

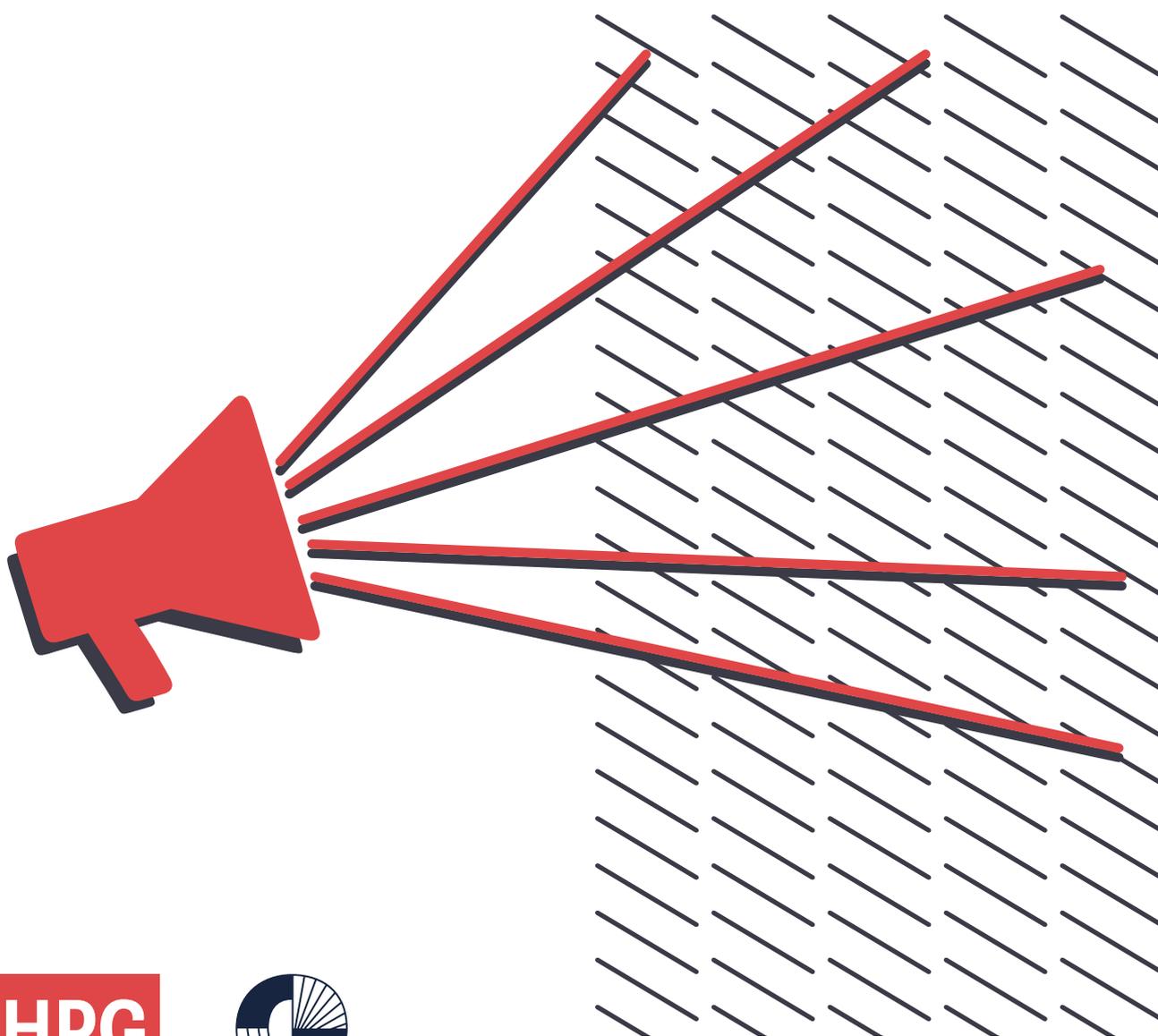
HPG briefing note

Collaborative advocacy between humanitarian and human rights actors

Opportunities and challenges

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Introduction

There is general acknowledgement among humanitarians that addressing the complex protection threats against civilians affected by armed conflict requires a holistic, multidisciplinary response from a range of international actors (see for example Lilly, 2010; Rolfe, 2011; HPG and ICRC, 2012; Metcalfe, 2012; Metcalfe et al., 2012; IASC, 2016). Current policy discussions on the humanitarian–development–peace nexus and the United Nations Secretary-General (UN SG)’s ‘Call to Action for Human Rights’ have pushed the concept of more integrated or collaborative approaches back up the aid agenda. But questions are also being raised regarding how to manage the long-standing risks of and challenges to this more collaborative approach (ACPHA, 2019; PHAP, 2019).

Advocacy – whether private diplomacy, public denunciation, direct or indirect communication – is a key tool utilised by a range of international and national/local actors to try to influence the behaviour of conflict actors in regards their treatment of the civilian population. But as these conflict actors have multiplied and evolved in recent times, influencing their behaviour has become ever more challenging. There is thus a stronger humanitarian imperative and a renewed global policy push for more collaboration to try to maximise all available capacities, channels and opportunities to influence the behaviour of armed actors in order to secure better protection of civilians affected by armed conflict. In this regard, the relationship between international humanitarian and human rights actors has particular potential in terms of synergy of effort. Although both groups generally recognise the commonalities and complementarities in their mandates as international actors working on the same or similar protection issues, existing research indicates that in practice there remain significant ‘mutual misunderstandings of ... respective roles and responsibilities’ and they still tend to maintain a distinction between their spheres of action (Niland et al., 2015: 37).

This briefing note focuses specifically on current collaboration practices between international (United Nations (UN) and civil society) humanitarian and human rights actors engaged in advocacy to secure better protection of conflict-affected civilians. It highlights in brief some positive examples and sets out some of the key barriers to and risks of closer collaboration and possible mitigating strategies. Finally, it highlights some key opportunities and outlines concrete recommendations to enable greater collaboration at global and field levels between international humanitarian and human rights actors. While this paper is not focused on the UN system per se, the interviews and consultations undertaken indicate the particular role of the UN in setting the tone for a more collaborative approach and this is reflected in the analysis.

This research is part of a multi-year programme of work by the Humanitarian Policy Group (HPG) at ODI that explores the current practice of protection advocacy by international humanitarian actors, including specific roles and functions of different international humanitarian actors, strategic partnerships with local actors, and engagement with third party states. Evidence for this piece was collected through a series of bilateral, semi-structured interviews and bilateral

consultations with more than 20 experts from both human rights and humanitarian spheres, from the UN and from civil society; through a review of available literature; and through regular engagement with the membership of the Global Protection Cluster's Human Rights Engagement Task Team (GPC HRETT), including participation in thematic discussions and peer exchanges. Emerging findings were presented to senior practitioners in a closed-door roundtable event co-hosted by the Humanitarian Policy Group (HPG) and the GPC HRETT, and the reactions and responses shared have informed this briefing note.

What is the rationale for more collaborative advocacy by international humanitarian and human rights actors?

Over the last two decades, there has been increased active presence of both international humanitarian and international human rights actors in crisis contexts. This coexistence has provided, in theory at least, more opportunities for complementary or coordinated action. In such settings these actors share a similar goal in terms of seeking to protect conflict-affected civilians from violations of their rights under international humanitarian and human rights law. They both employ advocacy to achieve better protection outcomes for these people, often aimed at addressing the same/similar concerns, and use the same international legal frameworks. By nature of their international status, they also have similar access to and frequently use the global human rights and protection architecture for preventing, responding to and securing accountability for violations of international humanitarian and human rights law.

The impetus for greater collaboration between these two sets of actors is particularly clear in relation to the challenge of influencing conflict parties' behaviour. The respective agendas, interests and priorities of state and non-state armed actors in Syria, Yemen, South Sudan, Myanmar and elsewhere are highly complex and dynamic. The threats they pose to the safety and security of civilian populations are also often complex and multifaceted. However, the capacities of most international humanitarian organisations to comprehensively analyse conflict actors and their actions, and to effectively use this knowledge to influence their behaviour, are limited (Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2020). There have been efforts within the international humanitarian community to address such gaps in analytical capacity, for example in the new protection analysis framework developed through the Global Protection Cluster (GPC). But experiences in Syria, Mali and Afghanistan illustrate how combining the data collated by humanitarians with the in-depth documentation undertaken by international human rights actors, including the UN Office of the High Commissioner for Human Rights (OHCHR), can facilitate development of a far more comprehensive and robust analysis on which to base protection advocacy.

Additionally, international humanitarian and human rights actors – whether UN or international non-governmental organisations (INGOs) and the International Committee of the Red Cross (ICRC) – seem to have increasingly few points of leverage. Despite a few positive examples, such as the United Nations Assistance Mission in Afghanistan (UNAMA)'s engagement with North Atlantic Treaty Organization (NATO) forces on reducing civilian casualties, traditional advocacy approaches focused on reminding parties of their international legal obligations have little resonance with armed actors, particularly non-state actors.¹ Working together humanitarian and human rights actors can combine a broader set of tactics, channels and opportunities to influence conflict parties and third-party states.

From a purely humanitarian perspective, the imperative for collaboration with human rights partners also relates to managing the risks inherent in undertaking advocacy as operational actors. Many stakeholders interviewed for this research highlighted that advocacy by humanitarians has become a 'race to the bottom' in recent years, with even private diplomacy increasingly compromised or deprioritised for the sake of securing and maintaining operational access. This dilemma has been prevalent for decades, but has become more so in conflicts in Myanmar, Sri Lanka and Syria in the last decade (see for example Petrie, 2012; Rosenthal, 2019). Some practitioners consulted in this research expressed concern that debates on this issue have been too 'purist', too theoretical and insufficiently grounded in operational realities, that concerns about the impact of advocacy on access have been too readily dismissed by those who do not have to make such decisions. Others disagree: echoing the findings of the Rosenthal (2019) report on the UN's engagement in Myanmar in 2019, they argue that there is no binary choice between access and advocacy, that they are intrinsically linked and are both integral elements in any humanitarian response. There is truth in both these points of view. In today's most complex emergencies, there are major and very real tensions to be resolved between access and any form of advocacy. But as set out below, there is also positive practice to demonstrate that collaboration between international humanitarian and human rights actors can help humanitarians better manage these tensions.

What factors can enable effective collaboration?

There is a long history of collaboration between these humanitarian and human rights actors at field and global levels, within the UN system, within international civil society and across these groups. Unsurprisingly, the research also highlighted that there is much diversity in the nature and scope of that collaboration, often relating to context, to the mandate, form, function and capacities of the different actors involved and to (geo)political trends. This section outlines some brief examples of positive practice that were highlighted through the research process and from which it is possible to discern some common enabling factors.

¹ For more information on the impact of UNAMA's engagement with NATO forces, see OHCHR (2015b).

Examples of positive practice

Strategic partnerships in Palestine

Since the beginning of the Second Intifada in late 2000, the protection risks to Palestinian and Israeli civilians have been severe and advocacy has been a key tool of humanitarian and human rights actors to mitigate these. Following the establishment of an office of the UN's Office for the Coordination of Humanitarian Affairs (OCHA) in 2002 and particularly following the establishment of the OHCHR-led protection cluster in 2009, there has been significant effort by humanitarian and human rights actors within and beyond the UN system, both international and local, to forge strategic alliances, to share information and analysis on risks to Palestinian civilians, and to engage in coordinated advocacy aimed at mitigating these risks, including relating to forced displacement and the conduct of hostilities. Bilaterally or via the protection cluster, this has involved sharing time-critical information on communities at risk of forced displacement; consolidating contextual, stakeholder and legal analyses; agreeing on common terminology and positions; and coordinating tactics, including complementary legal action in Israeli courts, undertaking public advocacy, reporting to UN Special Procedures, and engaging in quiet diplomacy with Israeli and other authorities (HPG interviews, 2021; see also for example Protection Cluster in Palestine, 2015; HCT in oPt, 2019). This collaboration has enabled an in-depth, credible and more comprehensive analysis of protection risks in this context and the formation of a relatively, though not always, coherent position on key protection risks that is more difficult for conflict parties to challenge.

Influencing US Government policy and practice on the protection of civilians

NGOs such as Amnesty International, CIVIC, Human Rights First and Human Rights Watch had been actively addressing issues of civilian harm in post-9/11 US military operations for several years. Following the US air strike on a Médecins Sans Frontières hospital in Kunduz, Afghanistan in October 2015, a group of InterAction's humanitarian NGOs were prompted to step up their advocacy with the US Government in regard to the impact of their operations on civilians. Collaboration on this advocacy expanded, involving human rights and specialist organisations such as CIVIC and Airwars, with coordinated recommendations on the protection of civilians submitted to US Congress. In 2019, Congress required the US Department of Defence (DoD) to develop a department-wide policy on civilian casualties, for which InterAction facilitated a series of NGO–DoD roundtable discussions. This process of dialogue served to strengthen relationships and reinforce collaboration across a diversity of NGOs.

As of 2021, this collaboration involves 16 organisations working under the umbrella of InterAction's Protection of Civilians Working Group.² This evolving initiative has combined the respective legal,

2 Organisations in the Protection of Civilians Working Group include: Airwars, Amnesty International USA, CARE USA, CIVIC, Columbia Law School Human Rights Institute, Human Rights First, Human Rights Watch, International Rescue Committee, Mercy Corps, Mines Advisory Group, Norwegian Refugee Council USA, Oxfam America, PAX, Save the Children USA.

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policy and operational expertise and credibility of NGOs to stimulate the legislative and oversight role of Congress in regards to protection of civilians in armed conflict, inform US National Defence Authorisation Acts from 2017 to present, feed into the forthcoming DoD-wide policy on civilian harm mitigation and response, and regularise NGO engagement with the DoD on a range of protection of civilians concerns (ALNAP, 2018; InterAction et al., 2020; HPG interviews, 2021).

Sustained engagement by the group has also involved research and publications outlining NGO recommendations for the DoD on issues including forced displacement, protection of civilian objects, assessment and investigations of incidents resulting in civilian casualties. Throughout this process, these NGOs have sought to highlight how, in practical terms, the military can mitigate the impact of their operations on civilians (in accordance with their obligations under international humanitarian law), rather than focusing on legalistic arguments. Since early 2021, the group's engagement has been expanded as part of a broader strategy to shape the new US administration's policies and practices on civilian protection. It now includes similar engagement with the State Department, the United States Agency for International Development (USAID) and the White House National Security Council, and on new thematic issues such as US multilateral engagement on protection of civilians policy issues (e.g. explosive weapons in populated areas) as well as context-specific concerns (e.g. Afghanistan, Ethiopia).

Halting the sale of UK arms to the Saudi-led coalition in Yemen

Motivated by the devastating impact of the armed conflict in Yemen on civilians, a collective of human rights, peacebuilding and humanitarian actors launched a lawsuit against the UK government in 2017 (see Davies, 2021a for details). The objective was to halt UK arms sales to the Kingdom of Saudi Arabia (KSA), which was accused of using weapons procured from the UK (and elsewhere) in its armed action in Yemen. The collective, involving the Campaign Against Arms Trade (CAAT), Saferworld, Amnesty International UK, Human Rights Watch, Rights Watch UK and Oxfam as well as local Yemeni organisations, considered that traditional advocacy alone was unlikely to influence UK government policy given the economic, security and political interests involved. It calculated that litigation, even if not successful, could generate sufficient public and political pressure on the government to force a shift in policy. The organisations adopted a complementary approach based on their respective areas of expertise: CAAT led the litigation given its prior experience in this area and its lack of operational presence at field level; the human rights organisations shared their documentation on violations of international humanitarian and human rights law to help build the evidence required for the litigation; and Oxfam contributed to some of the initial costs and solicited a supporting legal opinion on the lawfulness of the UK's licencing of military equipment in the context of the KSA blockade of air, sea and land ports in Yemen (Kaufmann et al., 2017).

The litigation had some success: the UK's Court of Appeal ordered the government to review all its licences to KSA and cease issuing new licences in the meantime (UK Court of Appeal, 2019). Additionally, the public and political pressure generated by the litigation and complementary advocacy were considered by stakeholders to have contributed to pressure from the UK and other states on the KSA to strengthen its adherence to international humanitarian and human rights law (Davies, 2021a).

Collaborative advocacy on the armed conflict in Syria

In Syria, a Human Rights Reference Group (HRRG) was established in Gaziantep in 2015 to help bring together the humanitarian and human rights community to address some of the identified gaps in the protection response, including exchange of information and advocacy. Led by the Human Rights Advisor (HRA) deployed by OHCHR initially to support the Deputy Regional Humanitarian Coordinator (DRHC), the HRRG has evolved as an informal coordination forum, currently comprising 21 national and international humanitarian and human rights actors working on the situation in Syria. OHCHR's role in the forum, including the HRA's leadership, is part of a broader package of support for the humanitarian response to the conflict in Syria (OHCHR, 2020). Establishing the forum in full consultation with the UN Refugee Agency (UNHCR) as the cluster lead for protection and sustained close coordination with the cluster coordinators from UNHCR and the International Rescue Committee (IRC) has enabled the HRRG to work in complement to, rather than competition with, the cluster (ibid.). The informal nature of the mechanism has helped build a level of trust that enables regular exchange among participants of information and concerns relating to international humanitarian and human rights law. The more comprehensive analysis of the protection situation that has resulted from this information exchange, together with the regular participation by the DRHC, has enabled the group to serve as a platform for coordinating strategic advocacy on key protection issues, including those that may be beyond the current scope of the cluster. With support from the HRA, the forum has also enabled participating organisations to develop appropriate strategies for engagement with various international human rights mechanisms, including the Syria Commission of Inquiry and the International, Impartial and Independent Mechanism (IIIM).³

Advocating on protection issues in the Syrian conflict has been hugely challenging for all actors. In this regard, the HRRG has provided an important space for a range of relevant human rights and humanitarian actors to come together to share critical information, highlight trends and discuss how they can respectively advocate to address them in a manner that mitigates the risks involved. The HRRG was particularly instrumental in facilitating advocacy on attacks on healthcare personnel and facilities, including through increased engagement with the UN Special Rapporteur on the Right to Health (HPG interviews, 2021).

Common factors in effective collaboration

There are some common factors that enabled a collaborative approach in these examples. In each case, there was a clearly defined protection objective on a theme or issue that each type of actor could contribute towards. There was also an appreciation of the differing comparative advantages each had in contributing to achieving that objective. Human rights actors provided detailed documentation of individual violations and humanitarian partners provided analysis

3 The IIIM was established by the UN General Assembly, pursuant to resolution 71/248 of 21 December 2016, to 'assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic' since March 2011.

of the impact of violations in terms of needs and vulnerabilities. Together these helped build a picture of a pattern of abuse that provided a stronger evidence base for advocacy. Using their combined expertise also enabled the partners to identify different tactics or points of leverage that had greater impact with the identified targets. Each participating partner lent their respective international credibility to the advocacy effort, with, for example, humanitarians drawing on their operational presence and engagement with communities, and human rights organisations lending their legal expertise and international networks. Importantly, there was also commitment at institutional level from the different actors involved that enabled structural collaboration that could be sustained over a period of time.

These and other examples shared by stakeholders during the research indicate a range of positive practices, emphasising the value of embracing differences in mandates, priorities and tactics, and of working in complementarity. That said, the relationship between the actors involved was by no means perfect and there are a number of common factors that continue to inhibit these and other collaborative efforts.

What factors inhibit greater collaboration?

The research indicates that collaboration between international humanitarian and human rights actors remains largely ad hoc, is highly dependent on individuals and is inhibited by a number of overlapping institutional, structural and cultural factors. There are external factors, too, principally the wider geopolitical environment, which can undermine collaboration and its outcomes. These factors are not new – most are long-standing and have been raised in past research. That they are being highlighted again illustrates both how challenging they are to address and how much more investment is required from actors on both sides to find solutions.

Gaps in institutional capacities and learning opportunities

There is still confusion among some humanitarians on how ‘protecting human rights’ relates to ‘protection of civilians’ or ‘humanitarian protection’, and this has impacted how they understand the opportunities for collaborating with human rights partners on advocacy. Two decades ago, the Inter-Agency Standing Committee (IASC) adopted the following definition of protection: ‘all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. international human rights law, international humanitarian law, international refugee law)’ (IASC, 2016: 2). But despite clear references to ‘rights’ and ‘international human rights law’, past research and recent discussions, including among UN agencies in the context of the UN SG’s Call to Action on Human Rights, suggest that there is still some confusion around the overlap between human rights protection and the

protection work of humanitarian actors, and even more fundamentally that protection risks stem from violations of international humanitarian and human rights law (Petrie, 2012; Niland et al., 2015; GPC, 2019; HPG interviews, 2021).

This confusion stems largely from a lack of adequate technical capacity in humanitarian organisations on international human rights law and related architecture – how it functions, how they can use it in pursuit of their protection objectives and how they in turn can support it as a global tool to secure the rights of conflict-affected civilians. Interviews and consultations with key stakeholders reaffirmed that in-depth knowledge of human rights law, including its complementarity with international humanitarian law and how to apply it to specific incidences or trends, is limited in humanitarian organisations, including among some protection cluster coordinators and other protection staff. There are only a small number of humanitarian staff that have, by nature of their own career paths, a knowledge of UN human rights mechanisms and how to engage with the various treaty bodies, the Universal Periodic Review (UPR) process, and the Human Rights Council. More fundamentally there is often a limited awareness or understanding of the role and complementarity of human rights actors beyond that of OHCHR. Until recently, there was little opportunity offered by the cluster or individual humanitarian organisations to address these knowledge gaps (HPG interviews, 2021). For its part, over the last decade, OHCHR has undertaken a comprehensive training/awareness-raising effort on human rights integration in humanitarian action among its field staff. But interviews indicate that knowledge gaps persist among some human rights staff, particularly in INGOs, regarding the humanitarian sector at large and the protection sector in particular, including common ways of working, priorities and possible entry points for collaboration.

These knowledge gaps are compounded by limited documentation and dissemination of examples wherein humanitarian and human rights actors have worked together to positive effect. The lack of systematic documentation and, crucially, dissemination of lessons or positive practices may not be surprising in some ways – much of the advocacy undertaken is highly complex, is often not on public record, and staff rotations invariably mean a loss of institutional knowledge. But, as several stakeholders acknowledged, it impairs learning among practitioners on both sides.

Differing priorities and approaches

Synergies notwithstanding, there are some inherent differences between humanitarian and human rights actors in terms of their protection priorities and how they pursue them. Several stakeholders highlighted differences in relation to attribution of and securing judicial accountability for violations of international humanitarian and human rights law. Many human rights organisations have dedicated capacity for identifying perpetrators of abuse and a strong desire to advocate in whatever way necessary to ensure those perpetrators are brought to justice. However, for most humanitarian organisations, accountability is a complex and sensitive issue: many refrain from naming and shaming specific conflict parties because of the possible operational (including security) consequences of making direct accusations or being seen to share information with judicial mechanisms. Another factor is that they generally have neither

the capacity nor the mandate to make determinations of culpability. While few would disagree on the need for accountability, engaging in advocacy on this topic or sharing information with mechanisms of accountability at national, regional or international levels is a profoundly risky activity for humanitarian organisations. The suspension in 2009 of humanitarian INGOs by the Government of Sudan, amid accusations that they had engaged with the investigation by the International Criminal Court (ICC) into the conflict in Darfur, had a lasting impact on how humanitarian organisations perceive their role in advocating for accountability (Adam, 2009).

Individual rather than institutional collaboration

As many interviewees noted, while bilateral collaboration is an important format for sharing information to enable responsive advocacy on specific cases or trends of concern, it is too often the product of an informal, more personal relationship between individuals, rather than a structured collaboration between institutions. The latter is much more limited, due to the lack of institutional decision-making in favour of such collaboration, a lack of clear guidance or protocols to guide it, or, put simply, due to an institutional failure by INGOs and the UN to invest in long-term relations with human rights partners. Some stakeholders also highlighted that the increasing size of today's international humanitarian and human rights organisations, and their consequent more complex decision-making structures, has made it more difficult to build the level of trust necessary to consistently exchange sensitive information or share or coordinate advocacy plans.

Limitations of existing structures for collaboration

The Protection Cluster would seem an obvious platform for enabling strategic coordination and collaboration between humanitarian and human rights spheres, or at least among the main UN and INGO actors. Certainly, this was the hope of many involved in its creation back in 2005, not least because of the decision of OHCHR to lead the cluster in limited circumstances. But 16 years on, those hopes have not been fully realised. Many international (and national/local) human rights actors do not engage with the cluster at headquarters or field level because they consider it too time-consuming and too bureaucratic – they do not see much value in it for them given its predominant focus on programmes and service provision (HPG interviews, 2021; see also UNHCR, 2017). Some human rights actors complained during interviews that as individuals and organisations they were often unwelcome, with the humanitarian members seeming to fear that their participation may taint a purely 'humanitarian' dialogue. As discussed below, this has been a particular problem for UN human rights staff operating as part of a UN integrated mission. Even those cluster coordinators who recognise the value of collaboration are not able to prioritise reaching out to human rights actors due to the long list of demanding tasks they must perform to support an inter-agency programming response, including engaging in the increasingly demanding Humanitarian Programme Cycle (HPC) process (HPG interviews, 2021).

More broadly, there has been a recognition by UNHCR itself and its partners that the cluster performs least well in relation to its ambitions as a forum to support protection advocacy, with

its own cluster coordinators rating performance in that regard as ‘unsatisfactory’ (UNHCR, 2017: 29). The aforementioned gaps in technical knowledge and expertise in human rights law impact the ability of cluster coordinators to lead a cluster response on protection issues of particular complexity (UNHCR, 2017; HPG interviews, 2021). Some stakeholders see this as a more fundamental structural problem with the cluster, arguing that UNHCR (the cluster’s global lead agency) is ill-placed to lead an advocacy response on a broader set of protection issues or to collaborate with human rights actors on issues beyond its traditional ‘populations of concern’ (see also Niland et al., 2015). Several interviewees offered examples wherein senior UNHCR leaders at headquarters and in the field were reluctant to engage as the cluster lead agency in advocacy on broader concerns that had been highlighted by the cluster members for fear of the impact on the agency’s relationship with the host government and how this would in turn affect their refugee protection efforts.

Some of the shortcomings of the cluster have been assuaged to an extent by OHCHR’s engagement, reflecting its institutional mandate and expertise in human rights protection. It has led the cluster in a number of contexts including Timor-Leste, Nepal, Haiti and Palestine. In the latter in particular the experience was generally very positive, facilitating long-term collaboration between a broad community of humanitarian and human rights actors as noted above (HPG interviews, 2021; OHCHR, 2015a). Elsewhere, OHCHR has played an important complementary role to UNHCR, supporting enhanced protection monitoring, analysis and reporting, connecting cluster members with international human rights mechanisms and Special Procedures Mandate Holders, and supporting strategic advocacy efforts.

However, there have also been challenges, particularly in situations where OHCHR is deployed as part of a UN mission. In 2011, OHCHR together with the Department of Peacekeeping Operations (DPKO), the Department of Political Affairs (DPA) and the Department of Field Support (DFS) adopted a policy on integration of human rights in UN peace operations, including establishing human rights components, commonly called Human Rights Units (HRUs), that have a dual reporting line to the head of the UN mission and to OHCHR headquarters (OHCHR et al., 2011). This has enabled deployment of a large-scale human rights contingent in such contexts, which in turn has facilitated comprehensive monitoring and reporting on violations of human rights and humanitarian law, with high-quality documentation, analysis and reporting, as both humanitarian and human rights actors interviewed for this research readily acknowledged. But there is still some reluctance among Protection Cluster members, particularly INGO members, in some contexts to engage with OHCHR staff embedded in a UN political or peacekeeping mission due to the real or perceived risk that this will impact how they are perceived by conflict parties (see for example Metcalfe et al., 2011; Bowden and Metcalfe-Hough, 2020; Davies, forthcoming; HPG interviews, 2021).

The debates on UN integration models have moved on in recent years and there are more examples of a close and collaborative relationship between the Protection Cluster and OHCHR staff deployed as part of a UN mission. In Afghanistan, OHCHR staff are deployed to the HRU in the UN’s political mission, UNAMA, and have had a long-term relationship with the UNHCR-led protection cluster, working in complement on key issues such as civilian casualties. Similarly in Mali, OHCHR staff in the

HRU in the UN peacekeeping mission, MINUSMA, have a collaborative and complementary approach with the UNHCR-led cluster in the country, engaging in regular exchange of information and analysis and utilisation of complementary channels for advocacy on protection priorities.

As these examples illustrate, some of the structural barriers to collaboration can be overcome with concerted investment from OHCHR staff on the ground and their partners in the Protection Cluster. But the greater challenge relates to the lack of consistency or predictability of engagement by OHCHR, which has in turn limited its contribution to the evolution of the protection cluster as a forum for strategic collaboration between humanitarian and human rights actors. At headquarters, OHCHR has only a small team working on engagement with the GPC and its myriad task teams, working groups, processes and debates. And at field level, the low numbers of staff and/or the mainly development profile of staff deployed in some humanitarian contexts, such as in Chad, has posed a very practical barrier to substantive engagement with the cluster, as well as the Humanitarian Country Team (HCT) and the wider humanitarian community.

There have been some internal ‘lessons learned’ exercises conducted by OHCHR on their role in protection clusters, including their leadership of the cluster in Haiti and more recently their engagement in the humanitarian response in Syria (HPG interviews, 2021; OHCHR, 2020). But the evidence suggests that there has not yet been sufficient integration of learning from these past experiences. A key strength of OHCHR’s engagement with the cluster since 2005 has been its practice of adapting how it engages to reflect the circumstances on the ground – from taking the lead role, supporting through direct participation, leading specific thematic or technical aspects or establishing complementary forums. What is absent, however, is a sense that this flexibility is part of an institutional strategy; a strategy that outlines a commitment to predictable engagement, with flexibility to shape the model of that engagement to fit the circumstances; a strategy that is led from the top and backed by appropriate policies and allocation of resources.

Long-standing silos in the UN system

Within the UN system there are long-standing and well-documented structural barriers to collaboration between its human rights, humanitarian and other entities. The UN response to widespread and systematic violations of international human rights and humanitarian law in Sri Lanka at the end of the conflict in 2009 and to the Rohingya crisis in Myanmar were very public failures in relation to a collaborative approach to protection advocacy with conflict parties. In Sri Lanka, the lack of ‘an adequate and shared sense of responsibility for human rights violations’ and the ‘ineffective dispersal of UNHQ’s [UN headquarters] structures to coordinate UN action and to address international human rights and humanitarian law violations across several different UNHQ entities in Geneva and New York with overlapping mandates’ amounted, along with other inadequacies, to ‘a systemic failure’ as outlined in the Petrie report (Petrie, 2012: 29). Despite much touted efforts to learn lessons, the same failings were highlighted in a review of the UN’s response to the situation of the Rohingya in Myanmar between 2010 and 2018 (Rosenthal, 2019). These have been echoed once again by some commentators in relation to the 2021 military coup

Myanmar, as well as with regard to other contexts (Lilly, 2021; HPG interviews, 2021). Key issues highlighted include the lack of a common analysis or understanding of the threats to civilians and of a common approach to addressing them, a lack of clarity on roles and responsibilities, and tensions between different UN leaders around perceived trade-offs between access and advocacy and between private diplomacy and public condemnations (Petrie, 2012; Rosenthal, 2019; Norris, 2019; Bowden and Metcalfe-Hough, 2020; Lilly, 2021; HPG interviews, 2021).

There have been efforts to address these issues. The Human Rights Up Front initiative was introduced in 2013 by the then UN SG Ban Ki-moon in response to the Petrie report, attempting to ensure a cross-organisational approach to protection of human rights. It aimed to bring about ‘a cultural shift’ ensuring ‘that all UN staff prioritise human rights protection as part of their duties’, and to ‘overcome a risk-averse culture’ that has long-inhibited advocacy by UN officials (Norris, 2019). A lack of communication on this initiative with external stakeholders and with field-level staff, together with the lack of a dedicated senior post to drive its implementation, led stakeholders to speculate that it had ‘quietly faded away’ (Norris, 2019). In 2020, UN SG Antonio Guterres launched his own framework, a Call to Action for Human Rights, which, complementing his focus on prevention of crisis and conflict, set out his ‘vision’ to ‘strengthen UN leadership in advancing the cause of human rights, to make the human rights system responsive and innovative in confronting human rights challenges and to enhance synergies between human rights and all pillars of the work of the United Nations’ (UN SG, 2020: 3).

Under the rubric of the Call to Action, an initiative is underway to develop a cross-organisational Agenda for Protection, intended to provide an overarching framework for the UN’s role in protecting civilians in times of crisis. The UN SG’s experience as the former High Commissioner for Refugees and his performance in championing such a hugely complex and politically sensitive issue with member states has lent the Call to Action much credibility. There is hope that this initiative may help address the long-standing, systemic challenges to a more coordinated and comprehensive response to protection crises (see for example Brennan, 2021). But there is also much scepticism among interviewees – UN and non-UN – as to what yet another framework will actually achieve, whether the UN SG himself will lead by example in consistently standing up to member states and whether he will lend his full political support to the UN leaders at HQ and field level who do try to engage states and other conflict parties on their failures to comply with international humanitarian and human rights law (see also Bowden and Metcalfe-Hough, 2020; Lilly, 2021). At least one stakeholder highlighted that the Call to Action is as yet rarely reflected in field-level discussions within HCTs and questioned what role UN humanitarian leadership (including Resident Coordinators/Humanitarian Coordinators (RC/HCs) and heads of UN agencies) at field level will be expected to play in delivering on the broad commitments set out in the Call to Action and related Agenda for Protection.

Gaps between policy and practice in the Inter-Agency Standing Committee

The IASC, representing the wider international humanitarian community, has also sought in the last decade to encourage a more collaborative approach to protection, including protection advocacy. Reflecting on the experiences in Sri Lanka, the IASC Principals issued a joint statement on the ‘Centrality of Protection in Humanitarian Action’ in 2013, publicly outlining their commitment to engaging conflict parties to ‘protect and assist people in need’, reiterating international human rights and humanitarian law as the frameworks for humanitarian action, and confirming their commitment to advocacy and engagement in support of protection of civilian populations at risk (IASC, 2013). The statement required HCTs to develop stand-alone protection strategies that identify ‘complementary roles and responsibilities among humanitarian actors’ and ‘take account of the role and contribution of other relevant actors’ (ibid.).

An IASC policy on the centrality of protection in humanitarian action was issued in 2016 to help guide implementation of the commitments set out in the statement and drew upon the findings of a whole-of-system review of protection in humanitarian action that was conducted in 2015 (Niland et al., 2015). This IASC-wide effort to place protection at the centre of humanitarian action and to reaffirm advocacy as a key tool in that regard has been positive in many ways, according to key stakeholders. But it has also faced challenges. The HCT protection strategies have too often been considered a ‘box-ticking’ exercise rather than a tool to enable a strategic, collaborative response and there has been a poor record of their implementation (GPC, 2019; Lilly and Spencer, 2020). The IASC policy highlights the value of collaboration with human rights actors and use of human rights mechanisms in advocacy efforts, including specifically as a way to manage the tensions inherent in advocacy by operational actors on the ground. However, the annual reviews of its implementation conducted by the GPC on behalf of IASC do not appear to have drawn any particular findings on how this aspect has been implemented, nor how the specific challenges involved have been addressed in practice (see for example GPC, 2019).

Inadequate leadership and accountability

The role of humanitarian and human rights leaders in protection advocacy is critical but has long been identified as a major challenge. At field level, the UN’s RC is key to enabling a more comprehensive protection advocacy response in crisis contexts because the individual is also invariably designated as the HC. But interviewees offered multiple examples where RC/HCs did not encourage collaboration or discouraged anything other than minimal advocacy on protection issues, for fear it may jeopardise their institutional relationship with host governments. In some cases, RC/HCs have argued that they lacked sufficient evidence or data to engage in advocacy with the host state or other conflict parties (Bowden and Metcalfe-Hough, 2020). But even where the protection cluster had provided a robust evidence base for advocacy, this was not always used by RC/HCs, heads of agencies or other UN leaders in fulfilment of their responsibilities for protection advocacy (IASC, 2009; 2017; GPC et al., 2016; HPG interviews, 2021).

A key component of the UN SG's reform of the UN development system has been the separation of the RC function from the role of Country Director of the UN Development Programme. Interviewees for this research indicated that this has brought change in the way that individuals are selected for this role and examples were cited by interviewees of RCs appointed expressly on the basis of their knowledge and expertise in human rights. This is positive news in terms of encouraging a more robust protection advocacy response, but it will take time to build a cadre of RC/HCs better suited and more empowered to lead a comprehensive advocacy effort in crisis contexts. And as noted above, the performance of these leaders at field level is very dependent on the UN SG's own leadership of a more robust protection advocacy response.

Challenges around leadership are not limited to the UN system, of course. Interviewees from various non-UN humanitarian organisations highlighted how their institutional leaders had either not encouraged or actively discouraged their teams from reaching out or responding to approaches from potential human rights partners. Where inter-agency or institutional policies to outline the importance of collaborative efforts do exist, these are often seen as optional rather than compulsory and there are few incentives for implementing them (HPG and GPC, 2021). Leaders set the tone for their institutions and the wider sector but, as discussed below, an overly risk-averse approach from top leadership down through to field level is inhibiting collaborative action across the UN system and international civil society.

Risk aversion and a culture of non-collaboration

Within the humanitarian community there is a perennial culture of competition – fuelled by an outdated and complex funding system and a desire to 'protect' institutional mandates, interests and priorities. As a result, organisations struggle to forge strategic alliances on protection advocacy with even the closest allies within their own sector, let alone with aid actors outside it. This criticism is most often directed at the UN system, as discussed above, but it is also a challenge for INGOs. Individually many humanitarian and human rights INGOs, such as the Norwegian Refugee Council, Save the Children, Oxfam, Amnesty International and Human Rights Watch have long engaged in robust and effective advocacy on protection issues. But coming together to agree common positions on protection issues and plan common or even complementary approaches is as much a problem for INGOs as for the UN system (HPG interviews, 2021; see also Davies, forthcoming).

This lack of collaboration is also fuelled by the prevailing aversion to risk in the international humanitarian sector. Over the last decade in particular, the complex network of counter-terrorism measures and legislation, high levels of insecurity and targeted attacks on staff, and the ever-present competition for visibility have combined to stunt decision-making by staff at all levels on a range of issues (see for example Metcalfe et al., 2011; Stoddard et al., 2019; ICVA, 2020). This research indicates that, within this wider culture of caution, the risks pertaining to advocacy, particularly collaborative advocacy with human rights actors, have been overstated and insufficient emphasis has been placed on mitigation strategies.

There are heightened risks relating to engaging in advocacy on protection issues and in collaborating on such efforts with human rights partners. From sharing sensitive information on individual cases or trends and joining or echoing accusations of abuse, to supporting or being seen to support calls for international mechanisms of accountability, humanitarians risk impacting the delicate relationships they must maintain with conflict parties – relationships that are critical to enabling access to deliver life-saving assistance and services to populations in need. But discussions with practitioners suggest that there is too little focus among humanitarian actors on properly assessing risks or on how to balance the risks relating to speaking out publicly or privately with not speaking out at all (see also Mahoney, 2018; Metcalfe-Hough, 2020; Davies, forthcoming). There seems to be some recognition from staff at various levels that working with human rights partners can offer opportunities to mitigate some of the operational or programme risks. However, engaging in some form of joint risk assessment and management exercise with human rights partners, such as undertaken through the HRRG in Syria, is still rare. And there is little reflection among humanitarians that human rights actors face similar risks in their advocacy, too, as the continued denial of access for OHCHR staff to Syria illustrates.

The risks of engaging in protection advocacy are very real, particularly in the most complex armed conflict situations. For example, in August 2021, the Government of Ethiopia suspended operations of several INGO humanitarian organisations, citing concerns about their public messaging, among other alleged transgressions, and more recently ordered the expulsion of several senior UN humanitarian officials (Ahmed, 2021; Al Jazeera, 2021). But the limited investments by humanitarian organisations in assessing and managing these risks mean that they are missing opportunities for the kind of collaboration with human rights partners that could help ensure protection advocacy is conducted in a manner that mitigates the potential risk to humanitarian operations.

Politics and the limits of protection advocacy

Perhaps the greatest inhibitor of effective protection advocacy by international humanitarian and human rights actors is the political context in which they are operating. As indicated in other research by HPG, practitioners frequently cite national and geopolitics as key barriers or challenges to the ability of humanitarians to influence the behaviour of conflict actors (see for example Bowden and Metcalfe-Hough, 2020; Metcalfe-Hough, 2020; Davies, forthcoming; Gray Meral et al., 2021). This is ostensibly no different for human rights actors. In Palestine, the positive collaborations that have been so heavily invested in over the years have had limited impact in terms of protection outcomes: in the West Bank, the forced displacement of communities through confiscation of their land and assets has been halted by high-profile advocacy, including legal action, but only temporarily; and it is hard to see what impact humanitarian and human rights advocacy has had on the conduct of hostilities by the Israeli military and Palestinian armed groups in the Gaza Strip, given the heavy civilian toll of successive outbreaks of hostilities since 2000. In the Yemen example, collaborative advocacy effectively raised the profile of the impact of international arms sales and the wider protection situation of civilians caught up in the conflict

there but, ultimately, the halt in UK arms sales to KSA was only temporary and trade resumed a year later (Oxfam, 2021). And in a number of current and past internal armed conflicts, such as in Nigeria currently and in north-west Pakistan in 2009, protection advocacy efforts have been impacted by governments' political position that their military action is a counter-terrorism operation and international humanitarian law does not apply (Davies, forthcoming; HPG interviews, 2021).

The geopolitical environment can also mean heightened risks of collaborative advocacy. In Syria, the government's intense concern about high-profile human rights advocacy criticising their abuse of civilians and focused on accountability for such abuse, including the work of the Commission of Inquiry,⁴ meant they intensified pressure on humanitarian actors not to engage in advocacy if they wanted to maintain access for their operations. This pressure was compounded by the prolonged stalemate at the UN Security Council and the consequent lack of confidence among many humanitarian actors that other states would offer diplomatic support for their advocacy efforts. Over time, concerns related to advocacy risks in that context were assuaged to some extent through a combined investment by the protection cluster and OHCHR's HRAs in identifying mitigating actions. But examples cited in this paper serve to illustrate the impact of national and global politics and to emphasise the limits on the influence that humanitarian and human rights actors have over conflict parties or third-party states.

What progress has there been, and what opportunities are there for stepping up collaboration?

Though the barriers and risks involved in greater collaboration are significant, they are not insurmountable. There has also been notable progress on some long-standing arguments around collaborative advocacy, which can be further built upon. Furthermore, there are a number of existing high-level policy processes and other opportunities relating to the protection cluster, which, with targeted investment, could help create a more enabling environment for collaboration.

Laying old arguments to rest

As indicated earlier, one of the long-standing concerns around more collaboration with human rights actors, including on advocacy, relates to the impact on the neutrality – or the perception of neutrality – of humanitarian actors. While there were real-life consequences to some of the high-octane advocacy

4 The Independent International Commission of Inquiry was established by the Human Rights Council in its resolution S-17/1, 23 August 2011, to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic.

undertaken by humanitarians in Darfur in the mid-2000s for example, over time discussions regarding what neutrality means in practice have moved on (Pantuliano and O’Callaghan, 2006). Interviews and consultations held as part of this research confirmed a growing recognition that engaging in protection advocacy per se is not at odds with the principle of neutrality; rather, staying silent in the face of abuse is not an option. The research also suggests that there is more willingness than in the past to consider the many different forms of advocacy, to utilise a combination of private diplomacy and public condemnation, messaging via third parties and direct engagement (HPG and GPC, 2021; HPG interviews, 2021). In this regard, collaboration between different humanitarian and human rights actors has helped to spur some more innovative, more pragmatic approaches or tactics that tap into parties’ own self-interests or generate pressures for change from their own constituencies. In Palestine, for example, the collaborative campaign ‘Life with Dignity’ seeks to consolidate a comprehensive analysis of systematic violations of international humanitarian and human rights law prepared by human rights partners with analysis from humanitarian partners of the impact on people’s lives. This new approach aims to generate public empathy for Palestinians affected by the ongoing occupation and repeated outbreaks of hostilities (HPG and GPC, 2021). And in its engagement with the US DoD, the US-based INGO coalition adopted a pragmatic approach focused on minimising civilian harm, including by showing positive examples, rather than engaging in traditional legalistic arguments (HPG interviews, 2021).

There also seems to be less competition between protection-mandated agencies over ‘their’ body of law and who gets to use it in advocacy. In the past, there had been some concern from some specialised agencies that only they had the authority and credibility to advocate on violations of the bodies of law that they were mandated to work on – such as UNHCR and refugee law, or ICRC and international humanitarian law (HPG interviews, 2021). Such concerns or practices were not raised during interviews or consultations for this research, however. In fact, although the research highlighted gaps in technical knowledge of human rights law, it also found many examples of advocacy strategies and messaging by collectives, or individual humanitarian and human rights actors referring to the various bodies of law relevant in a conflict. Illustrating this, a number of stakeholders highlighted just how regularly the IASC as a coordinating body uses rights terminology in its policies and advocacy on a range of issues (see for example IASC, 2020; 2021).

One concept positively influencing recent debates on collaborative advocacy responses in armed conflict is the ‘nexus’. While the nexus and related frameworks, including the ‘New Way of Working’ and the Sustaining Peace Agenda, are multifaceted, the underlying concept of ‘transcending humanitarian and development divides to tangibly meet people’s immediate humanitarian needs, while at the same time reducing risk and vulnerability’ resonates with discussions around collaborative advocacy between humanitarian and human rights actors (Global Health Cluster, 2019: 1; see also UNSDG and IASC, 2019; Lilly, 2021). As indicated during discussions in the roundtable held as part of this project, humanitarians are increasingly recognising that securing the protection of civilians affected by war in the short-term must go hand in hand with efforts to address the long-term lack of respect for basic human rights. Many asserted that this shift has likely been influenced at least in part by the wider global policy debates on the humanitarian–development, and humanitarian–development–peace, nexus (HPG and GPC, 2021).

Garnering system-wide momentum for shifts in practice

Reflecting these shifts in thinking around collaborative response, new IASC and UN policy processes on protection that are already underway could be used to address some of the internal barriers to collaborative protection advocacy. The IASC has recently launched an independent review of its policy on Protection in Humanitarian Action. The third commitment or objective of the original policy reaffirmed that the complexity of protection risks requires engagement with other stakeholders and urged IASC members to consider how to ‘best leverage the different roles and capacities of different entities ... to ensure that advocacy takes place to support the achievement of protection outcomes’ (IASC, 2016: 8). Through engaging human rights partners as well as IASC members, the review should investigate the extent to which this objective has been implemented in practice. Given the lack of focus on this aspect in IASC’s own annual reviews, this would help to identify specific barriers and how they could be addressed. The review also represents an opportunity to reinforce the concept that advocacy and access are both integral to humanitarian action and, recognising the inherent tensions between these two activities, collate examples to showcase how such tensions have been/can be managed through a more collaborative relationship with human rights actors.

The current process to develop an Agenda for Protection, involving 17 entities from across the UN system, is a challenge in itself. But, according to stakeholders, it is proving an important opportunity to highlight and discuss key challenges to greater complementarity or alignment of effort, including on advocacy. In this regard, the initiative should be used to consolidate understandings of ‘protection’ and ‘advocacy’ within the UN system; to clarify how complementary advocacy can work in practice; to identify key knowledge, skills or capacity gaps and how they can be addressed; and to ensure strengthened performance measurement systems. Taken together, such actions could enable a more supportive, predictable and accountable environment for collaborative, or at least complementary, advocacy by the UN system at crisis and global levels.

Integrating some of the more obvious lessons from the Human Rights Up Front initiative could increase the potential of this initiative to bring about real change. There are a number of possible actions in this regard. Avoiding starting negotiations from scratch, the Agenda could be framed as a joint and public reaffirmation of the commitments that relevant UN entities have already made in other frameworks, such as the IASC protection policy, to work together to address protection concerns, including through advocacy. It will be important to utilise this process, as it was intended, to get the UN’s own house in order. But enabling some of the UN’s key partners to engage in the debates and the search for solutions could avoid the pitfalls associated with too ‘UN-centric’ an approach, a problem that has arisen in past policy processes. This is particularly important given that much of the protection programming undertaken by the UN’s humanitarian agencies is delivered through their NGO partners. In this regard the GPC and its field-based protection clusters could play an important role in channelling NGO perspectives to inform the development of the Agenda, while minimising the

risks of opening the process up to much wider consultation. This will require a more proactive and sustained approach from the GPC itself to engage in the working group created to develop the Agenda for Protection and support its implementation.

Sustained high-level stewardship of this process will also be key to ensuring continued investment from the UN entities involved and to helping manage different perspectives. Transparent reporting on development and implementation of the Agenda is critical to ensuring that this latest initiative doesn't suffer the same fate as past efforts and that the momentum already generated and sense of accountability are sustained. Concurrent with their role as duty bearers, a broad spectrum of member states could be identified as 'champions' of this initiative to help reinforce accountability of the UN entities for delivering on this agenda. These champions could also provide valuable assistance to the UN SG and his team in navigating what are likely to be tricky political confrontations with other member states concerned about the implications of a more robust and more vocal UN protection response.

The timing of the IASC review and the evolution of the Agenda for Protection may be coincidental but there is clear synergy between the two processes in terms of the focus on more collaborative responses to protection. Taken together, they could prove transformative in terms of generating the high-level, system-wide momentum required to finally address some of the long-standing challenges to more collaborative, and hopefully more effective, advocacy. Given the issues highlighted here around gaps in leadership in this area, these two initiatives must provide a 'top-down' push. Individual leaders (including IASC principals, heads of UN agencies and critically the UN SG himself) should make clear public commitments under the rubric of these policy frameworks and demonstrate through their own actions their commitment to a more risk-tolerant, consistent collaborative approach to advocacy on protection. Failure to show consistent leadership in this regard, even in favour of short political expediency, will undermine not just these latest initiatives but also the fundamental values which commonly underpin the UN system, IASC and the international aid community more broadly.

Optimising the protection cluster as a strategic platform for collaboration

The Protection Cluster is a key but currently underutilised structure for strategic collaboration between humanitarian and human rights actors. Fundamentally, the majority of stakeholders in this research indicated the need for the cluster at global and field levels to consider how it can step up its advocacy function, including as a mechanism to facilitate more collaborative advocacy with the range of international and national human rights actors. The Global Protection Cluster has already started to take action in this regard, as reflected in its Strategic Framework for 2020-2024. At a technical level, the GPC HRETT has invested in a comprehensive support package for cluster coordinators and cluster members to address gaps in knowledge of human rights law and its related international architecture and how to use them as a tool for protection. The guidance, information-sharing, briefings by Special Procedures Mandate Holders and opportunities for peer exchange are already well received, with a training package also under development. Sustaining this support will be crucial to upgrading knowledge and skills across the protection sector over the

long term and enabling more collaborative advocacy responses at field level. The current initiative should be expanded, in collaboration with international human rights actors, to more proactively engage staff of human rights organisations, offering them a corresponding opportunity to address their knowledge gaps relating to humanitarian action, and broadening their interaction with humanitarian rights actors on protection issues of common concern.

These technical-level efforts also need to go hand in hand with more strategic efforts by UNHCR to address some of the long-standing internal challenges to its performance as the cluster lead agency for protection. The agency must do more at the institutional level to enable and encourage their leaders in the field to undertake advocacy themselves as the cluster lead agency on the ground and to push, lead or support similar efforts from the HCT and HC. In this regard, support from headquarters should be stepped up to help leaders in the field manage the tensions between their cluster lead responsibilities and the delivery of their agency-specific mandate. This includes providing adequate diplomatic support and resources to forge strategic alliances with OHCHR and other human rights actors within and outside the UN system that can help them to manage these tensions.

More consistent and strategic engagement with the cluster from OHCHR is also crucial to enable a more collaborative, comprehensive approach to protection, particularly on advocacy. Existing practice at the field level evidences the range of models that OHCHR could adopt to ensure greater support for the cluster and HCT in protection advocacy, with the exact model to be determined, in consultation with UNHCR as the global cluster lead agency, by the circumstances on the ground. The high level of flexibility and innovation shown by OHCHR staff at field level should form the core of OHCHR's approach, backed up by a reinvigorated vision or strategy from the institution on their role in supporting the cluster, HCs and HCTs in humanitarian crises. More strategic and consistent engagement from OHCHR will of course require increased staffing investments and it is recognised that their access to funds for this from the UN's Regular Budget is likely to be limited. Thus, taking the example of the Swedish government's support for the current development-focused HRA programme, donors will need to ensure that OHCHR has access to sustainable funding to further expand its engagement in the cluster and with the humanitarian community more broadly, either through an additional multi-donor trust fund or similar mechanism for voluntary contributions.

The mandates conferred by member states on UNHCR and OHCHR, their global reach and their institutional capacities and expertise mean that the actions of these two UN entities can set the tone for a more collaborative approach across the two spheres of action, particularly within but also outside the UN system. Taking the agreement on their respective roles in the protection cluster as a starting point, these two entities need to work much more closely together at headquarters and field levels to forge a strategic partnership for collaboration on advocacy and other areas of protection.

Finally, collaboration is not the responsibility of UNHCR and OHCHR alone, of course. It is incumbent on all Protection Cluster members and on the wider humanitarian and human rights communities to consider how, through their own institutional efforts, they can each step up their bilateral or system-wide collaborations on protection advocacy (see for example Metcalfe-Hough, 2020). Identifying good institutional practices, investing in staff skills and knowledge, ensuring appropriate staff profiles, developing and rolling out clear institutional policies and ensuring leaders are indeed leading by example are all important to create an enabling environment for staff at all levels to collaborate across the humanitarian and human rights spheres of action.

Conclusions and recommended actions

There is recognition among humanitarian and human rights actors of their respective areas of added value, that they have shared objectives, that there is complementarity in their approaches, and that combining their respective efforts is more likely to have a positive impact on the protection of conflict-affected people than working in silos. However, opinions diverge as to what level of collaboration is desirable and to what extent the relationship could or should be more consistent. Some stakeholders are concerned that standardising the relationship at field level is unhelpful given the wide diversity of contexts in which the two sets of actors coexist, the capacities and priorities each have in those contexts, and how these factors change over time. Similar concerns were expressed in relation to global-level collaboration. Based on the examples of good practice highlighted above, this author proposes that the relationship between humanitarian and human rights actors should be ‘normalised but not standardised’. There should be an expectation of a minimum level of collaboration or coordination, but the depth and scope of that collaboration should be determined by the actors involved in each context or setting at a given moment in time. This collaboration should be seen as being on a spectrum from a minimum of sharing confidential information on cases or trends, to joint advocacy action and everything in between. But it should also be understood as adaptive, ensuring that the nature of the collaboration evolves as the situation on the ground evolves over time.

Translating this concept into common practice will be challenging. There is recognition that past efforts to institute a more collaborative approach to protection have generally been unsuccessful, and that in each new major conflict humanitarian and human rights actors default to their traditional silos. Given the variety of tools, policy frameworks and commitments on this issue, the problem seems to lie in gaining and maintaining the political momentum necessary to implement past commitments, to make the institutional and system-wide investments already identified as necessary to create a culture and practice of collaboration – a culture that is so clearly in the interests of both the institutions themselves and the populations they aim to serve. The Call to Action, its Agenda for Protection, and the IASC protection policy review are just the latest policy opportunities presented to garner this momentum. But a much stronger push from the top leadership of the UN and INGOs in both humanitarian and human rights spheres is required

to use these latest policy moments to bring about real change, to make collaboration the norm, rather than the exception. A more engaged approach from donor states is also needed, involving increased or at least more considered allocation of the funds they have available for protection advocacy by international humanitarian and human rights actors, and far greater provision of diplomatic support to embolden those that do seek to hold conflict parties to account for their obligations under international humanitarian and human rights law.

This research was necessarily limited in its scope, but it raises a number of points that warrant further investigation or exploration by the international humanitarian and human rights communities. These include the differing formats and structures for collaborating among and between the UN system and international civil society, as well as drawing out in more detail the key lessons from past or current positive practice examples that should inform more effective collaboration in other contexts or at global level. Certainly, developing a more collaborative advocacy approach on protection will require sustained investments over the longer term. In the shorter term, the recommendations outlined below are offered as actions that can help build on the current momentum and start to address some of the key gaps and challenges to more collaborative protection advocacy between international humanitarian and human rights actors.

Recommendations

- 1. The Global Protection Cluster, with the support of its UN and civil society member organisations,** should develop a clear plan of action to build system-wide capacities for more collaborative advocacy between humanitarian and human rights actors. This plan should include:
 - Collation and dissemination of positive examples of collaborative advocacy, identifying the key characteristics of effective collaboration, including strong leadership, sustained institutional commitments and investments, and risk management. Examples should demonstrate the full spectrum of collaboration, from information-sharing to joint action.
 - Allocating sufficient resources to sustain the GPC TTHRE's package of support for cluster coordinators and cluster members over the longer term, and to enable expansion of this package to address knowledge gaps among key international human rights actors in relation to humanitarian advocacy.
 - Integrating a responsibility to engage with human rights systems and actors as a standard task in the terms of reference for protection clusters and for individual coordinators.
 - Increased collaboration between the GPC and Special Procedures Mandate Holders where appropriate – to include strategic preparations for country visits and coordinated or joint statements on issues of concern as feasible.
- 2. UNHCR and OHCHR** should set out a strategic framework for their institutional collaboration. Building on the 2005 agreement on the Protection Cluster leadership arrangements, this framework should include:
 - A joint public statement by the High Commissioners setting out the basis for and their commitments to forging a more strategic partnership.

- A consolidated action plan for implementing this partnership at all levels, made up of arrangements for staff exchange, policy and operational collaboration, including on protection analysis, and coordinated action in support of more collaborative responses, such as advocacy and regular leadership dialogues.
3. Building on this revised partnership, **OHCHR** should make a particular commitment to ensure expanded and more predictable engagement with this critical forum. This commitment should include:
- Collating good practice examples of the different models of engagement undertaken by OHCHR since 2005 (lead, co-lead, protection monitoring role, advocacy role, etc.), identifying common characteristics, enabling factors and resource requirements for the different models of engagement.
 - Assuming a co-lead or deputy role in the cluster wherever appropriate and possible, in consultation with UNHCR and other key cluster members. The principal aim would be to utilise OHCHR's mandate and expertise to support a more comprehensive approach to protection, including through more comprehensive monitoring, analysis and reporting of protection concerns and strategic outreach on behalf of the cluster with international and local human rights (and other non-humanitarian) actors. This role should enable a more strategic approach to advocacy by the cluster and its respective members, and support more robust advocacy by the HC and HCTs in line with relevant commitments under the IASC protection policy, the UN SG's Call to Action and the forthcoming Agenda for Protection, and respective terms of reference.
 - Investing appropriate resources to expand its cadre of staff (HRAs, Human Rights Officers in UN integrated missions, OHCHR country office staff and staff at headquarters) with the knowledge and skills required to enable effective collaboration between humanitarian and human rights actors, including in support of more strategic protection advocacy.
4. Seizing the opportunity of the concurrent IASC protection policy review and development of the UN SG's Agenda for Protection, the **UN and IASC** coordinators of these processes should ensure appropriate synergies and links are exploited in an effort to gain maximum internal and external momentum for a more collaborative approach between international humanitarian and human rights actors. At minimum this should include:
- Regular consultations between the two teams, to enable emerging analysis from the IASC review in order to feed into the development of the agenda.
 - Clarification on the expectations of the role that country-level leadership and mechanisms (e.g. the RC/HC, UN Country Team, protection cluster) should play in actioning the forthcoming Agenda for Protection, including what this means in terms of their day-to-day functions. Clarification will also be required on what support is available to field-level leaders, in particular, to enable the effective discharge of their role in this regard.
 - Ensuring that the IASC protection policy review gives due consideration to the practice of protection advocacy, particularly collaborative advocacy with human rights and other partners, as per objective 3 of the policy.

- Increased consultation with and engagement from OHCHR and INGO human rights actors in the IASC protection policy review process.
 - More proactive and sustained engagement by the Global Protection Cluster in the working group established on the Agenda for Protection, including to act as a channel to ensure the perspectives of NGO partners in protection inform the agenda’s development and implementation.
5. **UN entities, INGOs and the Red Cross and Red Crescent Movement that are engaged in protection work** should individually and collectively through the IASC consider how they can enable more predictable and more sustained collaboration with international human rights partners. Actions required may include:
- Ensuring institutional policy and guidance on advocacy and protection set out the value of collaboration with international human rights organisations generally and encourage collaborative advocacy wherever possible.
 - Providing support to implementation of these policies and guidance through appropriate training, awareness-raising and integration in performance management systems.
 - Leadership of these organisations should deliver clear messages to all staff that help create an institutional environment that encourages staff to undertake collaborative protection advocacy at global and field levels.
 - IASC members should seize the opportunity of the current review of implementation of its policy on protection in humanitarian action to reinforce the value of collaborative advocacy with human rights (and other) actors and showcase how this can work in practice.
6. Reflecting their own legal responsibilities to ensure respect for international humanitarian and human rights law, **donor states** should also consider how they can enable a more collaborative approach to advocacy with conflict parties. This should involve:
- Ensuring adequate resources are available for protection advocacy by key protection and human rights institutions of the UN, the ICRC and INGOs, including through:
 - targeted funding for collaborative initiatives at field level (through protection clusters, INGO forums, HCTs or other initiatives);
 - sustainable funding for OHCHR to facilitate its engagement at global and field levels with the protection cluster, HCs and HCT;
 - funding for a multi-year programme of investments by the GPC (and other relevant entities within the cluster) to address identified knowledge gaps and help build a culture of collaboration between human rights and humanitarian actors.
 - Greater provision of diplomatic support, at field and global levels, for advocacy by humanitarian and human rights actors on protection issues.

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