

Influencing states' policy and practice on the protection of civilians

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Lessons learned

Efforts by humanitarian actors to persuade Western states to act to protect civilians affected by conflict at home or overseas have had limited impact.

Advocacy is undermined by a lack of credibility and trust in many humanitarian organisations, related to fragmented and often ill-informed and inconsistent approaches.

Western states want much more strategic, substantive engagement from international humanitarian organisations than they are currently getting.

Capitalising on this interest, humanitarians need to refocus their protection advocacy on priorities that they can work towards over the longer term to bring about genuine change in these states' behaviour.

Humanitarians should focus on building a diverse constituency of states around these priorities, with the aim of working towards a reversal of the global downward trend in compliance with international humanitarian and human rights law.

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About this publication

The Humanitarian Policy Group (HPG)'s work is directed by its 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: opportunities for improving protection outcomes in conflict'.

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Introduction

States bear the primary responsibility under international law to protect civilians from the effects of armed conflict. There are also political, economic and moral imperatives for states to protect their own and other citizens in conflicts. Therefore, states are, or at least should be, a primary target for advocacy by international humanitarian organisations trying to secure better protection of civilians.

Evidence gathered by the Humanitarian Policy Group (HPG) suggests that the engagement of many humanitarian organisations with states on protection issues is often ad hoc and ineffective. This is due to a combination of external and internal factors, including a state's strategic interests as well as the paucity of capacity, coordination and leadership for advocacy in the international humanitarian sector.

This Briefing Note explores the current practice of international humanitarian organisations in seeking to influence states on their policy and practice regarding the protection of civilians in armed conflict. It considers what factors are inhibiting and enabling these organisations' influence on states, and sets out suggestions for how to increase influence in this regard.

The research for this Briefing Note focused on key Western states in Europe, North America, Australia, New Zealand and Japan, and on engagement at global, rather than crisis, level. This focus was necessary due to considerations of time and scope. But the findings of this research also offer relevant lessons for engaging states beyond this narrow group, and at crisis and regional levels.

The research solicited the views of aid and foreign policy officials from Western states about how international humanitarian organisations engage with them on protection issues. This included the approaches and/or tactics that work in terms of influencing their governments' policies and practices, and whether they consider a more substantive dialogue with humanitarian organisations to be desirable and, if so, what this should look like.

The research is part of a multi-year programme by HPG exploring the practice of protection advocacy by international humanitarian organisations – specifically those with formal mandates for protection and those that self-define as protection actors (Metcalf-Hough, 2020). For the purposes of this research, protection advocacy is understood as efforts to influence the behaviour of conflict parties towards civilians.

Evidence for this Briefing Note was gathered through the following activities: bilateral semi-structured interviews with representatives of Western states based at the United Nations (UN) in

New York and Geneva and in state capitals; a closed-door roundtable with representatives of the G12+ group in Geneva (co-hosted by the UK mission to the UN in Geneva, with support from the British Red Cross); and consultations with key international humanitarian organisations.¹

Why engage states on protection of civilians?

States have clear legal responsibilities to protect civilians affected by armed conflict under international humanitarian and human rights law, including the Geneva Conventions, the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, and customary international law. These legal obligations also stem from and are reflected in their membership of the UN. Chapter VII of the UN Charter provides the basis on which its member states should act to address threats to international peace and security, and resolutions issued by the UN Security Council under Chapter VII are legally binding on all member states. While not legally binding in the same sense, resolutions issued by the UN General Assembly, such as the 2005 World Summit Outcome Document,² and by the UN Human Rights Council also confer a responsibility – at least politically and morally – on member states to take action. The law aside, recent armed conflicts in Syria, Libya, Afghanistan and Ukraine have demonstrated how the failure to protect civilians will inevitably have an impact – economic, political and human – on all states.

Without becoming the sole focus of their advocacy, there are several reasons why international humanitarian organisations should strengthen their relations with Western states. First, promoting their greater compliance with international humanitarian and human rights law is essential to advance protection objectives in specific contexts. In recent years, many of these states have been parties to conflict, deploying troops under UN, European Union (EU) or North Atlantic Treaty Organization (NATO) mandates to conflicts from Bosnia to Libya and Afghanistan; many have security partnerships with parties to other conflicts, including in Syria, Nigeria and Ukraine; and they also have economic and diplomatic relations with conflict parties elsewhere. Diplomacy or dialogue with these states on specific conflicts could thus influence economic, political and military policies and practices that directly affect civilians in these conflicts.

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- 1 The G12+ donor group comprises the 16 largest humanitarian donors present in Geneva. The states regularly meet for briefings from UN agencies, civil society groups and international non-governmental organisations (INGOs) on a wide range of topics including developing humanitarian contexts and research pieces.
 - 2 The responsibilities laid out in the World Summit Outcome document were reaffirmed in United Nations Security Council (UNSC) Res. S/RES/1674 – 28 April 2006.

Second, it is strategic in terms of promoting adherence globally to international humanitarian and human rights law over the longer term. Western states played a significant role in establishing the international legal, judicial and political architecture for protection. However, in recent decades some of these same states have – by their own action and inaction – contributed to a global deterioration in compliance with international humanitarian, human rights and refugee law. Torture and ill-treatment of detainees in Iraq, repeated failures to adhere to the principles of distinction and proportionality in aerial attacks in Afghanistan and violent push-backs of refugees from the borders of the US and Europe not only constituted violations of international law, but also influenced the actions of other states, with many using similar rhetoric or pointing out that their actions mirror those of some Western states (Hargrave et al., 2016). The broad political consensus that has been built in response to the conflict in Ukraine may signal an opportunity for humanitarian organisations to push for a reversal of that downward global trend, and galvanise states into reinforcing the international legal standards and architecture for protection that they helped to create (Saez and Bryant, 2022).

Third, international humanitarian organisations can have influence on this group of states because of their multi-dimensional and long-standing relationships. Most of the largest international humanitarian organisations that have a formal mandate for protection or are self-declared protection actors are headquartered in or have affiliated offices in these states, receive most of their funding from these states, and have a long history of collaboration with these states on contexts and themes relating to the protection of civilians in armed conflict. These cultural, financial and physical links mean, in theory at least, more opportunities for engagement and a greater chance of influence – more so than with many other states.

Current practice of engagement by international humanitarian organisations

Evidence gathered for this Briefing Note indicates that both the practice and outcomes of engagement by international humanitarian organisations with these states is highly varied and generally contingent on the mandate, funding structures and capacities of each individual organisation. The International Committee of the Red Cross (ICRC) and UN agencies, funds and programmes have a different legal, structural and funding relationship with states compared with those of INGOs. These international organisations were, in effect, created by states; states conferred the legal mandate they operate under and, in the case of the UN, they have oversight through UN Executive Boards and provide the ‘core’ funding upon which these organisations depend. Several state representatives explained that, because of this particular relationship, they often view these organisations as having more legitimacy and credibility than INGOs. The states expect, and are more open to, the ICRC in particular, but also the UN, both criticising and working with them on improving their compliance with international law as it relates to

specific mandated areas of expertise. But INGOs too can have influential relations with states. For example, several state representatives highlighted Médecins Sans Frontières (MSF) as having credibility and therefore influence on government policies and decisions. This they attributed to the organisation's financial independence, as well as field presence, capacities for engagement and the perception that MSF is more consistent than others in its advocacy on protection issues.

The nature and impact of engagement by humanitarians with states also varies depending on the platform. Engagement with state representatives in New York is heavily focused on integrating protection language and recommendations in UNSC debates and resolutions. Dialogue between states and humanitarian organisations in Geneva is, according to state representatives, generally more focused on issues pertaining to funding and the practicalities of humanitarian operations than matters of protection policy and law. The ICRC is an obvious exception to this, of course, but there are other examples, including dialogue between states, UN bodies, the ICRC and civil society on explosive weapons in populated areas (EWIPA)³ and the increasing engagement of some international humanitarian organisations in the UN Human Rights Council. Some state representatives highlighted important dialogue in their capitals with some UN agencies, National Societies of the Red Cross Red Crescent Movement and some INGOs.

Examples of positive practice

The research highlighted positive practice from a number of different organisations operating at different levels. The ICRC was recognised universally by state representatives interviewed as the most professional, expert and effective in their dialogue on protection issues. Many referred to the ICRC as having an 'open door' to all levels of their government, with a high degree of credibility, legitimacy and influence, even on the most sensitive and difficult issues. They attributed this to the organisation's historical origins and its legal mandate, both of which are unique. But they also pointed to the ICRC's tactics and approaches, specifically the multifaceted nature of the ICRC's strategy of engagement, which involves a variety of activities. These include training military staff and providing briefings for diplomats on the basics of international humanitarian law, private policy dialogue and engagement at multiple levels of government, and its considered use of public condemnation as a last resort, when all other tactics to influence a policy or approach have proved ineffective. They also often referred to the consistency of the ICRC's engagement, advocating for the same standards over time and with all states, and the continuity of approach in terms of long-term institutional investments in their relations with individual states as well as the collective of states.

There was also praise from a number of state representatives for the high-level and targeted engagement of some Emergency Relief Coordinators (ERCs) and the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) on issues relating to the protection of civilians. Here they pointed to the robust engagement by former ERC Jan Egeland and the current

3 For more information, see www.unocha.org/themes/explosive-weapons-populated-areas.

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incumbent, Martin Griffiths. Many explained that the ERC role offers a particular advantage in advocating to states because of the legitimacy inherent in a role created by the UN General Assembly, its broader function to coordinate the humanitarian response, and it being (relatively) unencumbered by the operational considerations of other UN and NGO Principals.

Several state representatives also highlighted the value of direct and long-standing engagement by humanitarians with government officials in their capitals. The UN Refugee Agency (UNHCR), for example, was cited for its advocacy with the UK and US governments through its offices in London and Washington, respectively, investing time and resources in building a solid understanding of and relationships with decision-makers in government, including parliamentary bodies and ministerial officials. The auxiliary role of National Societies of the Red Cross and Red Crescent Movement, in partnership with the ICRC, was also seen as key to engaging and influencing at the national level.

A number of stakeholders also highlighted the influence INGOs can have when working collectively, including at the national level. They pointed to the positive efforts of a group of INGOs, working under the auspices of InterAction, to engage the US government on minimising civilian harm in the conduct of overseas military operations (Metcalf-Hough, 2022). The group has been working since late 2016 to engage the US Congress and the Department of Defense to enhance US military efforts to reduce civilian harm. The group is a partnership involving humanitarian, human rights and specialist protection NGOs, co-chaired by Care USA and the Center for Civilians in Conflict (CIVIC). Together they have collated high-quality analysis of the impact of US military operations on civilians to inform their advocacy with US civilian and military officials. They moved quickly away from traditional legalistic terminology in their dialogue with officials, adopting instead the concept and language of ‘civilian harm’ to communicate more effectively how US military operations impact civilians. And they adopted a solutions-oriented approach, acknowledging positive developments and offering concrete suggestions for how to change military policy in order to minimise civilian harm (Metcalf-Hough, 2022).

Several state representatives highlighted collective, targeted engagement by organisations on the impact of counter-terrorism measures on humanitarian action. They explained that humanitarians’ strategy on this issue had evolved over time into a more coordinated effort, with consistent messaging and targeted outreach beyond donor representatives to encompass decision-makers at the heart of government, including Finance and Home Affairs ministries. Several pointed to the coordinated advocacy by humanitarian organisations calling for a humanitarian exemption in the sanctions regime targeting the Taliban, which they felt contributed to UNSC Resolution 2615.⁴

4 UN Security Council Resolution S/RES/2615, 22 December 2021.

Common areas of weakness

These positive practices notwithstanding, the feedback from state representatives interviewed for this research indicates some common weaknesses in how international humanitarian organisations seek to influence Western governments on their policy and practice relating to protection of civilians. They criticised the lack of consistent, coordinated, substantive and strategic engagement from many organisations. State representatives highlighted that engagement has been ad hoc and reactive, rather than long-term and proactive. They noted that this lack of consistency in engagement meant that they were unable to build sufficient mutual trust and confidence to enable greater influence. They also noted that engagement is often dependent on the efforts of individual staff members from an organisation, not an institutional strategy or approach that enables sustained engagement over time, with the relationship often faltering when staff members moved on.

Many also lamented the lack of a coordinated ‘voice’ or approach. Representatives outlined multiple experiences where different organisations approached them to engage on issues related to their own institutional mandate, but rarely came together in a coordinated approach. One explained that, in some cases, organisations actively undermined each other in their bilateral dialogue with states. This lack of coordination was attributed in part to the long-standing problem of competition for funding, which drives divisions and discourages coordinated action. There was also concern among some representatives that responsibilities for protection advocacy are fragmented, with international humanitarian organisations focused on their own mandated issues of concern. State representatives recognised their own part in this, but expressed concerns that some organisations seemed more focused on their institutional positions than on protection objectives. Several representatives also observed a lack of coordination within the same institution, which meant that they at times received contradictory messages from the same institution at field offices and headquarters, or from different members of a confederated organisation.

Interviewees also perceived weaknesses in the choice of tactics of engagement by humanitarian organisations. In this regard, it was suggested that some INGOs tend to be too quick to resort to public condemnation, which can often be counter-productive in that the government response is generally to shut the door on policy dialogue and entrench their position. Many representatives felt that humanitarians tend to use the same language and make the same arguments, without adapting to the specific issue, context or state concerned, and failed to change tactics when they were obviously not working. One state representative also asserted that, while the evidence presented by international humanitarian organisations was often credible, it had limited impact because it was predominantly presented as quantitative data, without the human stories of suffering that lie behind statistics.

Some representatives highlighted the failure to adopt a constructive approach to dialogue. Specifically, it was felt that there is a tendency by many organisations to ‘talk tough’, adopting

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a condemnatory stance but offering little if any credit for any positive actions a state may have taken. This, they felt, was not conducive to a constructive dialogue between individuals or institutions, particularly when they felt that criticism was based on an ill-informed view of what states are obliged to do by international humanitarian and human rights law, i.e. that these bodies of law regulate rather than prohibit the use of force in armed conflicts.

Many representatives also felt that international humanitarian organisations often failed to articulate what actions they want a state to take to bring about change. Invariably ‘messaging’ from humanitarians involves broad or vague calls for ‘compliance with the relevant bodies of law’ – they too rarely offer practical, concrete suggestions for the political, military or legislative actions that need to be taken to achieve the change desired. State representatives also felt that many humanitarians fail to adopt a multi-layered strategy of engagement, ensuring common messaging to representatives of the same state in New York, Geneva, capitals and in the field. They felt that this lack of coordination resulted in confused and sometimes contradictory messaging, and failed to target the real decision-makers or help bolster arguments that officials with influence could make to inform those decision-making processes.

More broadly, state representatives highlighted the lack of strategic engagement, by which they meant that engagement was rarely based on a clear objective, or on an understanding of how to exert influence or where to apply pressure. This they attributed to a lack of understanding of the different roles states play and their different areas of interest in a given conflict. They also felt there was often a lack of appreciation among some NGOs in particular of the complex decision-making processes in inter-governmental bodies, or in individual governments, including the often limited role and influence that the staff of aid departments have with regard to their government’s wider foreign policy.

A common concern highlighted in the research was the lack of leadership within the international humanitarian sector to advance a more strategic, mutually beneficial dialogue with states. While acknowledging that key humanitarian organisations engage in robust advocacy – with particular credit to ICRC, UN OCHA, Norwegian Refugee Council (NRC) and International Rescue Committee (IRC), who are effectively leveraging their respective senior leaders in high-level advocacy – state representatives asserted that advocacy at this and all levels needs to be more coordinated to have greater impact. There was some recognition that the Global Protection Cluster (GPC) and its field-based protection cluster or sector working groups can and in some cases do engage states. However, it was noted that the GPC’s outreach had not been consistent, and that the content of dialogue had been ad hoc and more generally focused on funding. Moreover, there was acknowledgement that, as the cluster lead agency for protection, the ‘space’ for UNHCR to take on a more robust advocacy role is limited due to tensions with its core refugee protection mandate, and that advocacy aimed at addressing global crises and trends needed to be elevated beyond a single agency or cluster – that it should be a strategic priority for the international humanitarian sector as a whole.

What is holding back more effective and impactful engagement?

The evidence gathered through HPG's research indicates a number of external and internal factors behind the gaps and weaknesses highlighted above. Echoing the findings from the wider HPG project 'Advocating for humanity', there was acknowledgement from stakeholders interviewed that both the wider geopolitical and the national political context present significant challenges to international humanitarian organisations seeking to engage states on their policies and practices on protection. The current crisis of multilateralism has created a far more challenging environment in which to advocate than was prevalent in the late 1990s (OCHA, 2004), with humanitarians today struggling to understand on which states or groups of states to focus their advocacy efforts. The poor track record of many Western states with regard to their own compliance with international law in military operations in Iraq, Afghanistan and Libya, and in ongoing support to the Saudi-led coalition in Yemen, has also undermined confidence among humanitarian organisations that these states are 'allies' in the effort to uphold the basic tenets of international humanitarian and human rights law. Many humanitarians have found it difficult to shift the relationship accordingly.

International humanitarian organisations also struggle to navigate the tensions and trade-offs between a state's strategic, security and economic priorities and its obligations under international law. Even the most stalwart state defender of international humanitarian law – Switzerland – has economic interests that are in tension with its international humanitarian law objectives, as evidenced in the national debates around the use of Swiss-made arms and equipment in conflicts in Yemen and Afghanistan (Crawford, 2020; Swissinfo, 2022). For humanitarians, understanding these tensions and trade-offs is complicated by the fact that they can differ greatly from one conflict to another and will often shift over time. For example, the UK's long-standing position on the protection of civilians in conflicts in Sudan, Syria and currently in Ukraine has involved high-profile calls and diplomatic pressure on conflict parties to comply with their obligations under international law. But the UK's position on protection of civilians in the conflict in Yemen has been compromised by its strategic and economic relationship with states in the Saudi-led coalition (Merat, 2019; Davies, 2021a; McMorris, 2021). In Afghanistan, the objectives and nature of US engagement following the invasion in 2001 underwent multiple substantive shifts – from neutralising terrorists to a far broader objective to stabilise government and rebuild society, all of which were underpinned by its own poor record on protecting civilians and upholding human rights (Amnesty International, 2014; Azizian, 2021; AOA, 2021).

Engaging Western states as a group has also been challenging. Cohesion on foreign policy issues – which is always difficult to achieve – has been further undermined by the rise of nationalism and populism, and in the face of pressure from China and Russia. While acknowledging these factors, some state representatives questioned whether humanitarian organisations had made

sufficient investments in trying to understand and navigate the geopolitical and national political environment, to understand the interests of their state targets, and whether they had sought advice from foreign policy experts or aid officials in these states to help them understand these issues and formulate advocacy strategies on that basis.

In terms of what action to advocate for, there are genuine challenges and dilemmas for humanitarian organisations. Understanding the actions a state – whether a third party or conflict party – could take to alleviate the suffering of civilians requires a level of analysis of which many humanitarian organisations are simply not capable. Many feel that they lack the expertise or knowledge to identify what concrete actions should be taken by states, particularly in relation to military doctrine, economic relations or trade relations (Metcalf-Hough, 2022). Humanitarians also face genuine dilemmas in calling for certain state actions. In the past, some organisations have called for peacekeeping forces to be deployed in armed conflicts to protect civilians (O’Callaghan and Gilbride, 2008; Gottschalk, 2010), but they have grown increasingly wary of such actions in the past two decades in the light of sexual abuse and other scandals relating to UN peacekeeping forces in Haiti and West and Central Africa, by the behaviour of Western troops in Iraq and Afghanistan, and by the NATO military intervention in Libya, which conflated use of military force to protect civilians with regime change (Thakur, 2011; Ferguson, 2017). Some have also been reticent to call for economic sanctions due to long-standing concerns about the devastating impact sanctions had on civilians in Iraq in the 1990s, and more recently in Syria and Mali (Caritas, 2001; von Sponeck and Halliday, 2001; Douhan, 2020; Oxfam, 2022). Many are also wary of advocating for action to secure judicial accountability for violations of international humanitarian and human rights law following experiences in Darfur, where the expulsion of INGOs was linked to their alleged engagement with International Criminal Court investigations (Adam, 2009). Notwithstanding these challenges and dilemmas, there is also often a lack of creativity, a failure to think beyond traditional approaches, and missed opportunities to partner with other actors who do have technical expertise and knowledge that could help identify specific calls for action by states.

The nature of humanitarian funding structures also has an impact on how and to what degree organisations engage states on protection issues. As noted earlier, competition for funding is a disincentive to collective action (on advocacy or programmes), but there is also an inherent risk for many organisations in taking to task (privately or more publicly) states that also provide the bulk of their funding. The nature of that funding increases the risk for many INGOs in particular, since it is primarily short-term, earmarked and therefore easy to withdraw. The extent of this risk is unclear, but evidence from HPG research suggests that it is a factor influencing decision-making in some organisations, particularly those that do not have much, if any, financial independence (Davies, 2021a; 2021b). Humanitarian stakeholders also point out that the short-term, project-based nature of much of the funding for NGOs also presents a practical problem in that it limits the scope of investments in advocacy capacity to specific projects or outcomes, making it difficult to focus on more strategic, long-term advocacy priorities.

This issue of financial independence also contributes to what some state representatives perceived as a lack of consistency in advocacy by some humanitarian organisations on protection issues. They pointed to the wide variation in advocacy efforts by humanitarian organisations on these issues, which they felt impacted their credibility. However, there was also recognition that the sheer number and complexity of armed conflicts around the world is also a factor in terms of consistency in approach. With limited resources and leverage, where to focus their advocacy efforts is a genuinely difficult question for many humanitarian organisations. Feeling under pressure from the public, peers and donors to speak out, many organisations have a ‘scatter-gun’ approach, saying something – anything – on every conflict and crisis, but with little to no impact.

How can humanitarian organisations reset their engagement with Western states?

The representatives of Western states interviewed for this research expressed a strong desire for more substantive and strategic dialogue with international humanitarian organisations on their governments’ roles in relation to the protection of civilians in armed conflict. Humanitarians need to capitalise on this interest, but doing so will require a ‘reset’ of the current relationship, and the development of a much clearer, multi-faceted strategy of engagement from a collective of humanitarian organisations. What should that strategy involve?

First and foremost, adopting a more strategic approach to engagement with states means that humanitarians will need to shift away from short-term, reactive advocacy and focus their collective capacities and leverage on a select set of key priorities over the longer term. Identifying and agreeing on these priorities will involve difficult decisions and require compromises, but working together in a more focused way, over the longer term, offers a better chance of exerting real influence. This longer-term strategy will require greater institutional investment in forging stronger relations with states, increasing the credibility and trust necessary to enable influence.

Second, a more strategic approach needs to make much more considered as well as more coordinated use of all available platforms and channels of engagement. In New York, for example, recognising the formulaic approach to resolutions relating to protection of civilians that has developed in recent years, humanitarians could work together to promote more creative and specific recommendations for security, economic, diplomatic and legal action by the UN Security Council on global priorities. Adapting to the political stasis at the Council, humanitarians could also invest more in parallel efforts to engage the UN General Assembly or groupings within the Assembly to secure action on global priorities when the Council cannot. 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 2011 (the IIIM), established by the General Assembly in 2016, evidences the potential this forum has to take practical action on the protection of civilians.⁵

Organisations need to make greater use of the opportunities Geneva offers as a platform for dialogue and engagement on key protection priorities. According to state representatives, the less politicised environment there opens up more opportunity for a more honest engagement between and with states on sensitive issues – including in conflict resolution processes that are often held in Geneva – and more space for innovative thinking around possible solutions. To maximise this opportunity, humanitarians should also strengthen their partnerships with human rights actors and specialised peace-building organisations that are also based or present in Geneva, thereby ensuring complementary advocacy on the priorities these aid actors often share (Metcalf-Hough, 2021).

Engagement with Western states in their own capitals is also critical to advancing agreed protection priorities. This is where decisions are made, and thus more targeted investments are required at these national levels to influence those decision-making processes. This involves – as evidenced in the examples cited – direct dialogue with a range of bodies of government, from ministers to the cabinet, treasury and parliamentary bodies. This has long been a key area of action for the ICRC, UNHCR and some INGOs, but expanding and replicating these investments across a greater number of capitals and by a greater number of humanitarian organisations in coordination could bring further opportunities for influence. Expanding advocacy to states at these different levels will require increased coordination across capitals, Geneva and New York to ensure that messaging is consistent.

Resetting the relationship with states will also require a cultural shift for many organisations. This means moving away from mainly focusing their engagement with Western states on securing funding and discussing operational issues to securing action from these states to improve their respect for international humanitarian and human rights law as parties to conflict, and to use their full range of powers – economic, security/military, diplomatic, legislative – to fulfil their obligations to ensure respect by other conflict parties.

Bringing about this cultural shift and instituting a more strategic approach will require a concerted effort from all leaders of the international humanitarian community. But there was a particular call from the state representatives engaged in this research for more strategic leadership from the ERC and UN OCHA. State representatives were consistent in their expectations that the new ERC, Martin Griffiths, was well-placed to reinvigorate the role of the ERC and UN OCHA to convene a more robust humanitarian dialogue with states on global protection priorities. They recognised

5 This mechanism was established by the General Assembly via Resolution 71/248 in 2016. Its mandate is to collect and preserve evidence of crimes for future prosecutions.

that enabling the ERC to deliver on these expectations will require a substantial increase in the specialist capacities currently within UN OCHA, in its offices in New York and Geneva, and in regional and country offices.

Making the investments and shifts outlined will help ensure that humanitarian advocacy is more strategic, but there are questions as to whether this means they will have more impact, and whether the costs associated with making these investments are outweighed by the possible outcomes to be achieved. There is evidence – including that cited – that more strategic advocacy can have an impact on states’ policy and practice on the protection of civilians. But international humanitarian organisations will need to assess in detail just how much institutional investment (political investments, as well as investments in staff skills and capacities) is required to augment their advocacy compared to how much influence they can expect to have on states. The answers will vary between organisations and in relation to different states. This in turn speaks to the importance of utilising the comparative advantages that different organisations have in influencing states, and building a strategy on that basis. As noted earlier, protection-mandated organisations have a particular advantage in influencing Western states, and many of these also have specific expertise, structures and capacities for effective dialogue with states. But a more coordinated approach could and should combine the different areas of advantage that INGOs also have – in terms of their direct relations with certain individual states, their ability to galvanise domestic populations to ramp up public pressure on a state, or the evidence base for advocacy that they play a huge role in gathering.

Conclusions

Western states want much more strategic, substantive engagement from international humanitarian organisations than they are currently getting. Humanitarians face legitimate challenges in responding to this interest, but there are some obvious steps forward: a stronger role for the ERC and UN OCHA in convening regular and consistent dialogue with states, greater coordination across the sector to ensure advocacy is focused on clear global protection priorities, and a more considered approach that utilises the full suite of tactics, leverage and opportunities available to (the collective of) humanitarians. As a bottom line, international humanitarian organisations need to be more consistent in their investments in relationships with states, more coordinated in their ‘voice’, more credible in the evidence they present, more constructive in their approaches, more considered in their tactics, language and channels, and more concrete in their calls for state action.

While this research focused on engagement at the global level, stakeholders also highlighted the importance of enhancing engagement with state representatives in crisis contexts and through regional bodies. They also highlighted that a resetting (or indeed a ‘setting’) of relations with states beyond the Western grouping is long overdue. The multipolarity of geopolitics today

means that engagement with all states is of greater, not less, importance. The West is only one grouping, and as a general principle humanitarians need to engage more consistently with all states – crisis-affected, conflict parties, interested third parties, uninterested third parties – to help build international consensus to take action to protect civilians populations at risk. However, given limited capacity and leverage, humanitarians will need to focus on building a constituency of states to help advance their global protection priorities. In this regard, there is an as yet untapped potential set of other state ‘allies’ on protection issues – non-Western states that have not necessarily been the most (pro)active on protection in multilateral forums in the past, but which, if they could be galvanised into action, could tip the geopolitical balance in favour of protection of civilians in armed conflict.

The possibilities are evident in the international consensus that has rapidly emerged in response to the Russian invasion of Ukraine and its devastating impact on the civilian population. Capitalising on the political momentum against Russia’s actions among such a diverse group of states around the world – 141 member states voted in favour of UN General Assembly Resolution A/ES-11/L.1 of 1 March 2022 condemning the Russian invasion and calling for the protection of civilians – humanitarians could focus on building a diverse constituency of states working together to reverse the recent trend of disrespect for international law and begin to advance global protection priorities.

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