Secretary-General (DSRSG). Senior UN staff bemoaned the RC/HC's lack of emphasis on protection, despite its status as a specific function of the post under the Revised Terms of Reference for Humanitarian Co-ordinators.[16] Under these Terms of Reference, protection work is meant to encompass promoting respect for humanitarian access and other elements of IHL and

13 For more discussion of UNHCR's cluster lead on protection, see UNHCR, Working Session on Building Capacity for the Protection of IDPs, Geneva, 14–16 December 2005.

14 The collaborative response was initially outlined by the IASC in its Policy on the Protection of Internally Displaced Persons (December 1999). It was subsequently reaffirmed by the IASC as the preferred means of responding to situations of internal displacement in the Supplementary Guidance to HCs and/or on their Responsibilities in Relation to Internally Displaced Persons (April 2000) and the Guidance Note on the Collaborative Approach (March 2003). The collaborative approach to protection has been replaced by the cluster approach in conflict situations.

15 Interview with senior UN humanitarian official, Khartoum, June 2006.

16 Adopted by the Inter-Agency Standing Committee on 29 August 2003.

human rights law, and advocacy with the local and international media. Many observers believed that combining humanitarian and political functions in the position of the HC/DSRSG resulted in the demotion of humanitarian, and particularly protection, issues, and felt that the HC was reluctant to highlight IHL concerns for fear of jeopardising political relations with the government. This is reportedly a common characteristic of HCs, especially in contexts involving peacekeeping operations (Paul and Bagshaw, 2004: 44).

6.2 The dilemmas of UNMIS' leadership in protection

UNMIS is the first integrated mission to have a *humanitarian* protection role.[17] This was fashioned out of Security Council Resolution 1590, which established a UN mission in Sudan with the primary function of supporting the implementation of the Comprehensive Peace Agreement. The inclusion of a Protection of Civilians Section within UNMIS, rather than in a humanitarian agency such as OCHA, reflects a more 'coherent' approach to humanitarian protection, where the humanitarian arm can coordinate with political and military actors and leverage greater influence. It can also result in strategy on civilian protection being led by the objectives of a politically-driven mission, rather than strictly by humanitarian imperatives. This, as we will see later, has resulted in significant differences in interest and approach between UNMIS Protection and its humanitarian counterparts.

Unlike OCHA, UNMIS created a dedicated Protection Section in Khartoum from the outset in late 2005, with up to 15 international and national positions, to coordinate general protection and child protection activities in Darfur and the rest of the country. Like many actors working in Sudan, the Protection Section was beset with recruitment difficulties, especially as most OCHA staff did not elect to transfer into UNMIS; in June 2006 many positions were still vacant.

There was widespread concern about the role of UNMIS in humanitarian protection. At the field level, other humanitarian actors generally felt that it had very limited practical relevance. The assumption was that UNMIS was primarily concerned with monitoring and reporting. However, given the integrated nature of the mission, most humanitarian agencies preferred not to share information with UNMIS Protection due to concerns that this information would be used for political purposes. NGOs were under the impression that UNMIS's agenda was driven by political rather than humanitarian considerations. As evidence, NGOs cited the mission's emphasis on returns, which was felt to be misplaced in a context of continuing insecurity and displacement, and its reluctance to engage with the protection issues emerging from the UN-facilitated DPA. Mandated protection actors suggested that working with an integrated mission with a political oversight function undermined their perceived neutrality and independence.

UNMIS's focus on monitoring and reporting, in addition to its core coordination role, has led to overlapping activities, and has shifted the emphasis of humanitarian protection away from practical interventions and towards a UN-focused information system. This has left operational actors more, rather than less, exposed as they deal with local authorities hostile to protection work and without practical support in the form of tools and guidance. Most organisations have as a result continued to work with OCHA, but this is unsustainable given OCHA's reduced capacity under the new configuration.

Implementing this new protection function within a UN mission has been further complicated by a lack of clearly defined roles and functions within UNMIS itself. The responsibility for protection lies with the humanitarian arm of the mission, while human rights and rule of law come within the remit of its political component. However, senior protection and human rights officers, both within and outside the mission, remain confused about the different responsibilities of the Protection of Civilians Section and the Human Rights Section. This conceptual ambiguity has translated into a tug-of-war in practice, with the lack of cooperation and coordination resulting in what Henry (2006) calls a 'non-negotiable divide' between the two Sections. Indeed, at a field level, shared information and analysis and joint planning were absent, with an observable lack of cooperation on specific incidents.

In many ways, UNMIS's difficult experience in Darfur is unsurprising given that this is the first time that a civilian protection component has been incorporated into the humanitarian arm of an integrated mission. Issues of mandate, roles and responsibilities take time to clarify. The mission's mandate is also undeniably complex, addressing as it does both the implementation of the CPA in the south and the ongoing crisis in Darfur. These difficulties are compounded by the fact that missions are developed *in situ*, without the benefit of institutional experience and support. However, the unclear division of roles between humanitarian, human rights and political actors also has an impact. The focus of humanitarian actors is on the security of civilians, while human rights and political actors focus more heavily on the state and its institutions. Humanitarian protection is thus necessarily focused on the daily experience of war-affected communities. UNMIS Protection's lack of operationality, coupled with its limited field presence in Darfur and lack of engagement with field-based actors, makes it difficult for UNMIS to coordinate protection activities, provide practical solutions to field-based problems and maintain the level of analysis required to serve as an effective actor in humanitarian protection. In this instance, these difficulties do not appear to have been offset by the greater political leverage that the integration of humanitarian, political and

17 MONUC in DRC has a Human Rights Section whose objectives include 'to provide advice, training and assistance on international human rights standards to human rights NGOs and others in civil society and to provide advisory services related to the promotion and protection of human rights'.

military functions is intended to achieve. Given the difficulties UNMIS has confronted in incorporating humanitarian protection within an integrated mission, repeating the approach in future missions will need careful consideration.

6.3 The experience of the Working Groups

In early 2004, OCHA established the Khartoum Protection Working Group (KPWG) and subsidiary Protection Working Groups (PWGs) in the three Darfur states. By mid-2004, sub-groups focusing on child protection and SGBV were also taking shape, and there were efforts to establish regular protection coordination meetings with the government's Humanitarian Aid Commission (HAC). The aim of the PWGs is to share information and analysis on protection, provide practical guidance, facilitate joint assessments and coordinate common action. The role of the KPWG, renamed the Khartoum Protection Steering Group (KPSG) in 2006, is to act as a forum for exchanging information and developing common policy on protection issues across Sudan, including Darfur; address protection issues of common relevance; and develop or support advocacy activities on specific issues requiring high-level action (Khartoum Protection Steering Group, 2005). The groups are constituted differently. In Khartoum, the KPWG, previously led by OCHA/UNHCR and currently led by UNMIS Protection, is made up of senior representatives of UN agencies, UNMIS civilian components, international organisations and international NGOs active in protection. At a field level, the groups have developed more organically, and while all include international agencies working in protection, some also extend to representatives from the AU; others limit attendance to international staff because of the sensitivity and confidentiality of the issues under discussion. UNHCR leads the PWGs in West Darfur, with UNMIS leading in the other two states.

Many positive achievements have been recorded as a result of agencies working together in the PWGs. The *North Darfur PWG Survey on IDP Return* served as an excellent advocacy tool to halt the authorities' efforts to relocate displaced populations without providing the requisite level of security.[18] Collective efforts to support the effectiveness of the AU and examination of the protection implications of cuts in food aid by WFP were all reported as positive outcomes of collaborative action. Further examples are mentioned by the RTE evaluation (Broughton et al., 2005: 35), which points to the more consistent inclusion of protection specialists in assessments, common analysis of trends, case management of specific incidents and joint briefing of visiting delegations. According to reviews, the following characteristics of the PWGs have enhanced collective action: consistent participation from the same individuals (rather than simply the same organisations); specific experience within the group relating to the issues raised; good-quality leadership of meetings, with clear agendas and action points; collective engagement without dependence on a single organisation or individual; the establishment of taskforces on specific issues requiring more intensive action; and a membership which was allowed by their agencies – indeed expected – to devote a significant portion of their time to joint work.

Despite these successes, senior protection staff report that the PWGs have devolved into simple information-sharing fora, with little dynamism or positive impact. The RTE evaluation pointed to the need for consistent support to these groups, so that they can remain useful and relevant, and for them to be 'revitalised' with seminars, strategy sessions and high-calibre guest speakers (Broughton et al., 2006: 77). A combination of reticence to share information or analysis in public, reduced practical coordination as a result of the transfer in leadership from OCHA to UNMIS and the lack of protection experience of attending staff were all highlighted as reasons for decreased impact. Where the PWGs were successful, they appear to have achieved this success without the support or guidance of the Khartoum Protection Steering Group, which was felt to be too UN-centric, lacking practical and field-oriented capacity and not sufficiently influential to ensure that advocacy issues raised at field level would be taken up at higher levels.

6.4 Coordination with the AU: opportunities missed

In the early days of its deployment in April 2004, AMIS was largely open to engagement with humanitarian actors, and advice was sought and followed regarding locations for deployment and patrols. Despite limited resources, logistics and troops, in certain locations AMIS interpreted its mandate creatively and undertook preventive deployments; in Labado and Muhajaria in late 2004 and early 2005, for example, it succeeded in deterring or reducing attacks (O'Neill and Cassis, 2005: 35). As described earlier, in many places AMIS also engaged in firewood and, to a lesser degree, cultivation and harvest patrols, which have had significant protection results.

AMIS troop numbers have increased progressively over the lifetime of the mission, from 3,320 in October 2004 to approximately 7,700 today. As discussed earlier, the mandate has also changed to include the protection of civilians in certain circumstances. However, the limitations of the mission's mandate, experience and capacity in the face of Darfur's widespread insecurity and vast geographical area have become increasingly evident. With declining credibility and morale, the proactivity which characterised the early days of the AMIS deployment has been gradually replaced with indifference, for which it has been continually castigated by the international community. Interaction with humanitarian agencies and conflict-affected populations decreased, as did engagement in joint initiatives. In May 2006, anti-AU demonstrations took place across Darfur in reaction to the Union's role as mediator in the deeply unpopular Darfur Peace Agreement. AMIS' position has been further undermined during 2006 by inconclusive efforts to replace the mission with a UN peacekeeping force. In the words of one

18 NGO internal protection paper, 2004, on file with the authors.

experienced aid worker, the troops are now 'essentially holed up in barracks'.

Efforts by OCHA in 2004 and 2005 to establish mechanisms for consistent engagement with AMIS on civilian protection and other humanitarian-related issues were largely unsuccessful. AMIS staff are not members of the KPSG, and their attendance at other humanitarian meetings has been irregular, with complaints from humanitarian agencies about a lack of consistency within the AU on information sharing and follow-up, especially in reports of protection and security incidents in rural areas. The deployment of AU Civil–Military Officers and the creation of AU Civilian, Humanitarian and Human Rights Officers in 2005 has improved communication, as has attendance at the PWGs. However, the lack of a system for coordination has meant that liaison between humanitarian and AU personnel has been largely sporadic and dependent on individuals.

AMIS' deficiencies represent a significant missed opportunity in Darfur, but responsibility for any failings should not be pinned on the AU alone. The lack of a consistent mechanism for engagement on issues relating to civilian protection has reduced mutual understanding and limited opportunities for coordinated action in Darfur. Despite AMIS's unpopularity, in some areas IDPs continue to press for its presence, as well as its involvement in firewood patrols. Given ongoing insecurity, and with the deployment of UN peacekeepers looking increasingly uncertain, opportunities to inject renewed energy and commitment into relations with this key protection actor should be explored. The newly established OCHA-led weekly meetings between NGOs and AMIS are a positive first step, which should be developed across the region.

6.5 Coordination with political actors

Experience from other contexts indicates that mobilised and informed donors and diplomats can, and often do, play important roles in persuading delinquent governments to fulfil their IHL obligations (Paul and Bagshaw, 2004: 6). Over Darfur, however, the diplomatic community has largely failed to exert its influence effectively.

In early 2004, a monthly Technical Meeting was established, involving the Ministry of Foreign Affairs, the Humanitarian Aid Commission and political and humanitarian actors in Khartoum. These meetings were disbanded shortly after the establishment of the Joint Implementation Mechanism (JIM). The JIM was created in the wake of the UN–Sudan Joint Communiqué of 3 July 2004, an agreement between the Sudanese government and the United Nations on political, human rights and humanitarian issues, reached following a visit by UN Secretary-General Kofi Annan to Sudan on 29 June–3 July 2004. The JIM is meant to report on the implementation of the Communiqué. A Progress Matrix was developed to monitor implementation of specific humanitarian, human rights, security and political agreements. Humanitarian organisations felt that this provided a useful mechanism to press for compliance, at least in the early stages. Joint Verification Missions were undertaken to assess the situation in Darfur, and findings were fed into the UN Secretary-General's monthly report on Darfur to the Security Council. These Missions have turned out to be a crude and unwieldy instrument for evaluating progress, especially given the intimidation and harassment of witnesses in Darfur and the government's failure to acknowledge reported abuse. A subsidiary JIM (Sub-JIM) was later established to monitor human rights and protection issues. Commitment to the JIM has, however, waned. A Verification Mission has not been undertaken since October 2005, and there is disappointment at what is considered diminishing interest on the part of local embassies.

Monitoring and reporting on a large scale is ineffective without prompt and appropriate action on the issues reported. Political actors require detailed information and evidence if they are to remain active and involved in protection issues, and the challenge in Darfur has been to create effective channels for this. The regular reports disseminated by UNMIS Protection are considered informative in this respect, but donor representatives do not believe that they are effectively linked to action. On the other hand, there is disappointment among humanitarian agencies at the level and quality of donor participation and engagement, with complaints that diplomatic missions send junior staff to meetings on protection issues, who have no influence or capacity to effect policy change. Donors for their part feel that the main mechanism for coordination between the diplomatic and humanitarian communities, the Donor Protection Liaison Group, is more focused on information-sharing than on substantive action. This lack of consistent, strategic and coordinated action between the humanitarian and the diplomatic and political communities has reduced the effectiveness of the protection response in Darfur.

Engagement with political actors can present difficulties for humanitarian actors, and interaction in Darfur has not been without controversy. In North Darfur in 2004, a donor representative repeatedly attempted to attend a PWG meeting, but was asked to leave after a vote in favour of expulsion by the humanitarian actors present. Concerns were raised about the use of the sensitive information under discussion and the politicisation of humanitarian activities and fora as a result of such close association with political actors. PWG members were also concerned to ensure consistency in governmental involvement, feeling that if one donor representative was allowed to attend, then the forum had to be open to others, including the Sudanese government. Since then, political actors have not been granted permanent membership of the PWGs.

The protection rhetoric which became the storyline of the crisis during 2004 led several key donors to encourage humanitarian organisations to increase their involvement in protection

activities. Some actors reported that, given the failure to deploy a successful ceasefire monitoring operation or to apply effective pressure on perpetrators to stop the violence, some donors developed unrealistic expectations about the capacity of humanitarian organisations to affect the security situation in Darfur and protect civilians. Reportedly, it was donor pressure which led many organisations to become involved in protection for the first time, which many believe may signal an attempt on the part of the diplomatic community to substitute political action with humanitarian action.

Chapter 7
Conclusions

The response to the Darfur crisis has been unprecedented in its focus on protection issues. The attention and level of involvement of humanitarian actors in protection programming mean that there is a wealth of experience from which to learn. This report has attempted to capture the range of activities undertaken, and the challenges which these responses have confronted. Some of the key lessons are summarised here in order to help inform future responses, both in Darfur and in other similar crises.

The emphasis on protection in the Darfur crisis reflects a welcome increase in international awareness of the risks and threats to which civilians are exposed in violent conflict. The proliferation of new protection actors and the expansion of protection programming have not, though, led in the majority of cases to a significant improvement in the security of the civilian population of Darfur. As discussed in this report, it is unreasonable to expect unarmed humanitarian actors to protect civilians, especially amid open conflict. However, humanitarian organisations can play a significant role in helping civilians limit their exposure to security threats, and mitigate the effects of such exposure, if their programmes are informed by an in-depth analysis of risks and an understanding of the political economy of the conflict, through which appropriate response options can be developed.

Many of the difficulties identified in this report derive from insufficient collective efforts to gain a better analysis of the political and socio-economic dimensions of the crisis, and of its consequences in terms of civilian security. Whilst this failing is common to many emergency responses, in light of the emphasis on protection in the Darfur crisis there was an even stronger rationale for serious efforts to identify and make use of key resource people, both national and international experts, for this purpose. Such investment in analysis should be a constant feature of ongoing responses. The lack of contextual analysis has been aggravated by a generally inadequate understanding of the conceptual framework of protection and its practical application to Darfur, particularly among actors new to protection. There has been no holistic analysis of the evolving risks and threats facing civilians. This has resulted in imbalances in the response and an undue focus on monitoring and reporting, which is poorly linked to action.

Inadequate analysis and ill-informed strategies have largely resulted from a lack of clear leadership. The protection response in Darfur was shaped and driven by non-mandated agencies, many of which were new to protection and did not benefit from sufficient guidance from more experienced protection actors. The lessons from the Darfur crisis point to the need for the UN system and other humanitarian organisations to identify clear roles and responsibilities to ensure that future responses are informed by protection analysis from the beginning, and that a framework for engagement with communities, duty-bearers and warring parties is in place from an early stage. At the global level, the UN has tried to address the need for leadership on protection through the development of the cluster approach, though this has not been tested in Darfur. In any case, there are inherent weaknesses in the proposed global Protection Cluster (currently led by UNHCR), since its specific focus on displaced people means that it is not premised on an analysis of the risks facing the entire civilian population in a crisis. This may have the effect of predetermining the protection response in a crisis, skewing assistance towards people in IDP camps, as has happened in Darfur. The experience of Darfur demands a re-evaluation of the cluster approach, based on a broader interpretation of the concept of protection and renewed attention to the civilian population as a whole.

While roles, mandates and responsibilities are examined at the global level, the lack of effective protection coordination in Darfur requires urgent attention by the most senior levels of the UN system. Leadership from the top is critically needed to ensure that respective strengths in the system are built upon, and constructive synergies are developed with the ICRC and key NGOs. Efforts should be made to move beyond coordination towards inter-agency complementarity, in order to develop unity of effort (Slim and Bonwick, 2005: 45). Complementarity will only be feasible in the context of a common assessment of risks and desired outcomes, as well as a shared analysis of community self-protection strategies and opportunities for joint engagement with duty-bearers.

A specific issue of concern in Darfur, though it can also be of wider relevance, relates to whether UNMIS should coordinate the protection function on behalf of the UN system. Whilst there is a debate about the appropriateness of an essentially political structure taking on a humanitarian function (albeit through its humanitarian arm), it is important to acknowledge the merits of having a dedicated protection function within a peacekeeping mission, in particular the potential to promote political action in favour of civilian protection. The benefits of having an identified lead agency with appropriate capacity to coordinate and guide the protection response cannot be over-stressed. However, UNMIS has not demonstrated that it has the capacity to fulfil this function. It is essential that the senior leadership of UNMIS together with the UN Country Team enables and equips UNMIS Protection to play an effective lead role, which includes being able to act as an influential interlocutor between the authorities and NGOs, particularly those responsible for camp management. Failing this, another

lead should be identified, ideally from amongst the UN mandated agencies.

There is a critical need to review some of the current approaches to protection, and to redress problems where they are found. The most pressing concern is engagement with non-displaced civilians. The relatively limited presence of humanitarian organisations outside the camps has been a clear shortcoming of the Darfur response to date. The large numbers of people in rural areas have received only limited assistance. Furthermore, there has been an almost total lack of aid provision to Arab pastoralists, fostering the perception that aid is biased along ethnic lines. This needs to be urgently addressed since it weakens the credibility of the international response and undermines the principles of neutrality and impartiality which should underpin humanitarian action.

Another broad strategy that needs careful review is that of protection by presence. Its limitations are apparent, its impact on security remains inconclusive and it potentially exposes humanitarian workers to security risks. More detailed analysis to determine the merits of humanitarian actors' presence as a protective strategy is therefore required, particularly in the light of increasing insecurity in Darfur. Regardless of the effectiveness of such presence, it can be no substitute for more direct political action.

More in-depth analysis is also needed in order to identify new and emerging threats to the civilian population. This is fundamental in order to avert the danger of aid and places of sanctuary like the camps being co-opted by belligerents and abusive power structures. The manipulation of aid in these contexts makes civilians vulnerable to 'extortion, threat and deprivation' (Slim and Bonwick, 2005: 46). In Darfur, the camps are increasingly dominated by exploitative new leaders. It is therefore essential that risks and threats within the camps are more thoroughly examined, including through dialogue with a broad range of community members, particularly women and young people.

Appropriate analysis and strategic leadership are also required to better identify opportunities for humanitarian organisations, particularly those new to protection work, to engage more significantly with duty-bearers on issues of civilian safety and risk. So far, humanitarian actors have found it difficult to work closely with governmental authorities because of the role played by the government in the conflict. However, there have been insufficient efforts to find opportunities to develop a constructive relationship where such possibilities exist. A nuanced evaluation of potential reformers in government, and openings arising at the local level, is critical in order to achieve a progressive engagement by the government and other duty-bearers in the protection of civilians, which is ultimately a governmental responsibility.

The mandated agencies are critical players in strengthening the overall protection response. While all actors need to enhance their understanding of their role and need to improve their performance, the mandated agencies should use their expertise to help strengthen the collective response. This can be done through supporting new, serious entrants in the protection field, as well as informing overarching strategy and promoting good practice. New entrants should invest more in developing adequate capacity if they wish to continue to engage in protection. Recruiting isolated protection personnel has proved inadequate, suggesting the need for the broader integration of protection into overall assistance strategies. This requires a fundamental shift in approach and genuine institutional support and investment from the top down. However, it also presents humanitarian organisations with an important dilemma. Many see their engagement in protection as raising problems for their operationality, since involvement in protection has often led to a restriction in humanitarian space, especially where protection activities have focused on monitoring, reporting and public advocacy.

The emphasis placed on protection in the Darfur crisis has been appropriate and important. At the same time, however, it has raised a wide range of challenges for humanitarian and other actors, challenges which need to be seriously debated and addressed if the rhetoric and resources now being devoted to protection are to translate into meaningful benefits for the people whose safety is at risk.

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