HERE (Humanitarian Exchange and REsearch Centre) *is an independent, Geneva-based non-profit organization. We contribute to closing the gap between policy and humanitarian practice.*

HERE - HUMANITARIAN PRIORITIES - PROTECTION MEETING REPORT

Priorities and Commitments in Humanitarian Action

Project description

In recent years, the humanitarian agenda has become extremely broad with the addition of many different priorities. As a result, there is confusion and misunderstanding on what humanitarian action encompasses and tries to achieve. In response to these issues, HERE-Geneva has engaged a project looking at humanitarian priorities. The focus is on humanitarian action in armed conflict and the gaps in response found there.

The objective of this project is to provide purpose and direction to the increasingly broad agenda of humanitarian action.

It will formulate key messages on:

• The goal of humanitarian action

• Existing commitments under international law

• Benchmarks for performance

Three sets of issues will be examined in detail:

• Shared values and principles that underpin humanitarian action

• Protection of people affected by armed conflict and the gaps in compliance with international humanitarian law

• The lack of leadership and accountability for performance (resulting in substandard humanitarian performance)

The project will also look at commitments against which actors can be held accountable.

Setting priorities to protect civilians in armed conflict

Report[1] on the Working Meeting held on

15 June 2015, Geneva

Centre for Humanitarian Dialogue

Introduction

Protection work in humanitarian aid often faces grim realities. From war-torn Syria to ongoing ethnic conflicts in Myanmar and from systematic rape to drone attacks, the state of respect for human rights, international humanitarian law and the fundamental dignity of human beings around the world appears more dire than ever. It is clear there is a lot of work to be done. However, the principles, policies and above all the implementation of the protection of civilians in armed conflict present no shortage of complex issues.

While protection has repeatedly been identified as a key concern for humanitarian organisations since the late 1990s, in reality protection responsibilities have been divided up within a system that is made up of several different types of institutions with different processes and areas of technical expertise. A wide range of discussions, workshops and formal assessments have led to a growing consensus that the lack of accountability for violations and more broadly insufficient investments towards compliance with IHL and HRL is at the core of the problem. This fact is well documented, well known and has gone uncorrected. Thus, there is a need for a different accountability paradigm, aimed at political actors who must recognise the humanitarian consequences of their action or inaction as well as for those in the

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[1] On behalf of HERE-Geneva, Marc DuBois is the main author of this report.

humanitarian community, who fail to effectively carry out their protection responsibilities and principled obligations.

Against this backdrop HERE held a daylong Geneva Working Meeting, gathering together a diverse group of experts in humanitarian protection to discuss ideas on how to best move forward. The meeting provided a forum for frank dialogue related to how the humanitarian community carries out its lofty aspirations and daunting duties. By speaking freely, challenging dogma, the status quo and one another, a rich measure of critical analysis, pragmatic suggestions and 'big picture' ideas were formulated throughout the course of the day.

The overarching purpose of the meeting was to strengthen reflection on the state of protection. More specifically, the meeting aimed to identify concrete steps to remove obstacles in the way of advancing the protection agenda, and to develop a strong voice around policy priorities. In particular, participants were asked to examine:

- How do we ensure that the humanitarian community does a better job in protection?
- What are the 'leverage points' (in the political domain) to promote the respect of protecting of civilians in armed conflict?
- What are the issues that need to be addressed in order to move the protection agenda forward?

To achieve the day's objectives, the discussion was broken down into four separate sessions. Each session was opened by a presentation followed by remarks from a discussant before opening up to the full group. This report provides a summary of the day, presenting the four sessions according to their chronological order (see Annex 1 for the Agenda). It finishes with HERE's Reflections on the Day.

With so many strong and diverse perspectives around the table the goal was not to achieve consensus – although, one was still achieved. It

is noteworthy that the meeting opened without having to debate whether or not the humanitarian protection system exhibited signs of profound dysfunction. That assessment seemed shared, almost assumed, by the room full of experts. Though no specific solution arose from the four discussions, a number of key themes emerged over the course of the day:

- ➢ A need for improved analytical capacity; not to increase the amount of information, but to better understand the context and dynamics of each situation, and strengthen the ability to leverage powerful actors.
- ➢ Concern over a lack of clarity of purpose across the humanitarian sector regarding protection, with a dominant focus instead on the technical side of assistance delivery.
- ➢ The need for engagement so that humanitarian actors can establish a much broader range of relationships with regional players - from those within civil society in impacted communities to non-state armed groups.
- ➢ The urgency of ensuring greater accountability, for violations and abuse by various actors and within the humanitarian system for its own (in)actions with regard to protection.

Session 1: Next steps after the Whole of System Protection Review

Background: Despite the growing focus on protection in the humanitarian community, humanitarian organisations have experienced substantial constraints in reducing risks to civilians in conflict and enhancing their protection. Acknowledgment of the UN's failure to protect the people of Sri Lanka during the final stages of the Sri Lankan civil war has prompted efforts to reassert the centrality of protection in humanitarian action, including the publication of the *Whole of System Review of*

Protection in the Context of Humanitarian Action. The recently released report highlights a number of critical issues central to the effective functioning of the protection system. One of the Review's most striking findings is "the widespread perspective among humanitarians that they do not have a role to play in countering abusive or violent behaviour even when political and military strategies and tactics pose the biggest threat to life."

Key Messages from the Presentations

The *Independent Review* paints a picture of the system in its present state: a system at a crossroads. It identifies widespread malaise in the system, while, at the same time, a lack of appetite for radical change. This prompts a crucial question, and the answer ultimately depends upon the diagnosis of the problem: is the system malfunctioning or is it unfit for this purpose? Do we need r**eform or transformation?** Tweaking or reconstruction?

Many in the UN system have recognised its underperformance with regard to protection, and there is recognition that it seems ill equipped to respond effectively to massive violations. Syria and South Sudan are clear examples where the system has been unable to gear itself up to deal with large-scale violations. Recent efforts to reposition protection as the core purpose of the United Nations, such as Human Rights Up Front (HRuF) launched in 2013 by the UNSG, have been unsuccessful. Its twin goals, to respond to major human rights violations and International Humanitarian Law (IHL) and to change the culture within the UN system have been undermined by weak adoption by staff. HRuF does not seem to have led to better outcomes in the field. Instead, the Review found that **large numbers of UN staff do not see protection as part of their work**.

The Review identifies key factors that contribute to the shortcomings. Given its largely Western origins, one critical emerging issue is the **internationalisation of humanitarianism**. The protection agenda looks quite different from the perspective of Cuba or China. This issue will have a strong impact on the future of protection, bringing in more perspectives but perhaps making it more difficult to come to agreements on definitions and approaches. Moreover, what changes do we expect (positive and negative) in international armed conflicts if power is shifting from the West to other areas of the world?

Furthermore, the Review asks what reform or transformation might mean. This key question remains intimately political – how to hold nations and individuals accountable for their violations, and also for their omissions in defending the rule of law. It seems humanitarian actors are caught between a rock and a hard place. On the one hand is politics, and the other institutional agendas, with humanitarians at risk of being used as a tool, or a fig leaf. Perhaps this points to the need for a different funding mechanism for some sort of protection, one creating financial independence to act. The **Review also identified a lack of capable leadership in the system** – the capacity for mobilising and ethical positioning that is not negotiable – as a primary shortcoming in this regard, finding instead excesses of proceduralisation and professionalisation.

The disengagement of humanitarians themselves from protection is disturbing, and undercuts potential progress if it cannot be reversed. This disengagement can be seen as the consequence of (a) **insufficiently clear understanding of the underlying purpose of humanitarian action** or of its core principles and IHL (i.e., heavy technical emphasis on its function as a delivery mechanism for assistance), and (b) a "tyranny of low ambitions" in which people feel there is no way to counter the abuses, so thereby avoid confrontation and slide into routine monitoring and reporting.

Any discussion of protection, though, must address the **conceptual confusion around protection and define responsibilities more**

clearly. At the pragmatic end, the common ground among these issues is a lack of analysis, and its opposite, analysis paralysis caused by too much information. The call, then, is for analysis that is sharp enough to challenge the dominant political narrative, and is actionable by the system. Part of the weakness of analysis stems from the overarching issue that protection work is too often defined in terms of outputs rather than outcomes. Another issue is the dilution that results from protection becoming the work of everyone; a form of mainstreaming that risks watering down protection by affixing its label onto a diverse set of aid activities.

Key Messages from the Discussion

There was no intent to endorse (or not endorse) the Review. It was supposed to trigger and foster a broader discussion. Participants generally commended the Review's analysis, noting, however, that it leaves open the question of solutions.

Most participants agreed that while there may be specific gaps, **the existing normative framework and body of law for protection are quite sufficient**. Rather, a deep concern exists for the state of the system itself; for the impression that its weaknesses were more than simple dysfunction. Clearly, duty bearers have failed in their obligations and impunity has grown. The situation today evidences a disconcerting lack of accountability. This malaise comprises both action and reaction, both violence/abuse and a lack of systemic response to it. In general, then, there is no need to push for more laws, treaties and policies – just uptake, compliance and enforcement of what already exists.

This negative dynamic now permeates the system, which includes not only the UN but large INGOs that too often conduct **humanitarianism as a business (the contract-driven delivery of assistance) which is threatened by protection activities**. More

generally, the humanitarian system is risk averse - and so organisations are overly focused on downside losses rather than upside gains.

One important analysis is that the system has a poor understanding of its own purpose. Can one fix the system in such a case? Or should we accept that it has become a delivery mechanism for assistance, and look for the next 'Biafra' moment, when the ineffectiveness of the system provokes new birth (as Biafra prompted the birth of MSF).

One theme picked up in the later sessions is that **greater individual responsibility should be reinforced, along with a more general accountability within the system.** There needs to be a particular focus on peacekeepers. But the drivers and incentives of the humanitarian system create supply-side accountability (to donors and to headquarters); they do not align with meaningful accountability for outcomes on the ground. In particular, delivery of assistance – meeting contractual targets – drives aid that does not risk interference due to protection activities.

The discussion of the Review also exposed **a two-pronged problem: too little and too much 'protection'**. So even though the UN has prioritized protection in places such as the Central African Republic and South Sudan, where one would expect protection to be at the forefront of the issues addressed by the international community, there were grossly insufficient resources devoted to it. Worse still, peacekeeping forces have at times formed part of the problem, and have committed serious violations. At the other end of the spectrum, inaction is caused by an overly bureaucratic **protection system**. In some areas, the slow-moving humanitarian protection architecture blocks progress on initiatives.

There was also the suggestion to pay more attention to the timing of action – at what stage do protection activities have the greatest chance of success? If we consider that the system does not have the political will to

confront entrenched violence and abuse, such as is seen in the Syria conflict, then **perhaps the protection community should aim to act earlier, taking more preventative action**. Of course, one problem is the degree to which the attention of donors, and of the system, often remains weak during pre-crisis stages.

The issue surrounding who should be 'doing protection' was another area of discussion, with different points of view. Protection is interpreted in many ways and there are **many actors involved, which generates inertia.** With such a plethora of perspectives in a given context, much time, effort, and resources are lost to discussion and debate. On the other hand, **new actors are emerging who must be brought into the protection discussion**. There is potential for complementary relationships between a wide range of actors, not only confusion. So plurality is seen by some as a strength with different actors looking at protection through their own perspectives.

Finally, a word of caution: humanitarians should position themselves wherever they think they can have greatest impact on a situation. In the end, however, governments, political bodies, armed actors and certain designated agencies hold the primary responsibility to act.

Session 2: Protection of Civilians in Armed Conflict and Compliance with IHL

Background: Protection has long been identified as a major concern, and many of today's conflicts remain marked by lawlessness and impunity. Due to political reasons, international measures to protect civilian populations are not systematically applied. The breaches of IHL that are documented and recorded represent only a fraction of the violations that occur in today's crises. In spite of the establishment of the International Criminal Court (ICC), there seems to be an institutional vacuum, since no standing conference or mechanism exists where states discuss the implementation of IHL or the challenges of

compliance with it. Attempts to improve compliance (or observance and implementation) with IHL have not yet produced sufficient concrete results.

Key Messages from the Presentations

While there may be some gaps, by and large the normative framework is substantial, so **it is not a question of developing new laws and treaties,** which in any case may not be politically possible. Rather, the focus should be on guidance that encourages compliance and builds an understanding of what compliance means in practice. There is a sense that **more could be done to assist with compliance, such as developing of a collection of "best practices".**

Improving compliance should explore the full range of approaches and measures, and must avoid short-term, standardised strategies. A range of options exist:

- "Naming and Shaming" tactics – what institutional mechanisms are there beyond NGOs and civil society?
- "Assisting" parties to a conflict to bring their behaviour into compliance.
- Individual criminal responsibility/state responsibility - in particular, strengthening of the capacity of national institutions to carry out investigation and prosecution.
- Various punitive measures, such as targeted sanctions, reparations, agreements to apologise or instructions to undergo training. Non-traditional punitive measures (e.g., suspension from the World Cup) might seem unfeasible, but why not consider them?
- What about rewards such as rewarding compliance? Are there other (non-traditional) incentives for compliance?
- Institutional measures: Enhance the role of third parties? Regular meetings of states parties to certain mechanisms? Naming a special rapporteur for IHL?

An important point to keep in mind in relation to these options is that there is not

a single best solution. What works depends on the particular circumstances of each situation.

The system requires an improved set of capacities in order to enhance monitoring and reporting - particularly in the area of fact-finding (in order to understand and document violations and perpetrators). This should be a neutral mandate that can act independently of state consent. It is noted that some **success has been registered when employing focused approaches** with clearly defined ambitions (e.g., the UN Security Council (SC) Working Group on Children and Armed Conflict).

One angle receiving increased attention is the obligation of states to carry out reviews or investigations of reported violations. Such an approach can achieve a range of objectives, and would benefit from the elaboration of 'best practices'. Another development has been thinking around procedural mechanisms for individuals to submit complaints. In particular, one idea that has come up in some circles is the **creation of an individual complaint mechanism** for the Geneva Conventions (as can be found in human rights law). Currently, a few violators can be held individually criminally responsible, if there is an appropriate court in existence and if the violation rises to the level of an international crime. But courts are lacking, and most prosecution of criminals does not lead to compensation or other redress for the victims. An individual complaint mechanism would deal with all of these problems and would likely have a stronger or at least complementary effect on compliance.

As for **humanitarian principles**, the problem seems first and foremost to reside *within* the humanitarian community itself, which operates without a shared understanding of principled action, without even a broad agreement (e.g., no shared definition of red lines). The **striking lack of UN and NGO independence** underscores the structural incapacities with regard to principles that impact protection. On top of that, there is both a lack of a commitment and of a mechanism to ensure compliance with

these principles. Would the Emergency Relief Coordinator have such authority? This internal state of the humanitarian sector combines with the endemic politicisation of humanitarian action to generate much of the present systemic gloom.

Can we **escape seeing states and NGOs as a primary engine of change**? To what extent are improvements most likely to be driven by giving power to those expected to benefit, from community groups or directly by victims. Does social media offer new possibilities in this regard?

Key messages from the discussion

The discussions of the various possible approaches or mechanisms highlighted three crosscutting themes: scope, engagement and accountability.

Some of the more successful efforts have been **single issue campaigns**, such as those aimed at landmines or child soldiers, and now perhaps the protection of schools. This echoes the success in other areas of aid, such as in international health, where GAVI and UNAIDS have proven more successful than strategies aimed at generalised system building. Such approaches have the advantage of being able to create clear ambitions (i.e., definable or even quantifiable impact), a focus of effort, and evidence of success. Not tackling all of protection at once, though, carries the risk of side-lining or downplaying the importance of the many issues not within the focus theme, so there is a need for working in unison with broader efforts, rather than in juxtaposition.

Ensuring early, **broad and consistent engagement with the full range of armed actors** is vital to being able to achieve protection in conflict situations. Because it may been seen as a provocation by the state involved, governments and the UN often shy away from this engagement, and many NGOs either lack the skills and resources or feel blocked by potential consequences. The purpose of this engagement is manifold: to negotiate, to educate/train and to

support/assist, such as with putting in place 'best practices'. Importantly, though, the nature of such engagement builds understanding on both sides – the aid community needs to move beyond negative stereotypes and simplistic models of good and evil to a much more nuanced understanding of *why* violations and abuse occur. Finally, to comprehend the situation and to effectuate change on any given context or issue, humanitarians also need to break out of their own sector, and engage with the much larger 'communities of concern.'

The discussion of accountability picked up on the themes from the first session, however more concerns were raised about **accountability within the system**. The **instrumentalisation of protection discourse for political purposes**, and the glaring double-standard in application – hard talking defense of human rights, IHL and noble principles from the same governments committing grave violations, or ignoring them if committed by allies – have deeply undermined the credibility of the rule of law in regards to protection. As one participant explained, many 'bad' actors pointed to the Bush Administration's policies as a rationalisation for their own transgressions.

In a similar vein, the international aid system was seen to be deficient in holding itself accountable for violations (e.g., the issues in the context of the investigations of the actions of peacekeepers in CAR) and its many failures to act. Can we not imagine much **more rigorous internal accountability**? It was noted that the performance and decisions of many civil servants are reviewable through internal procedures or even external, judicial processes. The suggestion would be to hold humanitarian actors accountable for complying with their mandate, mission statements and contractual obligations (outcomes) to deliver aid and/or act according to specific standards vis-à-vis the target populations. The internal judicial mechanisms that some large institutions may have in place should be used and/or reinforced.

Session 3: The Political – Humanitarian Interface

Background: Though great efforts have been made over the past two decades, international measures to protect civilian populations are unpredictable and not systematically applied, often because of political reasons. As a result, humanitarians have experienced an increase in both pressure to act and confusion as to how they can protect people affected by armed conflict. Despite efforts such as the UN Security Council Resolution 1296, adopted 15 years ago, incorporating protection of civilians into UN peacekeeping missions, open questions remain on the effectiveness of such measures. In the end, realpolitik – economic, strategic and security interests of states – seems to trump more principled approaches. There is a resultant gap between rhetoric and reality which calls for a recalibration of the balance between political priorities and humanitarian protection concerns.

Key Messages from the Presentations

Humanitarians must recognise the nature of the problem. The challenge of how to mobilise greater political interest/action around protection concerns has no solution – there is no silver bullet; **no new framework, envoy or mechanism that can result in a transformation**. Improving the political context for humanitarians requires a long-term commitment and vision to re-elevate norms among the public so as to push politicians to fulfil their commitments.

At a more programmatic level, aid in general and protection work in particular has become more technocratic. In order to combat political opposition to foreign aid, major donors have placed greater emphasis on concrete results, making it harder to fund processes aimed at dialogue and engagement, rather than outputs. **Protection work, however, cannot be successful if reduced to a mere set of activities with quantifiable targets** and logical frameworks exercises. Discomfort with acting 'politically' further entrenches this logic of being a service provider, or deliverer of assistance, meaning the system lacks a protection reflex. Moreover, critical scrutiny of

the system finds a pattern of negative leadership when it comes to protection. Too many concessions today dilute the normative framework of tomorrow. In other words, protection is being watered down by expedient or risk-averse decision making. As raised in the previous sessions, then, one priority is the **establishment of accountability processes towards duty-bearers** within the system, both UN and humanitarian (INGO).

How can we move forward? **Civil society** has the potential to play a critical role. . The system must also take advantage of the potential of new global actors, such as Turkey or China, as well as community-based organisations in each context, along with new media and other technology. Furthermore, the system itself must improve its capacity to generate and maintain evidence, and then extend the reach of the law.

Key Messages from the Discussion

Recognising the depth of the political system's failures in terms of protection should not paralyse humanitarians. It is too easy to fall into a **trap of cynicism** or hopelessness, especially with a short-term perspective. Is there good news as well? Do the loud failures of protection mask significant invisible victories (i.e., violations that were prevented or pre-empted)? For example, some armed combatants admit to feeling deterred by the fear of ICC prosecution.

In addition to being more realistic, **humanitarian actors should indulge in greater humility**. First, by developing operational clarity recognising the added value of their role to help bring about protection outcomes. Second, in making a greater effort to listen to the victims, survivors and their communities, who certainly value assistance but also place a high value on safety and dignity. Third, humility of action – most humanitarians are not meant to do hard politics because they are not equipped to do it, not because humanitarian principles prevent it.

Rather than transform the protection system, then, considerable focus can be devoted to developing a **better capacity for leveraging** it.

Reinforcing the message of earlier sessions, the need for sharper analysis coupled with an investment in engagement – for example the value of humanitarian dialogue with parties to a conflict, powerful governments, activist groups, etc. – can bring results. That requires humanitarians to break out of their silos to be effective, especially in highly politicised conflict contexts, where humanitarians seem most at risk of withdrawing into their own circle as a result of security or perception concerns. As well, the constraints on action in violent political quagmires (e.g., Syria) again push in the direction of earlier initiation, raising the interesting question of how humanitarians could be more effective in **protection action at the pre-crisis stage and the very beginning of a crisis**. At the same time, the situation today necessitates an increased focus on a more deliberate neutrality to establish trust, avoiding, for example, the pretension that relations with UN peacekeeping forces align with rather than contradict neutrality in most contexts.

Towards the end of the session, the focus shifted to the **leadership gap**. This requires an urgent investment in training; in developing a cadre of Humanitarian Coordinators who are capable of shouldering protection responsibilities in difficult contexts. Should there be more of an admission of failure? In other words, should we expect an increase in *persona non grata* declarations from hard-line governments and view these as a positive sign that leadership is rightly pushing on sensitive protection-related issues?

Session 4: Moving the protection agenda forward

Conceptual challenges abound. To comprehend protection better we must realise that its two articulations -- protection as an issue versus protection as an architecture – are distinct. Contributing to the confusion, there are an enormously diverse set of actors, notions / conceptualizations of protection. We have been paralysed for some time because this diversity is defined as a problem. **What about potential synergies?** Though the plethora of

voices and perspectives creates some limitations, there are also benefits. There is a risk of being too dogmatic about definitions versus taking a more pragmatic approach to what works in particular contexts. After all, protection is neither an event nor an activity; it is not programming. Rather, it is a continuum of action in response to the dynamic nature of the context and hence to ever-shifting protection needs.

As such, complexity requires an analysis that appreciates the diversity of groups and people, and the intricacies of the various stages in a conflict. Similarly, some protection issues can be found everywhere (e.g., sexual and gender-based violence) but others are more context-specific, and defy formulaic approaches. Given such complexity, establishing **accountability to beneficiaries** becomes a primary challenge. How can communities become not only a part of assessing whether or not protection activities have been effective, but also at the earlier stage of determining what protection needs should be prioritised?

Protection work suffers from **tensions between core elements**, for instance between mainstreaming and specific focus, or between service delivery and efforts to deliver aid within a protection framework. Education makes for a classic example. We understand how the policies and programs around schooling in a conflict country can contribute to safety, or fit into the larger protection activities, but that is not to say that protection is their primary purpose. There is also a tension, raised in previous sessions as well, in terms of scope (e.g., a focus on IDPs versus on the population at large). Highlighting the plight of one population risks juxtaposing it against the many plights of others. Does evidence (e.g., through needs assessments) help us make such choices, such as demonstrating the increased risk of violence against women and girls, and hence a need for specific attention?

There are practical tensions as well, such as between having a designated responsibility for protection and mainstreaming understanding and engagement with protection issues. **How do we stop the existence of the protection cluster from removing the sense of responsibility from the broader humanitarian community?** Not meeting basic humanitarian standards in assistance is everybody's responsibility. Protection activities should refocus their attention on the most prevalent and severe patterns of risk facing civilians in armed conflicts. Furthermore, while expertise generates leadership and leverage, it's also important that protection not be seen as an ivory tower. Specifically, there is a need to ensure that the HC takes direct responsibility for protection. At the same time, the 'lowly' HC will struggle to make a difference in protection when higher authorities have been inconsistent in matching priorities and practice with policy and principles.

Before ending the day, three gaps in the discussion were identified:

- **Protection by presence**. What are the potentials and limits of 'being there' in terms of serving an actual protective function? In terms of being a witness and advocate?
- **Self-protection**. Should humanitarians encourage or assist groups to become more capable of protecting themselves?
- Deliberate and principled **'less' protection** – symbolic withdrawal of protection in contexts where a lack of political commitment implies the risk that protection activities become a fig leaf.

The day concluded with the recognition on the need for action. We must reject mere tinkering. To fulfil its protection responsibilities the system needs fundamental change. The system does not work effectively for too many millions of people. It needs work at the institutional, systemic and philosophical levels. If we don't make efforts to change it now, we will lose the opportunity.

HERE Reflections on the Day

Recalling its objectives for the Working Meeting, HERE set out to create a day of informed, probing discussions that would move us forward on humanitarian protection. In the coming months, we aim to combine these productive discussions with our own ongoing analysis, producing a HERE plan of action regarding protection.

First and foremost, the four sessions highlighted the imperative of returning protection to its central position in humanitarian action. To do so, we must avoid false dichotomies, such as the question of transformation versus reform, or fixing the old versus constructing anew. The sector needs successful innovation on both sides of the equation. HERE endorses the broad consensus of the meeting that, in addition to making many 'tweaks', the humanitarian protection system requires transformation. That ambition relies less on creating an expanded normative framework, for which there is little political appetite, than on establishing the essential accountability, political leverage and commitment to principled action of the protection system itself. As a first step, HERE will produce a reflection paper examining potential ways forward, and that pairs the analysis of *what* protection consists of along with an often missing reflection on *why* these problems exist.

As various interventions have indicated, potential exists for the many different protection actors to improve performance in the immediate future through enhanced training of UN and humanitarian staff, clarification of each actors' purpose and function, and the development of protection-capable leadership. These aims form the prime territory of the global protection cluster (GPC). In this regard, HERE envisions a strengthened capacity to leverage political and armed actors resulting from (1) better analysis, of the sort that reveals not only a the violations/abuses but also potential tactics towards ending them (e.g., beyond resorting to the UNSC as a first

approach); (2) a deliberate, broader engagement with a wide range of actors external to the humanitarian sector; and, (3) greater humanitarian independence from political power (which HERE views as requiring both short and long-term approaches).

More productive engagement, such as establishing diplomatic links that improve capacity to leverage political actors, requires a straightforward uptake across the system. Specifically, though, the nature of the system's engagement warrants further examination if we turn to the long-term perspective. A number of issues – increased accountability within the system (see below), the shift of global power away from the West, and the largely untapped potential of approaches centred on civil society (as opposed to institution-centric protection) – convince us that humanitarians must invest over time in relations with a 'new' set of actors, thus introducing new ways of working.

The theme of increased accountability featured prominently in all discussions in two dimensions: the accountabilities of parties to an armed conflict for their conduct and the accountabilities of humanitarian organisations and other institutions for not discharging their responsibilities in an appropriate and/or sufficient manner. On the first dimension, HERE underscores the significance of developing a strategic vision for bolstering respect for IHL in order to move that agenda forward. We must seek compliance with the law and counter the horrific, mounting impunity across many conflicts. We are conscious of the limits of humanitarian action in this regard, and yet convinced that the degree to which those responsible for violations and abuse are not being held to account also stems from the systemic failure to address violations. With regard to the second dimension, HERE will stress the need for accountability on the part of those responsible for the (political) policies, decisions and apathy that result in violators not being held accountable.

Equally important in terms of accountability is the degree to which individuals and agencies within the sector have failed in carrying out their humanitarian protection obligations, often passing off responsibility to other entities within the massive architecture of protection. The discussions consistently returned to the urgency of increased internal accountability, including on the part of individuals. As well, it was noted, precedents exist for instituting accountability at a level sufficient to review, for example, decisions and outcomes related to protection programming.

Based on the day's discussions, HERE will explore the overarching ambition of reigniting a commitment to reality over rhetoric when it comes to the value of principles themselves. The strategy emphasises first and foremost that the proponents of these principles adhere to them themselves – the UN/humanitarian protection sector and the political entities or bodies who champion the rule of law and accountability. The dysfunction of any system stems not only from its failures to succeed externally, but also from selective enforcement and double standards that undermine the credibility of its own loudly declared commitments. HERE will take aim, then, at the gap between the rhetoric of the protection system and a body of practice in which self-interest all too regularly trumps its principles.