

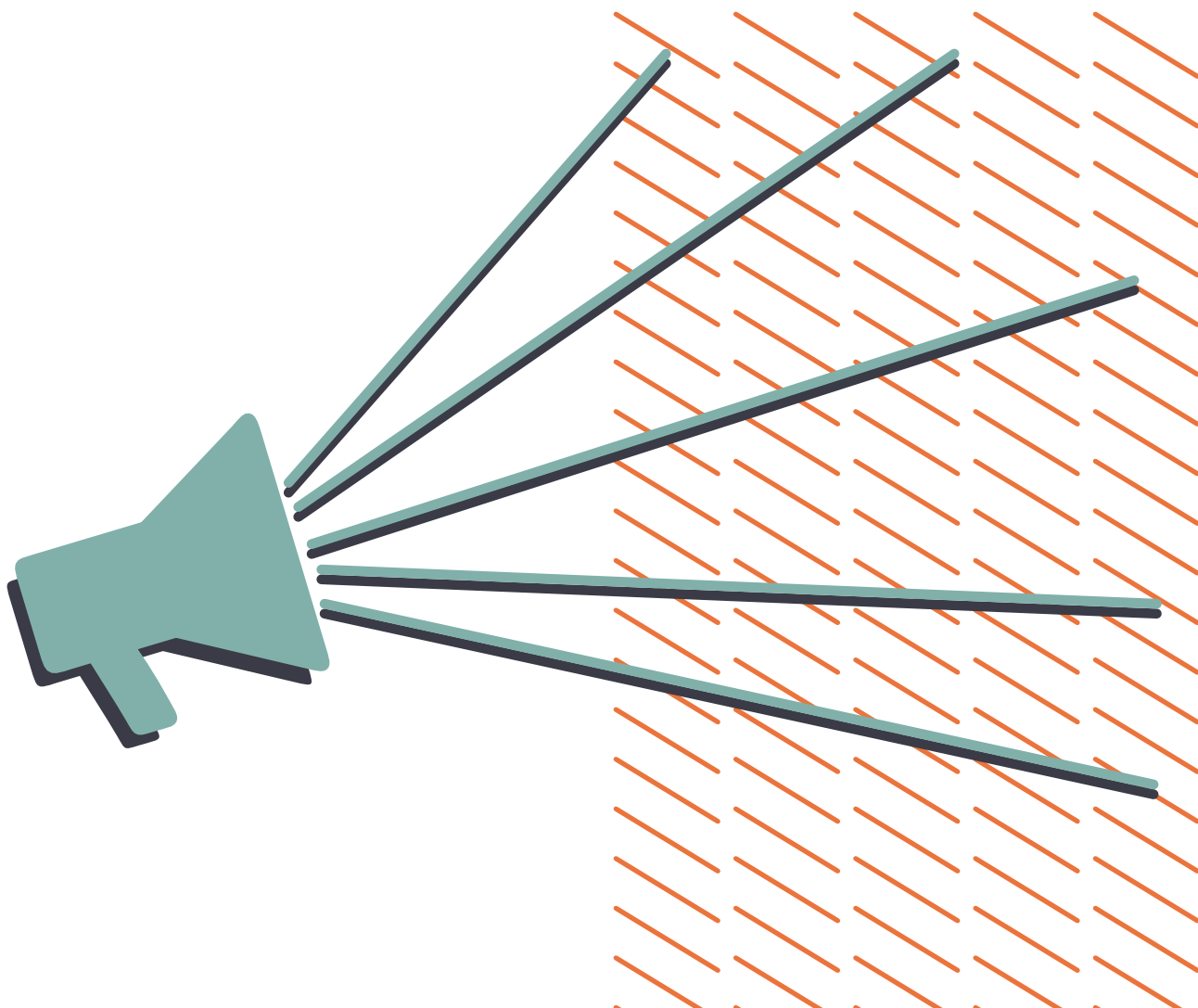
HPG report

Advocating for the better protection of civilians

From stagnation to action

Victoria Metcalfe-Hough

October 2022



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About this publication

The Humanitarian Policy Group (HPG)’s work is directed by our Integrated Programme (IP), a multi-year body of research spanning a range of issues, countries and emergencies, allowing us to examine critical issues facing humanitarian policy and practice and influence key debates in the sector. This paper is part of HPG’s ‘Advocating for humanity: securing better protection outcomes for conflict-affected people’ IP. The author would like to thank HPG’s IP donors whose funding enables us to pursue the research agenda.

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Acronyms

DoD	(United States) Department of Defense
ECHO	European Civil Protection and Humanitarian Aid Operations
ERC	Emergency Relief Coordinator
EU	European Union
EWIPA	explosive weapons in populated areas
GBV	gender-based violence
GPC	Global Protection Cluster
HC	Humanitarian Coordinator
HCT	Humanitarian Country Team
HPG	Humanitarian Policy Group
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IHL	international humanitarian law
IHRL	international human rights law
INGO	international non-governmental organisation
MSF	Médecins Sans Frontières
NGO	non-governmental organisation
NRC	Norwegian Refugee Council
OCHA	(United Nations) Office for the Coordination of Humanitarian Affairs
RCRCM	Red Cross and Red Crescent Movement
UK	United Kingdom
UN	United Nations
UNFPA	UN Population Fund
UNGA	UN General Assembly
UNHCR	UN Refugee Agency
UNICEF	UN Children's Fund
UNSG	UN Secretary-General
US	United States

Executive summary

According to the United Nations (UN), there are more active armed conflicts today than at any time since the end of the Second World War (UN, 2022). The complexity and scale of violence and abuse that civilians in these conflicts face require all relevant actors to use their influence to persuade conflict parties to uphold their obligations under international humanitarian and human rights law (IHL/IHRL) to spare civilians from the effects of war. International humanitarian actors have a key role to play as part of the wider collective of protection advocates. But are they playing their part and, more crucially, are they having any impact? If not, why not, and what needs to be done to turn that around?

Working closely over three years with a range of international and national humanitarian and non-humanitarian organisations and leaders, this multi-year programme of research and public affairs work focused on key issues including the role of senior UN leaders in protection advocacy; collaborative and complementary advocacy between humanitarian and other actors; influencing western states' practice in regard to their obligations under IHL/IHRL; and the advocacy role of the Global Protection Cluster (GPC). Key lessons and positive examples identified were shared in real time with international humanitarian organisations with a view to informing their ongoing advocacy efforts.

Protection advocacy as a core tenet of international humanitarian action

Engagement with or advocacy to state and non-state conflict parties undertaken with the express purpose of persuading them to uphold their obligations under relevant international, regional or national laws to protect civilians from violence and abuse is generally understood as a core tenet of international humanitarian action, as articulated in the Inter-Agency Standing Committee (IASC) 2013 statement on the centrality of protection, and their subsequent 2016 policy (IASC, 2013; 2016). Advocacy can take multiple forms and be conducted directly or indirectly with parties through quiet diplomacy, third-party channels, public communication (including public condemnation and campaigns), legal action, or other tactics and in any combination thereof.

Conflict-affected people, their communities, and their political and civil society representatives are the real front line in terms of engaging local conflict parties in an effort to persuade them to spare civilians from violence and abuse (Haddad and Svoboda, 2017; Kaplan, 2017; Lindley-Jones, 2017; South, 2018; Metcalfe-Hough, 2019). But international actors – including humanitarian, peace, human rights and development actors – also have an important, complementary role to play. The added value of some international humanitarian actors – particularly international organisations such as the International Committee of the Red Cross (ICRC) and UN agencies and senior leaders such as Humanitarian Coordinators – relates to both their international status and their humanitarian mandate. For example, they have greater access to the systems of global governance through which multilateral diplomatic,

military or economic pressures can be brought to bear on conflict parties; they have greater financial resources to invest in advocacy capacities; and, theoretically at least, they may be recognised as being primarily concerned with preserving lives and not taking ‘sides’ in a conflict.

Politics and a failure to adapt to shifting political dynamics inhibit advocacy efforts

The research indicates that international humanitarian actors are generally not effectively leveraging these areas of added value and in practice most have only limited influence over the behaviour of conflict parties and conflict actors. The evidence points to two overarching reasons: the local, national, regional and global political dynamics, and a failure by international humanitarians to adequately adapt to these dynamics.

The political climate in which international humanitarians operate today is perhaps more complex and more challenging than at any time in recent memory. The protracted stasis at the UN Security Council (UNSC) is a symptom of increasingly toxic political divisions between states, fuelled by shifts in the global economy; the reversion to the primacy of state sovereignty over individuals’ rights; decreasing interest in normative approaches to international relations; and the rise of populism and nationalism stemming from the fall-out of globalisation. All of these trends have contributed to a diminishing international consensus on multilateral intervention in the name of protecting civilians.

The international legal and policy framework on counter-terrorism continues to have an unintended chilling effect, effectively discouraging international humanitarian actors from engaging non-state actors proscribed as terrorist organisations by the UN, the European Union (EU) and individual member states (Metcalfe-Hough et al., 2015; NRC, 2018; ICRC, 2021; MSF, 2021). It is also increasingly used by states around the world to refute the applicability of IHL/IHRL to their own civil wars in an effort to exempt themselves from responsibilities under international law (Ojeda, 2017; NRC, 2018, HRW, 2020; Davies, 2021).

The nature of armed conflicts and parties to them have changed significantly in recent decades, with an ever more complex set of protagonists and increasing spillover effects. The sheer numbers of local, national, regional and international armed actors on the ground, the complexity of their structures, their shifting alliances, their levels of violence, and expanding interests and motivations present real practical barriers to influencing their behaviour. Additionally, the rise of social media has provided new opportunities for addressing protection risks but it has also posed new and complex threats to civilians. And it has meant that humanitarian actors are under far greater scrutiny than ever before and more vulnerable to reputational attacks that can undermine their operations.

Most international humanitarian practitioners understand that they need to adapt to these and other political dynamics. They acknowledge the weaknesses in their current approaches: the paucity of their evidence base; a reluctance to collaborate within and outside the humanitarian sector; and an over-reliance on traditional tactics despite knowing that they do not really work. But moving away from

these entrenched practices and adopting a more focused, sustained approach that can navigate some of these political dynamics is proving hugely difficult. Why? For the majority of practitioners consulted in this research, the main barrier to adoption is the prevailing fear of the risks inherent in advocating for better protection of civilians, and the broad failure at the institutional and system levels to address this through creating incentives for a more risk-tolerant, more innovative approach to protection advocacy.

Advocacy on protection issues presents a wide array of risks but it is also evident that not all risks are particularly acute. There are surprisingly few examples of a direct link between advocacy (conducted privately or publicly) and restrictions imposed upon, attacks against, or threats made to international humanitarian organisations or their staff or partners. Instead, as evidenced throughout this research, the international humanitarian's understanding of the risks involved are often based on ill-informed assumptions rather than a thorough assessment, are often overstated, and are rarely considered in relation to the risks to local partners or to affected populations if internationals stay silent. Consequently, risk is often poorly managed, with a default decision to limit advocacy or, in some cases, not engage in it at all.

A more politically aware, risk-tolerant approach to protection advocacy

Since politics is one of the key factors inhibiting the influence that international humanitarian actors can have on conflict actors, so they must become more politically aware. In practice, this means working on the basis of a more comprehensive understanding of the wider political landscape and how that is playing out in relation to specific conflicts and/or specific protection trends. This requires international humanitarian actors to deepen their knowledge of the power dynamics between and the strategic interests of conflict actors and conflict parties, how these influence their respective actions in relation to the protection of civilians, and how advocacy can best be tailored to these interests. That knowledge can help international humanitarians identify which third-party actors could influence change in the behaviour of other conflict actors or parties and how they may be motivated to use that influence, as evidenced in many of the positive practice examples documented through this research.

Shifting to a more risk-tolerant approach is not easy, particularly given the deeply entrenched aversion to risk that has prevailed across the humanitarian sector. But understanding the full range of risks prevalent in protection advocacy, how and the extent to which each can be mitigated, and making informed decisions on the residual risks that remain after mitigation, are essential for maximising the possible impact that international humanitarians can have and to ensuring the best use of the resources and capacities they are investing.

Instituting a more politically aware and a more risk-tolerant approach will require a fundamental and coordinated shift in approach from all stakeholders in the international humanitarian system – from donors to organisational leaders and operational staff on the ground. Cognisant of the challenges to be overcome and the long-term practical and political investments that will be necessary, there are six key areas of action that international humanitarians will need to take to support such a shift.

- 1. Clarifying and ‘socialising’ the concepts of protection advocacy.** Humanitarian actors must clarify generally and in relation to specific contexts what advocacy is, who does it or is expected to do it, what actions it involves, and what frameworks are appropriate for international humanitarian actors. This is critical to correcting misconceptions and allaying some of the fears and resulting risk aversion that many individual staff have about engaging in advocacy on protection.
- 2. Identifying priorities and sustaining investments.** More effective and impactful advocacy means choosing to focus efforts on one or two priorities that are determined by the context and informed by affected people, on which humanitarians can realistically have some expectation of impact, and on which they can sustain advocacy and engagement over time.
- 3. Being adaptable in strategy but consistent in standards.** Adaptability is key to ensuring that advocacy can be more effectively tailored to the specific audience or target, that advocates can integrate learning in real time, and that they can be reactive to opportunities that arise. In order to earn the credibility necessary to have influence, this adaptability must go hand in hand with consistency in terms of holding all conflict actors to the same standards as set out in IHL/IHRL, and in international humanitarian actors’ own compliance with the principles of humanitarian action.
- 4. Addressing gaps in leadership, skills and capacities.** International humanitarian organisations need to fundamentally change how and who they recruit, making sure they have the right person for the job, including when a context deteriorates further into crisis. At the leadership level, this means ensuring recruitment profiles prioritise negotiation and diplomacy skills in recognition that protection advocacy is an integral part of the job. And, more generally, a long-term approach to strengthening institutional capacities for analysis needs to be combined with short-term measures to increase the sharing of capacities and knowledge between organisations within and outside the humanitarian system.
- 5. Working collaboratively to enhance impact and reduce risk.** Making effective collaboration with partners in and outside the international humanitarian system the norm rather than the exception requires a system-wide commitment from the humanitarian community, coupled with institutional investments in ensuring leaders and staff understand why and how to work in collaboration with human rights and other partners, what the risks involved may be and how these can be mitigated. Building a far more diverse network for collaborative advocacy – with states and civil society actors, at global, regional and national levels – will be particularly critical to increase credibility, legitimacy and thus impact.
- 6. Incentivising changes in institutional culture and working practices.** Creating incentives for change and an enabling environment in which staff at all levels are encouraged, feel adequately supported and expect to be held accountable for taking a more risk-tolerant approach in their protection advocacy efforts will require investments in stronger leadership across the various levels in the IASC. It also requires a clearer vision for what advocacy means in practice and what each leader and each organisation is expected to deliver; provision of institutional and capacity support particularly to strengthen capacities for risk management and analysis; and strengthened mechanisms for individual and collective accountability for advocacy using performance management frameworks, governing boards and donor frameworks to set out specific expectations and measure performance against them.

1 Introduction

According to the United Nations, there are more active armed conflicts today than at any time since the end of the Second World War, with ‘one quarter of the global population now living in conflict-affected countries’ (UN, 2022: 3). The human consequences of this scale and scope of armed conflict are enormous, in terms of both those directly facing violence and abuse and those that suffer the secondary impacts. The current conflict in Ukraine, for example, has forcibly displaced more than a third of the population, with over 7.4 million Ukrainian refugees now registered across Europe and 6.9 million displaced within their own country, and over 14,000 civilians have been killed or injured (UNHCR, 2022; OHCHR, 2022). Devastating as the situation in the country is, the conflict-induced restrictions on food exports from Ukraine has also compounded existing high levels of food insecurity around the world, ‘threatening to unleash an unprecedented wave of hunger and destitution’ according to the UN Secretary-General (UNSG) (UN Global Crisis Response Group, 2022). This will push the number of people in severe food insecurity up to 323 million globally (ibid).

Despite the wealth of data attesting to widespread and systematic violations of IHL/IHRL in countless conflicts, states that bear the primary responsibility in this regard have repeatedly failed to halt violence against civilians or broker sustainable peace. Tectonic shifts in the global political and economic landscape and the widening gap between the priorities and positions of states, together with the challenges of intervening in increasingly non-international armed conflicts, have resulted in paralysis at the UNSC – the principal guardian of global peace and stability. But this also reflects a broader crisis in multilateralism.

The complexity and scale of violence and abuse that civilians face today require all relevant actors to use their influence to pressure conflict parties to change their behaviour and uphold their obligations under IHL/IHRL. There is a diverse array of advocates in this regard – from civilians directly affected by armed conflict, their local representatives and local civil society organisations, to the private sector, national, regional and international actors and the media. Each has an added value, role, points of leverage and opportunities with which to try to exert some influence over the behaviour of conflict parties and third-party states vis-à-vis the protection of civilians. International humanitarian actors sit within this wider collective of ‘advocates’. They have specific mandates for advocating on protection, possess particular opportunities and areas of added value by nature of their status as ‘international humanitarian’ actors, and they have long-standing practice from which to learn. But in the face of the ever-increasing threats to civilians, are they making their contribution? More crucially, are they having any impact? If not, why not? And what needs to be done to turn that around?

Working closely over three years with a range of international and national humanitarian and non-humanitarian organisations and leaders, this multi-year programme of research and public affairs work

has sought to answer these questions.¹ It explored the extent to which international humanitarian actors are engaging in protection advocacy, how effective they are in that regard, and where and how they could increase their influence and thus the actual protection of civilians, including by working in greater recognition of and in alliance with other advocates in this area.

The programme is based on an assertion that protection advocacy is a core tenet of international humanitarian action, particularly but not exclusively in situations of armed conflict and generalised violence. There is no commonly accepted definition, but for the purposes of this programme ‘advocacy’ is understood in its most simple form as any and all efforts to persuade conflict parties, and the wider set of conflict actors, to adhere to their obligations under IHL/IHRL to protect civilians affected by armed conflict.² This research is also based on the assertion that not all international humanitarian actors have a specific role in or capacity for advocacy of this kind. Instead, the research focused on those individual leaders and institutions that have a formal mandate for protection (i.e. specialised UN agencies, the ICRC and senior UN officials) and those international non-governmental organisations (INGOs) that self-define as protection actors and advocates. It is this sub-set of international humanitarian actors that seek to engage (to varying degrees) with conflict parties on their responsibilities to protect civilians.

The research focused on key themes: the role of senior UN leaders in protection advocacy; the practice of protection advocacy by INGOs; collaborative advocacy between international humanitarian and human rights actors; complementarity between international humanitarian actors and local/national advocates; how international humanitarian actors seek to influence western states in terms of their responsibilities to respect and ensure respect for IHL/IHRL; and the advocacy role and practice of the GPC and its field-based clusters/working groups. Throughout, the research team focused on working with international humanitarian practitioners and their partners and stakeholders, to identify practical lessons and positive practices, capturing concrete examples to showcase the challenges and risks but also the opportunities available to international humanitarian actors to increase the impact of their protection advocacy. Lessons and examples identified were shared in real time with international humanitarian organisations with a view to informing their ongoing advocacy efforts.

This final report presents a synthesis of the evidence gathered throughout this three-year period. This synthesis was also able to draw upon more recent complementary Humanitarian Policy Group (HPG) research in this area, including its independent review of the implementation of the Inter-Agency Standing Committee (IASC) policy on the centrality of protection in humanitarian action (Cocking et al., 2022) and research funded by the European Civil Protection and Humanitarian Aid Operations (ECHO)

1 See <https://odi.org/en/about/our-work/advocating-for-humanity-opportunities-for-improving-protection-outcomes-in-conflict/>.

2 Humanitarian organisations conduct a wide range of advocacy on other issues with other stakeholders, such as on operational response issues, but this is not included in this research.

on multilateral protection advocacy (Davies and Spencer, 2022a; Spencer and Davies, 2022). The key findings were tested in a series of bilateral and group consultations; a range of international and national stakeholders and their insights and views are therefore integrated in this report.

Chapter 2 briefly outlines why advocacy is so integral to international humanitarian action, particularly in regard to the protection of civilians, and the particular role to be played by international humanitarian actors. Chapter 3 sets out the principal findings of the research, setting out the common areas of weakness in both practice and impact. Chapter 4 sets out – on the basis of positive practices identified in the research – how international humanitarian actors need to shift their approach in order to strengthen the impact of their advocacy with conflict actors.

2 What is ‘protection advocacy’?

2.1 Protection advocacy as a core tenet of international humanitarian action

Engagement with or advocacy to conflict parties undertaken with the express purpose of promoting their greater respect for the relevant bodies of international law, and thereby the protection of civilian populations, is generally understood as a core tenet of international humanitarian action, as articulated in the IASC 2013 statement on the centrality of protection and its 2016 policy (IASC, 2013; 2016; see also Bernard, 2014; Niland et al., 2015; ICRC, 2018; ECHO, 2022). Reinforcing this, in HPG’s recent survey of humanitarian stakeholders, 71% said they as individuals or their organisation engaged in advocacy to promote the protection of civilians (Spencer and Davies, 2022). Advocacy can take multiple forms and be conducted directly or indirectly with parties. In practice, the former has more generally become the preserve of those international organisations or individuals that have a formal protection mandate and a small set of INGOs specialised in this area. The latter is an area in which a broader group of international humanitarian actors engage. Advocacy can be undertaken through quiet diplomacy, third-party channels, public communication (including public condemnation and campaigns), legal action, or other tactics and in any combination thereof. Whatever the form, the primary purpose of this advocacy is to persuade parties to conflict – state or non-state – to uphold their obligations under relevant international, regional or national laws to protect civilians from violence and abuse (see, for example, Slim and Bonwick, 2005).

Over time, international humanitarian actors have increasingly recognised that provision of life-saving assistance and services is not on its own enough to spare civilians from the worst effects of armed conflict. Advocacy is thus aimed primarily at *preventing* to whatever extent possible – i.e. reducing, minimising or halting – violence against civilians and civilian assets (schools, medical facilities, service infrastructure, livelihoods, etc.). It is generally used in complement to the provision of assistance and services that aim primarily (though not always) to address the *consequences* of violence and abuse. As evidenced in the examples cited below, the form and nature of protection advocacy necessarily varies according to the mandate, role, status, and capacities of and opportunities presented to different actors. Local and global contextual factors and the status of the conflict also shape the form and scope of advocacy efforts.

There are regular debates within the humanitarian community about whether challenging conflict parties on their behaviour towards civilians compromises the principle of neutrality or risks operational access. But for any international humanitarian organisation or leader engaged in helping to protect civilian populations, seeking to influence the behaviour of the parties to conflict vis-à-vis civilians is, or certainly should be, a key activity. Thus, the question is no longer whether advocacy is something international humanitarian actors *should* do, but rather *how* can they undertake advocacy that has (more) impact for civilians.

2.2 What particular contribution can international humanitarian actors make?

International humanitarian actors – organisations or individual leaders – are not the only entities engaged in advocacy to promote the protection of civilians. In recent years there has been increasing recognition – long overdue – that conflict-affected people, their communities, and their political and civil society representatives, are the real front line in terms of engaging local conflict parties in an effort to persuade them to spare civilians from violence and abuse (Haddad and Svoboda, 2017; Kaplan, 2017; Lindley-Jones, 2017; South, 2018; Metcalfe-Hough, 2019). HPG’s recent research with local actors in Turkey, as well as examples identified in Jordan and South Sudan, highlighted how local actors often have particular points of leverage with local parties to conflict because of their physical proximity, as well as their cultural, ethnic, linguistic, familial and religious ties, and that they are more able to sustain their engagement with these actors over time (Gray Meral et al., 2021; Davies and Spencer, 2022b). Local actors are thus critical in managing the daily risks to lives and livelihoods, whether through negotiating payment of local ‘taxes’ to armed actors for ‘security’ or arguing for access to schools for girls. And they play a key role in addressing the drivers of violence over the long term (Metcalfe-Hough, 2019; Gray Meral et al., 2021; Davies and Spencer, 2022b).

But international humanitarian actors also have added value that derives from their status as both *international* and *humanitarian* entities. Their international status means they have greater access to the systems of global governance through which multilateral diplomatic, military or economic pressures can be brought to bear on conflict parties. They have access to states that have security partnerships with conflict parties and through which bilateral influence can be exerted, and access to these same states when they are directly engaged in conflict situations (see, for example, Metcalfe-Hough, 2022a). And they generally have greater financial resources than national or local advocates, which they can invest in their advocacy capacities and efforts. Their humanitarian character also offers added value: in theory at least, they are recognised as being primarily concerned with preserving lives and not taking ‘sides’ in a conflict. In reality, both the practice and the perception in this regard is constantly challenged but this humanitarian framing can still offer, in some cases, some opportunities to influence the behaviours of conflict parties and the wider set of conflict actors.

The added value derived from this international status and humanitarian character is particularly prominent in regard to international organisations – namely the ICRC with its unique mandate embedded in IHL, and specialised UN agencies and entities such as the UN Refugee Agency (UNHCR), the UN Children’s Fund (UNICEF), UN Women, the UN Population Fund (UNFPA) and UN Office for the Coordination of Humanitarian Affairs (OCHA) – as well as individual leadership roles such as Humanitarian Coordinators (HCs) and Special Representatives of the Secretary-General. Because of their status and mandate (the latter conferred by member states themselves), these entities tend to enjoy increased legitimacy among some conflict actors, particularly states, which can afford them greater influence over those actors’ policies and practices on the protection of civilians. Yet mandates alone are not enough – consistent and principled approaches in advocacy and programming practice are also key to increasing credibility with conflict actors, including conflict parties. This was highlighted

in dialogues with western state representatives undertaken as part of this programme who highlighted a handful of INGOs, particularly Médecins Sans Frontières (MSF), as having built up a significant degree of credibility among state and non-state conflict actors through consistent behaviours in terms of their adherence to humanitarian principles in their programming and in their engagement with conflict actors, including conflict parties (Metcalf-Hough, 2022b).

The international humanitarian community thus has its own areas of added value in and opportunities for influencing conflict actors (including parties) as part of a wider system of advocates. Are they acting on these and are they having any impact? As discussed in Chapter 3, the majority of stakeholders involved in this programme agreed that, in general, international humanitarian actors are not delivering on their advocacy role, in terms of either effort or impact. But why is this the case? What is inhibiting their effort and the impact they may be able to have?

3 Is a new approach required?

The broad consensus among stakeholders in this programme of research was that international humanitarian actors generally have only limited influence over the behaviour of conflict actors, including conflict parties. At best, they have been able to secure temporary and small-scale improvements in the lives of civilians in some conflict contexts. More broadly the global trend is one of escalating and widespread violence against civilians, with desperate consequences. Why, then, are international humanitarians having so little impact? What factors are inhibiting their efforts? The evidence gathered in this programme of research highlighted two overarching issues in this regard.

First, trends in the political climate at local, national, regional and global levels pose a huge challenge to effective protection advocacy in terms of the extent to which international humanitarian actors are able to influence the behaviour of conflict actors, particularly conflict parties. And second, the evidence indicates that international humanitarians – from INGOs to the UN system to the Red Cross and Red Crescent Movement (RCRCM) – have invariably struggled to rise to the challenge posed by these shifting political dynamics. Instead, crippled by a seemingly all-consuming aversion to risk, many international humanitarian actors have failed to sufficiently adapt, evolve or innovate their approaches to advocacy. Stagnation rather than action seems to have prevailed.

3.1 The impact of local, national, regional and global political dynamics on protection advocacy

The political climate in which international humanitarians operate today is perhaps more complex and more challenging than at any time in recent memory. This is in stark contrast to the global consensus that seemed to be building at the beginning of the millennium around the imperative of protecting civilians at risk wherever they may be. In 1999, the UNSC added the protection of civilians in armed conflict to its agenda through its resolution 1265, formally recognising it as a matter of international peace and security (UNSC, 1999). However, two decades after the UNSC members voiced their ‘deep concern at the erosion in respect for international humanitarian, human rights and refugee law and principles during armed conflict’ and asserted their ‘willingness to respond to situations of armed conflict where civilians are being targeted’, this august body is in a protracted stalemate, its members unable to take meaningful collective action to protect civilians at risk in the most egregious of conflicts.

The situation in the UNSC is a symptom of increasingly toxic political divisions between states. These divisions are fuelled by the rapid shifts in the global economic environment; an increasing reversion to prioritising state sovereignty over individuals’ rights in the face of domestic security threats; decreasing interest in normative approaches to international relations; and the rise of populism and nationalism stemming from the fall-out of globalisation that has contributed to a conservative shift in many western democracies. All of these trends have contributed to a diminishing international consensus on or appetite for multilateral intervention in the name of protecting civilians (see also Lilly, 2022).

The widespread (though never universal) support of UN member states for multilateral intervention to protect civilians affected by armed conflict, driven in large part by the horrors of the genocides in Rwanda and the former Yugoslavia, began to wane in the face of failures of this approach in Iraq and Afghanistan, and also in Libya. Western states' engagement in Libya in particular discredited the 'Responsibility to Protect' doctrine that had peaked in terms of global interest by the mid-2000s, leaving many non-western states to consider it a pretext for regime change (UNGA, 2005; Thakur, 2011; Ferguson, 2017).

Additionally, some western states have in recent years sought to actively undermine the international protection architecture they helped create. United States (US) sanctions on the leadership of the International Criminal Court (ICC), and the EU's efforts to circumvent, if not blatantly ignore, international refugee law in their response to the migration crisis in the Mediterranean, have exposed the hypocrisy of these states' positions and arguably emboldened other states to ignore pleas for compliance with IHL/IHRL (Hargrave et al., 2016; Metcalfe-Hough, 2022a).

Recognising the stalemate at the UNSC, and concerned at the downward spiral of respect for IHL/IHRL, member states of the UN General Assembly (UNGA) have tried to act, launching important initiatives such as the establishment in 2016 of the International Impartial and Independent Mechanism, to assist in the investigation and prosecution of persons responsible for the most serious crimes under International Law committed in the Syrian Arab Republic since March 2011³ and the recent resolution 76/262 that seeks to hold the permanent five member states of the UNSC accountable for using their veto powers to prevent UNSC action (UNGA, 2022; UN News, 2022). But such efforts have been relatively rare and the UNGA's powers to galvanise collective state action are limited. This crisis of multilateralism is also manifested in insufficient financial commitments and political support from states for the UN system, particularly for its humanitarian, peace support and other conflict response mechanisms, which has in turn crippled the UN as a key protection tool of the international community (Lilly, 2021).

Some of these political trends so evident in the multilateral system are also playing out in very practical ways at national and local levels, impacting directly to what extent and with what impact humanitarians can bilaterally engage state and non-state conflict actors on their responsibilities to protect civilians. In particular, the international legal and policy framework on counter-terrorism continues to have an unintended chilling effect on humanitarian operations in the most high-profile armed conflicts. The real and perceived scope of this 'ever-expanding web' of legal and other measures has effectively discouraged international humanitarian actors from engaging non-state actors proscribed as terrorist organisations by the UN, EU and individual member states (ICRC, 2021:10; see also Metcalfe-Hough et al., 2015; NRC, 2018; MSF, 2021). Although this framework originated in the US and Europe, it is increasingly used by states around the world to refute the applicability of IHL/IHRL to their own civil

3 For more information see <https://iiim.un.org>.

wars in an effort to exempt themselves from responsibilities under international law. And in so doing, they have rejected the core framework and principles on which international humanitarians base their protection advocacy (Ojeda, 2017; NRC, 2018, HRW, 2020; Davies, 2021a).

More broadly, many international humanitarian actors had in the past relied upon advocacy partnerships with western states to echo or channel their messages to conflict parties. These partnerships have been severely undermined by the performance of these same states in terms of their own lack of compliance with IHL/IHRL. The hypocrisy of these states' positions in the conflicts in Afghanistan, Iraq and Yemen, on refugee rights and on other issues, has severely weakened their leverage with conflict parties. This, together with their efforts to co-opt humanitarian action for strategic purposes, such as in Iraq and Afghanistan in the 2000s, has left many international humanitarian actors wary of using past alliances. This is because there is little confidence that they can have impact, and for fear of being labelled western stooges in the eyes of affected people and conflict parties, and all the risks that brings.

At the same time, the nature of armed conflicts and parties to them has changed significantly in recent decades, with an ever more complex set of protagonists and increasing spillover effects. Most of today's armed conflicts are non-international in character and involve multiple armed actors (see for example ICRC, 2018). The nature of those armed groups has evolved, now often characterised by horizontal structures; decentralised chains of command; shifting alliances with and across borders; extensive use of social media and other new technologies; and wide-ranging political, economic and religious incentives, agendas and interests (see for example Comolli, 2020; Pejic et al., 2021). Increasingly, both state and non-state conflict parties are being used as proxies by third-party states seeking strategic gains for their own interests – whether considered 'just' or not – and whose support risks perpetuating violence (von Einsiedel et al., 2017; Pfaff and Granfield, 2019; Barabanov and Ibrahim, 2021). Some of these proxies are mercenaries – the use of which has increased in recent years, as evidenced in Mozambique, Nigeria, Libya, Ukraine, Syria, Yemen and elsewhere, with attendant heightened risks to civilians (UN Working Group on the use of mercenaries, 2021). Thus, the sheer numbers of local, national, regional and international armed actors on the ground, the complexity of their structures and alliances, together with the levels of violence, present huge practical challenges to those international humanitarian actors – namely protection-mandated organisations and the small number of protection-orientated INGOs – that are seeking to engage them on protection issues. This includes difficulties in identifying which armed actor is responsible for specific incidents or trends, and maintaining safe contact for dialogue on protection issues.

Social media and rapidly increasing access to technology have changed the nature of warfare and armed actors, posing new and complex threats to civilians, as evidenced in the ethnic violence directed at the Rohingya in Myanmar in recent years and in other contexts too (Amnesty International, 2022; see also Metcalfe-Hough, 2019). It has also changed the wider environment in which humanitarians operate. Humanitarian response has become more crowded and more diverse, with new informal entities operating outside the established coordination structures and instead using social media to gather support and organise their own response. The rise of social media has also

meant that humanitarian actors are under far greater scrutiny than ever before – from donor states, conflict parties and affected communities. The ease and speed with which reputations can be made and lost through social media mean that maintaining the goodwill necessary to fund and deliver their programmatic responses, as well as to enable their influence over conflict parties, is proving ever more challenging. This was demonstrated in the public-relations difficulties facing the ICRC in Ukraine; for example, following the high-profile meetings between the ICRC president and Russian authorities in 2022 (Hyde, 2022; ICRC, 2022).

A key global change in recent years is the increased emphasis on the importance of working with and in support of a far more diverse set of actors than the traditional international humanitarian club, particularly local actors. Here, social media has also played its part, enabling the organisation of campaigns such as Black Lives Matter and Me Too. These movements, together with a number of other factors, have forced increased introspection among many international humanitarian actors about their colonialist roots, as well as their lack of diversity, and shaken their confidence and their credibility. But this acknowledgement of the need for change has yet to fully translate into new ways of working: many international humanitarian actors are struggling to shift to this new political reality, to identify what role and contribution they can make, and to throw off some of the old patriarchal attitudes and assumptions about their legitimacy and credibility that have characterised their institutional cultures.

These political trends are not all entirely new, but they have combined to present unprecedented challenges to international humanitarian actors seeking to engage in advocacy on the protection of civilians. It has often become even more difficult for them to identify and safely reach out to perpetrators of violence directly. It has meant fewer diplomatic channels through which to pass messages to perpetrators indirectly, and fewer opportunities for advocacy alliances with third-party states and channels, or for international humanitarians to influence the multilateral system. It is more difficult to find points of leverage that international humanitarian actors could have in terms of influencing the behaviours of conflict parties and the wider set of conflict actors. It is more difficult to identify the specific added value international humanitarians may have on a specific issue or context, over a broad array of other advocates. And it means international humanitarians are struggling to gain and maintain the credibility or legitimacy necessary to have influence. How have international humanitarians responded to these very real challenges? The evidence gathered in this programme suggests that many international humanitarians have not yet sufficiently evolved, adapted, or re-evaluated their traditional advocacy approaches to respond to or better navigate these challenges.

3.2 Limited adaptation and lesson-learning

3.2.1 The need for adaptation

During bilateral and group consultations as part of this research, most international humanitarian practitioners agreed on the weaknesses in their approach and how advocacy approaches need to change. For example, there is consensus that there remains some confusion as to what advocacy actually is or what it involves. As highlighted in past reviews of UN protection responses and echoed

in the research across the breadth of international humanitarian actors in this programme, there is a default understanding among many practitioners – including at the highest levels – that advocacy mainly means speaking out publicly to condemn perpetrators of violence and abuse.

This narrow understanding has proven problematic because the operational and other risks of speaking publicly are often considered too great and thus no advocacy is undertaken at all (Bowden and Metcalfe-Hough, 2020). For example, both the 2012 Petrie report on the UN's response to the armed conflict in Sri Lanka and the subsequent 2019 Rosenthal review of UN engagement in Myanmar highlighted the failure of UN officials to understand or utilise the breadth of advocacy actions and tactics that were available to them (Petrie, 2012; Rosenthal, 2019). And in HPG's research in Libya and Nigeria, many INGOs failed to consider the range of tactics and approaches available to them to engage conflict parties, assuming that speaking out was the primary action and in too many cases deciding on that basis to remain silent for fear of the unassessed risks involved (Davies, 2021a).

The research also found that protection advocacy is often non-strategic, that it is rarely focused on a specific outcome to be achieved by a specific actor based on their particular areas of added value, and that it is approached without a sustained investment of resources and capacities. Rosenthal's finding that there was an 'absence of a clear and unifying strategy' in the UN's engagement in Myanmar is echoed across other crises, at global level and across different types of international humanitarian actors (Rosenthal, 2019: 17–24). For example, HPG's research has found that the IASC's recommendation for Humanitarian Country Teams (HCTs) to develop protection strategies, or protection advocacy strategies, to underpin their implementation of the IASC policy on the centrality of protection in humanitarian action, has in practice become a 'tick-box' exercise, with the efforts focused more on the production of the written document than on enacting its content (Lilly and Spencer, 2020; Cocking et al., 2022). Although there have more recently been some efforts to change, the GPC has historically lacked clarity on its role, generally advocating in an ad hoc way, and many of its field-based protection cluster/sector working groups struggle to identify what their role in advocacy should or could be (Lilly and Spencer, 2020). Some INGOs individually or collectively have also often failed to identify their added value in advocacy, where to focus their efforts, what tactics to use and how to work over the long term (Davies, 2021a).

This lack of a strategic approach has been well noted by some of the targets of international humanitarian's advocacy efforts. Representatives of G12+ member states interviewed for this research explained that the way international humanitarian actors engage with them is generally 'ad hoc and reactive, rather than long-term and proactive', too reliant on the efforts of individual staff instead of an institutional approach, and too quick to resort to public castigation rather than using persuasion, and that consequently they were having little influence over governments' policies and practices on the protection of civilians (Metcalfe-Hough, 2022b: 8). However, some also acknowledged that their own approaches to protection are often ad hoc and reactive too – with narrow, 'pet' issues regularly changing as new ministers and governments are appointed (ibid).

Practitioners consulted in this research also generally acknowledged that calls to action issued by international humanitarian organisations towards conflict actors are often too broad and insufficiently tailored to specific targets, with the result that their messages are more easily dismissed. Most messages consist of broad calls for compliance with a target's obligations under IHL/IHRL. Based on the erroneous assumption that the targets share the same moral and legal values as international humanitarian actors, the messages lack a local contextual framing, use language that targets may not understand and are based on legal arguments that either have no resonance with or are actively rejected by the target (ICRC, 2018; Lilly and Spencer, 2020; McAvoy, 2020; Metcalfe-Hough, 2020; Davies, 2021a; see also Davies and O'Callaghan, 2022). This is particularly the case with states that refute the applicability of IHL to what they consider to be domestic counter-terrorist operations, or states that are not concerned with international legitimacy. Repeated calls for compliance with international law in such cases are unlikely to have any impact (Metcalfe-Hough, 2020; Davies, 2021a; Davies and O'Callaghan, 2022).

There is particular recognition among practitioners that they are not leveraging opportunities for partnerships, for collaborations with different entities within and outside the humanitarian sector, that could help strengthen the impact of advocacy for civilian populations at risk. Coherence in advocacy efforts within the international humanitarian system is still problematic. For example, G12+ state representatives offered examples of when international humanitarian organisations from across the system had contradicted each other in the action they requested states take, with contradictory messages even passed to states from within the same organisation (Metcalfe-Hough, 2022b). There has been a concerted effort among the UN and INGOs in recent years to address this lack of coherence. But the emphasis has been on increasing coordination through heavy bureaucratic processes at the HCT- or INGO-forum levels that require significant time and energy but bear little fruit in terms of increased outputs or outcomes (Lilly and Spencer, 2020; Metcalfe-Hough, 2020; Davies, 2021a; Cocking et al., 2022).

There is also a growing acknowledgement among international humanitarian practitioners that other actors – including local and national advocates, peace, human rights and development actors, and the private sector – can and often do play a huge role in protecting civilians affected by armed conflict. But in practice, forging alliances with such actors is still relatively uncommon and thus the advantages to be accrued by working in multi-disciplinary partnerships are often missed, including a more informed understanding of different conflict actors and their motivations; being able to draw upon different channels of contact with, and to use different points of leverage over, conflict parties; and reinforcing calls to action through a multiplicity of voices and perspectives. In Turkey, for example, capitalising on the opportunities presented by the significant advocacy capacity among local and refugee-led organisations and international humanitarians has been stymied by the lack of a common vision and lexicon for protection, by differing priorities and more broadly by an extractive, exclusionary approach from many of the international humanitarian actors engaging in that context (Gray Meral et al., 2021).

3.2.2 Lesson-learning: building an evidence base for change

There is consensus among practitioners that the evidence base for their advocacy – i.e. what the most acute threats to civilians are, which armed actor poses these risks and why, and what points of leverage may be exerted – is often narrow in scope, shallow in depth, ad hoc and incomplete. The paucity of the evidence base is related to several linked factors. From a practical perspective, data collection is often constrained by limitations on access to communities, particularly due to insecurity. By default, most organisations focus on collecting data related to their specific mandate or area of expertise. Most data collection is focused exclusively on needs and vulnerabilities rather than what is driving those needs and creating those vulnerabilities, and it is undertaken with limited regularity – at the beginning and end of programmes or for annual strategic planning processes (McAvoy, 2020). Many organisations lack the capacities and resources, or believe they do not have the mandate, to collect data to help attribute responsibility for acts of violence. But there is also often a failure to share data within organisations – between programming staff that collate it and the staff responsible for advocacy – and a reluctance to use or share data between organisations, including local and international partners (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2020; Davies, 2021a; Gray Meral et al., 2021; Metcalfe-Hough, 2021; Cocking et al., 2022; Davies and Spencer, 2022b).

The collection and collation of data is one challenge; analysing that data is another. As highlighted throughout this programme and in the 2022 *Independent review of the implementation of the IASC Protection Policy* (IASC Protection Policy review), there remain long-standing inadequacies in analytical capacities across the international humanitarian system, particularly in relation to the broader conflict dynamics, drivers of violence, key protagonists and their agendas (see also Niland et al., 2015). And there is also a similarly long-entrenched reluctance to work with other entities, those within the humanitarian system or outside it, to consolidate and share analysis of the risks civilians face. This reluctance is driven in part by concerns about sharing data with others that are often overstated or poorly managed, and in part by the long-standing competition for visibility and funding that has hampered collaboration within the international humanitarian system for decades (see for example McAvoy, 2020; Diepeveen et al., 2022).

Finally, despite discussions over the years on how to more accurately measure the impact of advocacy activities, even the positive examples highlighted through this programme of research were not assessed by those delivering the advocacy against any real metrics to determine how effective their actions had been and how much impact they had had. Most advocacy continues to be measured in terms of the outputs produced – press releases, statements, even the strategies developed – and not in terms of the outcomes achieved such as reduced rates of violence or abuse or shifts in policy or practice of conflict parties or other actors that were targeted with advocacy (Lilly and Spencer, 2020). Measuring advocacy impact is, of course, difficult – it is extremely challenging to draw a causal link between advocacy and any discernible changes in the behaviour of conflict parties or a wider set of conflict actors. But there is little evidence from this research that international humanitarians are really exploring how to shift the balance from counting outputs to measuring meaningful outcomes in terms of the experiences of civilians affected by violence and abuse (see also Cocking et al., 2022).

This lack of evidence of impact is problematic for several reasons. First, it feeds the narrative that influencing conflict actors is almost impossible and that there is no point in engaging in what is perceived as a risky endeavour when there is no likelihood of achieving anything meaningful. This is an argument that easily gains ground given the complexities of the wider political climate outlined above. Secondly, it reduces the imperative for investments in necessary skills and capacities for advocacy at the institutional and system levels. And thirdly, a lack of evidence means it is hard to know what works, what tactics could be more effective, what arguments may resonate with particular actors, and what partnerships could help augment impact. This means there has been little opportunity for sharing learning within institutions or across the humanitarian system. Instead, ill-informed assumptions about what advocacy involves have become entrenched, with practitioners reliant on traditional, cookie-cutter approaches despite most acknowledging they have little if any impact.

3.3 Risk as a key barrier to change and innovation

If there is consensus on what is going wrong and what is not being done, why has there been so little effort to change practices? Most stakeholders acknowledge that many of the basic lessons in relation to protection advocacy have been well documented and disseminated over the years. Key lessons in how to increase the impact of advocacy efforts and how to engage in more effective negotiation with conflict actors have been identified and developed into a range of guidance and tools for international humanitarian actors: from Slim and Bonwick's 2005 'Protection: an ALNAP guide for humanitarian agencies', to the GPC's 2010 handbook for the protection of internally displaced persons, to the most recent Handbook for the UN Resident and Humanitarian Coordinator (Slim and Bonwick, 2005; GPC, 2010; IASC, 2021). The importance of a robust evidence base, identifying clear objectives and theories of change, understanding targets and what points of leverage may be most effective, and working in multi-stakeholder partnerships to capitalise on different areas of comparative advantage is generally well known among practitioners at varying levels. So why the failure to integrate these lessons and develop more innovative and, hopefully, more impactful strategies on that basis? There is consensus among senior and technical staff alike that the prevailing fear of the risks inherent in advocacy on protection issues presents a major barrier to changing approaches. These stakeholders also point out the broad failure at the institutional and system levels to address this risk aversion, including in relation to creating incentives for a more risk-tolerant, more innovative approach to protection advocacy.

3.3.1 The risks of protection advocacy – more nuanced than perceived

What are the real risks inherent in advocacy? And to what extent are they being assessed and appropriately managed? Direct and indirect risks relating to advocacy with conflict parties or third-party states on protection issues vary from context to context, actor to actor, but at their most acute include:

- The imposition of restrictions by host states or non-state actors on – or the forced closure of – programmes, including through denial of visas or renewals of memorandums of understanding.
- Threats of arrest and detention of specific staff, or in the worst cases, physical attacks on staff or organisational assets.

- States prosecuting or threatening to prosecute humanitarian staff under national counter-terrorism legislation.
- Damage to personal reputation or career for those individual staff that speak out publicly to condemn violations of IHL/IHRL and incur the wrath of their targets as a result.
- Loss of funds and other support for organisations that engage in public advocacy – from donor states and the public, particularly following smears from the advocacy targets.

A number of conflict-affected states have taken action against international humanitarian organisations or individual leaders in response to their public advocacy, often on the charge of interfering in what they consider purely domestic affairs. The government of Sudan took perhaps the most conspicuous of such actions, in 2006 declaring the UN Special Representative of the Secretary-General and head of the UN peacekeeping mission at the time, Jan Pronk, as ‘persona non grata’ and in 2009 also expelling 13 INGOs from the country (UN News, 2006; 2009). More recently, in relation to the conflict in Tigray, Ethiopia suspended the operations of both MSF and the Norwegian Refugee Council (NRC) in August 2021, citing allegations that they had spread ‘misinformation’ about the conflict (Ahmed, 2021; Al Jazeera, 2021; NRC, 2021). The following month the government also expelled seven UN senior staff members, including the Deputy Humanitarian Coordinator and the head of the OCHA and UNICEF offices, for ‘dissemination of misinformation’ and other alleged violations of their ‘professional code of conduct’ (Ministry of Foreign Affairs, 2021; Al Jazeera, 2021; UN News, 2021).

In reality such retaliatory action is relatively rare. However, the perception of risk has proven particularly effective in reducing engagement in advocacy. Although the expulsion of a staff member has not had a material impact upon the continuity of humanitarian programmes in most cases, it has often had a chilling effect on staff at all levels and in other organisations (Davies, 2021a; Metcalfe-Hough, 2021). This fear of repercussions has been further exacerbated by what are perceived as weak responses from organisational headquarters and from member states including donor states. Although private diplomatic engagement by some third-party states does take place in many cases, this is generally considered inadequate from the perspective of those staff and organisations targeted for retaliation. Moreover, many host states have understood that a high-profile expulsion is not necessary to sow fear among the humanitarian community in their country: at least one HC interviewed for this research highlighted that states had understood that they could simply sideline or refuse to engage them and expect no firm reaction from UN headquarters or from other member states. In the Ethiopia case, there was a relatively rare show of public, high-level diplomatic support. Both the UNSG and the Emergency Relief Coordinator (ERC) raised concerns at the UNSC, with robust public condemnations of Ethiopia’s actions issued also by the US, the United Kingdom (UK) and other member states (UN News, 2021).

The risks facing individual decision-makers in international humanitarian organisations are not limited to the fear of being expelled. Perhaps particularly prevalent among INGOs interviewed was a fear that engaging in advocacy would have an impact on their organisations’ access to funding. This could be due to restrictions imposed by advocacy targets resulting in reduced operations and thus lost resources, or because donors were thought to consider advocacy as a potential disruption to operations and

would not look favourably on funding applications from organisations known to engage in advocacy on protection. There was little evidence presented to substantiate these concerns but there has been a clear push from many donors in the last decade or more for an expanded operational footprint and for more tangible results. Given the perennial competition for funding within the international humanitarian system, whether donors support advocacy or not is clearly a factor, explicitly or implicitly, in the decision-making process on advocacy in many organisations (Davies, 2021a; HPG interviews, 2022).

3.3.2 Risk as a barrier to collaboration with local and other actors

Another key problem highlighted through the research was the reluctance of many international humanitarian organisations and leaders to collaborate more closely with others, including both local actors and other international aid actors.

As demonstrated in HPG's research on advocacy in Jordan, Nigeria, South Sudan, Turkey and elsewhere, too often international humanitarian organisations work in contradiction rather than in coordination with local advocates, dismiss their capacities while extracting their data and analysis, speak in their name without their permission, or exclude them out of misplaced fears for local partners' safety (Metcalf-Hough, 2019; Barbelet, 2019; Metcalf-Hough, 2020; Davies, 2021a; Gray-Meral et al., 2021; Davies and Spencer, 2022b; Spencer and Davies, 2022). For local actors, this is at best a display of ignorance and at worst symptomatic of an inherent arrogance, fuelled by long-standing colonialist, even racist, attitudes (Gray Meral et al., 2021). But this attitude to partnerships with local actors is also fuelled by assumptions about the risks they could pose to internationals' own reputation, access and operations, which in turn relates in large part to a lack of understanding of humanitarian principles.

These assumptions about risk also apply to international humanitarians' perceptions of partnerships with other international actors, including those working in human rights, peace-building, peacekeeping or development, and even within the international humanitarian community (Metcalf-Hough, 2020). For example, the relationship between INGOs and the UN in both Libya and Nigeria has been fraught, with disagreements over the narrative on the protection situation and how to best respond to it (Davies, 2021a). And attempts by international humanitarian and human rights actors to work in closer collaboration have often been stymied by humanitarians' mistrust in relation to data protection and fears that any association with advocacy conducted by human rights partners will also bring them into disrepute with conflict parties (Metcalf-Hough, 2021).

3.3.3 Ill-informed assumptions and mismanagement of risk

Although it is true that advocacy on protection issues presents a wide array of risks it is also evident that not all risks are particularly acute. In fact, as evidenced throughout this research, the risks of fall-out for international humanitarians are very often based on ill-informed assumptions rather than being properly assessed, are often overstated, and rarely considered in relation to the risks to local partners or to affected populations if internationals stay silent (Davies, 2021a). As a result, risk is frequently poorly managed, with the default decision often to limit advocacy or, in some cases, not engage in it at all.

As indicated above, there are surprisingly few examples of a direct link between advocacy (conducted privately or publicly) and restrictions imposed upon, attacks against or threats made to international humanitarian organisations or their staff. In an HPG survey conducted in 2022 of a broad array of international, national and local humanitarian actors, 68% stated that their organisation had not experienced negative repercussions from undertaking advocacy on protection issues (Spencer and Davies, 2022). And the research did not identify any examples where an international humanitarian organisation faced particular fall-out from advocacy targets because of a collaboration with local or other international actors. Rather, from Turkey to Syria, Yemen to Afghanistan, the research demonstrates how widespread these ill-informed assumptions are about the risks posed by engaging in advocacy to staff safety and security, to operations and access, to organisational reputation and funding. So why such risk aversion? The answer is two-fold: a lack of understanding of humanitarian principles and how they should be applied in practice, and long-standing inadequacies in capacities to assess and manage risks.

The reticence to work in alliances with other (non-humanitarian) actors stems from long-standing concerns that close association with any other actor that is, or is perceived to be, biased in favour of one side in the conflict could compromise humanitarian principles, by which international humanitarians mean undermine their own reputation locally or internationally and thus inhibit their access to populations in need. However, as Dubois argues, humanitarian principles have been ‘instrumentalised by the (western-dominated) humanitarian sector as a gatekeeper to humanitarianism itself’ (Dubois, 2020: 9).

The principle of neutrality, the possible endangering of which lies at the heart of this reluctance to work with other actors, should ‘be defined through praxis and subject to deliberate compromise – and indeed compromise is the rule’ (ibid.). This misunderstanding of neutrality also lies behind some of the confusion or reticence that some international humanitarian actors have about whether or how they can and should engage in advocacy bilaterally with conflict actors. Some remain concerned, erroneously so, that taking a conflict party to task on their lack of compliance with IHL/IHRL may somehow breach their status as a neutral actor in a conflict situation. Such concerns fail to take note of the primacy of the principle of humanity – to preserve life. Nor do they take note of the long-standing lessons regarding the importance of contextualising neutrality and independence (Dubois, 2020; see also Magone et al., 2011; Fast, 2014; Slim, 2017, etc.).

Capacities for effective risk assessment and management in humanitarian action vary significantly across the sector. In general terms, although international humanitarian actors have stepped up their risk management capacities in recent years – often in response to increasing donor compliance requirements – this capacity does not appear to have been directed at assessing and responding to the risks relating to protection advocacy. Notably, this research uncovered few concrete examples

where risks relating to protection advocacy specifically had been assessed in detail, or where mitigating measures had been identified and implemented. A key exception is MSF, as illustrated in its Speaking Out project.⁴

More worryingly, there is a general failure across the sector to assess the risks to affected populations or to balance these against the risks to humanitarian organisations. International humanitarian organisations are often reluctant to engage in protection advocacy for fear of the risks to their own reputation, operations or to their staff. There is scant evidence that decision-making processes consider the risks to affected people if humanitarian organisations limit their advocacy or do not engage conflict actors at all on protection issues. Such approaches failed to take account of the fact that not speaking out in the face of abuses is in itself a risk. There is a risk to the affected populations under threat because silence can be interpreted by armed actors as meaning they will not be held to account. Yet there is also a risk to the organisations that remain silent because silence can be interpreted by affected populations as negating their experiences, or can lead to perceptions that humanitarians are complicit in violence and abuse, and this may in turn impact the consent of the local population that organisations need to operate (Mahony, 2018; Davies, 2021a; see also Women of Tigray, 2021).

As indicated by senior leaders from across the international humanitarian system, there is at least a basic consensus among international humanitarian organisations and their staff that protection advocacy is a core activity. But as demonstrated through this research, too often this understanding operates only at a notional level, with many staff at leadership or more junior levels perceiving the operational, security and other risks involved in advocating directly or indirectly with conflict parties in particular too great to actually confront them on their behaviour vis-à-vis civilians. This widespread risk aversion is compounded by assumptions that even if they try to engage, most international humanitarian actors have little leverage and thus little prospect of having any impact on conflict parties, or the wider set of conflict actors, and thus the risk calculation simply does not stack up. However, this inertia is not totally entrenched – some international humanitarian actors at the global and crisis levels are adapting their traditional approaches and integrating some of the key lessons learnt, with positive results. As outlined below, these approaches demonstrate how a more politically aware and more risk-tolerant approach can strengthen international humanitarians' influence on the behaviour of conflict actors.

4 See www.msf.org/speakingout.

4 A more politically aware, risk-tolerant approach to protection advocacy

Drawing on the learning gathered through this programme, this chapter sets out how protection advocacy approaches need to change to have impact. First, it articulates the importance of a more politically aware and more risk-tolerant approach to advocacy and what this looks like in practice. And secondly, it sets out the mutually reinforcing areas of action that should be taken to enable this shift.

4.1 A more politically aware approach

Since politics is one of the key factors inhibiting the influence that international humanitarian actors can have on conflict actors regarding the protection of civilians, so they must work in a more politically aware or politically savvy way (Davies and Spencer, 2022a). In practice, this means working on the basis of a more comprehensive understanding of the wider local, national, regional and global political landscape and how that is playing out in relation to specific conflicts and/or specific protection trends. This requires international humanitarian actors to deepen their knowledge of the power dynamics between, and the strategic interests of, conflict actors and conflict parties, how these influence their respective actions in relation to the protection of civilians, and how advocacy can best be tailored to these interests. That knowledge can help international humanitarians identify which third party actors could influence change in the behaviour of other conflict actors or parties and how they may be motivated to use that influence, as evidenced in many of the positive practice examples documented through this research.

The role of states, including third-party states, is key in mitigating the impact of armed conflict on civilians. Gaining and using a more in-depth knowledge of third-party states' motivations and interests in protecting civilians overseas requires much greater outreach to a diversity of member states and civil society actors, particularly to those that have standing and legitimacy in what is an increasingly multipolar, divided world. Although the economic and diplomatic weight of international humanitarians' traditional western state 'allies' remains substantial in some areas, over time these states' credibility with many conflict parties has lessened considerably and thus they are not able to effectively channel international humanitarians' concerns. A more diverse set of state allies is therefore critical to building a more universal sense of concern about the impact of conflict on civilians and the need for a collective or at least a more coherent response, as evidenced in the international campaign to limit use of explosive weapons in populated areas (EWIPA) (Davies and Spencer, 2022a; see sub-section 4.3.5).

This diversity should also be echoed in the array of mechanisms and platforms used for advocacy. Some stakeholders in this programme argued that the protracted stalemate at the UNSC and the limitations on action by the UNGA mean that these mechanisms no longer – if they ever did – offer real opportunities to bring about change in how civilians are protected from the worst effects of war. The UNGA vote on the Russian invasion of Ukraine in March 2022 and even the July 2022 UNSC resolution

extending cross-border aid provision in Syria demonstrated that these are still mechanisms through which the international community can and does act, despite acute political tensions. But it is clear from the evidence gathered in this research that they can no longer be considered the sole or principal mechanisms for advocacy. Rather, international humanitarians must make an informed assessment of which mechanisms, platforms or channels would most likely bring positive results in terms of influencing change in how states address a specific risk or situation.

For example, lobbying states for change through the less politicised diplomatic processes that exist in and around the UN in Geneva (including in relation to peace dialogues hosted there) could, as several G12+ state representatives argued, have more impact than focusing exclusively on the traditional, high-profile and highly politicised mechanisms at the UN in New York (Metcalf-Hough, 2022b). And the EWIPA process demonstrates the opportunities that exist outside the traditional diplomatic mechanisms of the UN system, and the advantages such an approach can offer in terms of navigating some of the inter-state dynamics that regularly obstruct progress on the protection of civilians (Davies and Spencer, 2022a).

A more politically savvy approach to advocacy also means gaining and acting on a greater understanding of the agendas, interests and motivations of conflict parties. As the ICRC's Roots of Restraint work identified, the cultures, norms, values and interests of armed actors, even the way that they are structured, has a direct bearing on how they apply the rules of war in practice (Davies and O'Callaghan, 2022). Thus, international humanitarians need to develop a more in-depth analysis of the different armed actors in a specific context to understand how to present concerns and encourage greater respect for IHL and IHRL in a way that reflects or resonates with parties' own values, norms and interests. For example, the ICRC's dialogue with armed groups in Somalia draws heavily on local customary law and the organisation has for some time worked with Islamic scholars to ensure that their dissemination of IHL is aligned with Islamic values (ICRC, 2014; Al-Dawoody, 2017; Davies and O'Callaghan, 2022).

Being more aware of shifting political dynamics at different levels also enables identification of opportunities to influence change. This requires monitoring trends in global, regional and local politics and capitalising on 'openings' that arise for dialogue on protection issues. In the US, for example, the members of the InterAction working group on the protection of civilians have been able to quickly react to and capitalise on key moments in domestic politics – such as the national conversation initiated by a powerful *New York Times* piece on the impact of US military attacks on civilians – to gain traction with both US Congress and the US Department of Defense (DoD) on the imperative to reduce civilian harm resulting from US military operations overseas (Metcalf-Hough, 2022a). And in the EWIPA process, a powerful presentation from the Ukrainian government on the effects of Russia's use of explosive weapons in the current conflict there reportedly had a profound impact in grounding the debate in the realities of conflict. The situation in Ukraine seems to have impacted the position of some key North Atlantic Treaty Organization states that had hitherto been rather reluctant to support the political declaration and have now indicated they will support it (Davies and Spencer, 2022a).

4.2 A more risk-tolerant approach

Shifting to a more risk-tolerant approach is not easy, particularly given the deeply entrenched aversion to risk that has prevailed across the humanitarian sector. But understanding the full range of risks prevalent in protection advocacy, how and the extent to which each can be mitigated, and making informed decisions on the residual risks that remain after such mitigations, are essential to maximise the possible impact that international humanitarians can have and to ensure the best use of the resources and capacities they are investing. At its heart, a more risk-tolerant approach comprises three key components:

- 1. A more accurate assessment of the risks inherent in advocacy on protection.** This assessment should include the general risks of raising concerns about an actor's behaviour towards civilians, as well as the risks related to each of the different tactics, channels and partnerships that could be used to raise those concerns. Crucially, it means assessing the risks of engaging in advocacy and the risks of not engaging in advocacy – both to the organisations themselves and to the populations they are trying to protect. This assessment also needs to be regularly re-evaluated since risks can evolve over time, lessening or heightening in relation to other factors including the broader conflict dynamics.
- 2. Putting in place measures to mitigate identified risks to advocates and affected populations.** This means choosing, on the basis of the risk assessment, what actions can and should be taken to reduce them. This may be through changes in tactics (such as adapting language or focusing on private diplomacy rather than public advocacy), through expanding partnerships (including working with actors outside the humanitarian system that may have additional or greater influence over the advocacy targets), sequencing actions (including in relation to the actions of other partners), or – in some cases – stepping back from certain advocacy activities.
- 3. Making informed decisions on what residual risks are acceptable and formulating contingency plans.** Once all reasonable mitigating measures have been taken, there are likely to be risks that remain. A conscious and informed decision is therefore necessary to determine whether to accept those residual risks and proceed with the identified advocacy action, or to instead refrain. Where a decision is made to proceed, contingency plans need to be put in place to ensure appropriate responses (such as providing advance notice to donors and affected populations, enhancing security protocols for field staff, pre-positioning programming assets to mitigate disruptions, etc.).

Given the impact that any action taken by international humanitarian actors may have on local partners and affected populations, as a bottom line there must be regular and close dialogue with them to ensure that they are able to inform and influence the decision-making processes. Their involvement is particularly critical to ensure that international humanitarian actors support, rather than undermine, local advocacy efforts, and that appropriate action is taken by international humanitarian actors to mitigate the risks involved for local organisations and affected populations alike.

Realistically, instituting a more politically aware and a more risk-tolerant approach is likely to prove extremely challenging. It will require a fundamental and coordinated shift in approach from all

stakeholders in the international humanitarian system – from donors to leaders and operational staff on the ground. The action areas below are presented as the key steps that international humanitarians will need to take to support such a shift, cognisant of the challenges to be overcome and the long-term practical and political investments that will be required.

4.3 Key areas of action

Making this shift to a more politically aware and risk tolerant approach will require action in six key areas: (1) clarifying concepts; (2) instituting a more focused and sustained approach; (3) combining adaptability with consistency; (4) addressing gaps in skills and capacities; (5) building constituencies for collaborative advocacy; and (6) creating incentives for change. Actions in these areas must be seen as mutually reinforcing, each forming part of a holistic approach that combines provision of support to staff to empower them to make informed decisions on when and how to advocate, with measures to hold them – particularly senior leaders – accountable for doing so.

4.3.1 Clarifying and ‘socialising’ concepts

Humanitarian actors must clarify what advocacy is, who does it or is expected to do it, what actions it involves, and what frameworks are appropriate for international humanitarian actors. This is critical for correcting misconceptions and allaying some of the fears and resulting risk aversion that many individual staff have about engaging in advocacy on protection.

In particular, greater efforts are required to socialise the understanding that advocacy involves a whole range of modes of action, that it does not simply or only mean denouncing publicly, but that practitioners can and indeed should use different tactics, tools and channels in combination in their effort to persuade conflict actors to take a particular course of action to protect civilians at risk of violence and abuse. This ‘socialisation’ of advocacy needs to be consistent in all humanitarian entities engaging in protection advocacy, and sustained over time. It needs to be integrated in all relevant trainings, guidance and tools for staff in all relevant international humanitarian organisations and at all levels – managerial, technical and operational.

It is equally important to clarify the roles and responsibilities, interests, capacities, added values and comparative advantages of different advocates on different issues and with different targets. Understanding the array of actors that are engaging in advocacy, and the contribution they can each make to a common objective, enables the maximum use of all available resources while also mitigating the risks. This includes identifying which actor is better able to handle certain risks based on mandates, roles and operational footprints.

Socialisation of this understanding of protection advocacy is particularly critical among staff operating in crisis contexts. Here, whatever the structure or grouping – the HCT, UN Country Team or NGO forum – members need a common understanding of what advocacy means in that particular context and which modes of action are likely to be most effective with regards a particular conflict actor on a

particular issue and at a particular moment in the conflict. In HCTs, the role of the HC, together with OCHA and the protection cluster lead/co-leads, is critical in helping to forge, though not dictate, such a common understanding. This is not without challenges, given the diversity of capacities and agendas of humanitarian actors on the ground, but it is possible (see Box 1).

Box 1 Understanding protection advocacy in the Israel-Palestine context

In Palestine, the HCT – under the leadership of successive HCs and with the support of OCHA and the Office of the High Commissioner for Human Rights as cluster lead for protection – has developed common understandings of, and coordinated approaches to, protection advocacy. They utilise a combination of activities undertaken individually or collectively including private diplomacy with the Israeli authorities via the UN and the ICRC. They also mobilise third-party state action (including the EU), through representatives in the region and in domestic capitals, undertaking legal action via Israeli NGOs and lawyers in Israeli courts, and engaging in public communications, including targeted use of social media campaigns on the right of Palestinians and Israelis to live in dignity (HPG interviews, 2022). As stakeholders in that context acknowledged, this has not necessarily increased impact in terms of long-term changes to the behaviour of conflict parties, but the collective effort has enabled some temporary ‘successes’, such as delaying forced evictions, and has helped mitigate and more appropriately share some of the risks that have previously stymied advocacy efforts in that context (HPG interviews, 2021–2022).

4.3.2 Identifying priorities and sustaining investments

Working more politically means moving away from the ‘scatter-gun’ effect wherein humanitarians feel obliged to say something on every issue or context but with little impact. It means moving away from the short-term thinking that characterises humanitarian action and which is at odds with the understanding that securing changes in behaviour takes time.

Instead, more effective and impactful advocacy means choosing to focus efforts on one or two priorities that are determined by the context and informed by affected people, on which humanitarians can realistically have some expectation of impact, and on which they can sustain advocacy and engagement over time (see Box 2). Working at the collective level – through HCTs, NGO forums or other groupings, this means going beyond individual mandates or areas of expertise, and instead identifying protection risks that are so egregious that a collective of international humanitarian actors must work together to address them. Given the breadth and acute nature of protection risks to civilians, and the breadth of expertise and institutional mandates or interests, such an approach involves some tough decisions. But a narrower, more realistic focus for collective action that is sustained over

time can lead to results. Identifying a priority focus also requires formulation of a specific goal to be achieved – the particular change in policy, law or practice that advocacy efforts aim to bring about (see Box 3).

Box 2 Sustained engagement to influence US military approaches to the protection of civilians

In the US, the InterAction working group on protection of civilians has focused its collective advocacy on the US DoD to change its understanding of the civilian impact of US military operations overseas. The group refrained from legalistic arguments and chose the term ‘civilian harm’ to better express the human dimension of the impact of US military operations and to focus the dialogue on that harm rather than on legal definitions or arguments (Metcalf-Hough, 2022a). Through years of sustained engagement at technical and policy levels, this group of INGOs has secured recognition by the US military that their actions can and have inflicted substantial harm on civilian populations – not just in terms of civilian casualties but also in relation to damage to civilian infrastructure, essential services and livelihoods – and have helped the US DoD to adapt its doctrine to both reduce the risk to civilians and to ensure appropriate responses to mitigate it when it occurs. Having secured progress on this specific issue, the group is now working with the US DoD to integrate greater awareness of, and increased effort to secure, the protection of civilians through its security partnerships with conflict-affected states (ibid.).

4.3.3 Being adaptable in strategy but consistent in standards

Adaptability is key to ensuring that advocacy can be more effectively tailored to the specific audience or target, that advocates can integrate learning in real time (see Box 3) and can capitalise on opportunities that arise. In particular, being reactive to political developments and related external momentum is crucial to maximising the impact of advocacy efforts. This adaptability can also be used to increase political momentum (see Box 4).

With a greater knowledge of the politics of advocacy targets, international humanitarians can tailor the framing and language of their messages to ensure that the arguments being put forward to a particular conflict actor resonate with their interests, cultures, values and motivations (see Box 2).

The need to be adaptable in language, tactics and strategy must go hand in hand with consistency in terms of holding all conflict actors to the same standards as set out in IHL/IHRL, and in international humanitarian actors’ own compliance with the principles of humanitarian action. This consistency is essential to earn the credibility necessary to have influence. As stated by representatives of G12+ states during this research, those humanitarian organisations that have greatest influence over their government policy and practice are the ones that are most consistent in terms of the standards they hold all conflict actors to – whether these standards are articulated in formal legal terms or with

a more nuanced framing – and in relation to their own adherence to the humanitarian principles of humanity, neutrality, impartiality and independence in their advocacy and their programming (Metcalf-Hough, 2022b).

Box 3 Adapting strategies based on lessons in real time

The HCT in Palestine recently shifted strategy based on some key lessons that it had collectively identified. Recognising that a legal framing alone was not having sufficient impact, the HCT subsequently adopted a dual-track approach, combining the legalistic advocacy that had characterised its efforts over the last two decades with a new emphasis on communicating the human experiences of those most affected by the ongoing occupation and related armed conflict. Continuing to complement and support the long-standing human rights-focused advocacy of local Palestinian and Israeli NGO partners, the HCT has launched a social media campaign on ‘Life with Dignity’ that aims to increase public awareness of the impact of the occupation and armed conflict on people’s everyday lives, and through this exert pressure on states to act. This, like the legal approach, is a long-term endeavour but there are some early indications that public awareness at least has increased as a result (HPG interviews, 2021–2022).

Box 4 Being adaptable in order to generate political momentum

A UK-based INGO collective that took legal action to stop UK arms sales to the conflict parties in Yemen sought to generate its own political momentum by stepping up a public campaign focused on the human consequences of the conflict and the link with UK-produced arms (Davies, 2021b). Combining such a high-profile legal challenge to the UK government with a public campaign explaining why such action was necessary, and with the resulting (albeit temporary) injunction to UK sales to Saudi Arabia, piled pressure on the UK government. The lack of a long-term change in the UK government policy demonstrates just how hard it can be for international humanitarian actors to challenge domestic political and strategic priorities, but incremental changes are nonetheless important.

4.3.4 Addressing gaps in leadership, skills and capacities

A different, more fundamental approach is required wherein international humanitarian organisations actually change how and who they recruit to ensure that they have the ‘right person[s] for the right place at the right time’, as recommended by Rosenthal in his review of the UN response in Myanmar (Rosenthal, 2019: 25).

Past efforts to address the long-standing capacity gaps for advocacy at the institutional and system-wide levels have focused on the provision of training and guidance, or on the provision of deployable capacities to assist field teams in developing more strategic approaches. However, it is clear from the research that these investments have not achieved the results hoped for or intended. For example, guidance and training for NGO leaders and staff, and the deployment of advocacy officers, has not been sufficient to engender a more proactive NGO advocacy approach in affected countries in many cases (Davies, 2021a). And the recent focus in HC recruitment on coordination skills – a gap identified in past reviews of the HC role – was important but has been to the detriment of addressing equally critical gaps relating to skills in negotiation and effective diplomacy (Bowden and Metcalfe-Hough, 2020).

In this new approach, the recruitment profiles for key leadership positions – whether UN, INGO or the RCRCM – must make clear that the experience and skillset to lead an effective protection advocacy effort is a necessary and integral part of the job, not just another ‘add-on’ to the long list of tasks. This includes:

- prior experience of political negotiations with complex actors
- an understanding at least in the basics of IHL/IHRL
- an understanding of the risks involved in advocacy in its different forms (including the risks to affected populations if international humanitarians do not advocate on their behalf) and how they can be effectively managed.

In addition, humanitarian organisations must be ready to react immediately to shifting contexts and new demands, particularly where a context has deteriorated, necessitating a rapid shift from developmental to humanitarian response. In such cases, a review of existing staffing profiles needs to be undertaken quickly to ensure that leaders with the ability to engage and negotiate with conflict actors are in place, and that they have the support to navigate the challenges of a changing environment.

At the technical level, perhaps the most acute gap in capacities relates to **conflict and conflict stakeholder analysis**. There has, over the years, been an effort to produce guidance and tools to enable humanitarian staff to develop conflict analyses (see for example Interpeace et al., 2022). The ICRC’s *The Roots of Restraint in War* report provides an analytical framework that other actors can use to identify the best approach for influencing armed actors (ICRC, 2018).

As a first step, it is necessary and feasible for all international humanitarian organisations to ensure their staff are cognisant of the imperative to deepen their knowledge of the conflict dynamics on the ground and the key stakeholders involved – their interests, motivations, values and cultures – and to address their own knowledge gaps through working with others. Sharing analysis and analytical capacities across the humanitarian sector is feasible from a practical and a principled perspective. There are a number of humanitarian organisations – such as Mercy Corps and the NRC – that have been building in-house capacities and producing analyses that are shared with other stakeholders. And there is also

a range of international and local non-humanitarian partners – including human rights organisations and peace-building and security actors – whose analysis can be accessed to inform humanitarians' own understanding of conflict dynamics and key local conflict actors.

Some of the capacity gaps identified – in communications and legal frameworks, and in context analysis – are being addressed to an extent through temporary deployable capacity, such as the Protection Standby Capacity Project (ProCap) roster that supports HCs, HCTs, and NGOs in key technical areas. But such capacities should not be considered a substitute for long-term investments in building field teams with specialist capacities in these areas, which are necessary to ensure greater consistency and sustainability in approach (Cocking et al., 2022).

4.3.5 Working collaboratively to enhance impact and reduce risk

International humanitarian actors generally recognise that they need to work more closely together. They also recognise that they need to work with or galvanise collective action across a breadth of actors – local, national, international, humanitarian, human rights, peace-building, diplomatic – to bring maximum pressure to bear on conflict parties and third-party states. Working together more closely is essential from both the perspective of increasing impact and in relation to mitigating risks, since it can prevent or at least limit the opportunities that conflict actors may have to exploit divisions between international humanitarian actors in an effort to weaken or undermine the advocacy message.

Localisation has been a policy priority for the humanitarian sector for some years, particularly since commitments made at the 2016 World Humanitarian Summit and within the Grand Bargain. This prioritisation is not just moral or ethical – working in partnership with local actors in protection advocacy is a practical imperative too. When based on an understanding of each set of actors' comparative advantages, local-international collaborations on advocacy can be mutually beneficial and lead to greater impact for affected people than each set of actors working alone (Gray Meral et al., 2021; Metcalfe-Hough, 2021; Davies and Spencer, 2022b). Drawing on respective areas of added value, collaborations can help advance protection objectives that are shared between international and local aid actors (see Box 5).

Box 5 International-local collaboration in South Sudan

In South Sudan, INGOs' advocacy on sexual violence, in coordination with local civil society groups, helped create space for the latter to speak up more robustly at both the local and international levels, boosting the credibility of the arguments being made and helping build momentum for change in the government's and international responses (Davies and Spencer, 2022b). This has achieved concrete results: collaborative advocacy by local and international humanitarian, human rights, development and diplomatic actors focused on strengthening accountability, ultimately pushing the government to establish the first-ever gender-based violence (GBV) and juvenile court in Juba in 2020. This court has already successfully convicted a number of perpetrators and led to increased access to support services for survivors of such violence (ibid.).

In many contexts, international humanitarian organisations can no longer expect to meet protection advocacy targets on their own due to the changed way in which such organisations are now perceived. For many such international humanitarian actors, shifts in local and global political dynamics, fuelled by access to (mis)information via social media, have meant that they can no longer assume that they enjoy universal credibility, if they ever did. Instead, as evidenced in the ICRC's Roots of Restraint study and other research, working with local organisations and communities is essential since they often have greater credibility with local conflict parties and can translate concerns and calls to action based in international legal frameworks into local cultural norms and values that have greater resonance with them: 'the truth is that local NGOs and local leaders are much more acceptable when it comes to advocacy in a crisis situation' (Chowdhury, 2018: 6-7; Davies and O'Callaghan, 2022).

Working with other aid actors across different spheres of intervention is critical to ensuring that all available resources, tactics and channels are being leveraged in the effort to influence the behaviour of conflict parties in relation to civilians. In particular, collaboration with human rights actors offers advantages, given the shared legal frameworks and increasing co-existence on the ground, and such collaborations have been effective (see Box 6).

Box 6 Combining humanitarian and human rights advocacy capacities

In their litigation on the UK's sale of arms to the Saudi-led coalition partners, the different INGO partners involved utilised their different areas of added value to maximise their collective effort (Davies, 2021b). The Campaign Against the Arms Trade took the lead in the litigation itself because of its expertise in this area, as well as its higher risk appetite related to its limited operational footprint in Yemen, while Oxfam and other humanitarian partners lent their credibility as witnesses to the violations against civilians in the conflict and responders to the consequences of that violence (ibid.). In Syria, human rights partners from the UN and civil society have focused on documentation and public reporting on violations of IHL and IHRL; humanitarian partners collated data on and responded to the impact of violations, which was then used to provide a more rounded understanding of the impact of the conflict on civilians (Metcalf-Hough, 2021).

In the examples gathered through this research, effective collaboration was based on a common objective, sharing data and analysis of the protection situation to build a robust evidence base for advocacy, and an institutional commitment to long-term collaboration built on trust. Making this type of collaboration the norm rather than the exception requires a system-wide commitment from the humanitarian community, coupled with institutional investments in ensuring leaders and staff understand why and how to work in collaboration with human rights and other partners, what the risks involved may be and how these can be mitigated.

Working with third-party states in relation to advocacy objectives is often a key feature of advocacy by the UN, the ICRC and some INGOs, but it is not often consistent or sustained and it is rarely coherent or coordinated (Metcalf-Hough, 2022b). Building on recommendations made by both Petrie and Rosenthal in their respective reviews, the UN and other international organisations in particular should take advantage of their mandates from member states and adopt a 'more proactive' approach to securing their support. In the UN case, this means drawing on the spirit of Article 99 of the UN Charter, to advance what are often common protection objectives (UN, 1945; Rosenthal, 2019: 26; see also Bowden and Metcalf-Hough, 2020). Throughout HPG's research, western states voiced a desire for much greater engagement from international humanitarian actors, both on their own compliance with IHL/IHRL and on ways to collaborate with humanitarian actors in efforts to promote greater respect for IHL/IHRL globally and in relation to specific contexts and concerns (Metcalf-Hough, 2022a). It will be important to leverage this interest and the close links that many international humanitarian organisations have with these states – through funding, history and proximity – in order to strengthen strategic alliances on advocacy.

As noted earlier, international humanitarians will also need to invest in building a more diverse coalition of states around key protection priorities (Davies and Spencer, 2022a; Spencer and Davies, 2022). A more diverse constituency of support has three key advantages:

- Greater diversity in collaborations can bring increased credibility for the content and intent of advocacy, thereby helping mitigate accusations of a ‘western’, ‘colonialist’ agenda that have been prevalent in responses to international humanitarians’ advocacy in conflicts including Darfur, Syria and Ukraine.
- Working with a more diverse coalition of states can ensure that the protection of civilians is understood as a universal concern, one that transcends cultural and political divides, but which can also be translated into regional and local values and norms.
- From a very practical perspective, the more diverse the group of states engaged in collaborative advocacy, the more points of leverage there are to be used in influencing conflict parties’ behaviour towards civilians (see Box 7).

Box 7 Building diverse constituencies of support with member states

Civil society coalition the International Network on Explosive Weapons (INEW), together with the ICRC and UN entities that launched the international campaign to persuade states to regulate and limit use of explosive weapons in populated areas, quickly sought to build constituencies of support among a diverse set of member states. Several western states, including Norway, Austria and Ireland, took on lead roles early on in the dialogue, but particular efforts were made to diversify states’ participation in the process. Champions from regional blocs in Latin America and the Caribbean (Chile and Mexico) and Africa (Mozambique) were secured and their roles were considered critical in universalising the concerns regarding explosive weapons (Davies and Spencer, 2022a). The campaign also brought in affected states, including Afghanistan and more recently Ukraine, to increase understanding in those states more reluctant to act of the impact of these weapons in the real world. These constituencies of support from a diverse set of states were critical to the success of the campaign in reaching agreement on the content of the international political declaration which is set to be endorsed formally in November 2022 (Davies and Spencer, 2022a; Government of Ireland, 2022).

Similarly, the Call to Action on Protection from Gender-Based Violence in Emergencies, launched in 2013, has evolved into a broad-based coalition of donor states, conflict-affected states, international organisations and civil society. Though not without weaknesses, the Call to Action has provided high-level political leadership of a diverse set of states and aid actors, and a roadmap around which they have coalesced, recognising that the egregious nature of GBV demands a more proactive, more coherent international response (Davies and Spencer, 2021).

In terms of building a diverse constituency with states, there are several platforms that can be utilised. The UN Group of Friends of the Protection of Civilians forum, for example, already enables engagement between member states and key international protection actors. Comprising a broad constituency of more than 25 member states from different regional blocs, this mechanism, like the other Groups of Friends, presents an opportunity to ‘democratise’ the UN’s approach to the protection of civilians

(Joseph Deutch, 2020).⁵ International humanitarian organisations could more proactively support Switzerland (as the chair) and member states to ensure that different thematic efforts that are ongoing in other UN and multilateral forums are mutually reinforcing, and that the diplomatic momentum being built in each area can be harnessed around a longer-term goal of increased respect for IHL/IHRL.

As noted earlier, there are also important opportunities to forge alliances with and among states through less formal, more ad hoc platforms or groupings, such as among member states representatives in Geneva, in related peace processes based there, the G12+ and other regional groups (Metcalfe-Hough, 2022b). It will also be important to consider opportunities to strengthen engagement with member states in their capitals – a key area of added value for international humanitarians in terms of western states because many have their headquarters or representative offices in western capitals and already have long-standing relations with government counterparts (Metcalfe-Hough, 2022a; 2022b; Davies and Spencer, 2022a). Learning from the positive examples of some organisations such as the ICRC, UNHCR and the InterAction working group on the protection of civilians, engaging states directly in their capitals and building long-term relations can enable more direct influence with decision-makers (Metcalfe-Hough, 2022a; 2022b).

Moving beyond their long-standing acceptance that collaboration with a variety of actors is essential to increase impact, international humanitarian actors need to now move to instituting such partnerships as a default approach. There are currently two key policy processes that can be utilised to push forward in this area. First, the response of the IASC to the recent independent review of its protection policy should be used to recommit its members to more ‘inclusive approaches’ that galvanise collective action within and beyond the humanitarian sector, drawing on all available and appropriate local and international partnerships to bring pressure to bear on conflict actors (Cocking et al., 2022: 14). Secondly, and closely related to this, the UNSG’s forthcoming Agenda for Protection could provide an umbrella framework for a more unified protection response, including in relation to advocacy, from the UN system and its partners across its pillars of action. The agenda should also set out how to leverage the particular relationship the UN Secretariat and agencies, funds and programmes have with member states to create broader, more diverse coalitions for advocacy that highlight the universality of protection concerns and the importance of more proactive, coherent multi-dimensional responses in which both states and aid actors play their part.

Building alliances for protection advocacy is not without challenges and will require sustained investments of time and staff resources, as evidenced in the experiences of those organisations already involved in alliances such as INEW in the EWIPA process, the Call to Action on GBV, or in smaller-scale collaborations with diverse actors (see Davies and Spencer, 2021; 2022a). It also requires a substantial change in mindset at institutional levels and across the international humanitarian system. Specifically, it requires ambition in the protection objectives that they seek to achieve through collaborations with

5 This Group of Friends was established in 2007 by Switzerland and is focused on providing guidance to the UNSC, coordinating statements to it on key issues and contexts and organising a thematic week of side events alongside the annual UNSC debate on the protection of civilians.

their local and international counterparts but also – importantly – humility in understanding the limits of their own contributions to these objectives and stepping back or to the side to support others who may be better placed to take the lead (Davies and Spencer, 2022b).

4.3.6 Incentivising changes in institutional culture and working practices

Shifting towards a more-risk tolerant approach in protection advocacy will require a major effort to create incentives for change and an enabling environment in which staff at all levels are encouraged, feel adequately supported, and expect to be held accountable for taking a more risk-tolerant approach in their protection advocacy efforts. This will require investments in three key areas: (1) stronger leadership and a clearer vision; (2) provision of institutional and capacity support; and (3) strengthened mechanisms for individual and collective accountability for advocacy.

Leadership and vision

While the international humanitarian sector is not particularly hierarchical or centralised, and diktats from headquarters rarely deliver results, it remains true that real change can only happen if it is clearly driven from the top as much as by the realities of practice in affected countries. Protection advocacy seems to be everyone's and no one's responsibility, but stakeholders across the board highlighted that an effective advocacy effort will succeed or fail on the actions of a specific leader (see for example Niland et al., 2015; Rosenthal, 2019; Cocking et al., 2022; HPG interviews, 2020–2022). Thus, designating clear leadership institutionally and at the system level is now critical to driving change (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2020; 2021; Cocking et al., 2022). At the system level, the ERC is well placed to drive forward a collective strategic advocacy effort because of the coordination and leadership mandate conferred on that role by the UNGA in Resolution 46/182; the evolution of the role by successive incumbents in relation to protection advocacy and the credibility that has been built in this regard among many states and other actors; and, very practically, because unlike other leaders of organisations, the ERC role is relatively unencumbered by the potential trade-offs between advocacy and institutional operational access considerations (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2021; 2022b).

The ERC (with technical support from OCHA) has led strategic advocacy on the protection of civilians in armed conflicts through briefings and engagement with UNSC members, public messaging on global trends and crises, and diplomacy and dialogue at crisis levels. This leadership could be formalised through the official response to the review of the IASC's protection policy as well as public endorsements by member states, thereby enabling it to address the current lack of clarity on system-level roles and responsibilities and elevate protection advocacy from a niche technical activity to a system-wide priority. Formalising this role should also help mobilise increased resources for OCHA to support the ERC in delivering a more robust leadership role in this area. This clarity on system-wide leadership should also reinforce the role of HCs in delivering a coherent advocacy response at country level, clarify on whom an HC can rely to provide necessary technical support and help mobilise appropriate resources and capacities to enable them to deliver on their advocacy role.

The role of the ERC and of the HCs is critical, but they are not the only leaders that need to step up in this area. The IASC is a collective body and thus each member organisation has a responsibility to support delivery on its shared objectives, including advocacy. Thus, the leaders of IASC member organisations at global level, and by extension of HCT members on the ground – UN, NGOs, the RCRCM – need to be formally recognised as having a pivotal role in collective protection advocacy and to ensure that protection advocacy is understood as a priority for their individual institutions.

Providing leadership includes setting out a vision for what a collective or institution should do in relation to advocacy and ensuring the prioritisation of resources to deliver that vision. Again, here the IASC's response to the protection policy review could be used by the IASC Principals, under the overall leadership and convening authority of the ERC, as an opportunity to set a clear vision for what protection advocacy means for the international humanitarian system: that it is an integral element in any international humanitarian response, and that leaders and staff at all levels will be expected to contribute according to their specific roles and mandates and will be held accountable for doing so. The UN Agenda for Protection should echo such a vision, ensuring synergy between the UN's understanding and approach and that of the wider humanitarian system. Similarly, at the institutional level, leaders of INGOs, the RCRCM and UN entities must clarify the expectations of their respective institutions in relation to protection advocacy and ensure resources are allocated accordingly – reaching out to donors and other partners to address identified gaps in currently available resources.

Addressing technical capacity gaps

This research highlighted in particular two key capacity gaps to be addressed: (1) improved capacities to analyse data, identify trends and assess the agendas and priorities of, and possible points of leverage over, conflict parties; and (2) capacities to calibrate and manage the risks inherent in advocacy action.

Building up analytical capacities can be an expensive and long-term endeavour but there are some cost- and time-efficient opportunities to address gaps in the short to medium term. UN missions, peace-building organisations and INGOs such as Mercy Corps have developed significant crisis analytical capacities and can, in many contexts, share the analysis they have developed of broader conflict dynamics and the key conflict parties to complement international humanitarians' own understanding of protection trends and help inform their decision-making on advocacy in relation to those trends (Bowden and Metcalfe-Hough, 2020; Davies, 2021a; Metcalfe-Hough, 2021).

In terms of risk management, too, a dual-track approach is both possible and necessary, with institutions building their own capacities to better assess and manage the risks relating to their advocacy and programming, whilst also sharing and learning from one another. MSF has been particularly proactive in this regard, with its Speaking Out project and associated learning tools providing a much-needed level of honesty about the nature of risk in protection advocacy, how it can be managed and how to respond to the residual risks that remain.⁶ There are inherent links between

6 See www.msf.org/speakingout/speaking-out-case-study-learning-modules.

crisis analysis and risk management; addressing these key gaps would therefore help institute a more people-centred approach to protection advocacy, one in which the best interests of the people who humanitarians aim to serve are placed at the core of decision-making.

Creating an enabling institutional environment

Institutional support is an important element in creating an enabling environment for protection advocacy. Executive or governing boards play a huge role in setting both the vision for, and the institutional culture of, large humanitarian organisations, whether UN agencies, NGOs or the RCRCM. As many NGO staff highlighted during this research, they are often under pressure from governing boards to demonstrate results in terms of growing funds and reaching more people, which can be considered at odds with the necessary investments in and possible consequences of an increased advocacy effort (Davies, 2021a). As such, directives and follow-up actions from governing boards are necessary to set a different tone for an organisation and to reinforce institutional policies that advocacy is an integral part of an organisation's role and responsibility in conflict situations. And similarly, donors (public and private) play a key role in shaping institutional culture, particularly around the kind and level of risk that is appropriate. They should therefore publicly recognise the risks inherent in advocacy (as well as humanitarian action more broadly), encourage humanitarian organisations to ensure appropriate assessment of the risks to affected people as well as their own institutions in decision-making processes, ensure adequate resources are available for building capacities to assess and manage those risks, and support increased tolerance of the residual risks remaining after mitigation measures have been adopted (Davies and Spencer, 2022b).

Strengthening personal and institutional accountability

Providing practical and institutional support on its own is unlikely to be sufficient to ensure consistency of effort across the board. Rather, individuals and institutions need to know that they will be held accountable for delivering on their responsibilities in regard to protection advocacy (Bowden and Metcalfe-Hough, 2020; Cocking et al., 2022). Accountability can and should flow in multiple directions – from leaders to staff, from institutions to affected populations, from institutions to donors, etc. Strengthening accountability thus needs to be addressed in different ways. But at its most practical, accountability of individuals and institutions in the international humanitarian system should be strengthened through regular, formalised processes such as individual staff performance appraisals and requirements for public reporting on institutional investments and achievements, both aimed at properly assessing whether they have delivered on their responsibilities to at least try to influence the behaviour of conflict actors.

Given the importance of leadership in driving a more proactive approach to advocacy, key performance indicators on advocacy should be included in the compacts signed between the ERC and the UNSG, between HCs and the ERC, as well as in the performance appraisals for heads of UN agencies, the RCRCM and NGOs, and country-level managers. In terms of more accountable institutions, donors could embed requirements on demonstrating investments in advocacy in framework agreements, doing so in a meaningful and fair way that takes account of the challenges involved in changing the policy

and practice of conflict parties. Similarly, governing bodies could require institutional leaders to report on how they have prioritised institutional resources for advocacy, what impact they have been able to achieve, and the challenges they face in that regard.

5 Conclusions

This programme of research has emphasised some of the long-standing weaknesses in the advocacy undertaken by international humanitarian actors on issues relating to the protection of civilians. But it has also highlighted an array of positive practices and the ways in which some international humanitarian organisations are trying to shift their approaches. The next step for international humanitarian actors is to build on these efforts to institute a more consistent shift to a more politically aware, more risk-tolerant approach. In this regard, the international humanitarian system needs to come together to reflect more sincerely on the reality of today's operating environment and what it means in terms of its role in securing better protection of civilians affected by armed conflict.

International humanitarian actors must engage in a genuine process of self-reflection, recognising that the sources of power and influence in the world have become more diverse, that the global world order is increasingly multipolar, and that international laws, mechanisms and institutions are less respected and have less credibility than in the past. They must recognise that in consequence of these global dynamics, they themselves need to adapt and change long-standing advocacy practices to have real influence and thus to change the outcomes for conflict-affected people.

This reflection should encourage international humanitarian actors to challenge the entrenched assumptions they make about their own role, legitimacy and credibility in advocating for the protection of civilians; the strategies, tactics and mechanisms they have long used; and the real risks involved to different stakeholders and the extent to which these can be mitigated. It should encourage them also to develop new, diverse, multidimensional alliances that can help them to address long-standing gaps in technical and political knowledge and capacities, to consolidate efforts in key areas where they have particular added value, to share risks, to increase credibility, and ultimately to strengthen the impact of their advocacy. And, from a very practical perspective, they need to ensure that they have the right leaders in place in individual institutions and across the international humanitarian system to elucidate a clear vision and focus for advocacy efforts, build an enabling environment for staff to act and take proportionate risks, and ensure that necessary resources are prioritised to support this renewed approach.

Throughout this research it has been clear that at all levels and across the international humanitarian system, there is a willingness – in some cases a clear determination – from individual staff and leaders to engage in and step up protection advocacy. Capitalising on this willingness is crucial to making the fundamental shifts required to ensure advocacy is more effective, and that international humanitarians can influence for the better the lives of civilians affected by armed conflict.

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