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RESEARCH ARTICLE



Humanitarian protection activities and the safety of strangers in the DRC, Syria and South Sudan

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Abstract

Many contemporary humanitarian organisations derive their legitimacy from their claims to protect civilians. Yet, what these organisations do in its name includes a diverse and contested range of activities that are often far from what global publics and affected populations understand as constituting protection. As others have argued, this detracts from honest discussions about when and how humanitarians are well placed to keep civilians safe from violence and threats. To begin to address this gap, we review what three well-known humanitarian organisations publicly say they have done to protect strangers across three violent protracted crises. We capture how they portray their activities, the logics they attribute to them and what is left unsaid. Our findings suggest that humanitarians must, once again, collaborate over a shared protection framework that better signals what others can expect from them. We also identify an emerging convergence around the notion that peer-to-peer denunciations, conflict resolution, supporting self-protection and community protection strategies and improving state-society relations can be important forms of protection activity. There is, therefore, a need for a public stocktake over what can, cannot, should and should not be done to protect civilians in such contexts.

1 | THE NEED FOR A STOCKTAKE

The number of humanitarian organisations claiming to protect civilians caught within or fleeing from violence proliferated in the 1990s. Several well-documented incidents of large-scale losses of civilian life prompted a popular moral demand from leaders and publics for a commitment that they should not happen again (Claire, 2016). In this climate, humanitarian organisations realised that they could gain authority through their claims to protect. Their renewed interest in non-armed protection was also partly a response to the United Nations Security Council's (UNSC) increasing willingness to justify military-led peacekeeping interventions based on the 'Protection of Civilians' and 'Responsibility to Protect' agendas (Mamiya, 2016). Since then, budgets for humanitarian protection activities have increased (albeit with a drop relative to overall spending), many organisations now employ protection

specialists and the wider humanitarian system has re-organised itself to engage in a range of activities labelled as protection (Table 1).

In this article, we provide an overview of the activities humanitarian organisations publicly categorise as offering protection to those caught in protracted violent crises. We argue that many of these activities would not be understood as protection by those outside of the humanitarian sector, nor by affected populations on the ground. This continues a documented ambiguity and sustains contestation within the sector over what 'protection' is and how it should be done (Fast, 2018). In addition, as has long been argued, humanitarians often cannot keep people safe when confronted by violence (Bonwick, 2006; DuBois, 2009). Today, from Sudan to Ukraine and the Occupied Palestinian Territories, among other places, civilians are still dying in vast numbers during conflicts. Yet, paradoxically, many organisations increasingly claim their legitimacy to operate

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on their ability to protect, even giving it equal status to traditional humanitarian assistance.

On the one hand, this status quo confuses policy-makers, practitioners, publics and affected populations and unduly raises their expectations of what humanitarians can or will do to protect civilians (Niland et al., 2015; South et al., 2012). On the other, it reduces the prospects of collective analyses of protection threats, activities, lesson learning, accountability and leadership (Davies & Dowden, 2022). This risks undermining the value of other staple humanitarian activities and sidelines potential new avenues for protecting civilians. We suggest, therefore, that a public stocktake is needed. It should capture the sector's changing definitions of protection, the activities it contemporarily engages in and the worth of each relative to claims to protect. It should also not shy away from the ongoing tensions between traditional humanitarian principles, the need for humanitarian access and repeated calls for organisations to do more to protect civilians in protracted violent crises.

We lay the preliminary foundations for such an undertaking by reviewing online documents from the websites of three large well-known organisations – Oxfam, the International Committee of the Red Cross (ICRC) and the Norwegian Refugee Council (NRC) – that reveal how they publicly claim to protect. We also focus on their public discussions of their protection activities in three protracted crises in the eastern Democratic Republic of the Congo (DRC), Syria and South Sudan. The exercise captures what activities they specifically portray as protection and the logics they attribute to them. Yet, we do not claim that this covers the full spectrum of their activities. Rather, our focus is on the way organisations publicly justify and claim to provide protection.

Our findings add to older critiques of humanitarians' claims to protect (Dubois, 2009; Pantuliano & Svoboda, 2016). For the most part, the organisations' websites provide light descriptions of their activities, with a focus on the outputs they produce. Furthermore, they label what to many would look like standard

Policy Implications

- Humanitarian organisations that claim to provide protection should adopt Bradley's alternative framework that puts violence and threat reduction back at the centre of activities. This will help them to prioritise activities that are more widely understood as providing protection by those outside of the sector.
- Humanitarian organisations must provide more evidence of when, or plausible theories of change for how, their activities lead to protection outcomes. This includes how efforts to support self- and community-protection strategies offer a way to begin to answer the challenges raised by proponents of the Triple Nexus.
- Protection-focussed humanitarian organisations should build on recent peer-to-peer critiques to spurn a wider stocktake of what can, cannot, should and should not be done to protect civilians in violent protracted crises. This stocktake should occur in public to renew their legitimacy as authorities that shape protection norms, laws and practices.

assistance activities and good programming as providing protection. In these ways, the organisations seek legitimacy by appealing to a contemporary global moral concern for the plight of civilians, whilst avoiding details on their activities' outcomes. Nonetheless, we also identify an emerging willingness to label activities such as denunciation, conflict resolution, empowerment and governance as providing protection in protracted violent crises. These activities are arguably riskier – in terms of continuing humanitarian access – and, for some, stand in tension with traditional humanitarian principles of impartiality and neutrality.

TABLE 1 Spending on humanitarian protection activities.

	2006	2011	2016	2021
Total Humanitarian Aid	\$7,710,000,000	\$13,650,000,000	\$22,720,000,000	\$30,300,000,000
Protection – Undefined	\$299,712,694	\$293,850,653	\$729,568,687	\$892,012,840
Child Protection	\$3,979,931	\$1,931,686	\$23,915,518	\$200,870,827
Gender-Based Violence	\$4,032,487	\$4,916,557	\$8,244,297	\$268,017,719
Housing, Land and Property	\$1,065,185	\$1,556,393	\$1,018,698	\$2,064,047
Human Trafficking and Smuggling	-	-	-	\$1,674,940
Mine Action	\$117,842,935	\$155,104,468	\$56,014,967	\$181,848,298
Total Protection	\$426,633,232	\$457,359,757	1,000,610,465	\$1,546,488,671
Protection as % of Humanitarian Aid	5.53%	3.35%	4.40%	5.10%

Note: Table compiled from the United Nations Office for the Coordination of Humanitarian Affairs' (OCHA) Financial Tracking Services website <https://fts.unocha.org/> (accessed 01.03.22).

In response, we posit that the widespread adoption of Bradley's (2016) alternative protection framework would enable humanitarians to better identify what they can (and cannot) achieve in protracted violent crises. We also argue that humanitarians must make nuanced public cases for newer protection activities that, although difficult to measure and politically sensitive, build the environment for protection and have the potential to prevent abuses. This should include how supporting people's self-protection and community protection strategies accord with calls for protection to be at the centre of the Humanitarian-Development-Peace Nexus (HDP or 'Triple Nexus') (Lilly, 2020). This will better signal to donors, publics and affected populations what they can expect from humanitarian organisations' protection activities and for what they can reasonably be held to account.

In the remainder of the article, we first provide an overview of the literature on humanitarian protection and its critics. We then sketch of our method before discussing, in turn, how the ICRC, Oxfam and NRC's websites present their protection activities. We conclude with a discussion of our findings and recommendations.

2 | PROTECTION'S PROLIFERATION

Established in 1863 and 1950, respectively, the ICRC and the United Nations High Commissioner for Refugees (UNHCR) were for long the main humanitarian organisations mandated to protect civilians. The ICRC's mandate and the first Geneva Convention upon which it was built originally focussed on the dignified treatment of injured or captured soldiers. It was not until the 1949 Geneva Conventions and Additional Protocols of 1977 that civilians were also afforded protection. In 1989, the United Nations Children's Fund (UNICEF) was mandated with protecting children's rights to live free from violence, abuse and exploitation. It was joined in 1993 by the Office of the High Commissioner for Human Rights (OHCHR) with a mandate to promote and protect the enjoyment and full realisation of rights set out in international human rights law's (IHRL) instruments and treaties.

Parallel to these developments, non-mandated international non-governmental organisations (INGOs) also began to increasingly claim to protect. For example, the NRC focussed on protecting internally displaced persons (IDPs), the World Vision on upholding the rights of children caught in conflicts, the Search for Common Ground on mediation and Oxfam on gender-based violence (GBV). As their experiences of engaging in these activities grew over the 1990s, organisations such as Oxfam and the NRC also started to undertake

research, policy and advocacy with a view to shaping evolving protection norms and practices (Mann, 2012; Schimmel, 2006).

The moral popularity of protection and the proliferation of humanitarian actors claiming to provide it signalled a new international contest over who has the power and legitimacy to protect people caught in conflict. Indeed, scholarship on the micro-politics of conflicts has described how public authority and the legitimacy to govern responses to crises have often been built through appeals to popular moral ideas and anxieties such as safety and protection, even if these goals are rarely achieved (Allen & Kirk, 2022; Hoffmann & Kirk, 2013; Lund, 2005). Another set of literature has sought to show how similar contests occur at the international level between INGOs, UN agencies, states and others (Carayannis & Weiss, 2021; Carpenter, 2006; Finnemore, 1996; Weiss, 1999; Weiss & Wilkinson, 2019). It suggests that appealing to morally popular ideas and ideals is an established way for these actors to shape humanitarian norms and practices and to build the legitimacy and authority for their activities.

In the context of such contests, the ICRC chaired a series of workshops in 1996. They sought to distinguish humanitarian protection activities from those of blue-helmeted peacekeepers and other armed interveners and to reconfirm their own position as the 'guardian' of international humanitarian law (IHL) (ICRC, 2008c). The workshops included traditional protection actors such as the UNHCR and the recently established United Nations Inter-Agency Standing Committee (IASC), as well as I/NGOs more commonly associated with human rights and assisting the displaced. Topics under debate ranged from the relationship between assistance and protection, information gathering, going public with abuses and promoting international law, to the influence of donors and the military on humanitarian activities.

Partly as a result, in 1999 the IASC and ICRC adopted a shared definition of protection. Although the process of arriving at it was described as 'arduous', with only the third draft agreed upon, it declared that protection includes:

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

(Caverzasio, 2001: 19)

This understanding was cemented a few years later by an influential report that put the ‘safety, dignity and integrity’ of the whole individual at the centre of protection (Slim & Bonwick, 2005). It also introduced the ‘Protection Egg’; a framework to help organisations think through the range of activities undertaken to protect civilians. It posited three overlapping spheres of activities, each successively spatially and, sometimes, chronologically closer to stopping ongoing physical rights violations or patterns of abuse. The conical egg shape was also designed to capture that protection activities often happen in tandem, ideally feeding into and supporting one another (Figure 1).

The IASC's definition and the Egg ‘privileged legal protection, making the pursuit of respect for ‘rights’ in international law the purpose of protection activities’ (Mamiya, 2016:74). This consecrated an ongoing shift away from protection as primarily about immediate threats, victims and dialogue with authorities, and towards an understanding that privileges the defence of human rights. It also carefully trod the line between older humanitarian organisations' focus on IHL and IRL, and newer organisations' interest in IHRL by mentioning impartiality but not neutrality, which some argued must be relaxed to hold abusers to account (de Waal, 1997; Ignatieff, 1998). This accorded with the ‘New Humanitarianism’ movement's questioning of traditional humanitarian principles in response to the moral and practical complexities of operating in protracted violent crises (Fox, 2001; Gordon & Donini, 2016).

Over the 2000s, protection programming began to be conceptually split into three main approaches: standalone, integrated and mainstreaming. Standalone involves siloed, often responsive, attempts to stop abuses or to alleviate the immediate effects of violence. Integrated programmes include protection as an outcome alongside other humanitarian goals. Protection mainstreaming encourages protection principles to be woven into all humanitarian programming so that programming itself does not cause harm to civilians.

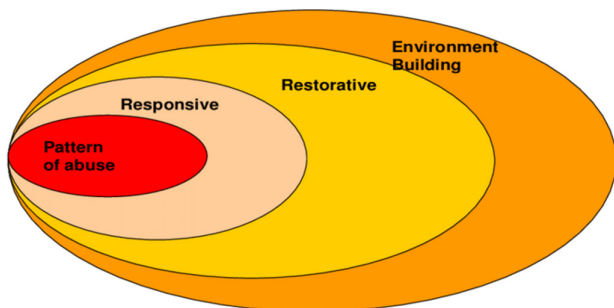


FIGURE 1 The protection egg.

3 | CONCEPTUAL STRETCHING, EXPECTATION RAISING AND ALTERNATIVES

By the 2010s, critiques emerged of the way the protection agenda was unfolding. Firstly, Marc DuBois – at the time Executive Director of Médecins Sans Frontières in the United Kingdom – argued that humanitarians had ‘seized upon the language of protection, colonised it and made the calculated decision to recast even the most mundane of aid activities as protection’ (DuBois, 2009). Taking a similar line, Bradley (2016) blamed the IASC's definition for allowing an enormous list of activities to be reclassified as protection with little evidence that things had substantially changed for civilians. A continued lack of conceptual clarity has been frequently posited as the cause for this, with only 26% of recently surveyed practitioners agreeing that there is agreement on what ‘putting protection at the heart of humanitarian action’ entails (Cocking et al., 2022:30).

Secondly, it has been argued that protection mainstreaming has meant that many agencies claim to do protection without significant attempts to keep people safe from foreseeable or ongoing threats (Claire, 2016; Niland et al., 2015). Instead, they ensure their own, largely assistance focussed, programming does not create extra dangers for those they engage. This trend was explicitly called out by the Secretary-General's Internal Review Panel on the United Nation's failings in Sri Lanka:

The fact that protection was defined so broadly that it included a wide range of humanitarian actions obscured the very limited extent to which the UN's protection actions actually served to protect people from the most serious risks.

(Petrie, 2012:19)

Such concerns are also found in a recent *State of the Humanitarian System* report, which suggested that relevant ‘priority protection needs’ are often not identified by organisations and, therefore, are often left unmet (ALNAP, 2018:6), and they are at the root of Fast's (2018:17) statement that ‘... much of the literature on humanitarian protection and on local protection focuses on protection activities and less on the *outcomes* of these activities.’ This blurs the line between good programming and protection and creates confusion over what exactly those claiming to protect should be held to account for.

Thirdly, according to DuBois (2009), some humanitarians had succumbed to the delusion that they really can protect people from violence, thereby making themselves responsible for its cessation in complex protracted crises. As Pantuliano and

Svoboda (2016:376) document, within some organisations protection was increasingly ‘discussed as though it were a service that can be delivered—an other “sector” of activity, like health care or food aid’. This, DuBois (2009) concluded, effectively lets the actual perpetrators of violence and the authorities legally responsible for protection – states, belligerents and armed peacekeepers – off the hook. It also creates largely unproven expectations that humanitarians can regularly provide direct physical protection when violence erupts (Labonte, 2012).

Partially in response to these critiques, Bradley (2016) offered an alternative protection framework. It asks how different activities help to address violence. From its predecessor, it takes a focus on threats and vulnerability, but it differs by deliberately ordering its four categories of protection outcomes. They are ‘(i) reducing the overall level of violence; (ii) reducing the threat that such violence poses to civilians; (iii) reducing the vulnerability of civilians to the threats posed by violence; and (iv) mitigating the consequences of violence’ (Bradley, 2016: 102). The framework also posits that protection activities differ in whether they are actor-centred or structural and direct or indirect. Bradley’s aim was to put violence and threat reduction back at the centre of humanitarian protection and to reframe the propagation and upholding of rights as a means of reducing both.

Recent research has also shown how affected populations often focus on activities that reduce the overall levels of violence and threat when narrating their own understandings of what protection involves (Baines & Paddon, 2012; Gorur & Carstensen, 2016; Jose & Medie, 2015; Mayersen, 2020; South et al., 2012). This includes work by authors in this special issue on South Sudan and its borderlands (Junguan & Kirk, 2013; Kirk et al., 2023; Storer, 2023). It suggests that specialist knowledge of how to violently defend one’s community and flee from threats are commonly understood forms of protection. It also covers how intra- and inter-communal conflict mediation to minimise cycles of violence and the negotiation of relationships with authorities, from belligerents and state representatives to well-connected patrons and humanitarians, constitute important forms of protection for public authorities governing on the ground. These activities, sometimes termed self-protection or community protection, have become the focus of calls for humanitarian organisations to recognise and support the agency of local actors (Fast, 2018; Pantuliano & Svoboda, 2016).

In the remainder of this article, we add to this critical literature by exploring what three humanitarian organisations have publicly said they do to protect people across three protracted violent crises. We first provide a brief overview of our methodology before turning to our findings.

4 | METHODOLOGY

To explore how humanitarian organisations present their work on protection to a public, global audience, we broadly followed a semi-systematic review process (Hagen-Zanker & Mallett, 2013; Mallett et al., 2012). It focussed on documents published on the websites of Oxfam, the ICRC and the NRC that highlight their work across protracted conflicts in the DRC (2003–2022), Syria (2011–2022) and South Sudan (2013–2022). These organisations were chosen due to their leading roles in shaping protection norms and practices and because, unlike many of their peers, they have online repositories through which they publicly discuss their protection thinking and activities. Furthermore, the ICRC has a protection mandate and names itself as the guardian of IHL; within the humanitarian sector, Oxfam informally sees itself as leading on protection thought (Swithern, 2008; Oxfam, 2016a)¹; and the NRC heads the Housing, Land and Property area of responsibility of the United Nations’ protection cluster (Mann, 2012; Schimmel, 2006). They have also all long operated in the three chosen protracted violent crises that were selected for lengths that, it was hoped, would capture the change in activities labelled as protection over time.

The collected data primarily included evaluation reports, briefings, news releases, and advocacy statements. All three organisations have also published standalone webpages, policy documents and research articles that discuss their understandings of protection. These served as the starting point of our research and often provided the most explicit evidence of how each thinks in public about protection. The titles and abstracts, and the executive summaries or introductions, of returned documents were screened by the research team for their relevance to the study’s aims. A second screening focussed on sections of the documents dealing with protection. Documents published outside of the aforementioned dates, those primarily focussed on contexts unconnected to our three protracted crises and those for which it was not clear if the described activities were considered to provide protection were excluded. The final corpus consists of 182 documents for the ICRC, 41 for Oxfam and 41 for the NRC. Each was coded using the Protection Egg model’s framework, the intended protection outcomes and types of actors involved. The abbreviated results are available online, and the following narrative references provide illustrative examples.²

Although the three organisations view protection and assistance as intrinsically linked, the following narrative focuses on activities that they specifically label, frame or describe as leading to or aimed at protection. This allows us to explore how the three organisations want their protection roles to be perceived by public audiences. It does not, therefore, necessarily reveal the ways in which they talk about protection

internally or to donors. We also do not cover independent academic research on the organisations' protection activities. However, this is not always endorsed by them so does not shed light on how they understand protection.

5 | THE ICRC

In its 'Protection Policy', the ICRC conceives of its mission as to:

... protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles

(ICRC, 2008a)

It further outlines four spheres of action that are involved in protection: 'political, military or security, legal and humanitarian', and it states that the ICRC sees itself as creating a favourable environment for protection alongside state authorities, other humanitarians and INGOs and the International Federation of Red Cross and Red Crescent National Societies.

A key part of these activities is the ICRC's engagements with authorities, including both state security services and non-state armed groups, to promote and remind them of their obligations under IHL. To secure access for such dialogues, the ICRC confides that it closely safeguards its reputation as an impartial, neutral and independent organisation and frames all its pronouncements and work as humanitarian (ICRC, 2001). Despite this, it does sometimes issue denunciations as a means of influencing events on the ground when other efforts have failed.

A striking, yet likely necessary, feature of the ICRC's public presentation of its activities across the studied protracted conflicts is how comparatively little its work engaging belligerents to get them to halt ongoing abuses features. Instead, visits to detainees, message delivery in prisons, family reunifications and repairs to detention facilities are consistently featured in news briefs and reports. Forensic activities, the tracing of missing persons and family reunification initiatives are also frequently mentioned by the ICRC's online briefings. Alongside these, many of its updates from the studied crises describe efforts to provide medical aid and supplies as providing protection. The website also uses a range of multimedia outputs, such as videos, photo essays and interviews with those who helped to illustrate the outcomes of such activities and to engage in advocacy surrounding protection threats.

Online briefings covering the ICRC's protection activities in the **DRC** follow this pattern. As the second Congolese civil war wound down, it continued its work reuniting families whose members had been displaced, checking on the status of prisoners and delivering them messages (ICRC, 2003a, 2003b, 2015a). During flare-ups in conflict, the organisation publicly called for all sides to recognise their obligations to not harm civilians and allow humanitarians access to affected populations (ICRC, 2008b, 2013d). In such briefings, the ICRC sometimes also suggested that its presence on the ground – 'at victims' side' – acts as a deterrent to, and allows responsive dialogues with, those committing abuses (ICRC, 2007). Indeed, this role is championed throughout the crisis by its senior representatives:

"We are seeking to maintain confidential, bilateral dialogues with the armed forces and armed groups to ensure that civilians are respected and protected and that the sick and wounded can be evacuated without hindrance," added Rachel Bernhard.

(ICRC, 2021a)

The ICRC's website also highlights its IHL trainings with the Congolese police and army and members of the United Nations peacekeeping mission and civil society organisations (ICRC, 2006, 2010a, 2011a). This extends to innovations such as a moot court competition on IHL for students; work strengthening communities' responses to sexual violence and challenging the prevalence of stigmatising social norms; and the establishment of centres able to care for victims and collect evidence (ICRC, 2010b, 2011b). These activities are said to provide remedial care whilst reminding belligerents, responsible authorities and others of their obligations under IHL, but few details of their impacts are given. Perhaps partially explaining why, the ICRC's president wrote following a trip to the DRC 5 years later: 'How do you measure how, as a result of talking about international humanitarian law, a group did not launch an attack? How do you measure restraint? It's a challenging issue' (ICRC, 2018a).

In 2012, the ICRC's **Syrian** mission was its largest global operation with over 193 million USD allocated to its activities. The mission has predominantly worked with the Syrian Arab Red Crescent (SARC) in Syria and National Red Cross chapters in neighbouring countries. An analysis of the ICRC's online documents from 2011 revealed a heavy focus on advocacy aimed towards authorities to respect IHL and allow access for humanitarians to affected populations (ICRC, 2011c, 2012a). As the conflict escalated, these calls became increasingly focussed on the use of indiscriminate heavy and chemical weaponry (ICRC, 2013a, 2014a). At the same time, the organisation provided medical care and equipment to those caught in the conflict.

By 2013, the ICRC had also opened centres to trace missing people and reunite families in neighbouring countries (ICRC, 2013a; ICRC, 2013b); provide cash transfers to refugees (ICRC, 2013c); and deliver water, sanitation and hygiene, and psychosocial support programmes in camps for the displaced (ICRC, 2013e). These activities also enabled the ICRC to conduct sexual violence response training sessions with camp authorities and other humanitarian organisations. This focus is in line with Svoboda's (2014) observation that as protection quickly became highly politicised in Syria and the state restricted humanitarian access, many organisations began to publicly prioritise assistance and protection mainstreaming to safeguard the permissions they had secured from the regime.

Although less mentioned in its online texts, the ICRC's protection strategy in Syria has also focussed on promoting respect for IHL. It conducted confidential bilateral dialogue with Syrian authorities and produced a range of videos explaining appropriate conduct for armed actors (ICRC, 2012b, 2017a). For non-armed actors, the organisation has held annual IHL workshops and seminars with Syrian journalists, lawyers, SARC volunteers, diplomats and ministry representatives (ICRC, 2022). Some of these activities are supported by the Syrian National Commission for IHL. It has also put on unexploded ordinance awareness raising trainings for refugees and communities (ICRC, 2014b, 2021).

The ICRC first started working in what is now **South Sudan** in 1986, during the war between the Sudanese government and the Sudan People's Liberation Army. One of the ICRC's first initiatives after South Sudan's independence in 2011 was the establishment of the South Sudan Red Cross that remains its main partner (ICRC, 2012c). It initially supported them to work on family reunification programmes and teach the young country's armed forces IHL (ICRC, 2013e, 2013f). After civil conflict broke out in 2013, the ICRC reoriented towards treating the wounded, ensuring medical supplies and publicly reminding belligerents not to attack civilians (ICRC, 2014c, 2014d).

Many of the ICRC's briefings on its activities in South Sudan focus on reuniting families whose members had fled to Protection of Civilian sites (United Nations guarded camps for the displaced seeking safety) or neighbouring countries. It also occasionally felt the need to publicly call on belligerents to allow humanitarian access for its workers and remind them not to attack medical facilities (ICRC, 2015b, 2016). As communal conflicts and drought combined to cause displacements, the organisation began to frame hunger as a protection threat (ICRC, 2015c, 2017b). Although the documents that do this fall short of describing famine as a weapon of war, this development accords with the ICRC's overall view that protection and assistance are often two sides of the same coin.

In their 2021 reporting on a decade of activities in South Sudan, the ICRC claims to have trained over 26,500 military personnel in IHL and over 4390 police personnel in IHRL (ICRC, 2021c). It does not provide figures for non-state armed groups it suggests it has engaged (ICRC, 2013g). This is despite having produced a study entitled *The Roots of Restraint in War* in which it used evidence from South Sudan and other countries to argue that such engagements can change a wide range of belligerents' behaviours (ICRC, 2018). Indeed, the study provided a rare insight into how the organisation's relationships with armed actors may have led to advance warnings of attacks that enabled civilians to be evacuated and medical facilities to be spared. It also showed how ICRC staff can introduce IHL to local belligerents by associating it with local norms of restraint in domains such as sports.

6 | OXFAM

Although they have been long-standing proponents of protection mainstreaming, Oxfam's publicly available documents reveal that it has gradually expanded its understanding of protection. Whilst an older training pack defined protection as 'about improving the safety of civilians' and gave the equation 'Threat + Vulnerability x Time = RISK' (Oxfam, 2009:33), later documents invoke the IASC's definition's human rights-laden protection language and suggest that protection involves activities or ideas beyond what is found in IHL. For example, a recent guide declares that although:

... protection in humanitarian action is fundamentally about helping people to stay safe from – and recover from – the harm that others might do them: broadly violence, coercion and abuse. We don't have to be legal experts to help protect people from harm.

(Oxfam, 2016:4)

The most recent documents also frame protection as connected to empowerment, with a focus on supporting communities' self-protection strategies, including advocacy efforts with state authorities and other abusers (Oxfam, 2021a).

Across the studied crises, Oxfam's documents often stress that their activities are designed following analyses and research on the local context and the needs of affected populations. Notwithstanding, successful programmes are sometimes replicated in other contexts, as with its Community Protection Committees first seen in West Timor and later adapted to the DRC (Oxfam, 2021a: 6). Protection mainstreaming is also said to be central to what Oxfam calls its 'safe approach to programming' (Oxfam GB, 2017).

Locally, Oxfam supports community members to use protection analyses in advocacy efforts with authorities (Oxfam, 2021b). Nationally and internationally, Oxfam raises protection concerns through relationships with state and diplomatic representatives, and the media. This was seen early in the 2000s when it worked with European ambassadors to the DRC to end violence and secure a UN resolution that named abusers (Oxfam GB, 2009:167). Oxfam also provides other humanitarians with recommendations on integrating protection issues into their agendas and programming, including conducting research and advocacy to shape the renewed mandates of United Nations missions. Much of this broader work has been done under its *Rights in Crisis* campaign (Oxfam, 2023).

In response to continuing violence following the end of the second **Congolese** civil war, Oxfam made protection one of its key priorities for the country in 2006. It trained 100 staff members in protection analysis, undertook protection assessments in communities in the Eastern DRC and sought to mainstream protection concerns across its programming (Cooper, 2014). In 2009, it also began implementing its Community Protection Committee (CPC) programme (Green, 2015). Working with local NGOs, it helped establish approximately 30 CPCs, each composed of six men and six women elected by their communities. They served as forums to address protection issues that particularly affect women and members of remote communities. Oxfam staff assisted them to identify threats and to design and implement strategies to mitigate them. This included facilitating dialogues with local security authorities, connecting CPCs to service providers, especially psychosocial support for victims of abuse and violence, and delivering trainings on relevant IHL and legal standards (Fanning & Hastie, 2012). Public documents list several instances of impact and laud the empowering benefits for those engaged.

Since 2011, Oxfam has implemented a range of protection activities in **South Sudan**, from advocating for protection mainstreaming in its own and other humanitarians' programmes to advancing a more expansive notion of protection that includes empowerment and 'gender justice' (Oxfam, 2013a). The latter has involved building the environment for protection through work at the community level among girls and women at risk of GBV and early forced marriage, and countering the social norms that engender such practices. Oxfam has also supported women campaigning for South Sudan to ratify key international and regional protection instruments such as CEDAW and the Maputo Protocol (Arostegui, 2013). Alongside this, the organisation has worked on encouraging mediation efforts to stop cycles of violence and putting in early warning systems to alert responsible authorities (Oxfam, 2016b).

Embracing its expansive notion of protection, Oxfam's 'Peace and Prosperity Promotion' programme

delivered in Rumbek County combined peacebuilding and livelihood activities at the household level, with efforts to improve government and communities' own capacities to promote safety (Oxfam, 2019c). Moreover, its public documents suggested to other humanitarians that this mix holds great potential to protect civilians in protracted conflicts (Oxfam, 2022). As South Sudan, at least officially, moved towards a fragile peace, Oxfam stepped up its advocacy on the need for the humanitarian sector to support communities' own self-protection strategies as a means of bridging the Triple Nexus (Oxfam, 2019a, 2021c). These calls link socially and economically empowered women with a reduction in protection threats arising from conflict and GBV.

Oxfam began working on the **Syrian** crisis in 2013, with advocacy efforts constituting an early pillar of its protection activities. For example, it publicly called for peace talks, decried the lack of progress on the implementation of UNSC resolutions and funding commitments from rich countries, highlighted their unwillingness to accept refugees and shined a light on international arms sales to belligerents (Oxfam, 2013b, 2015, 2016c). Oxfam's advocacy has also focussed on getting governments in the Global North to exercise their influence to curtail war crimes and establish ceasefires and reminded nations offering asylum of the need for safe passages (Oxfam Italia, 2014, 2016e). At the same time, Oxfam and the NRC have publicly encouraged the humanitarian sector to find new ways of working with local partners and across borders in response to the difficulties of accessing communities in Syria following state restrictions (Al-Abdeh & Patel, 2019; Oxfam and NRC, 2020).

Protection plays a major part in Oxfam's work with refugees in Syria's neighbouring countries. Its programmes emphasise mainstreaming to minimise the threats of displacement and relocation, whilst ensuring impartial and needs-based access to benefits (Oxfam, 2016d, 2018a). This has led to work to ensure that refugees have access to information about their rights and processes for obtaining the correct documentation and services and initiatives to manage tensions between refugees and host communities (Oxfam GB, 2016). To help diffuse conflicts, Oxfam extends the beneficiary eligibility for many of its programmes – such as legal counselling, psychosocial and other support services – to the members of host communities that meet its vulnerability criteria. The organisation has also conducted research to understand the protection needs of vulnerable and marginalised groups such as women and those with diverse sexual and gender identities (Oxfam, 2018b). More recently, Oxfam's advocacy efforts have framed inequitable service provision as a protection threat to those returning to Syria (Oxfam, 2019b).

7 | THE NRC

The NRC's latest Protection Policy sets out the organisation's focus on protection threats caused or exacerbated by displacement. Specifically, it seeks to:

... reduce or prevent threats to the safety, dignity, and well-being of individuals and communities, to reduce their vulnerability to such threats, and to strengthen their self-protection capacities, in all phases of displacement.

(NRC, 2016a:3)

The document also endorses the IASC's definition of protection whilst recognising that other organisations and states have protection responsibilities that the NRC can help them to fulfil. Of its protection objectives, to 'proactively' and 'responsibly' reduce protection risks by changing the environments it works in is given equal weighting to protection 'mainstreaming'.

Documents on the NRC's activities in the **DRC** provide an insight into the tensions between these aims. In 2013, it published a study on non-military approaches to protection in an attempt to push against increasing international investment in the armed protection of civilians and a feeling among the sector that their own programmes were ineffective (NRC, 2013). The report found that most activities labelled as 'protection' by the DRC's humanitarian organisations were routine assistance, remedial, livelihood and capacity-building initiatives. It argued that more responsive, proactive and environment-building activities were being eschewed in favour of mainstreaming and doing no harm (ibid:2). The few examples of such activities it gave concerned initiatives that engage armed groups in IHL dialogues (including praise for the ICRC's confidential work) and those that build communities' self-protection and mediation capacities. This included the NRC's own conflict resolution-focussed *Comités d'ACceuil et Reinsertion* programme. Yet, ultimately, the report suggested that the IASC's loose definition of protection, along with organisations' own fears of losing their neutrality and self-identities, had enabled humanitarians to ignore 'the key risks of abuse people face' and the task of designing 'programs to address them' (NRC, 2013: 25).

As the protection cluster leads in the DRC, the NRC has arguably been well-placed to take on this sector-oriented role. Indeed, a follow-up report suggested that this advocacy effort had impact on some donors and the NRC's peers (NRC, 2014a). This led to a general re-think of protection activities towards prevention, calls for armed peacekeepers to integrate protection analyses into their operations and the creation of a cleverly named 'Do More Good Network' of organisations interested in proactive protection activities. Several organisations

also stepped up their own dialogues with armed groups whilst others sought trainings on how to do so.

More recent reports from the DRC suggest that the NRC embraced its own recommendations by establishing a 'Protection and Humanitarian Mediation Department' (NRC, 2018a, 2019). It had some successes in identifying tensions and preventing violent inter-communal conflicts in the areas it worked. The NRC's multi-country Information, Counselling and Legal Assistance (ICLA) programme can be included in these efforts. It assists the displaced to secure their civil documentation and rights and undertakes advocacy with authorities on their obligations under IHL and IHRL. In the DRC, it has also worked at the local level to resolve potentially violent land disputes and at the provincial to engage parliamentarians to introduce an edict demarcating the borders of contested rural areas (NRC, 2021).

Other documents describing the NRC's activities in the DRC further suggest that it does not want to overly narrow its definition of protection. For example, a research report on IDPs in Goma discussed activities to build on their self-protection strategies, whilst working on the accessibility of government services as a protection activity (NRC, 2014b). Another research report on providing education for IDPs highlights the:

... two-fold nature of the protection that education can provide. On the one hand it protects from gross violations against children, such as recruitment and re-recruitment into armed groups, rape and other forms of sexual and gender-based violence or abuse. On the other, it protects through equipping children with the knowledge they need to protect themselves

(NRC, 2014c: 61)

These outcomes were later confirmed by evaluations of the NRC's own education programming (NRC, 2015a, 2023).

Given its focus on displacement and supporting authorities to uphold their obligations under IHRL, the NRC spent the early years of the **Syrian** conflict using research to conduct advocacy and offer recommendations (NRC, 2014e, 2015b). These were largely aimed at donors, humanitarian organisations and neighbouring host states and concerned funding, shelter and the uptake of best practices for protecting refugees, with only a few details of its own assistance activities. In 2016, however, it released a report with Oxfam, the Big Heart Foundation and Syrian organisations provocatively entitled 'Fuelling the Fire' (NRC, 2016b). It showed the distance between UNSC resolutions over Syria and members' actions, which it suggested were prolonging the conflict and harming civilians. It called for a complete halt to military operations and the transfer of arms

and recommended a series of steps to protect civilians and enable humanitarian access. The tactic of releasing advocacy statements with partners was used twice more: once to denounce the international community's early push for refugees to return despite ongoing violence and again to raise concerns over a UNSC vote to scale back humanitarian operations (NRC, 2018b, 2020b).

In the years leading up to and following **South Sudan's** independence, the NRC released several reports directed at donors, humanitarians and state authorities highlighting protection risks. They covered how a lack of information on new citizenship arrangements may hinder vulnerable people's access to services and rights; the links between returnees, customary authorities and violent land disputes; and the need for mine clearance efforts to incorporate protection analyses (NRC, 2010, 2011a, 2011b). In particular, they focussed on threats to female returnees seeking access to land and called on humanitarians to work with customary authorities and state legislators to address them (NRC, 2014d). Much of this advocacy has been done under the banner of the NRC's multi-country Housing, Land and Property (HLP) programme, which frames such issues as intrinsic to displaced people's safety (NRC, 2011c).

As South Sudan's civil conflict progressed, the NRC became increasingly vocal about its own role 'as the international community's 'eyes and ears' on the ground (NRC, 2016c: 16). However, aside from frequent protection analyses, conflict sensitivity training for humanitarians; mediation and negotiation training for community members; and remedial work, such as providing shelter and legal services in Protection of Civilian sites, the organisation's public documents do not go into detail about its protection activities. Rather, they focus on research to raise awareness of and conduct advocacy for humanitarian responses to emerging protection threats. These include publicly discussing barriers to inter-agency coordination to address protection issues; a research report arguing that IHRL can be used to prevent the return of those in Protection of Civilian sites to unsafe areas; and another on the issue of the forced eviction of IDPs during the COVID-19 pandemic (NRC, 2017a, 2017b, 2020a).

8 | GROUNDING HUMANITARIAN PROTECTION

Apart from the ICRC's consistent portfolio of activities across the studied protracted conflicts, it is clear from this overview of the organisations' websites that what is labelled or framed as providing protection is a diverse and flexible category. Repeated critiques of the sector's discourses on and claims to protect have

not halted this trend. Protection mainstreaming is still publicly proclaimed to be a core activity for Oxfam and the NRC (regardless of evidence of pushback), rather than simply good programming, and it has been joined by the training of staff in protection analyses, with little public information on the outcomes of such efforts. At the same time, two new trends are discernible: firstly, an increased willingness of the non-mandated organisations to publicly denounce harmful actions, inaction and weak claims to protect by responsible authorities, donors and one another: this appears to have been a response to the challenges to and risks of working in places such as the DRC and Syria. Secondly, an emerging convergence around the idea that conflict resolution, the empowerment of marginalised groups and improving state-society relations can be important forms of protection activity in protracted conflicts. These findings point towards some tentative recommendations for the sector.

The first trend's denunciation of abusers suggests that the studied organisations are not shying away from the tensions between their protection roles in protracted violent crises and states and belligerents' increasing willingness to deny them humanitarian access. This accords with a noted trend of humanitarian and human rights organisations jointly conducting protection-focussed advocacy in such contexts (Metcalfe-Hough, 2021). Nonetheless, the studied organisations continue to publicly portray assistance activities and mainstreaming as protection. Furthermore, beyond details on the provision of medical aid, families reunited, trainings given and other relatively easily quantifiable outputs, there is not a discernible effort to substantiate their protection outcomes in the uncovered evidence. Oxfam's well-cited example of placing latrines for female IDPs closer to their places of residence and lighting dark camps for the displaced, thereby reducing their vulnerability to attacks, is not enough (Davies, 2014), nor are repeated public statements from the organisations that their programming is predicated on protection analyses (Davies, 2014). Such concerns are reflected in the NRC's critical research report from the DRC and peers' subsequent promises to 'do more good', rather than merely to 'do no harm' (NRC, 2013). The studied organisations' public critiques of their peers and commitments to do better point to a growing realisation that humanitarians must look beyond routine or comfortable practices for protection activities that are proactive or able to target the root causes of violence. They also suggest there is appetite among some to hold each other to account for claims to protect.

The studied organisations' public documents are most convincing when they justify activities such as shelter, help with civic documentation and educating the displaced with research that shows the protection consequences of doing nothing, especially when that research includes affected populations'

voices. Publicly explaining how such activities prevent abuses and cycles of violence helps to counter the often-heard refrain – captured by the old quip about the ‘the well-fed dead’ – that such assistance amounts to a waste of resources in protracted conflicts (Egeland, 2016). The challenge for humanitarian organisations, then, is to trust publics and donors with sophisticated explanations of and evidence for their efficacy. Research such as the ICRC's *Roots of Restraint* report suggests such transparency can also extend to activities that engage belligerents and authorities to promote IHL (ICRC, 2018b). It demonstrates how convincing public stories of protection can be told without compromising the neutrality of humanitarian organisations and it offers blueprints for those keen to do more but without the knowledge of where to start. Building upon this would require the ICRC to further detail its methods and to accept that others can play similar roles to those it has long been seen as its own.

The second of the newer identifiable trends has perhaps the most potential for radically rethinking humanitarian protection in protracted conflicts. The organisations' websites suggest that experiments with community-based programmes that support self-protection strategies, including mediation and conflict resolution, link communities to responsible authorities and that empower marginalised members can prevent cycles of violence. This was discussed in the findings for Oxfam and the NRC, but the ICRC has also engaged in similar initiatives in Columbia, even releasing a guide in 2022 (ICRC, 2022; Kaplan, 2021). Although only suitable for places where violence is low enough for community members to participate and with belligerents open to engaging, these initiatives arguably sit at the crux of the Triple Nexus in protracted violent crises (Lilly, 2020). Indeed, they have the potential to build local capacities, foster relationships and engage with the politics of protection in ways that partly address the increasingly frequent episodes of humanitarians being denied access.³ That the traditionally risk adverse ICRC supports them also suggests they do not have to contravene principles such as neutrality or impartiality and that humanitarians can usefully position themselves as facilitators of relationships and mediations rather than judges. Lastly, expanding notions of protection to encompass these activities accords with research by others in this special issue that finds civilians in South Sudan view them as central to their safety and engage in them, to varying degrees of success, regardless of humanitarians' assistance (Kirk et al., 2023).

What does this mean for existing protection frameworks, such as the well-known egg model and IASC's definition? Our findings substantiate suggestions that their breadth and inclusivity allow organisations to claim that traditional assistance activities provide

protection and that they do not provide enough operational guidance on what exactly protection should encompass in protracted violent crises (Fast, 2018; Pantuliano & Svoboda, 2016). In response, we encourage humanitarian organisations to adopt Bradley's (2016) alternative protection framework. It asks them to carefully think through how their activities contribute to different protection outcomes. Although those centred on belligerents and responsible protection authorities are likely to have the greatest positive outcomes for civilians, Bradley recognises that most organisations do not have the capacity to undertake them. Instead, as our findings suggest, they tend to engage in structural activities that create an enabling environment for protection by indirectly working on them or, increasingly, with civilians living in protracted crises. Regardless, Bradley argues that humanitarian organisations must be held to account for outlining the theories of change underpinning their activities and, where possible, evidence their outcomes. Such a framework may help organisations to prioritise where they spend their time and resources and to devote more effort to how they portray the connections between their activities and violence reduction to publics, affected populations and policymakers. It should also spurn a renewed debate on the prominence or inclusion of mainstreaming and assistance activities in definitions of protection unless they can convincingly point towards violence and threat reduction, or the mitigation of its consequences, as their intended or actual outcomes.

Yet, some things were unsaid in the three humanitarian organisations' public portrayals of their protection activities. Notably, those webpages and documents that gave snapshots of their activities rarely let on that these are sometimes all that may be possible in protracted violent crises. Put another way, publics and affected populations interested in what humanitarians mean when they claim to protect would be unlikely to get a sense of the very real tensions between acting, access and the humanitarian principles that shape their activities. Such issues are, at present, only really discussed in the longer uncovered reports and evaluations that, albeit public, are largely targeted at their peers in the sector. In part, this likely stems from the need to be seen to be doing something, even when the reality on the ground and politically prevents the types of activities that are likely to protect civilians in the short term. It also likely points to worries that being explicit about what is possible in some contexts may harm or delegitimise humanitarian organisations' standings as public authorities able to safeguard and advance protection norms, laws and practices. Here, the three studied organisations should be commended for their contemporary transparency, whilst also encouraged to move further towards a public debate over what

can, cannot, should and should not be done to protect civilians in protracted crises. This should include the innovations discussed in this article. Such a stocktake is crucial as new protracted violent crises present ever more threats to the safety of strangers.

9 | CONCLUSION

This article reviewed the websites of three humanitarian organisations to illustrate how they publicly claim to provide protection. It captured how they portray protection, the logics they attribute to different activities and what is left unsaid. It was shown how, for the most part, the studied organisations highlight their ability to protect through vague statements and a focus on the quantifiable outputs from their activities. In this way, they seek legitimacy through appeals to a contemporary global moral concern for protecting civilians, whilst avoiding challenging and nuanced public conversations about the difficulties of doing so. Nonetheless, we also identify an increasing willingness to engage in denunciations where access is blocked and to label conflict resolution, empowerment and governance activities as providing protection in protracted crises. We argue that these developments hold the potential for a rethink of well-known frameworks of protection activities that will bring them closer to what organisations are doing on the ground, embed them in debates over the Triple Nexus and accord with affected populations' own understandings of protection. It may also force them to provide better justifications for the actions for which they can be held to account.

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CONFLICT OF INTEREST STATEMENT

There are no known conflicts of interest.

DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available from the corresponding author upon reasonable request.

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ENDNOTES

¹ Private conversations between one of the authors and Oxfam staff.

² 'NRC, Oxfam & ICRC Public Protection Documents' https://docs.google.com/spreadsheets/d/1aysJWKTrUeKimbdG97q9n-LCm_ICNmN30iOTnc0ExZl/edit?usp=sharing.

³ Thank you to a reviewer for highlighting this.

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