

# The UN Agenda for Protection: Policy, Strategic, and Operational Priorities

DAMIAN LILLY



**Cover Photo:** A girl stands on the edge of a crater caused by a cruise missile. The blast heavily damaged an apartment building in Kyiv on one of the first nights of the Russian invasion of Ukraine. Kyiv, Ukraine, February 25, 2022. © Anton Skyba.

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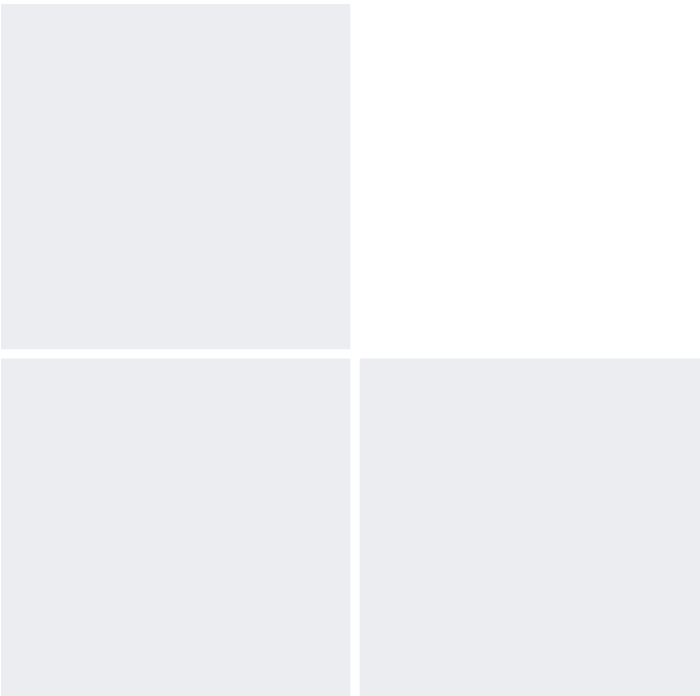
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# CONTENTS

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Abbreviations .....	iii
Executive Summary .....	v
Introduction.....	1
Background of the UN Agenda for Protection .....	1
Diminished Multilateral Support for Protection .....	2
What Can Be Learned from Human Rights up Front?.....	3
The Different Approaches to Protection in the UN .....	5
Humanitarian Action.....	5
Peacekeeping .....	7
Political Dialogue and Mediation.....	8
Development Cooperation .....	9
Human Rights.....	10
Thematic Mandates.....	10
Challenges to a System-wide Approach .....	11
Different Conceptualizations of Protection .....	11
Organizational Cultures, Operational Principles, and Ways of Working .....	12
Political Considerations .....	12
Policy, Strategic, and Operational Priorities for the Agenda for Protection .....	13
A Broad Scope for the Agenda for Protection.....	13
Robust and Principled Leadership.....	13
Holistic Analysis of Protection Risks.....	15
Integrated Planning on Protection.....	15
Predictable Processes for Determining and Scaling Up Protection Responses.....	17

System-wide Coordination on Protection . . . . .	19
A Results-Based Approach to Protection . . . . .	19
Conclusion and Recommendations . . . . .	<b>20</b>

## ABBREVIATIONS

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CCA	Common country analysis
DPO	UN Department of Peace Operations
DPPA	UN Department of Political and Peacebuilding Affairs
HC	Humanitarian coordinator
HRuF	Human Rights up Front
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
MINUSCA	UN Multidimensional Integrated Stabilization Mission in the Central African Republic
MINUSMA	UN Multidimensional Integrated Stabilization Mission in Mali
MONUSCO	UN Organization Stabilization Mission in the Democratic Republic of the Congo
OHCHR	Office of the UN High Commissioner for Human Rights
POC	Protection of civilians
RC	Resident coordinator
R2P	Responsibility to protect
SPM	Special political mission
SRSG	Special representative of the secretary-general
UNAMA	UN Assistance Mission in Afghanistan
UNAMID	UN-African Union Hybrid Operation in Darfur
UNHCR	UN Refugee Agency
UNIFIL	UN Interim Force in Lebanon
UNISFA	UN Interim Security Force in Abyei
UNITAMS	UN Integrated Transition Assistance Mission in Sudan
UNMISS	UN Mission in South Sudan





## Executive Summary

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In his 2020 Call to Action on Human Rights, UN Secretary-General António Guterres committed to developing an “Agenda for Protection.” The agenda provides an opportunity for the UN to reaffirm that the protection of crisis-affected populations is fundamental to its purpose and values. While the current geopolitical context and weakened support for multilateral action have made it harder for the UN system to take robust action to protect civilians, the Agenda for Protection should not be defined by these political constraints. To be effective it should address the lessons learned from previous efforts to bring about a system-wide approach to protection, particularly the Human Rights up Front initiative. Critically, it should address the systemic and structural shortcomings of the UN to effectively respond to protection crises by providing strategic coherence to the fragmented ways in which the different UN entities contribute to protection.

To promote a system-wide approach, the Agenda for Protection will need to address several policy, strategic, and operational priorities, including:

- Setting out the broad scope of the different protection challenges and scenarios to which the agenda should apply, from prevention to response and recovery;
- Underlining the importance of robust and principled leadership to provide strategic direction and an enabling environment for protection in the UN system;
- Outlining a holistic process for analyzing protection risks and building a common understanding of these risks among UN entities;
- Promoting integrated planning on protection to define a common vision and foster joint actions, interventions, and programming;
- Detailing predictable processes for

determining and scaling up protection responses;

- Clarifying system-wide coordination on protection, including a clear technical lead entity; and
- Reinforcing a results-based approach to protection with a common system for reporting results and a greater focus on learning.

If the UN is to meaningfully protect crisis-affected populations, it requires an ambitious Agenda for Protection that makes clear what forms of protection these populations can expect from the organization. At the same time, the agenda needs to be implementable and add value to what the UN is already doing. While some restructuring may be necessary and some new processes may be required, these should be kept to a minimum and build on what already exists rather than replace it. Reforms should streamline existing structures, bringing together the fragmented approaches to protection and consolidating protection tools across the UN. The challenge will be to make the UN’s collective contribution to protection greater than the sum of its parts. Toward this end, it is recommended that, through the Agenda for Protection, the UN should consider:

- Establishing a clear vision statement and a commitment to protect;
- Setting out a common framework of protection measures to be implemented;
- Designating and resourcing a system-wide lead entity on protection;
- Outlining procedures to scale up the response in the event of a protection crisis;
- Developing an implementation plan and accountability framework; and
- Consolidating the reporting of protection results.





## Introduction

From Ukraine to Ethiopia, Myanmar, and Afghanistan, violations of international humanitarian, human rights, and refugee law continue to be committed with almost complete impunity. The protection of crisis-affected populations is fundamental to the purpose and values of the United Nations. It requires early warning and action to prevent situations from becoming crises. When crises do emerge, it requires taking robust action to address the harm caused to populations and supporting recovery efforts aiming to rebuild societies and prevent relapse into violence.

However, member-state support for the UN to address protection crises has diminished in recent years, making it increasingly difficult to take international action to address such situations. The performance of the UN system has also been found wanting, with independent inquiries highlighting the systemic and structural failings of the organization to respond effectively to protection crises. To reaffirm the importance of human rights to the UN, Secretary-General António Guterres launched a Call to Action on Human Rights in early 2020. The Call to Action outlines seven priority areas, including “rights in times of crisis” to be implemented through an “Agenda for Protection,” which is currently being developed by the UN Secretariat. This is not the first time the UN has tried to reform the way it addresses protection crises: in 2013, the Human Rights up Front (HRuF) initiative of former Secretary-General Ban Ki-moon similarly attempted to bring about a cultural change and system-wide approach, albeit with mixed results.

This policy paper analyzes the policy, strategic, and operational priorities for the forthcoming Agenda for Protection.<sup>1</sup> It focuses on how the UN system can reform the way it addresses protection crises while remaining mindful that its role is heavily influenced by member states. It argues that without a transformative and comprehensive approach that

brings together the fragmented ways the different UN entities contribute to protection, the Agenda for Protection is likely to suffer the same fate as previous unsuccessful efforts, further undermining the organization’s credibility. Only by meaningfully addressing its systemic and structural shortcomings can the UN effectively respond to protection crises.

The first section of this paper provides the historical background to the Agenda for Protection and the current context in which it is being developed, including the lessons learned from HRuF. The second section then sets out the different types of protective action across the pillars of the UN, including in relation to humanitarian action, peacekeeping, political engagement, development cooperation, and human rights. The third section discusses the challenges that must be overcome to establish a system-wide approach to protection, while the fourth section sets out the priority areas the agenda should address. Throughout the paper, the term “protection” is used to encompass various interrelated concepts, including the protection of civilians, human rights, and humanitarian protection, although the author is mindful of the important differences among them.

## Background of the UN Agenda for Protection

The role of the UN system on protection is shaped by member states through the intergovernmental bodies that provide mandates and financial resources to the UN entities involved. The development of the Agenda for Protection must take these dynamics into consideration, as they will influence what it can achieve. At the same time, the agenda’s success will also depend on the extent to which it addresses the lessons learned from previous efforts to bring about a system-wide approach to protection. This section describes the external and internal factors that will shape the Agenda for Protection.

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<sup>1</sup> This policy paper was informed by a desk review of relevant literature, interviews with UN staff at headquarters and in a range of crisis countries, and a January 2022 seminar organized by IPI and McGill University on the Agenda for Protection. It also builds on the arguments in an online article published by the author. See: Damian Lilly, “Why the UN Needs a Comprehensive Agenda for Protection,” *Just Security*, September 20, 2021.

## Diminished Multilateral Support for Protection

Human rights were made one of the central pillars of the UN Charter when it was adopted in 1948. However, it was not until the 1990s that the UN significantly strengthened its resolve and capacity to protect crisis-affected populations. The collective failure of the UN to protect populations in Rwanda and Srebrenica elevated the protection of civilians (POC) as an issue of international concern that could not be left to the sovereign responsibility of members states. In 1999, the UN Security Council passed its first-ever resolution on POC, and POC has been on its agenda ever since. The secretary-general presents annual reports on POC at open debates of the Security Council.<sup>2</sup> The Security Council has also adopted several thematic resolutions on POC and used a variety of tools to prevent and respond to attacks on civilians in a range of contexts, including the deployment of peace operations with POC mandates, targeted sanctions including arms embargoes, and referrals to the International Criminal Court.<sup>3</sup> The number of peacekeepers deployed to protect civilians has significantly increased, and protection has also become an important feature of humanitarian assistance provided by the UN.

In 2005, world leaders affirmed states' responsibility to protect (R2P) their populations from atrocity crimes, including genocide, war crimes, ethnic cleansing, and crimes against humanity. They accepted a collective responsibility to encourage and help states to uphold this commitment and, if they did not, to take measures through the Security Council to prevent atrocity crimes, including military force as a last resort.<sup>4</sup> In many

Member-state support for the UN to address protection crises has diminished in recent years, making it increasingly difficult to take international action.

ways, however, this statement by world leaders was the high point of the international community's resolve to protect populations in crisis situations. Several UN member states have since contested the legitimacy of coercive means to protect populations under the R2P doctrine.<sup>5</sup> In particular, the 2011 NATO military intervention in Libya proved divisive within the Security Council, contributing to the council's failure to agree on effective measures to address the armed conflict in Syria.

Beyond the specific challenges associated with R2P, the Security Council has become increasingly deadlocked and unwilling or unable to act to protect civilians in contemporary crises.<sup>6</sup> In situations like the crises in Myanmar and Venezuela, it has not agreed to take any action at

all. Council members have put their own geopolitical interests before their responsibility to protect civilians, and trust and consensus among council members is probably at its lowest point since POC was

first put on the council's agenda in 1999. With the Council deadlocked, there have been several attempts by member states to seek UN action through the General Assembly, including on the situations in Syria and Myanmar. However, while the General Assembly has passed several well-intentioned resolutions on specific crises, it does not have the same powers as the Security Council to take concrete actions that might avert violence against civilians.

The UN's protection role is also shaped by the Human Rights Council (HRC), which addresses many of the same contexts as the Security Council but is not confined to situations of armed conflict that are threats to international peace and security.<sup>7</sup> Beyond the regular reporting by the Office of the UN High Commissioner for Human Rights

<sup>2</sup> UN Security Council Resolution 1265 (September 17, 1999), UN Doc. S/RES/1265.

<sup>3</sup> For an overview of the different actions taken, see: Leonie Arendt, "Building a Culture of Protection: 20 Years of Security Council Engagement on the Protection of Civilians," UN Office for the Coordination of Humanitarian Affairs (OCHA), May 2019.

<sup>4</sup> See: UN General Assembly Resolution 60/1 (October 24, 2005), UN Doc. A/RES/60/1, paras. 138–139.

<sup>5</sup> Though R2P emphasizes the importance of prevention and elaborates on a broad "tool kit" for addressing either the risk or commission of atrocity crimes, some member states continue to associate it with military intervention and confrontation in service of the interests of Western states.

<sup>6</sup> For an analysis of the similarities and differences between R2P and POC, see: Emily Paddon Rhoads and Jennifer Welsh, "Close Cousins in Protection: The Evolution of Two Norms," *International Affairs* 95, no. 3 (May 2019).

<sup>7</sup> The term "populations" is used throughout the report to denote that the scope of situations that could be covered by the Agenda for Protection goes beyond armed conflict (in which the term "civilians" is commonly used) given the application of international humanitarian law.

(OHCHR), the HRC has a range of mechanisms it can use in response to threats to civilians. These include the deployment of commissions of inquiry and fact-finding missions and the adoption of measures through special procedures (e.g., special rapporteurs and experts), treaty bodies, and the Universal Periodic Review process. However, while these mechanisms can shape relations between states by raising public concern about human rights violations and can be precursors to international justice proceedings, the HRC has no enforcement powers. It has also come under increasing criticism for representing the interests of specific member states, resulting in the politicization of its actions. For example, in October 2021, the continuation of the commission of inquiry on Yemen was voted down by the HRC despite the commission's documentation of ongoing war crimes and the absence of any tangible change in the situation on the ground.<sup>8</sup>

Even in historically supportive countries, human rights norms have been under assault from populist governments and right-wing politicians that reject the rules-based international system and multilateralism. Some states have taken steps to withdraw from the ICC, which has been accused of being overly politicized and ineffective at bringing those most responsible for committing atrocity crimes to justice.<sup>9</sup> The administration of Donald Trump even imposed sanctions on the previous chief prosecutor of the ICC. More immediate domestic political priorities have also made certain governments less willing to support multilateral action to address human rights concerns abroad, unless doing so is clearly in their strategic interest. The failures of Western interventions in Iraq, Afghanistan, and elsewhere have weakened domestic support to address what are perceived as “other peoples’ problems” that are not of international concern.

While member-state support for the UN’s protec-

tion role may be at a low point, the scale of protection risks faced by crisis-affected populations has not improved in recent years—and may even be worsening. The number of civilian casualties in many conflicts remains disturbingly high, as do levels of conflict-related sexual violence. The number of grave violations of child rights in armed conflict has increased from 15,500 in 2016 to 26,425 in 2020.<sup>10</sup> The number of people forcibly displaced (both refugees and internally displaced persons) has also risen from more than 65 million in 2016 to more than 82 million in 2020.<sup>11</sup> As the annual reports of the secretary-general on POC reaffirm each year, parties to conflict are failing to comply with their obligations under international humanitarian and human rights law.<sup>12</sup> It is not just armed conflicts, however, that have contributed to protection challenges. Climate-induced disasters are worsening existing vulnerabilities and increasing protection risks for certain groups.<sup>13</sup> The COVID-19 pandemic has also exacerbated protection concerns in crisis settings and exposed populations to new threats.<sup>14</sup> An Agenda for Protection is needed now more than ever to help the UN contend with these myriad protection challenges and make it better equipped to deal with them in the years ahead.

## What Can Be Learned from Human Rights up Front?

In this context of diminished support for protection and rising protection needs, the secretary-general launched his *Our Common Agenda* report in September 2021 to reinvigorate support for multilateralism.<sup>15</sup> The report includes twelve commitments, including to “abide by international law and ensure justice,” which specifically references the Agenda for Protection. The Agenda for Protection should thus be seen as part of a broader plan to enhance multilateral action across

8 See: “We Have Failed Yemen’: UN Human Rights Council Ends War Crime Probe,” *The Guardian*, October 7, 2021.

9 Burundi, the Gambia, South Africa, and the Philippines declared their intention to withdraw from the ICC; however, in the cases of the Gambia and South Africa, this decision was later rescinded.

10 UN General Assembly, *Report of the Special Representative of the Secretary-General for Children and Armed Conflict*, UN Doc. A/76/231, July 26, 2021.

11 See: UN Refugee Agency, “Global Trends—Forced Displacement in 2020,” 2021.

12 See all the secretary-general’s reports on the protection of civilians in armed conflict: Security Council Report, “UN Documents for Protection of Civilians: Secretary-General’s Reports,” available at [www.securitycouncilreport.org/un\\_documents\\_type/secretary-generals-reports/?ctype=Protection%20of%20Civilians&ctype=protection-of-civilians](http://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Protection%20of%20Civilians&ctype=protection-of-civilians).

13 See: Katie Peters, Gemma Davies, and Kerrie Holloway, “Addressing Protection Risks in a Climate-Changed World: Challenges and Opportunities,” Overseas Development Institute (ODI) Humanitarian Policy Group, October 27, 2021.

14 See: António Guterres, “We Are All in This Together: Human Rights and COVID-19 Response and Recovery,” United Nations, April 23, 2020.

15 See: United Nations, “Our Common Agenda—Report of the Secretary General,” September 10, 2021.

a range of concerns set out in the Common Agenda. This marks a different approach from previous efforts to reaffirm the importance of human rights to the UN, which were launched in response to the organization's failure to avert specific crises. Nevertheless, for the Agenda for Protection to be successful, it will need to address the lessons learned from these previous efforts, particularly the Human Rights up Front (HRuF) initiative.

HRuF emerged from a series of inquiries and reviews that pinpointed the failings of the UN in several contexts and areas of work. In particular, the 2012 independent review of the UN response to the armed conflict in Sri Lanka in 2008 and 2009 concluded that there had been a "systemic failure" to address war crimes, which were downplayed and not reported to the authorities.<sup>16</sup> In response to the recommendations of the Sri Lanka inquiry, former Secretary-General Ban launched HRuF in 2013. The initiative had three main objectives: (1) bring about a cultural change within the UN to prioritize human rights and encourage representatives of the organization to speak out; (2) bring the three pillars of the UN Charter (development, peace and security, and human rights) closer together; and (3) strengthen UN engagement with member states on human rights.<sup>17</sup> There is no single policy document that outlines HRuF, which was promulgated in a letter to UN staff with the expectation that subsequent trainings and action plans would be developed to support its implementation. A regional quarterly review was also introduced at headquarters to improve early warning of potential crises, and a Senior Action Group was established to make

It is vital that the Agenda for Protection builds on the achievements of the Human Rights up Front initiative and addresses lessons learned.

leadership more predictable and coherent.

Despite these changes and efforts to promote HRuF across the UN system, there is limited evidence that it had concrete results or made a significant difference in the way the UN addresses protection crises.<sup>18</sup> For example, despite being precisely the sort of situation HRuF was designed to address, the UN's response to the Rohingya crisis in Myanmar in 2017 repeated many of the same mistakes that had been identified in the Sri Lanka report only five years before. Secretary-General Guterres ordered an independent inquiry, which again documented "systemic and structural failures" within the UN that left it largely impotent in the face of serious human rights violations.<sup>19</sup> As in Sri Lanka, the UN country team in Myanmar failed to acknowledge the seriousness of the violations occurring, prioritized quiet diplomacy

over public advocacy to maintain support for the political transition even when it was no longer working, and assumed that development cooperation could address the human rights concerns even without a coherent political strategy.<sup>20</sup> It is not just in Sri Lanka and Myanmar that the UN has become unstuck in terms of its protection response. Most recently, the UN has struggled to contend with protection challenges following the outbreak of conflict in Tigray, Ethiopia, in late 2020, with accusations of UN officials downplaying reports of sexual violence.<sup>21</sup> Reviews of the UN's role in providing protection in the context of peacekeeping and humanitarian action have highlighted similar issues.<sup>22</sup>

For all intents and purposes, the Agenda for Protection is being developed to replace HRuF. It is

16 UN Secretary-General, "Report of the Secretary-General's Internal Review Panel on United Nations Actions in Sri Lanka," November 2012.

17 For an overview of HRuF, see: Ekkehard Strauss, "The UN Secretary-General's Human Rights Up Front Initiative and the Prevention of Genocide: Impact, Potential, Limitations," *Genocide Studies and Prevention* 11, no. 3 (2018).

18 Jennifer Norris, "Given UN Failings in Myanmar, Where is Human Rights up Front?" Universal Rights Group, blog, October 30, 2019, available at [www.universal-rights.org/blog/given-un-failings-in-myanmar-where-is-human-rights-up-front/](http://www.universal-rights.org/blog/given-un-failings-in-myanmar-where-is-human-rights-up-front/).

19 Gert Rosenthal, "A Brief and Independent Inquiry into the Involvement of the United Nations in Myanmar from 2010 to 2018," Office of the UN Secretary-General, May 29, 2019.

20 The UN's response to the human rights crisis following the 2021 coup in Myanmar exhibited similar failings. Damian Lilly, "The UN's Response to the Human Rights Crisis After the Coup in Myanmar: Destined to Fail?" International Peace Institute, June 2021.

21 See: Robbie Gramer and Colum Lynch, "U.N. Officials Downplayed Sexual Violence in Ethiopia in Leaked Call," *Foreign Policy*, August 27, 2021.

22 On humanitarian action, see, for example: Norah Niland et al., "Independent Whole of System Review of Protection in the Context of Humanitarian Action," Norwegian Refugee Council, May 2015. On peacekeeping: El-Ghassim Wane et al., "Review of Peacekeeping Responses in Four Critical Missions" (on file with author), November 2020.



therefore vital that it builds on HRuF's achievements and addresses the lessons learned from that initiative. The first lesson is that HRuF was largely conceived of as a headquarters exercise, and there was inadequate guidance on how it should be implemented at the field level. It was also unclear how HRuF was distinct from the UN's existing approach. Second, while it was intended to address systemic and structural problems within the UN, HRuF involved few institutional changes. At the headquarters level, the regional quarterly reviews and the Senior Action Group allowed for more systemic analysis that was better channeled to senior UN leaders, but there were few institutional reforms at the field level to ensure a system-wide approach. Third, HRuF was mainly a UN exercise and did not significantly involve the NGOs and other actors with which the UN undertakes many of its protection activities. Even so, NGOs were initially strong champions of HRuF, though they became disillusioned with the initiative when it did not lead to change. Fourth, HRuF was not properly resourced. The initiative's implementation was supported only by a small number of staff at headquarters and focal points from various UN entities, with no capacity added at the field level. Finally, HRuF became politicized and was poorly received by some member states, and in 2018, China and Russia had blocked funding for HRuF's focal point in the office of the secretary-general.<sup>23</sup>

In sum, while HRuF helped highlight and socialize the importance of human rights in the UN—including through mandatory training and statements of support from senior leaders—it did not significantly change the way the UN responds to protection crises. Crucially, it did not provide the strategic coherence and institutional changes required to ensure a system-wide approach to protection. Based on the experience of HRuF, many stakeholders consulted for this research were skeptical about the Agenda for Protection and doubtful that it would have any added value. If it is

While the UN's diversity of approaches to protection makes sense, it has resulted in a fragmented system.

to achieve meaningful organizational change and have a concrete impact on the ground, the agenda must be not only rhetorical but be accompanied by comprehensive reforms that transform the way the UN responds to protection crises.

## The Different Approaches to Protection in the UN

The Agenda for Protection aims to articulate a common vision of and approach to protection across the UN in relation to humanitarian action, peacekeeping, political affairs, development cooperation, human rights, and several other thematic mandates. In each of these areas, the relevant UN entities have developed a distinct institutional

approach to protection, including definitions, terminologies, policies, strategic approaches, and guidelines. While this diversity of approaches makes sense

given these entities' different mandated tasks and responsibilities, it has resulted in a fragmented system for protection. This section outlines these different approaches as well as the roles, responsibilities, and comparative advantages of the entities concerned. It does not attempt to provide a detailed account of the historical evolution of protection but rather aims to highlight the differences and similarities that will need to be reconciled (or at least accommodated) as part of the Agenda for Protection.<sup>24</sup>

## Humanitarian Action

The protection of crisis-affected populations has become a central tenet of humanitarian action.<sup>25</sup> Before the 1990s, however, protection was principally within the purview of the International Committee of the Red Cross (ICRC) and the UN Refugee Agency (UNHCR) given their responsibilities deriving from international humanitarian and refugee law, respectively. However, the joint evaluation of the humanitarian response to the 1994

23 Colum Lynch, "U.N. Chief Faces Internal Criticism Over Human Rights," *Foreign Policy*, February 4, 2020.

24 For a good historical overview of the conceptual evolution of the protection of civilians, see: Ralph Mamiya, "A History and Conceptual Development of the Protection of Civilians," in *Protection of Civilians*, Haidi Willmot, Ralph Mamiya, Scott Sheeran, and Marc Weller (Oxford: Oxford University Press, 2016).

25 For a historical overview of the growing importance of protection for humanitarian organizations, see: Elizabeth G. Ferris, *The Politics of Protection: The Limits of Humanitarian Action* (Washington, DC: Brookings Institution Press, 2011).

Rwandan genocide made the case that aid agencies could no longer be concerned only with providing for the immediate humanitarian needs of crisis-affected populations but should also take what steps they could to protect them. Prompted by similar conclusions in the Balkans and other crises, the ICRC organized a series of workshops that developed a definition of protection within humanitarian action, which was subsequently adopted by the Inter-Agency Standing Committee (IASC):

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 (IHRL), International Humanitarian Law, [and] International Refugee law (IRL)).<sup>26</sup>

To operationalize this definition, the IASC developed the so-called “egg model,” outlining three levels of protection activities: responsive action, remedial action, and environment building.<sup>27</sup> Responsive action aims to prevent or alleviate the immediate effects of a pattern of abuse resulting from violence, coercion, or forced deprivation. For example, humanitarian actors might engage in monitoring to identify violations of international humanitarian, human rights, and refugee law and then advocate duty bearers to address these concerns. Remedial action aims to assist and support people affected by violence, coercion, or forced deprivation by helping restore dignified living conditions. For example, humanitarian actors might provide multi-sectoral assistance and protection to those affected by sexual and gender-based violence or children facing protection concerns. Finally, environment building aims to create an environment conducive to the respect of the rights of the individual by changing laws, policies, and structures. For example, humanitarian actors might promote legal remedies to uphold housing, land, and property rights to facilitate the return of internally displaced persons.

The UN emergency relief coordinator is mandated by the General Assembly to ensure coordination on protection and assistance in humanitarian responses.<sup>28</sup> Following the 2005 Humanitarian Response Review, the IASC also established the Global Protection Cluster, placing protection alongside other forms of assistance as a sector of humanitarian action. At the field level, the protection cluster is led by UNHCR in humanitarian crises resulting from armed conflict, with separate arrangements for natural disasters. OHCHR has also led the protection cluster in a number of contexts. The protection cluster also has sub-clusters (“areas of responsibility”) for gender-based violence, child protection, mine action, and housing, land, and property. There are currently thirty protection clusters providing a range of services and activities, and in 2021, they collectively appealed for \$2.1 billion to respond to the needs of affected populations in humanitarian crises.<sup>29</sup>

Though humanitarian protection has evolved and strengthened in recent years, it remains a constantly debated and often misunderstood part of humanitarian action. It is generally acknowledged that humanitarian actors have limited capacity to provide physical security for civilians, but an operational definition of what forms of protection they are able to deliver has remained elusive.<sup>30</sup> The 2012 independent inquiry on Sri Lanka prompted a discussion about whether the humanitarian system was sufficiently committed to making protection central to its response. Consequently, in 2013, the IASC principals adopted a statement on “The Centrality of Protection in Humanitarian Action,” clarifying that protection is a collective responsibility of the entire humanitarian system and not something to be implemented by specialized protection agencies alone.<sup>31</sup> This was followed by the 2015 “Independent Whole-of-System Review of Protection in the Context of Humanitarian Action,” which took stock of the challenges of

26 Sylvie Giossi Caverzasio, ed., “Strengthening Protection in War—A Search for Professional Standards: Summary of Discussions among Human Rights and Humanitarian Organizations (Workshops at the ICRC, 1996–2000),” ICRC, May 2001, p. 19.

27 UN Inter-Agency Standing Committee (IASC), “IASC Policy on Protection in Humanitarian Action, 2016,” October 14, 2016, Annex IV, p. 32.

28 See: UN General Assembly Resolution 46/182, (December 19, 1991), UN Doc. A/RES/46/182.

29 For more details, see: Global Protection Cluster website, available at [www.globalprotectioncluster.org/](http://www.globalprotectioncluster.org/).

30 Marc DuBois, “Protection: The New Humanitarian Fig-Leaf,” University of Oxford Refugee Studies Centre, September 2009.

31 IASC, “The Centrality of Protection in Humanitarian Action: Statement by the Inter-Agency Standing Committee (IASC) Principals,” December 17, 2013.

providing protection as part of the humanitarian response and charted ways to improve protection activities.<sup>32</sup>

This led to the IASC's adoption of the first-ever Policy on Protection in Humanitarian Action in 2016.<sup>33</sup> The policy underlines the critical leadership roles of resident and humanitarian coordinators (RC/HCs) and requires humanitarian country teams to develop strategies to address the most challenging protection concerns in humanitarian crises. In 2020, the IASC principals commissioned a review of the implementation of the protection policy—a timely development, considering that it addresses many issues relevant to the Agenda for Protection.<sup>34</sup> Indeed, one of the four priorities of the policy is to work with development, peace, and human rights actors, which the Agenda for Protection could facilitate.

Despite progress in strengthening the role of protection within humanitarian action, challenges remain. There have been doubts about humanitarian leaders' commitment to protection and whether humanitarian actors are sufficiently accountable for following through on the actions required to protect crisis-affected populations.<sup>35</sup> Because protection can be seen as a goal, an approach, and a discrete activity of humanitarian action there also remains conceptual confusion among humanitarian actors who also interpret it differently.

## Peacekeeping

Like humanitarian actors, UN peacekeeping operations were not concerned with protecting civilians prior to the 1990s as they were mainly confined to monitoring peace and cease-fire agreements. But following the failings of the UN

peacekeeping missions in Rwanda and the Balkans in the 1990s, the Security Council mandated the first UN peacekeeping mission to protect civilians from the “imminent threat of physical violence” in 1999.<sup>36</sup> This represented a paradigm shift in UN peacekeeping. The Brahimi report on UN peace operations, published in 2000, argued that the UN was complicit if it stood by in the face of atrocity crimes.<sup>37</sup>

In subsequent years, the UN progressively institutionalized its approach to POC in peacekeeping operations. By 2009, the Security Council made clear that POC should be a priority task of UN peacekeeping.<sup>38</sup> Building on an operational concept developed in 2010, the UN Department of Peacekeeping Operations (DPKO, now the

Department of Peace Operations, or DPO) adopted its first official policy on POC in 2015, which defined POC as:

without prejudice to the primary responsibility of the host state, integrated and coordinated activities by all civilian and uniformed mission components to prevent, deter or respond to threats of physical violence against civilians within the mission's capabilities and areas of deployment through the use of all necessary means, up to and including deadly force.<sup>39</sup>

The policy outlines a three-tiered approach to the protection of civilians: (1) protection through dialogue and engagement; (2) provision of physical protection; and (3) establishment of a protective environment.<sup>40</sup> Peacekeeping operations are unique among UN entities in being authorized to use force to protect civilians under threat of physical violence. Today, the majority of peacekeepers operate under a protection mandate,

Though humanitarian protection has evolved and strengthened in recent years, it remains a constantly debated and often misunderstood part of humanitarian action.

32 Niland et al., “Independent Whole of System Review of Protection in the Context of Humanitarian Action,” 2015.

33 IASC, “IASC Policy on Protection in Humanitarian Action, 2016.”

34 See: IASC, “Terms of Reference of the IASC Review of the Implementation of the IASC Protection Policy,” November 30, 2020.

35 Jane Cocking, Gemma Davies, Damian Lilly, Jamie McGoldrick, and Alexandra Spencer, “Issues Paper: IASC Protection Policy Implementation Review” (on file with author), ODI Humanitarian Policy Group, November 2021.

36 UN Security Council Resolution 1270 (October 22, 1999), UN Doc. S/RES/1270 (1999).

37 UN General Assembly and Security Council, *Report of the Panel on United Nations Peace Operations* (the “Brahimi Report”), UN Doc. A/55/305-S/2000/809, August 21, 2000.

38 See: UN Security Council Resolution 1894 (November 11, 2009), UN Doc. S/RES/1894 (2009).

39 UN Department of Peace Operations (DPO), “Policy: The Protection of Civilians in United Nations Peacekeeping,” UN Doc. 2019.17, November 1, 2019, p. 6.

40 Ibid., p. 9.



and in 2018, the secretary-general included the strengthening of POC among the commitments outlined in his Action for Peacekeeping (A4P) initiative.

Despite investments in institutionalizing POC—not only through the POC policy but also through POC guidance, trainings, tools, and approaches—UN peacekeeping operations have struggled to implement POC mandates and meet the expectations of the civilians they are mandated to protect. A 2014 evaluation by the UN Office of Internal Oversight Services concluded that “force is almost never used to protect civilians under attack” in peace operations with POC mandates.<sup>41</sup> Several inquiries have been conducted into incidents when UN peacekeepers have failed to react to attacks on civilians in their area of operation or to interpose themselves between belligerents.<sup>42</sup> This has resulted in part from peacekeepers’ inconsistent interpretation of their POC mandates. Military forces have also sometimes been unwilling to follow their rules of engagement, with many arguing that they have insufficient resources and capacity to prevent attacks on civilians. At the same time, even if peacekeepers refrain from proactive protection, recent research has shown that their mere presence can improve the protection of civilians.<sup>43</sup> Moreover, there has been increased attention in recent years on unarmed forms of protection by peacekeeping operations’ police and civilian components.<sup>44</sup>

While POC remains a central pillar of UN peacekeeping, political support for maintaining long-standing peacekeeping operations has waned, and budgetary pressures have mounted, which is leading to the downsizing of several missions. The last time the Security Council gave a new peacekeeping mission a POC mandate was in 2014 (MINUSCA). Currently, only six missions operate under POC mandates.<sup>45</sup> In 2018, the secretary-general issued a directive that required all UN

peacekeeping operations to plan for their transition and eventual drawdown.<sup>46</sup> However, the premature exit of missions before key benchmarks are met could present serious challenges to POC.<sup>47</sup> The transition of missions will also intensify the need for missions to further collaborate with humanitarian, development, human rights, and peacebuilding actors—a key dynamic that needs to be addressed in the Agenda for Protection.

## Political Dialogue and Mediation

While the UN’s political engagement is principally aimed at preventing conflict and mediating peace, it frequently has a corollary impact on reducing violence against civilians. The UN Department of Political and Peacebuilding Affairs (DPPA) supports initiatives like political dialogue and mediation through a variety of mechanisms and processes. DPPA currently manages twenty-four special political missions (SPMs), many of which are mandated by the Security Council. Currently, protection is formally included in the mandate of only two SPMs: the UN Assistance Mission in Afghanistan (UNAMA) and the UN Integrated Transition Assistance Mission in Sudan (UNITAMS). Nonetheless, there has been increased interest in the contribution of SPMs to POC as a less costly alternative to larger peacekeeping operations. Some SPMs have even taken over from UN peacekeeping missions with POC mandates, as in Sudan, where UNITAMS took over from the UN-African Union Hybrid Operation in Darfur (UNAMID) in 2021.

However, DPPA does not have a protection policy and has not defined the protection role of SPMs. At the same time, DPPA has been cautious not to conflate the POC roles of peacekeeping operations with those of SPMs, which are unarmed, civilian missions without the ability to use force. Nonetheless, there are several ways SPMs

41 UN General Assembly, *Evaluation of the Implementation and Results of Protection of Civilians Mandates in United Nations Peacekeeping Operations—Report of the Office of Internal Oversight Services*, UN Doc. A/68/787, March 7, 2014, para. 40.

42 Namie Di Razza, “The Accountability System for the Protection of Civilians in UN Peacekeeping: BOI [Boards of Inquiry] Factsheet,” International Peace Institute, December 2020.

43 See: Alex J. Bellamy and Charles T. Hunt, “Using Force to Protect Civilians in UN Peacekeeping,” *Survival* 66, no. 3 (2021).

44 See, for example: Sebastian von Einsiedel, “Non-Military Protection of Civilians in UN Peace Operations: Experiences and Lessons,” United Nations University Centre for Policy Research, May 2015.

45 These are the missions in the Democratic Republic of the Congo (MONUSCO), South Sudan (UNMISS), Mali (MINUSMA), the Central African Republic (MINUSCA), Lebanon (UNIFIL), and Abyei (UNISFA).

46 UN Secretary-General, “Planning Directive for the Development of Consistent and Coherent UN Transition Processes,” February 2019.

47 For more details, see: Damian Lilly, “Considering the Protection of Civilians during UN Peacekeeping Transitions,” International Peace Institute, January 2021.

contribute to protecting civilians, including through conflict prevention and mediation, cease-fire monitoring, support to security institutions, and promotion of, monitoring of, and reporting on human rights.<sup>48</sup> The Agenda for Protection provides an opportunity to clarify the protection roles of SPMs as part of a system-wide approach. While DPPA may not need to institutionalize protection to the same extent as DPO, it will be important that it outlines more clearly the ways in which SPMs contribute to protection and support protection by other parts of the UN system.

## Development Cooperation

Development actors within the UN are not considered specialized or traditional protection actors in the same way as peacekeepers and humanitarian actors. Some UN agencies such as UNICEF and the UN Population Fund have multifaceted mandates to provide humanitarian and development assistance, with protection included in both. The UN Development Programme, on the other hand, does not use the term “protection” to describe relevant activities such as the promotion of justice, the rule of law, human security, and mine action. Nonetheless, development cooperation plays a critical role in protection. Development actors can help prevent situations from deteriorating into protection crises and ensuring that if a crisis does occur, the relevant protection services are provided. Development actors also assist in transitioning toward the recovery stage once populations face fewer risks and there is less chance of relapse into crisis.

Development actors have increasingly recognized the links between their work and human rights, creating an indirect link to protection. Many UN agencies have adopted a “rights-based approach to

development” since the 1990s.<sup>49</sup> More recently, human rights were central to the 2030 Agenda for Sustainable Development. The 2030 Agenda aims to “realize the rights of all” as a cross-cutting issue relevant to each of the Sustainable Development Goals (SDGs). More explicitly, SDG 5 is dedicated to gender equality, while SDG 16 focuses on peaceful and inclusive societies, covering many dimensions of civil and political rights.<sup>50</sup> OHCHR has undertaken significant outreach to underline the importance of human rights to the SDGs.

In 2018, a series of reforms to the UN development system were initiated, which included strengthening the role of development actors in upholding human rights. These reforms established the Development Coordination Office to provide more strategic coherence to UN development support,

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brought the RC system under the strategic direction of the Executive Office of the Secretary-General, and reinforced the role of RC/HCs.<sup>51</sup> As the focal point of the UN’s political strategy, the empowered RC/HCs will be critical to the success of the Agenda for Protection by

providing strategic coherence and mobilizing the protection interventions of the UN, especially in development contexts.

Nevertheless, of all the areas of work covered by the Agenda for Protection, the contribution of development cooperation to the protection role of the UN is probably the least well-defined yet most crucial to the agenda’s success. Indeed, the UN has faced some of its greatest protection crises in contexts such as Sri Lanka, Myanmar, and Ethiopia where development cooperation has at critical stages been its dominant mode of engagement with national authorities. Determining how to reconfigure the UN’s posture and actions to respond to protection crises in such contexts will

48 See: Dirk Druet, “United Nations Special Political Missions and Protection: A Principled Approach for Research and Policymaking,” International Peace Institute, July 2021.

49 See, for example: Morten Broberg and Hans-Otto Sano, “Strengths and Weaknesses in a Human Rights-Based Approach to International Development—An Analysis of a Rights-Based Approach to Development Assistance Based on Practical Experiences,” *The International Journal of Human Rights* 22, no. 5 (2018).

50 See, for example: Office of the High Commissioner for Human Rights (OHCHR) “Transforming Our World: Human Rights in the 2030 Agenda for Sustainable Development,” 2015, available at [www.ohchr.org/Documents/Issues/MDGs/Post2015/TransformingOurWorld.pdf](http://www.ohchr.org/Documents/Issues/MDGs/Post2015/TransformingOurWorld.pdf).

51 See: UN General Assembly, *Review of the Functioning of the Resident Coordinator System: Rising to the Challenge and Keeping the Promise of the 2030 Agenda for Sustainable Development—Report of the Secretary-General*, UN Doc. A/75/905, June 7, 2021.

be one of the most difficult scenarios the Agenda for Protection will need to address.

While in some cases the reforms of the RC system have made the UN more willing to address protection concerns in development contexts, in other cases protection is still side-lined. In theory, the assistance provided by development actors can give the UN leverage to change the policies and behaviors of host-state authorities on protection issues.<sup>52</sup> But in practice, many development actors prefer a more diplomatic approach.<sup>53</sup> The Agenda for Protection provides an opportunity to clarify how these situations should be dealt with and better integrate development cooperation into the UN's protection strategies, particularly in terms of prevention and recovery.

## Human Rights

Human rights are the basis for many protection actions. The UN's role in promoting the protection, respect, and fulfillment of human rights is, in many ways, the common thread through all the other areas of work that fall within the scope of the Agenda for Protection.

For example, the 2011 Policy on Human Rights in UN Peace Operations and Political Missions outlines how human rights should be integrated into peacekeeping operations and SPMs and gives their human rights components a dual reporting line to both the mission and to OHCHR.<sup>54</sup> Human rights components undertake activities that are recognized as making an important contribution to the overall implementation of mission mandates, including monitoring of, reporting on, and advocacy around human rights violations and technical assistance to host-state authorities.<sup>55</sup> Given the cross-cutting nature of human rights, OHCHR works with all mission components (military, police, and civilian). While such collaboration usually reinforces both human rights objectives and other mission priori-

ties, there can be tensions. For example, the political objectives of a mission may clash with efforts to address more sensitive human rights issues with host-state authorities.

There is also an important relationship between human rights and humanitarian action, and actors in both areas are increasingly collaborating to leverage synergies between their approaches. The monitoring and reporting of human rights violations by OHCHR is an important part of the humanitarian protection cluster's work, and, as noted earlier, OHCHR sometimes chairs the cluster. While the humanitarian approach to protection is, in many ways, complementary to that of human rights actors, their *modi operandi* are different.<sup>56</sup> For example, human rights actors may denounce perpetrators of human rights violations more readily, whereas humanitarian actors are likely to be more cautious given the potential impact on their perceived neutrality and humanitarian access.

Human rights is also a cross-cutting issue within development cooperation. The UN has promulgated guidance on the role of RCs in relation to human rights.<sup>57</sup> To support a rights-based approach to development and provide technical expertise in this area, OHCHR has deployed human rights advisers to RCs' offices in fifty-one countries.<sup>58</sup> The breadth of contexts to which these advisers have been deployed demonstrates the wide scope of situations to which the Agenda for Protection may be relevant.

## Thematic Mandates

In addition to these functional areas for protection across the UN system, there are several thematic mandates and offices within the UN Secretariat that play an important role in the Agenda for Protection. In particular, the Office of the Special Representative of the Secretary-General (SRSG) for

52 See: Damian Lilly, "Protection and the Nexus: Tensions and Opportunities," Humanitarian Practice Network, April 2020.

53 See: Max-Otto Baumann, "Reform of the UN Development System Cries Out for Higher Goals," *PassBlue*, December 8, 2021.

54 United Nations, "Policy: Human Rights in United Nations Peace Operations and Political Missions," UN Doc. 2011.20, September 1, 2011.

55 Ralph Mamiya, "Going Further Together: The Contribution of Human Rights Components to the Implementation of Mandates of United Nations Field Missions," UN OHCHR, October 1, 2020.

56 See: Victoria Metcalfe-Hough, "Collaborative Advocacy between Humanitarian and Human Rights Actors: Opportunities and Challenges," ODI, October 22, 2021.

57 UN Sustainable Development Group (UNSDG), "UNSDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams," January 2017.

58 Human rights advisers work closely with peace and development advisers in resident coordinators' offices given that they work on many overlapping issues.

Children and Armed Conflict and the Office of the SRSG on Sexual Violence in Conflict play important advocacy and reporting roles on these two thematic concerns of the Security Council and coordinate among UN entities involved in these areas. The joint Office on Genocide Prevention and the Responsibility to Protect also supports two special advisers who report directly to the secretary-general and are mandated to raise awareness of and provide technical support on these two issues across the UN, including in the field.

## Challenges to a System-wide Approach

With so many UN entities involved in protection—each with its own comparative advantages, distinct roles, and varying capacities, expertise, tools, definitions, terminologies, policies, strategies, and guidelines—the UN lacks a collective vision or a system-wide approach in this area. While collaboration is occurring, this is often because of the efforts of individual staff rather than established systems and agreed procedures. The Agenda for Protection provides the chance to bring together these disparate strands of the UN's protection activities to deliver a more strategically coherent, predictable, and effective response to those most affected by crises. At the same time, there are important reasons why separate approaches have been developed, and the goal should therefore not be to achieve a uniform approach (which would be unrealistic and not necessarily helpful) but rather to ensure that the collective efforts of the UN in this area are greater than the sum of their parts. To bring about a truly system-wide approach, however, the UN system will need to overcome, or at least manage, many challenges, both external and internal.

## Different Conceptualizations of Protection

As a result of the different approaches to protection, a variety of definitions and operational concepts related to protection are currently used across the UN. Policy discussions on protection frequently descend into theoretical discussions about these differences, which tends to stifle rather than facilitate collective responsibility and action. While the conceptual differences between humanitarian protection, the protection of civilians, human rights, and other related terms should not be dismissed, they must not be exaggerated or used as an excuse for not pursuing a more integrated approach to protection. Indeed, the UN's different approaches to protection all share the same legal framework of international humanitarian, human rights, and refugee law, even if they frame responsibilities differently and emphasize different legal provisions.<sup>59</sup> Most stakeholders consulted for this research did not consider the conceptual differences on protection to be insurmountable or the main barrier to the development of an effective Agenda for Protection.

In view of the important mandate-related and operational reasons why different definitions, notions, and operational concepts of protection have arisen, it may be difficult (and probably unhelpful) for the Agenda for Protection to outline a common, system-wide definition of protection. Nevertheless, these differing conceptualizations are likely to present an obstacle to collective action unless the agenda articulates a collective vision for building a common understanding of protection across the organization. At a basic level, it should clarify who the UN aims to protect, from what kinds of threats, and in which contexts. Most importantly, it needs to define the scope of the actions the UN system will take and the roles of individual entities in addressing protection risks.

<sup>59</sup> For an overview of this legal framework of protection, see, for example: Conor Foley, "Laws and Wars and Rights and Wrongs: The General International Legal Framework Relevant to Protection," in *UN Peacekeeping Operations and the Protection of Civilians*, Conor Foley (Cambridge: Cambridge University Press, 2017).



## Organizational Cultures, Operational Principles, and Ways of Working

The Agenda for Protection must contend with the reality that protection in the UN involves a myriad of personnel and areas of technical expertise across numerous entities. It should be equally applicable to UN peacekeepers and humanitarian workers on the front lines who are in regular contact with the people most directly affected by protection risks and to UN leadership and officials at headquarters engaged in dialogue with member states on protection concerns. The breadth of UN entities involved means that the Agenda for Protection must deal with significantly different organizational cultures, operational principles, and ways of working. For example, while collaboration between military and human rights personnel in peacekeeping missions is generally positive, differences in organizational cultures—particularly in approaches to handling sensitive information about human rights violations and violators—sometimes inhibit cooperation.<sup>60</sup>

The Agenda for Protection should be equally applicable to UN peacekeepers and humanitarian workers on the front lines and to UN leadership and officials at headquarters.

Stakeholders consulted for this research underlined that it is often not the lack of willingness among staff that impedes a system-wide approach to protection; it is the narrow focus of their individual responsibilities, which does not take account of the wider implications of their actions and the need for coordination. While there are many positive examples of collaboration on protection, these often rely on interpersonal relationships and the need to focus on solving specific protection issues. What is missing are incentive structures, accountability frameworks, and institutional systems and procedures to improve coordination among staff in different disciplines and with different expertise on protection. UN leadership could do more to underline the importance of collaboration, reconcile different approaches to protection, and articulate how these approaches are mutually reinforcing.

## Political Considerations

As noted earlier, the current geopolitical context and weakened collective support for multilateral action have made it harder for the UN system to take robust action in protection crises. The UN system's response in any given context and on any given issue is shaped by the level of member-state support, particularly in the Security Council, General Assembly, and executive boards of agencies, funds, and programs. In particular, the current deadlock within the Security Council makes the limited actions that it takes intensely politicized and inconsistent across different crises. For example, while the council has deployed UN peacekeeping operations with POC mandates in response to some crises, it has been unwilling or unable to take the same measures in other comparable situations.

The Agenda for Protection will inevitably need to contend with these political challenges and be calibrated to the support provided by member states. However, it should not become hijacked by political considerations, which have always shaped the UN's actions on human rights. Instead, the agenda should provide the framework for the UN to manage these influences and pursue more predictable responses. Senior UN leadership will need to think carefully about how to present the Agenda for Protection to member states to ensure that it does not get derailed. This will require learning from the experience of HRuF, which became politicized, as noted previously.

To avoid politicization, the UN could frame the agenda as part of a broader initiative rather than only in terms of the most sensitive protection issues that impact the sovereignty of states. Being part of the Common Agenda, which has already received member-state support, will help in this regard. Emphasizing that a principal objective of the Agenda for Protection is to improve internal strategic coherence and efficiency on protection

<sup>60</sup> See, for example: Adam Day and Charles T. Hunt, "Protecting Together: Lessons from Mali and South Sudan on Coherence between Human Rights and Military Components in UN Peace Operations," United Nations University Centre for Policy Research, 2021.

may also help mitigate backlash. Nonetheless, as it will be impossible to insulate the agenda from external political influences, the UN Secretariat needs to carefully explain it to build a constituency of supportive member states.

In developing the Agenda for Protection, the UN also needs to recognize that UN entities have different approaches to dealing with host governments and parties to conflict at the field level. For example, in mission settings where the UN is engaged politically to facilitate a peace process, there can be tensions between those defining the UN's political strategy and those wanting to take a robust approach to address protection concerns with host governments.<sup>61</sup> There can also be tensions between humanitarian and development actors. Humanitarian diplomacy is likely to emphasize respect for the humanitarian principles of neutrality, impartiality, and independence, which may require humanitarian organizations to distance themselves from having too close a relationship with national authorities. On the other hand, national authorities are the primary partner of UN development actors, who often provide them direct financial assistance, which can make them more reluctant to address sensitive protection issues. The Agenda for Protection will need to acknowledge these different political considerations for the UN entities concerned and accommodate their different approaches.

## Policy, Strategic, and Operational Priorities for the Agenda for Protection

Promoting a system-wide approach to protection across all relevant UN entities is not an easy task, and there are legitimate challenges that will need to be addressed, though these are in no way insurmountable. To add value to the UN's current work on protection by providing an overarching approach, the Agenda for Protection will have to address several policy, strategic, and operational priorities. This does not require uniformity but rather better coordination of existing efforts. The UN does not lack the tools it needs for protection; the problem is that these tools have not been

consolidated into a coherent, common strategic approach. This section sets out some of the policy, strategic, and operational areas where consolidation will be required.

## A Broad Scope for the Agenda for Protection

Strengthening the UN's efforts to respond to the worst forms of harm to populations, including atrocity crimes, should be at the core of the Agenda for Protection. To only address the worst harms, however, would make the focus too narrow. The agenda should equally focus on preventing situations from reaching this level of crisis and promoting recovery to avoid relapse into violence. Likewise, the agenda should apply not only to situations of armed conflict but also to other forms of violence, including violence related to political repression and civil unrest. It should also apply to human rights violations during other kinds of crises such as public health emergencies (as seen during the COVID-19 pandemic).<sup>62</sup>

To take a comprehensive view of protection crises, the Agenda for Protection will need to outline the contexts to which it applies and the different phases of UN interventions. More importantly, it will need to provide a framework for how the UN can reconfigure its posture as it moves between phases of crises including the transitions between mission and non-mission settings. Toward this end, it will be important to situate the Agenda for Protection within the Common Agenda and the broader landscape of related UN initiatives, including the Call to Action for Human Rights and other initiatives to strengthen multilateral action.

## Robust and Principled Leadership

From the secretary-general at headquarters to SRSGs and RC/HCs in the field, leadership is critical to providing strategic direction and an enabling environment for protection in the UN system. UN leaders have taken some important steps to strengthen the organization's resolve and commitment in this area. By launching the Call to

61 Ralph Mamiya, "Protection of Civilians and Political Strategies," International Peace Institute, May 2018.

62 See: Guterres, "We Are All in This Together."

Action for Human Rights, the secretary-general has communicated that human rights are central to the UN's work. Similarly, in the vision statement he presented to member states before his confirmation to his second term in office, he underlined the centrality of the human rights agenda to the UN and pledged to put more emphasis on prevention.<sup>63</sup>

Despite these commitments, many are concerned that protection has not been sufficiently prioritized by UN leadership. Recent research has revealed that senior UN leaders have become less committed to protection and have taken a more cautious approach, in part due to decreased support for multilateral action among member states.<sup>64</sup> The secretary-general has also been criticized (including by former senior advisers) for bowing to political pressure from member states in the face of human rights concerns.<sup>65</sup> Many stakeholders consulted for this research felt that the lack of senior-level leadership on protection in the UN makes it difficult for more junior staff to take bold actions at the strategic and operational levels.

The UN's most outspoken voice on protection issues is often the high commissioner for human rights, but they often face backlash from member states for their stances. Several other UN principals are also involved in different aspects of protection. The introduction of the Executive Committee (of UN principals) and Deputies Committee (of UN deputy principals) was meant to bring together these principals to streamline decision making and provide a forum for regularly reviewing the UN's actions in crisis settings. However, it is unclear to what extent these committees are providing strategic direction and support for those leading UN protection efforts at the field level, according to stakeholders consulted as part of this research. These structures need to ensure that the UN has a unified voice on protection and tackles the most challenging issues collectively rather than leaving

this to individual entities.

The responsibility for leading UN protection efforts at the field level is determined by the type of UN presence: if a peace operation is present, leadership rests with the SRSG; in other contexts, it rests with the RC/HC. In contexts with UN peace operations, SRSGs frequently face a trade-off between addressing protection and human rights issues with host-state authorities and advancing political engagement on peace-related issues.<sup>66</sup> Often coming from a development background, RC/HCs are frequently viewed as risk-averse, preferring a conciliatory approach with host governments and prioritizing the provision of assistance over speaking out on protection issues.

The Agenda for Protection provides an opportunity to spell out the expectations of leaders and articulate their roles and responsibilities on protection.

There is little incentive for UN leadership to address challenging protection risks when the results are uncertain and when they do not think they will be adequately supported by headquarters.

There have been efforts to change this incentive structure by improving the performance management system for senior UN leaders and incorporating considerations related to protection and human rights into it. For example, the UN Management and Accountability Framework includes actions that RCs are expected to take on human rights, while SRSGs and RC/HCs sign annual compacts that include commitments on a range of issues, including protection.<sup>67</sup> The Agenda for Protection provides an opportunity to spell out the expectations and articulate these leaders' roles and responsibilities on protection. It could also provide a framework for them to use when balancing trade-offs between political, humanitarian, security, development, and human rights considerations. The agenda should also explicitly set out the ways in which UN headquarters will support robust actions by leaders in the field, as well as the incentive structures and competency frameworks to measure performance.

63 António Guterres, "Restoring Trust and Inspiring Hope: The Next Five Years for the United Nations," United Nations Office of the President of the General Assembly, March 23, 2021.

64 Mark Bowden and Victoria Metcalfe-Hough, "Humanitarian Diplomacy and Protection Advocacy in an Age of Caution," ODI, November 25, 2020.

65 Lynch, "U.N. Chief Faces Internal Criticism Over Human Rights."

66 Mamiya, "Protection of Civilians and Political Strategies," p. 1.

67 See, for example: UNSDG, "UN Management and Accountability Framework of the UN Development and Resident Coordinator System," September 2021, available at <https://unsdg.un.org/resources/management-and-accountability-framework-un-development-and-resident-coordinator-system>.



## Holistic Analysis of Protection Risks

The starting point for responding to a protection crisis is an analysis of the protection risks. There are a variety of ways that this currently occurs within different parts of the UN system:

- **Human rights:** Human rights actors are constantly monitoring human rights violations and determining where a protection response is required. Additionally, to contribute to early warning, the secretary-general's special advisers on the prevention of genocide and on the responsibility to protect have developed a Framework of Analysis for the Prevention of Atrocity Crimes that outlines the risk factors for genocide, crimes against humanity, and war crimes.<sup>68</sup>
- **Humanitarian action:** Humanitarian actors have developed a broader analytical framework for identifying protection risks in terms of the threats civilians face, their vulnerability to these threats, and their capacity to respond. Based on this approach, in 2021, the Global Protection Cluster published a Protection Analytical Framework for producing regular protection-related analyses.<sup>69</sup>
- **Peace operations:** Peacekeeping missions are required to conduct protection risk assessments as the basis for their POC strategy using a risk-based model similar to the one developed by humanitarian actors. The model usually involves “hot-spot” mapping to prioritize locations where civilians are under threat.<sup>70</sup> While SPMs do not produce stand-alone protection analyses, they include relevant issues in their political analyses, drawing on their human rights monitoring.
- **Development:** Development actors frame their protection analysis in terms of the rights and protection risks that need to be addressed through development cooperation. They

The Agenda for Protection will need to establish how the UN system can produce a holistic analysis of protection risks and possible interventions in any given context.

feature this in the common country analysis (CCA) they are required to produce as part of their planning.

Despite the diverse ways in which the UN identifies protection risks, there are few formal processes for recording and analyzing them holistically. Regardless of their differing methodologies and roles, it is important that all UN entities have a common understanding of the protection challenges in any given context. Such an analysis is needed not only for UN leadership to take timely action when crises occur and to brief member states accordingly but also to facilitate joint interventions on the ground to address specific concerns. The regional monthly reviews introduced as part of HRuF were an attempt to provide such a system, albeit with mixed results and a narrow, headquarters-level focus. And while all UN entities

are required to feed information into the CCA, this analysis is limited to development assistance and not relevant to day-to-day operational decisions. The Agenda for Protection will need to establish how the UN

system can produce a holistic analysis of protection risks and possible interventions in any given context.

## Integrated Planning on Protection

Strategic planning for protection risks is another area that is fragmented across the UN. In recent years, protection strategies have proliferated, but there is no overarching planning framework that unites them:

- **Human rights:** In addition to OHCHR's internal organizational planning, UN country teams often develop human rights strategies.
- **Humanitarian action:** Humanitarian actors plan their protection interventions through protection clusters and their humanitarian response plans (HRP). Given the desire to

68 See: United Nations, “Framework of Analysis for the Prevention of Atrocity Crimes: A Tool for Prevention,” 2014.

69 See: Global Protection Cluster, “Protection Analytical Framework Q&A,” available at [www.globalprotectioncluster.org/wp-content/uploads/Protection-Analytical-Framework-QA.pdf](http://www.globalprotectioncluster.org/wp-content/uploads/Protection-Analytical-Framework-QA.pdf).

70 UN DPO, “The Protection of Civilians in United Nations Peacekeeping Handbook,” 2020, pp. 81–94.

make protection central to the humanitarian response, humanitarian country teams (HCT) are also required to develop protection strategies under the IASC protection policy of 2016.<sup>71</sup> There are also individual plans for various humanitarian sectors, including on gender-based violence and child protection.

- **Peacekeeping:** All UN peacekeeping operations with POC mandates are required to develop a whole-of-mission POC strategy that outlines the actions of their military, police, and civilian components to address threats to civilians.<sup>72</sup> While developing the framework for these strategies, the Secretariat debated whether its scope would be system-wide and therefore also include the actions of UN agencies, funds, and programs.<sup>73</sup> However, there were concerns among humanitarian agencies that a joint strategy with UN peacekeeping operations could undermine respect for the humanitarian principles of neutrality, impartiality, and independence. Therefore, parallel and complementary approaches to strategic planning were adopted: peacekeeping operations have mission-wide POC strategies, and humanitarian actors have their own protection strategies (as outlined above), both of which reference coordination with the other.
- **Development:** Development actors' protection interventions (often framed around human rights) are planned by RCs' offices through UN sustainable development cooperation frameworks, which outline the ways the UN will support host-state authorities to achieve the SDGs.<sup>74</sup>

While these strategies are often complementary, they can also overlap with or duplicate each other, and there is frequently a lack of clarity as to who is responsible for doing what. For example, most UN entities engaged in protection monitor and analyze protection risks, but there are no formal

procedures for deciding which of them is responsible for advocating to duty bearers to address these risks with ad hoc arrangements used. HRuF required UN field presences to develop action plans to apply the initiative, but few such plans were developed, and there was no accountability mechanism to ensure their implementation.

Given its cross-cutting nature, protection requires an integrated approach to planning that defines a common vision and fosters joint actions, interventions, and programming. This does not necessarily need to take the form of a stand-alone, system-wide protection strategy. Among the stakeholders consulted for this research, there is a strong desire not to develop more strategies, the utility of which many consider questionable. Strategies on cross-cutting issues tend to remain theoretical exercises without practical applications unless they are linked to the design of actual programs and interventions, the allocation of resources and capacity, and clear accountability frameworks.

Instead, those consulted for this research recommended strengthening the protection dimensions of existing integrated planning processes in the UN. Many stakeholders noted that where UN missions are integrated, it is easier to achieve a system-wide approach to protection, and roles and responsibilities are clearer.<sup>75</sup> In 2018, over half of the UN system's total expenditures went toward integrated mission contexts.<sup>76</sup> In integrated missions, UN field presences are required to develop an integrated strategic framework that outlines the UN's collective efforts to help shift from conflict to peace, including activities on protection.

However, a recent review of UN integration commissioned by the Executive Committee identified significant institutional obstacles, including the lack of incentives or accountability mechanisms to promote or enforce integration.<sup>77</sup> The study found that integrated strategic frameworks are

71 IASC, "Policy on Protection in Humanitarian Action, 2016."

72 See: UN Department of Peacekeeping Operations (DPKO) and Department of Field Services (DFS), "Framework for Drafting Comprehensive Protection of Civilians (POC): Strategies in UN Peacekeeping Operations" (on file with author), 2011.

73 This approach had been adopted by MONUSCO and it was considered whether it could be replicated in other contexts.

74 See: UNSDG, "United Nations Sustainable Development Cooperation Framework—Internal Guidance," June 3, 2019.

75 See, for example: Victoria Metcalfe, Alison Giffen, and Samir Elhawary, "UN Integration and Humanitarian Space: An Independent Study Commissioned by the UN Integration Steering Group," ODI and Stimson Center, December 2011.

76 Jordan Ryan, "Review of Integration Final Report" (on file with author), 2021.

77 Ibid.

rarely implemented because they are not linked to the allocation of resources and recommended that they be accompanied by a business case. This review of integration will now be followed by the revision of the UN integration policy, providing an opportunity to coordinate this process with the development of the Agenda for Protection.

Planning on protection is also critical during the transition and eventual downsizing of UN missions, an issue that will need to be addressed by the Agenda for Protection. In such contexts, missions need to reconfigure their protection capacities and ensure the smooth transition of responsibilities to host-state authorities or other UN entities that will remain in the country. As the transition from UNAMID to UNITAMS has shown, there is limited guidance on protection in such situations.<sup>78</sup> As part of the UN's integration project, DPO is currently leading an initiative to provide further thinking on this issue, including in relation to the planned transition of MONUSCO in the Democratic Republic of the Congo.

System-wide planning on protection is equally important in non-mission settings, where sustainable development cooperation frameworks are often the dominant UN planning tool and may not take into consideration protection and human rights concerns. In such contexts, contingency planning on protection is critical to ensure that the UN is prepared should the situation deteriorate rapidly into a protection crisis. It is particularly important that the UN has a dynamic process for monitoring protection risks and agrees on specific interventions to take should the situation deteriorate. There are currently limited tools for planning for such scenarios.

In recent years, there has been increased attention on the need to strengthen collaboration between humanitarian, development, and peace actors to simultaneously address immediate needs and risks

and long-term vulnerabilities, especially in protracted crises. This so-called “nexus approach” can be used to increase the cohesion of planning between the different UN actors involved in protection.<sup>79</sup> This includes the development and articulation of “collective outcomes” by these different actors that define their joint efforts, which are then inserted into relevant planning frameworks.<sup>80</sup> The Global Protection Cluster is currently producing guidance for its field protection clusters in this area. The Agenda for Protection will need to explain how integrated planning on protection should be undertaken throughout these different planning frameworks and phases of crisis.

## Predictable Processes for Determining and Scaling Up Protection Responses

Protection requires an integrated approach to planning that defines a common vision and fosters joint actions, interventions, and programming.

The UN's protection risk assessment should determine its protection response in any given crisis. This response should be commensurate with the severity of the risks identified and calibrated to the

specific challenges encountered. However, rather than being based solely on risk assessments, political support from member states also determines the parameters of what the UN can do, especially when it comes to interventions like the deployment of UN peace operations that are mandated by the Security Council or other political bodies. Waning political support for the UN's protection work has also put financial pressure on the organization's ability to respond predictably to protection threats. UN offices within the Secretariat are reliant on the UN assessed budget, which is approved by member states. With several member states unsupportive of the human rights work of the UN, this can make it difficult to secure funding even for individual staff positions focused on protection. With many UN peacekeeping missions in transition, their budgets are coming under increased pressure, which can limit the scope of their protection work. UN agencies, funds, and

<sup>78</sup> See: Lilly, “Considering the Protection of Civilians during UN Peacekeeping Transitions.”

<sup>79</sup> This approach was laid out in the New Way of Working, launched at the World Humanitarian Summit in 2016. See: Lilly, “Protection and the Nexus: Tensions and Opportunities.”

<sup>80</sup> The IASC has developed guidance on the elaboration of collective outcomes. See: IASC, “Policy: Light Guidance on Collective Outcomes,” June 2020.

programs working in the humanitarian and development sectors receive voluntary funding from member states, which gives them greater latitude to determine their field presence on protection. However, they also face funding challenges; for example, the protection sector of humanitarian responses is perennially underfunded, both in absolute terms and relative to other humanitarian sectors.<sup>81</sup>

While the Agenda for Protection will have to account for these political and financial constraints, it should not be defined by them. Instead, it should be seen as an opportunity to bring strategic coherence and predictability to the UN's protection efforts. In this regard, the Agenda for Protection should frame and set out the entire menu of protection interventions that the UN will endeavor to provide for populations at risk in any given context. In doing so, it should underline the importance of adopting a people-centered approach. There is a tendency for the UN to coordinate its protection response based on different entities' institutional competencies, which are predetermined and formulaic and thus not necessarily tailored to the needs of those most at risk. Setting out the full range of protection tools would allow the UN to consider more systematically which interventions are best suited to the context at hand.

Ideally, this menu of interventions should be set out in an overarching UN policy on protection which currently does not exist separate to what does for each UN entity.<sup>82</sup> The need for a UN policy on protection has been mooted during discussions on the Agenda for Protection. Many stakeholders consulted for this research felt that such a policy would be hard to achieve given the divergence of views on the issue and they did not consider it to be an immediate priority. However, whether in a stand-alone policy or not, the Agenda for

Protection needs to articulate the collective responsibility of the UN on protection, clarify the different roles of all relevant UN entities in fulfilling this responsibility, and establish a framework for implementing them as part of a holistic approach.

It is also important that the Agenda for Protection includes systems and procedures to scale up interventions once a crisis erupts. The UN has a poor track record in this regard, with few tools and mechanisms available to respond rapidly and effectively to dynamic situations. For example, in Myanmar, it took more than six months after the coup in 2021 for protection experts to deploy to the RC/HC's office, and more than a year later, the capacity of OHCHR is the same as when the crisis began.<sup>83</sup> This reflects the shortcomings of the current system, where capacity mobilization relies on the goodwill and interests of different UN entities rather than agreed procedures.

Other parts of the UN already have more predictable systems in place for rapidly increasing their capacities in the event of a crisis. For example, the humanitarian sector has procedures whereby all aid agencies that are part of the IASC operate according to common protocols for calibrating their operational response to the severity of the emergency.<sup>84</sup> For UN peace operations, inter-mission arrangements are used to bring capabilities and personnel from one mission to another when a crisis occurs. Similar systems could operate across the UN to increase protection capacity and ensure a system-wide response that is commensurate with the scale of the violations. Reaching a threshold of "ongoing atrocity crimes" should trigger a common UN response, with all UN entities scaling up their actions and dedicating appropriate levels of resources. Emergency rosters could be used to deploy staff with the skills and experience to handle specific crises. For example, the UN could make far

The Agenda for Protection should frame and set out the UN's entire menu of protection interventions in any given context.

81 See: Norwegian Refugee Council and Global Protection Cluster, "Breaking the Glass Ceiling: A Smarter Approach to Protection Financing," November 2020.

82 The UN Human Rights Due Diligence Policy, which was adopted in 2011 and requires all UN entities to carry out a risk assessment prior to providing support to state security forces to ensure they do not contribute to human rights violations, is probably the only system-wide policy on protection albeit on a niche area of UN support. See: Anthony Cardon and William Lifongo, "Human Rights and UN Engagement with SSR," in *The United Nations and Security Sector Reform: Policy and Practice*, Adedeji Ebo and Heiner Hänggi, eds. (Geneva: Geneva Centre for Security Sector Governance, 2020).

83 For an overview of the UN's human rights response following the coup in February 2021, see: Lilly, "The UN Response to the Human Rights Crisis After the Coup in Myanmar."

84 IASC, "Protection Standby Capacity Project (ProCap)," available at <https://interagencystandingcommittee.org/protection-standby-capacity-project-procap>.



greater use of existing rosters such as the Protection Standby Capacity Project in the humanitarian sector and Justice Rapid Response for human rights investigations.<sup>85</sup> The Agenda for Protection will need to set out crisis-response mechanisms to fill these gaps and coordinate among rosters as well as the long-term arrangements needed to address prolonged crises.

## System-wide Coordination on Protection

There is currently no clarity on which UN entity has the overall technical lead responsibility to ensure system-wide coordination on protection. Depending on the issue and the context, there are several UN entities involved in coordination on protection. For example, while OHCHR leads on human rights across the UN, UNHCR leads the protection cluster in most humanitarian settings, while DPO leads on protection in peacekeeping contexts. The coordination responsibilities of these entities within their specific areas of work are widely understood and should remain. However, there is no single UN entity formally responsible for—or at least empowered to bring about—a system-wide approach to protection at the technical level. This makes the UN's protection efforts less coherent and undermines potential synergies. While relevant UN entities do collaborate on some level, their collective efforts to address common protection challenges could be enhanced.

For humanitarian action, the Office for the Coordination of Humanitarian Affairs (OCHA) is mandated to provide inter-agency coordination across all relevant agencies while the recently established Development Coordination Office (DCO) is now playing a similar role for development cooperation. There should be an equivalent lead for the UN's protection response. The logical candidate to fulfil this task, given its mandate and field presence, is OHCHR, which already works with most other UN entities on human rights issues more broadly. OHCHR is also the nominal focal point for the Agenda for Protection. However,

many stakeholders consulted for this research were not confident that OHCHR could perform this role effectively. It already lacks adequate resources to carry out its tasks as mandated by the Human Rights Council, and it is not designed to coordinate in the same way as OCHA or the DCO. However, these shortcomings could be addressed and there is probably no other single UN entity that could play such a role. The only alternative is to establish a specialized unit within the Executive Office of the Secretary-General at headquarters while increasing the capacity of the offices of SRSGs and RC/HCs at the field level.<sup>86</sup> However, these offices already handle a wide breadth of issues, and it would be difficult to provide them with the capacity needed to coordinate protection across the UN system.

Whether it is OHCHR or another arrangement, the Agenda for Protection will need to clarify what entity is responsible for system-wide coordination and what resources they require to execute this responsibility. As a first step, it will be important to outline what coordination functions and tasks are necessary to implement the range of measures included under the Agenda for Protection. The overall approach to coordination should be light-touch and therefore the requirements to perform this role might not necessarily be too burdensome. While the Agenda for Protection is a UN-only initiative, the organization works in partnership with many external actors on many parts of its protection work. It will also be important to outline how the UN will coordinate and partner with these other actors as well.

## A Results-Based Approach to Protection

As the UN's institutional approaches to protection have evolved in recent years, there has been increased scrutiny of the results they are achieving. It is not easy to measure the results and impact of protection action; it often requires proving that something did not happen, and, when change can be identified, it is not always possible to attribute it to the action being taken, especially in relation to prevention.<sup>87</sup> There are also no clear yardsticks

<sup>85</sup> For more details, see: *Ibid.*; and Justice Rapid Response (JRR), "JRR Expert Roster," available at [www.justicerapidresponse.org/what-we-do/jrr-roster/](http://www.justicerapidresponse.org/what-we-do/jrr-roster/).

<sup>86</sup> For example, a small unit was established within the Executive Office of the Secretary-General to coordinate the implementation of the UN Disability Inclusion Strategy.

<sup>87</sup> See, for example: Ian Christopolos and Neil Dillon, "Evaluation of Protection in Humanitarian Action," Active Learning Network for Accountability and Performance (ALNAP), October 25, 2018.

against which the UN's actions on protection can be measured—something comparable to the SDGs, which set clear objectives for the UN's development cooperation in support of national authorities. As a result, protection is often defined as an aspiration for the UN rather than a measurable outcome.

Nonetheless, various protection-related monitoring systems have been developed within the UN system. For UN peacekeeping operations, POC is included among the benchmarks that missions must report on to the Security Council to measure their progress in achieving mandated tasks and to guide their eventual drawdown. POC is also included in the Comprehensive Planning and Performance Assessment System (CPAS), which is an evidence-based platform to track progress in mandate implementation. Within the humanitarian sector, agencies are required to report against common indicators relevant to their protection programs, which are included in humanitarian response plans. The NGO network InterAction has developed a results-based approach to protection that has been adopted by several humanitarian organizations.<sup>88</sup> Political, development, and human rights entities also must report on their contribution to protection through their regular reporting.<sup>89</sup>

However, there is no overall process for tracking the results—let alone the impact—of the UN's collective actions to protect crisis-affected populations. For example, there is no UN-wide system for tracking basic protections risks like the number of civilian casualties, including deaths and injuries from violence. The secretary-general's annual reports to the Security Council on the protection of civilians in armed conflict have underlined the importance of such civilian casualty monitoring, and UN field presences in Afghanistan and elsewhere have developed relevant systems. However, the implementation of such systems varies from one context to the next, and there is no

There is no overall process for tracking the results—let alone the impact—of the UN's collective actions to protect crisis-affected populations.

system-wide model.<sup>90</sup> A priority of the Agenda for Protection will therefore be to establish a system for measuring the results and impact of the UN's collective efforts to protect crisis-affected populations. Rather than adding new reporting requirements, it could be more effective to channel existing reporting into a common system. One way to do this could be to ensure that all reporting related to protection feeds into the secretary-general's annual report to the Security Council on POC, which is in many ways the bellwether report on protection.

Along with better reporting, a results-based approach to protection requires greater learning, reflection, and adaption of approaches. There have been several independent inquiries into various types of UN protection responses in different contexts. While important, these inquiries tend to focus on the UN's failings and rarely bring about systemic change. With an organizational culture that does not promote learning from these failings, the UN tends to make the same mistakes again and again. Instead, the Agenda for Protection could call for a system-wide approach to learning from and reflecting on protection, including detailed discussion of past cases. This could take the form of a common system of after-action reviews or evaluations of protection.

## Conclusion and Recommendations

Next year the UN will mark the seventy-fifth anniversary of the Universal Declaration of Human Rights, potentially with a world conference on human rights.<sup>91</sup> This provides an opportunity to reassert the UN's responsibility to protect civilians, especially in contexts like Ukraine, Myanmar, and Ethiopia where they are exposed to extreme levels of violence.

<sup>88</sup> See, for example: InterAction, "MindShift: A Collection of Examples That Promote Protection Outcomes—A Results-Based Protection Initiative," June 29, 2021.

<sup>89</sup> The Universal Periodic Review (UPR) is a unique process for reviewing member states' records in fulfilling their human rights obligations under the auspices of the Human Rights Council. However, the UPR concerns the performance of member states rather than that of the UN system.

<sup>90</sup> See, for example: Hana Salama, "A Missing Mandate? Casualty Recording in UN Peace Operations," Small Arms Survey, June 2020.

<sup>91</sup> Guterres, "Restoring Trust and Inspiring Hope: The Next Five Years for the United Nations."

If the UN is to meaningfully protect crisis-affected populations, it requires an ambitious Agenda for Protection that provides a clear vision of what forms of protection these populations can expect from the organization. To address past failings, the Agenda for Protection should also include not only a statement of intent but also a clear plan to make the systemic and structural reforms necessary to better equip the UN to address protection crises. A piecemeal approach is unlikely to improve performance and will only result in additional inquiries into situations where the organization has failed to act robustly, further eroding its credibility and moral authority. A truly transformative approach is required. In the last few years, the UN has reformed its peace and security pillar and its development system. The Agenda for Protection provides a similar opportunity to make far-reaching reforms with respect to protection.

At the same time, the Agenda for Protection needs to be implementable and add value to what the UN is already doing, both at headquarters and, most crucially, in the field. There is a tendency in the UN to establish new structures to coordinate cross-cutting issues, which then become self-serving without enhancing systems that already exist. The acid test of any reforms under the Agenda for Protection should be whether they enhance the UN's response to protection crises at the operational level. While some restructuring may be necessary and some new processes may be required, these should be kept to a minimum and build on what already exists rather than replace it. Reforms should streamline existing structures, bringing together the fragmented approaches to protection and consolidating protection tools across the UN when this adds value. The challenge will be to make the UN's collective contribution to protection greater than the sum of its parts. Toward this end, the UN could consider the following recommendations as it develops and implements the Agenda for Protection:

- **Establish a clear vision statement and a commitment to protect:** The Agenda for Protection should include a clear vision statement grounded in the principles of the UN Charter. This statement should articulate the

The challenge will be to make the UN's collective contribution to protection greater than the sum of its parts.

biggest protection challenges the UN foresees in the years to come and how it will deal with them. Given that states have the primary responsibility for protection, the agenda must be realistic about what contributions the UN can make. However, it should demonstrate the commitment and resolve of the organization, from senior leadership to individual staff members. It should also underline that protection is a collective responsibility of the whole UN system, with each relevant part of the organization working together and with external partners. While articulating that prevention is the best form of protection, the agenda should also establish that the UN will respond robustly when crises do occur, commit to the recovery of crisis-affected populations, and address the root causes of crises in the long term.

- **Set out a common framework of protection measures:** The Agenda for Protection should set out the scope of situations and scenarios in which it will be applied and include a common framework of protection measures the UN can take to protect crisis-affected populations, ideally in the form of a system-wide policy on protection. While the measures taken in response to any given crisis will always be context-specific, the UN should clarify to populations under threat what actions they can expect to see from the UN in a range of areas and along a spectrum from prevention to response to recovery. To identify which protection measures are required in any given situation and ensure a holistic approach, a common system for analyzing protection risks to populations should be developed using standard diagnostic and analytical tools.
- **Designate and resource a system-wide lead entity on protection:** While leadership of the Agenda for Protection clearly resides with the secretary-general, relevant UN principals at headquarters, and SRSGs and RC/HCs at the field level, there is no system-wide lead entity on protection at the technical level. The Agenda for Protection should clarify the institutional arrangements for system-wide coordination on protection and outline the



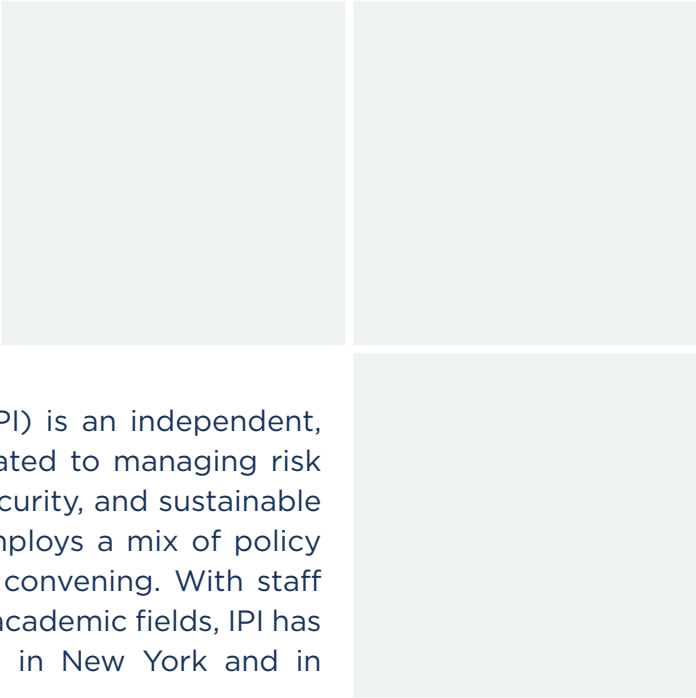
functions that this will entail. A first step is to assess the different options, including the establishment of a section within OHCHR headquarters or the Executive Office of the Secretary-General with the sole responsibility of providing such coordination (similar to OCHA's role on humanitarian action and that of DCO on development). Whichever arrangement is chosen, it should be properly resourced. At the field level, terms of reference should be drawn up for a system-wide protection coordinator to serve as the technical lead on protection and coordinate all UN entities around a system-wide response, with a reporting line to either the SRSG or the RC/HC, depending on the context. In most mission settings, this protection coordinator would be the existing OHCHR representative, while in non-mission settings it would be a human rights adviser or another such position in the RC/HC's office (which could entail creating such a position if it does not already exist).

- **Outline procedures to scale up the response in the event of a protection crisis:** While the primary objective of the Agenda for Protection should be to prevent crises from occurring, it should also outline how the UN should respond quickly to avert further bloodshed if a crisis does occur. Based on similar systems used in other parts of the UN, this would involve detailing the responsibilities of different UN entities to scale up their response as part of a system-wide approach. While the scope of the agenda will cover many forms of protection crises, the commission of atrocity crimes should be the threshold that triggers the secretary-general to direct all UN entities to mobilize their resources and capacities to respond with a common plan. The Executive and Deputies Committees should be responsible for overseeing the scaling up of the response. There should also be mechanisms for

coordinating the different rosters for deploying staff into crisis situations to ensure the right capacity is available at the right time.

- **Develop an implementation plan and accountability framework:** The Agenda for Protection should not be just a strategic document clarifying the UN's intention to strengthen its protection response; it should also be accompanied by an implementation plan that sets out how this intention will be realized. At the field level the execution of this plan does not need to take the form of a system-wide protection strategy, given that many strategies already exist. Instead, it could lay out a common set of protection priorities and outcomes that all UN field entities will work together to achieve. It will also require a clear accountability framework that sets out which UN entity is expected to take which action in various protection scenarios, as well as guidance on how to improve integrated planning at the field level among all relevant UN entities.
- **Consolidate the reporting of protection results:** To demonstrate that it is adding value to the UN's current approach to protection crises, the Agenda for Protection should lay out a consolidated system for reporting results. Such a system should build upon, rather than duplicate, the reporting that is already taking place. A common set of indicators should be developed that cuts across all the UN's approaches to protection. Each field presence should be required to produce a simple score card of the results it is achieving, the challenges it faces, and the corrective measures it is taking to address these and regularly submit these to the Executive and Deputies Committees. The collective efforts of the UN on protection should also be reported annually through the secretary-general's report to the Security Council on the protection of civilians in armed conflict.





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