

# **INCORPORATING PROTECTION INTO HUMANITARIAN ACTION: APPROACHES AND LIMITS**

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## **ABSTRACT**

Protection has become very much in vogue in the humanitarian community. Policies, manuals, guidelines, and training courses on protection abound for working with conflict- and disaster-affected populations. Conferences are organized; articles, books, and studies are devoted to protection.

But civilians are still deliberately targeted as a strategy of warfare and civilians continue to suffer from serious human rights violations. Even as humanitarian actors develop more sophisticated policies on protection, the question remains about the extent to which humanitarian actors can protect people from bombs, attacks, and blockades, especially when confronted with overwhelming force, as in Darfur, Tibet, Burma/Myanmar and the occupied Palestinian territory. Protection is defined in different ways by different actors and the number of actors working on protection has mushroomed. Defining protection in practice remains elusive.

Protection issues in the areas of operation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) have usually been considered as unique to that context, and most academics writing about international protection usually focus on the International Committee of the Red Cross (ICRC) or the Office of the United Nations High Commissioner for Refugees (UNHCR) with perhaps a few generalizations about other humanitarian actors. This paper attempts to bridge this divide by looking at UNRWA's contributions to operationalizing protection as well as to what other humanitarian actors can learn from UNRWA's protection efforts.

This paper examines both the conceptual dilemmas of understanding protection and the challenges of operationalizing protection. Particular attention is paid to the role of international actors in protecting conflict-affected populations and the implications of engaging in protection for humanitarian principles. While references are made to UNRWA's efforts to expand the protection space for Palestinians under its mandate, the emphasis is placed on the parallels between the protection challenges facing UNRWA and those confronting humanitarian actors in other contexts.

## **Introduction**

The concept of protection, once largely the preserve of international law experts, has entered the mainstream of humanitarian action. Humanitarian agencies have developed policies, manuals, guidelines, and training courses on protection for working with conflict- and disaster-affected populations. Staff have been hired, assessment tools have been developed, protection monitoring teams have been put in place, and protection clusters have been organized in some 30 countries. Conferences have been organized; articles, books, and academic studies are devoted to protection; even logos have been designed.

The increasing emphasis on protection by humanitarian actors reflects an understanding that providing assistance to people whose security is threatened is not enough. But there is still a gap, and perhaps a widening gap, between the all-embracing concept of protection developed by the International Committee of the Red Cross (ICRC) and adopted by the Inter-Agency Standing Committee and realities on the ground. While conceptual understandings of protection have come a long way in the past decade or so, the fact remains that many of beneficiaries of humanitarian action are still attacked, harassed, maimed, killed, bombed, burned, or raped. In spite of increasingly sophisticated understandings of humanitarian protection, there are limits to the ability of humanitarian actors to protect people who are either caught in the crossfire between conflicting parties or who are seen as a useful target for military action.

There are others here – actually most of the other participants here – who are far more knowledgeable about the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in protection than we are. And the studies on protection (and on UNRWA generally) in the recent edition of *Refugee Survey Quarterly* provide a comprehensive overview of the protection challenges the Agency faces as it enters its seventh decade.<sup>1</sup>

Thus, in this paper we thought it might be useful to step back from the specificities of UNRWA's particular protection strategies and to look at the evolution of the concept of protection, its relationship to humanitarian action, the ways it is being used by others, and finally the limits of protection by humanitarian actors.

## **Protection and the origins of the modern international humanitarian system**

The understanding of protection in modern political and humanitarian discourse is shaped by three historical strands. Emerging in the middle of the nineteenth century were principles of humanitarianism and the development of international humanitarian law (IHL) intended to protect non-combatant military personnel and later civilians affected by war and armed conflict. In the middle of the twentieth century, refugee law was developed to protect people who had left their countries because of fear of persecution and whose governments were unable or unwilling to protect them. After World War II, international human rights law developed as a cornerstone of the new international order; governments were now obliged to protect their citizens during times of peace as well as during conflict. This protection role now became a matter of international obligation, not just a private matter between a state and its citizens. All three of these legal traditions originated in Europe in response to particular historical events and all served the political interests of the major powers of the time. All

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<sup>1</sup> *Refugee Survey Quarterly*, *UNRWA and the Palestinian Refugees Sixty Years Later*, vol. 28, nos. 2-3, 2010.

three were codified as universal legal obligations which have subsequently been accepted by the vast majority of the world's governments. Although implementation of the binding legal instruments has been (and probably always will be) uneven, the concept that people have a right to protection has become central to the international system.

While international humanitarian law regulates the protection of persons and the conduct of hostilities in armed conflict, international refugee law focuses specifically on protecting persons who have fled their countries because of persecution. International human rights law consists of standards that states must abide by in their treatment of persons both in times of peace and war.

Each of these three strands of law includes binding international agreements which spell out the persons to be protected, the standards of protection, and the parties responsible for providing the protection. All of them chip away at the notion of state sovereignty – the cornerstone of the international system since the Peace of Westphalia in 1648. Moreover, each of these strands is identified with a particular international institution: the International Committee of the Red Cross (ICRC) is the guardian of international humanitarian law, the United Nations High Commissioner for Refugees (UNHCR) has a supervisory role for the 1951 Refugee Convention; the UN Commission on Human Rights, reconstituted in 2005 as the Human Rights Council, oversees various implementation mechanisms for human rights instruments.

The recognition that certain groups have particular unmet protection needs has led to new policies, norms and initiatives. Thus in 1998, the *Guiding Principles on Internal Displacement* were presented to the UN Human Rights Commission to uphold the rights of people forced to flee their communities but who remained within the border of their own countries. Over the past decade there has sometimes been tension between those advocating on behalf of particular groups such as women, children and internally displaced persons (IDPs) and those arguing that singling out groups for special attention means that others are left out. The evolution of the concept of protection of civilians and increasingly an emphasis on vulnerability analysis on the operational level is a response to some of these criticisms.

The changing political context resulting from the dissolution of the Soviet Union in the early 1990s led to an expectation – a hope – that these normative frameworks could be used as the basis for a more active response by the international community to prevent atrocities, crimes against humanity and genocide. In the early 1990s, calls for 'humanitarian intervention' emerged to respond to conflict and widespread human suffering in Somalia. The 1994 genocide in Rwanda and the outbreak of a bitter war in the Balkans galvanized political and humanitarian actors alike to look at new ways of protecting civilians caught up in conflicts not of their own making. Beginning in 1999, Security Council resolutions have routinely included protection of civilians in the mandates of UN peacekeeping missions and in its own deliberations. The broader concept of 'Responsibility to Protect' (R2P) emerged as a possible framework for international action to prevent atrocities and respond to people whose lives were threatened. In 2005 the World Summit unanimously endorsed the concept of R2P.

This increasing focus on protection by both humanitarian and political actors was complemented by developing concepts of human security (which emerged out of the development discourse), by increasing attention to economic, social and cultural rights (within the human rights community), by efforts to develop accountability mechanisms (such

as the International Criminal Court), and by a plethora of reform efforts within the UN system to increase its coherence and effectiveness.

Taken together, these trends are evidence of a growing consensus that the international community – political and humanitarian actors alike – has a responsibility to protect people. It is probably true that the existing protection instruments and bodies, such as the myriad conventions and covenants, the ICRC, UNHCR, and UNICEF, could not have come into existence without the support of powerful states that saw some political advantage to these instruments. However, it is also true that the concept of protection has become a powerful tool for defending some of the most vulnerable members of society from the actions of their own governments.

Without going into too much of the definitional issues around protection, we note that there are basically two approaches to defining or conceptualizing protection. The first emphasizes physical security and safety. People are kept safe when they are not attacked or threatened with physical violence. People are kept alive when they have adequate basic assistance such as food and water. The emphasis here is on the physical integrity of the human being. A second, and increasingly dominant, view of protection within the humanitarian world goes beyond a focus on physical security to emphasize the full range of human rights of affected individuals. It does not suffice, this argument goes, to keep people alive without assuring their rights to medical care, food, education, shelter, water, livelihoods and dignity. In a process initiated by the ICRC and eventually adopted by the Inter-Agency Standing Committee, protection was defined as:

“All activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law, namely human rights law, international humanitarian law and refugee law.<sup>2</sup>

One of the trends in the past decade or two in humanitarian action has been the incorporation of human rights standards into both operational programming and standards for humanitarian action.<sup>3</sup> Rights-based programming, though far from universal (note for example IFRC and MSF’s concerns) is becoming much more common and complements the increasing focus on protection by humanitarian agencies. Protection means ensuring the full respect for the human rights of the individual. But, if taken seriously, incorporating a human rights dimension into humanitarian work is more than just using rights language or referring to international human rights instruments. It means seeing people not primarily as beneficiaries in need of assistance, but as people with rights and, therefore, claims on humanitarian actors.<sup>4</sup>

For organizations committed to humanitarian principles, a focus on human rights and prioritizing protection brings with it the risk of politicizing humanitarian action – which by its very definition, is intended to be neutral and non-political.

## **Protection and humanitarian action**

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<sup>2</sup> ICRC, *Strengthening Protection in War: A Search for Professional Standards*, 2001.

<sup>3</sup> The Sphere Project, *Humanitarian Charter and Minimum Standards in Disaster Response*, The Sphere Project: Geneva, 2004 (revision forthcoming in 2010). IFRC, *The Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief*, <http://www.ifrc.org/publicat/conduct/>

<sup>4</sup> This recognition has given rise to various initiatives designed to increase the accountability of humanitarian actors to the beneficiaries, such as the Humanitarian Accountability Partnership ([www.hapinternational.org/](http://www.hapinternational.org/)) and development of various guidelines and policies ( Also see Action Aid’s Field Protection Manual, <http://www.actionaid.org.au/field-protection-manual.html>)

The organizing principles of the Red Cross/Red Crescent movement have become central to the humanitarian enterprise. These seven principles include three principles which relate exclusively to the movement itself,<sup>5</sup> but the other four principles have been hallmarks of humanitarian assistance throughout the international community. In fact, when people refer to humanitarian work, they usually refer to work carried out under the commitment to the principles of:

*Humanity*: motivated solely by a desire to prevent and alleviate human suffering

*Impartiality*: to relieve the suffering of individuals solely on the basis of their needs with no discrimination as to nationality, race, religious beliefs or political opinions;

*Neutrality*: to not take sides in hostilities or “engage at any time in controversies of a political, racial, religious or ideological nature;”

*Independence*: to maintain their autonomy from governments.<sup>6</sup>

Engaging in a rights-based approach and mainstreaming protection in humanitarian action raises questions about humanitarian principles themselves.

There is a fine line to draw between engaging in protection activities – which can be quite political – and maintaining the humanitarian principle of neutrality. For humanitarian actors, asserting the rights of people often means confrontation with governments or armed actors. Humanitarian actors dependent on major powers for funding often face questions about independence, particularly in conflict situations in which the funding government is also a party to the conflict and sees humanitarian assistance as a means to achieving its objectives. Perhaps the most striking example of this has been in the U.S. in the context of the Bush Administration’s war on terror and later in its military operations in Iraq. In the words of former Secretary of State Colin Powell (in the wake of September 11<sup>th</sup> in October 2001), NGOs “are such a force multiplier for us, such an important part of our combat team.”<sup>7</sup> Interestingly, when ICRC developed professional standards for protection work,<sup>8</sup> it did not include standards on neutrality or independence in recognition of the fact that many organizations involved in protection are unable to meet these standards. Rather, it emphasized the principles of impartiality and humanity.

Questions about the principle of impartiality have come up in the context of the UN’s integrated missions in which all UN agencies are to work in support of common objectives. This means that humanitarian actors are expected to act in support of a joint mission, rather than to distribute assistance on the basis of need alone. There may be good reasons for targeting assistance in a particular region to support a peace-making initiative, but when

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<sup>5</sup> Unity: there can be only one Red Cross or Red Crescent Society in any country and the national society must be open to all and carry out humanitarian work throughout its territory. The Red Cross/Red Crescent movement is a voluntary one, not prompted by desire for gain. And the principle of universality stresses that the Red Cross movement is a worldwide one in which all national societies have equal status and responsibilities.

<sup>6</sup> International Federation of Red Cross and Red Crescent Societies, “The seven Fundamental Principles,” <http://www.ifrc.org/what/values/principles/index.asp>

<sup>7</sup> Colin L. Powell, “Remarks to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations,” US Department of State, 26 October 2001, available at [www.state.gov/secretary/rm/2001/5762pf.htm](http://www.state.gov/secretary/rm/2001/5762pf.htm)

<sup>8</sup> ICRC, *Professional standards for protection work carried out by humanitarian and human rights actors in armed conflict and other situations of violence*, 2009, <http://www.icrc.org/web/eng/siteeng0.nsf/html/p0999>

factors other than human need enter into operations, the principle of impartiality is eroded.<sup>9</sup> For example, there were complaints from humanitarian actors in Liberia that the Special Representative of the Secretary-General (SRSG) had encouraged refugees and IDPs to return to “ill-prepared home areas so that they could vote in mission-supported elections.” And in cases such as Afghanistan, humanitarian actors decry the use of assistance as a form of public relations in support of political objectives.”<sup>10</sup>

Hence, the alliance between protection and humanitarian principles is a somewhat uneasy one, and the uneasiness increases when we look at what protection means in practical terms.

## **Protection strategies**

There are several different approaches which are used in protecting people from physical harm. Basically protection is assured by either decreasing the threat or increasing the ability of the affected community to respond. To take an example from natural disasters, protecting people from the effects of a hurricane can be done either by ensuring that people live in safe homes in safe places or by teaching them evacuation procedures. In the case of conflict, threats can be prevented by peace agreements (the parties to a conflict stop fighting and thus decrease the likelihood that civilians will be hurt), deterrence measures (from putting armed guards around a refugee camp or by prosecuting war crimes so that military forces will think twice before massacring civilians), or instituting measures to ensure respect for international humanitarian law during combat operations (as when Judge Advocate General officers advise US troops on minimizing civilian casualties) or in negotiations with armed groups based on international standards (as when both the government and insurgents agree to respect the neutrality of a given village in Colombia).

Humanitarian actors are generally not good at ensuring the physical security of people by decreasing the threat posed by armed groups. Rather, they have emphasized protection activities which build the capacity of communities to withstand threats. And rather than acting ‘before’ the fact, they tend to react ‘after’ the violence has occurred. For example, UNHCR does not generally protect refugees by getting governments to agree to stop persecuting political opponents; rather, it provides legal protection by ensuring that refugees fleeing persecution will not be sent back to countries where their lives would be in danger. Programs to protect women from sexual and gender-based violence often focus on training women about their rights and providing services to women victims of violence rather than on preventing such attacks in the first place.

Some of the strategies humanitarian actors employ include:

*Protection by presence.* A long-standing mantra in the humanitarian world has been that international and non-governmental organizations protect people by being physically present

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<sup>9</sup> Although integrated missions have become the norm, humanitarian actors have worked hard to secure space for their independent, impartial and neutral action. Espen Barthe Eide et al., *Report on Integrated Missions: Practical Perspectives and Recommendations*, Independent Study for the Expanded UN Executive Committee on Humanitarian Affairs Core Group, May 2005. See also: Adele Harmer, “Integrated Missions: A Threat to Humanitarian Security?” *International Peacekeeping*, vol. 15, no. 4, August 2008, pp. 528-539.

<sup>10</sup> Espen Barth Eide, Anja Therese Kaspersen, Randolph Kent and Karen von Hippel, “Report on Integrated Missions: Practical Perspectives and Recommendations,” May 2005.

and visible.<sup>11</sup> UNRWA's Operation Support Officers (OSOs) are a prime example of this. When international staff are witnesses, authorities and non-state actors are less likely to abuse civilians and armed attacks on refugee camps are less likely. Visibility also instills confidence in the civilians whom the agencies protect and, when conducted correctly, can build the society's trust of the mission.<sup>12</sup> But there are limits to protection by presence in many situations.<sup>13</sup>

*Protection by assistance.* This is the dominant way in which humanitarian actors seek to protect people. By providing basic relief (food, water, shelter, medical care), people can physically survive. Women are not forced into prostitution and kids are safer from forced recruitment when there are adequate assistance and educational facilities. Increasingly humanitarian actors are incorporating protection into their assistance work, in basic yet innovative ways, such as providing \$20 fuel-efficient stoves to IDPs in Darfur, to cut costs and the demand for firewood, thereby protecting women from the susceptibility of rape as they venture out to collect firewood.<sup>14</sup>

*Protection by supporting communities to protect themselves.* This could include, for example, working with communities to prepare evacuation plans, mine awareness programs, human rights training, rape prevention programs, or capacity-building programs.<sup>15</sup> The ICRC, for example, has on occasion helped protect people by evacuating them from areas where they were under attack as in Sri Lanka in 2009. Community Protection Committees have been set up and trained on emergency preparedness and legal issues related to displacement in Gaza.<sup>16</sup> Casey Barrs has compiled an inventory of some 400 different types of actions which communities have used to protect themselves and has indicated ways in which international actors can support these actions.<sup>17</sup>

*Protection by advocacy.* Advocacy can be used in different ways and on various levels to protect communities and individuals at risk. On one level, there is advocacy with governments and society at large to build an environment which respects international legal standards, including international humanitarian law. There are the also often behind-the-scenes negotiations with armed parties to protect people and to enable distribution of assistance.<sup>18</sup> Another level of advocacy consists of drawing attention to human rights

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<sup>11</sup> See for example, the studies carried out between 2006 and 2008 by the Humanitarian Policy Group of the Overseas Development Institute, <http://www.odi.org.uk/projects/details.asp?id=353&title=protection-practice>; Also see Inter-Agency Standing Committee, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, Geneva, 2002. <http://protection.unsudanig.org/data/general/IASC-Growing%20the%20Sheltering%20Tree%20%282002%29.pdf>

<sup>12</sup> Liam Mahony, *Proactive Presence: Field Strategies for Civilian Protection* (Geneva: Henry Dunant Center for Humanitarian Dialogue, 2006), pp. 63-71.

<sup>13</sup> Sara Pantuliano and Sorcha O'Callaghan, "The 'protection crisis': A review of field-based strategies for humanitarian protection in Darfur," Working paper – Humanitarian Policy Group Discussion Papers, December 2006, <http://www.odi.org.uk/resources/details.asp?id=230&title=protection-crisis-strategies-humanitarian-darfur>

<sup>14</sup> See for example, the Darfur Stoves Project: <http://darfurstoves.lbl.gov/benefits.html>

<sup>15</sup> Casey A. Barrs, "Preparedness Support: Helping Brace Beneficiaries, Local Staff and Partners for Violence," paper presented at the 2009 Refugee Studies Centre, Oxford University conference on Protection, 2009.

<sup>16</sup> OCHA, *Occupied Palestinian territory: Mid-year review, 2010 Consolidated Appeal*, p. 17, available at: <http://ochaonline.un.org/>

<sup>17</sup> Casey A. Barrs, "How Civilians Survive Violence: A Preliminary Inventory," The CUNY Center, September 2010.

<sup>18</sup> Larry Minear and Hazel Smith, eds., *Humanitarian Diplomacy: Practitioners and Their Craft* (Toronto: UN University Press, 2007).

violations and advocating for a resolution to the conflict. While negotiations with warring parties are often characterized as quiet diplomacy, denouncing human rights violations puts the organization into an adversarial relationship with the party in question. For humanitarian organizations, many of these activities draw into question the humanitarian principle of neutrality. Most humanitarian organizations, for example, do not engage in open human rights reporting – for fear of getting expelled from a country (e.g. 13 NGOs from Darfur in 2009) or because they do not see it as their role. And sometimes they keep their distance from human rights groups visiting countries in which they work. In the case of the occupied Palestinian territory, UNRWA has tread a careful line in detailing the human rights violations it has observed in the the occupied Palestinian territory (West Bank and Gaza Strip) – to the Security Council and in its annual reports to the General Assembly, for example – and continuing to insist on the humanitarian character of its work.<sup>19</sup> The UN’s Office for the Coordination of Humanitarian Affairs (OCHA) produces regular reports and maps on protection, movement and access, which are shared with the humanitarian community, as well as with Palestinian, Israeli and international media and decision makers. OCHA’s contributions to advocacy in the oPt have helped to reduce access incidents – for example, through its initiation of a 24/7 hotline on access issues.<sup>20</sup>

*Protection through legal assistance:* For example, refugees are protected from *refoulement* through their legal status as recognized refugees. IDPs are able to secure a durable solution to their displacement through property restitution which enables them to return voluntarily in safety and dignity. Drawing attention to IHL and human rights law violations by government and non-state actors as well as developing effective mechanisms to end impunity also fall under this rubric.

### **UNRWA: A strategic protection actor**

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was created by the UN General Assembly (UNGA) to respond to a specific refugee situation at a specific point in time, beginning its operations in 1950 as a temporary agency with a three-year mandate.<sup>21</sup> Other major international organizations and UN agencies had been providing emergency assistance, including the ICRC, League of Red Cross Societies, the American Friends Service Committee, UNICEF, and the World Health

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<sup>19</sup> See Rami G. Khouri, “Sixty Years of UNRWA: From Service Provision to Refugee Protection,” *Refugee Survey Quarterly*, vol. 28, nos. 2 & 3, 2009, pp.438-451.

<sup>20</sup> OCHA, *Annual Report 2009*, pp. 112-114, available at: <http://ochaonline.un.org/>. See also, for example, OCHA’s “Protection of Civilians” weekly reports on Gaza and the West Bank and its monthly “West Bank Movement and Access” reports, as well as various fact sheets, available at: <http://www.ochaopt.org/default.aspx>

<sup>21</sup> UNRWA was created to provide assistance to Palestine refugees under UNGA resolution 302 (IV) of 8 December 1949 and the UNGA has repeatedly renewed its mandate in the absence of a comprehensive solution to the Palestine refugee issue. UNRWA employs an operational definition of ‘Palestine refugees’: “People whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.” These refugees and their descendants are eligible for registration with UNRWA, but only refugees living in one of the Agency’s five areas of operation receive UNRWA services. The UNGA has also encouraged UNRWA to provide emergency humanitarian assistance to individuals in its area of operations displaced as a result of the June 1967 war and subsequent hostilities but who do not meet UNRWA’s definition of a ‘Palestine refugee.’ See further: Lance Bartholomeusz, “The Mandate of UNRWA at Sixty,” *Refugee Survey Quarterly*, vol. 28, nos. 2-3, pp. 452-477.



Organization (WHO).<sup>22</sup> Established in November 1948, the United Nations Relief for Palestine Refugees (UNRPR) provided aid to Palestine refugees and coordinated UN and NGO assistance.<sup>23</sup> One month after creating UNRPR, the UNGA established the UN Conciliation Commission (UNCCP) in by its resolution 194 which recognized the refugees' right to return and to compensation "by the Governments or authorities responsible."<sup>24</sup> These and other durable solutions were among the broad scope of issues for which a "final settlement" among the concerned parties was to be facilitated by the UNCCP.<sup>25</sup> As legal scholar Lex Takkenberg notes, two key factors led the UN General Assembly to convene to create another entity to replace UNRPR – UNRWA – charged with assisting Palestine refugees:

"The draft came in response to the announcement that the non-governmental agencies providing relief to the more than 700,000 Palestinians, who had become refugees as a result of the 1948–9 Arab–Israeli War, would be unable to continue the aid operation beyond the autumn of 1949. In addition, during the second half of 1949, the United States as chair of the UNCCP, began seeking alternatives to repatriation as the solution to the plight of the refugees foreseen by the international community."<sup>26</sup>

In contrast to the UNCCP, through the establishment of UNRWA, with the exception of its politically controversial – albeit humanitarian – small-scale resettlement schemes of the early 1950s,<sup>27</sup> the non-political track of assisting Palestine refugees proved far more tenable. Unlike UNCCP, UNRWA's mandate was non-political and not explicitly oriented toward "protection" of Palestine refugees. Indeed, protection was viewed as separate from assistance and was not to be included in UNRWA's mandate.

UNRWA was set up to provide assistance to Palestine refugees – primarily by creating jobs and supporting their local integration – but not to resettle them, nor to seek a political solution to the conflict which had forced them from their communities, nor to protect them. UNRWA was intended as a humanitarian response to over 700,000 women, men and children who became refugees due to the Arab-Israeli war. Politically, UNRWA was intended to provide "stability in a strategically important region by materially assisting the refugees and by preserving the internal security of the Arab states as a bulwark against communist subversion."<sup>28</sup>

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<sup>22</sup> On the ICRC, see Catherine Rey-Schyr, "Le CICR et l'assistance aux réfugiés arabes palestiniens (1948-1950)," *Revue internationale de la Croix-Rouge*, No. 843, Sept. 2001, p. 739-761, available at:

<http://www.icrc.org/web/fre/sitefre0.nsf/html/5FZJ3Y>

<sup>23</sup> UNRPR was established by UN GA Resolution 302, A/RES/302 (IV), 8 December 1949, available at: <http://unispal.un.org>.

<sup>24</sup> UN General Assembly, Resolution 194 (III) 11 Dec. 1948, para. 11.

<sup>25</sup> UN General Assembly, Resolution 194 (III) 11 Dec. 1948, para 6. For further analysis on the UNCCP, see: Michael R. Fischbach, *Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict* (New York: Columbia University Press, 2003); Lex Takkenberg, "UNRWA and the Palestinian Refugees After Sixty Years: Some Reflections," *Refugee Survey Quarterly*, vol. 28, nos. 2-3, pp. 253-259, available at: <http://unrwa.org/userfiles/20100610957.pdf>; and Harish Parvathani, "Addressing the 'Protection Gap': UNRWA, UNHCR and the Palestinian Refugees, UNRWA Policy Analysis Unit, Headquarters, January 2004, on file with the authors.

<sup>26</sup> Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon Press, 1998), pp. 253-254.

<sup>27</sup> See Schiff, *supra* note 26, pp. 33-46.

<sup>28</sup> Gil Loescher, *The UNHCR and World Politics: A Perilous Path* (Oxford: Oxford University Press, 2001), p. 56.

Hence, unlike the Office of the United Nations High Commissioner for Refugees (UNHCR), UNRWA's mandate extended only to the provision of assistance to the refugees – and not to international protection. Further excluding the refugees from international protection, when the 1951 *Convention on Refugees* was drafted, it was decided to exclude from the *Convention* Palestine refugees receiving assistance from UNRWA.<sup>29</sup>

However, Lex Takkenberg argues that UNRWA has been engaged in 'international protection' since its inception, identifying the early efforts of the Agency as evidence of this, including the Agency's early relief assistance (health, education and relief programs) and its role in facilitating Palestinians' migration for labor in the region – primarily to Gulf states.<sup>30</sup> He notes that, "Although officially committed to resolution 194, UNRWA's initial attempts towards initiating massive public work projects were tantamount to advocating local integration as an alternative solution to the refugee problem."<sup>31</sup> Takkenberg qualifies the notion that UNRWA has been providing international protection to Palestine refugees by explaining that, "in the absence of an explicit protection mandate similar to that of UNHCR, the more traditional aspects of international protection, often referred to as legal and political protection, were for a long time not expressly addressed by the agency."<sup>32</sup>

More recently, UNRWA has worked to explicitly mainstream protection in its day-to-day activities and overall strategy. UNRWA has endorsed the IASC definition of protection at least since developing its *Interim Programme Strategy for 2008-2009*.<sup>33</sup> UNRWA's *Medium-Term Strategy 2010-2015* further elaborates on the Agency's protection efforts, first by defining protection:

"UNRWA has a mandate to provide 'protection', defined by the UN's Inter-Agency Standing Committee, as "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (human rights law, international humanitarian law, refugee law)". General Assembly resolutions referring to UNRWA have consistently affirmed UNRWA's protection role, by referring to the "valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees"<sup>34</sup> and by encouraging the Agency to "make further progress" in addressing the needs and rights of children and women in its operations, in accordance with respectively, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination against Women.<sup>35,36</sup>

UNRWA's *Medium-Term Strategy* (MTS) notes that absent a "just and durable solution to the Israeli-Palestinian conflict" to ensure full protection of Palestinians' rights in the occupied Palestinian territory (oPt), UNRWA has a major role to play in protection, one of the seven key themes of its work. The document states that UNRWA engages in protection primarily

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<sup>29</sup> For further analysis, see Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, *op cit.*, Chapters II, III, IV, VII. See also: Brenda Goddard, "UNHCR and the International Protection of Palestinian Refugees," *Refugee Survey Quarterly*, Vol. 28, Nos. 2 & 3, 2009. pp. 475-510.

<sup>30</sup> Takkenberg, *The Status of Palestinian Refugees in International Law*, *op cit.* See also: Lance Bartholomeusz, "The Mandate of UNRWA at Sixty," *Refugee Survey Quarterly*, vol. 28, nos. 2-3, pp. 452-477.

<sup>31</sup> Takkenberg, *The Status of Palestinian Refugees in International Law*, *op cit.*, p. 280.

<sup>32</sup> *Ibid.*, p. 280.

<sup>33</sup> Available at: [www.unrwa.org/etemplate.php?id=531](http://www.unrwa.org/etemplate.php?id=531)

<sup>34</sup> The General Assembly also recognized in particular the "valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people, in particular Palestine refugees." See UN General Assembly Resolution 58/93, 17 December 2003, available at: <http://unispal.un.org>.

<sup>35</sup> UN General Assembly, Resolution A/RES/62/104 of 17 December 2007.

<sup>36</sup> UNRWA, *Medium-Term Strategy 2010-2015*, 2009, p. 23, available at: [www.unrwa.org](http://www.unrwa.org)

through two of its strategic objectives outlined in the MTS: “quality service delivery” by integrating protection standards in all aspects of programming and “action on international protection.” This is a very practical definition of protection, and the MTS goes into further detail as to how the Agency has operationalized – and how it seeks to further operationalize – protection.<sup>37</sup>

UNRWA has followed a protection strategy similar to that employed by many NGOs and international organizations: protection by presence, protection by advocacy, and protection by assistance. These strategies have strengthened the resilience of communities and, in the case of the oPt, have mitigated some of the effects of the occupation. UNRWA’s \$4 million Operations Support Officer (OSO) program for the oPt, preceded by its Refugee Affairs Officer (RAOs) program (1988-1996), systematically monitors humanitarian conditions and help to improve UNRWA’s service delivery to Palestine refugees.<sup>38</sup> Part of the OSO team, Protection Officers report regularly on international humanitarian law (IHL) violations affecting refugees, primarily those related to military incursions, armed operations and forced displacement. OSOs also assist OCHA in monitoring and gathering data related to protection, movement and access incidents.<sup>39</sup> The OSO model has also been implemented in Lebanon as part of UNRWA’s efforts to mainstream protection.

Certainly UNRWA is present with affected communities – probably more so than any other humanitarian actor. But presence alone is insufficient to protect people from harm. UNRWA has not been able to stop aerial attacks on civilians, for example in Gaza in December 2008 and January 2009. Perhaps more than any other humanitarian actor, UNRWA’s assistance programs have provided protection of refugees in the sense of keeping them alive for decades. But these programs are still not sufficient to ensure the full physical safety of the refugees and are dependent on relations with the Israeli government. In fact, perhaps more than any other strategy, UNRWA relies on its negotiation skills to protect people. UNRWA has walked a fine line between nurturing good relations with Israel in order to get relief supplies into Gaza or a sick child across a checkpoint and denouncing Israeli actions that harm people.<sup>40</sup>

Of course, UNRWA is not the only international humanitarian actor engaged in protection work in the oPt. In particular both ICRC and OCHA play important roles in protection as do a number of national and international NGOs. Since the 1948 Arab-Israeli war, the International Committee of the Red Cross (ICRC) has been present in Israel and the occupied Palestinian territory, seeking to ensure respect for IHL, in particular its provisions relative to the protection of civilians living under occupation. ICRC’s position, based on the law of occupation is that while the Occupying Power has the right to protect itself, the measures used to do so must allow the occupied population to live as normal a life as possible.<sup>41</sup>

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<sup>37</sup> See UNRWA, 2009, *op cit*.

<sup>38</sup> UNRWA’s RAO program was initiated in the West Bank and Gaza Strip during the first *Intifada*, and operated from 1998 to 1996 and 1994, respectively. See Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, Oxford: Clarendon Press, 1998, pp. 284-295.

<sup>39</sup> Dollar amount is as per budget in 2010 Emergency Appeal for the oPt. UNRWA, *Emergency Appeal 2010*, pp. 31-32, available at: [www.unwra.org](http://www.unwra.org)

<sup>40</sup> Karen Abu Zayd, “UNRWA and the Palestinian Refugees after Sixty Years: Assessing Developments and Marking Challenges,” *Refugee Survey Quarterly*, Vol. 28, Nos. 2-3, 2009, pp. 227-228.

<sup>41</sup> Marcin Monko, “The ICRC in the Palestinian territories: double role, single aim,” *Humanitarian Exchange Magazine*, issue 37, March 2007, p. 2, available at: [www.odihpn.org](http://www.odihpn.org).

With a staff of over 300 in the oPt, ICRC engages in both protection and assistance activities. In 2009, its annual report states that it ‘repeatedly sought compliance by Israel with its obligations under IHL towards the Palestinian population living under its occupation, as well as respect for civilians by Palestinian authorities and armed groups.’ The report goes on to note that over the course of the year, ICRC made more than 1,650 oral and written representations to the Israeli authorities regarding the adverse impact of Israeli policies and practices on the civilian population. ICRC has shared confidential reports with authorities on the treatment and living conditions of detainees and, in 2009, on the conduct of hostilities during military operations in Gaza. In addition, ICRC’s assistance policies in the oPt include support to 30 hospitals, provision of food and essential household items to individuals as well as water, shelter, agricultural, veterinary and micro-economic initiatives. ICRC has made a major commitment to the oPt; in fact its operations there are its second largest in the world (after Darfur).<sup>42</sup>

Established in the occupied Palestinian territory in 2000, OCHA coordinates humanitarian response from the international to local and municipal levels, and engages in strategic planning and coordination on access and protection issues. OCHA supports the Protection Cluster, chairs the Displacement Working Group and produces regular reports and maps on protection, movement and access. OCHA’s advocacy efforts, including through its chairing of the Humanitarian Country Team (HCT) Advocacy Group, have also been key to helping to reduce access incidents for humanitarians as well as in producing common messages across UN agencies on various issues, including most recently for the Goldstone Report.<sup>43</sup>

The lead agencies in the protection cluster in the oPt are the Office of the UN High Commissioner for Human Rights (OHCHR) with support from OCHA, UNICEF and the World Health Organization (WHO). Some 35 implementing agencies, both local and international, participate in the work of the cluster. Activities carried out within the framework of the protection cluster represent a wide range of initiatives from monitoring security incidents to providing legal assistance for reconstruction of housing to monitoring of violence within schools to mine awareness trainings. Since the protection sector was first included in Consolidated Appeals for the oPt in 2007, the highest levels of funding occurred in 2009, at 58 percent.<sup>44</sup> However, it is encouraging that protection has received 58% funding in the \$804.5 million 2010 Consolidated Appeal as of early November 2010.<sup>45</sup>

Other actors working in the oPt have adopted a range of innovative activities intended to protect refugees aside from monitoring and advocacy. For example, the Israeli NGO B’Tselem provides video cameras to Palestinians to document abuses they face, turning them into “citizen journalists” whose broadcasts know no bounds thanks to the Internet and the proliferation of popular social-networking sites.<sup>46</sup> Internationals working as Ecumenical

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<sup>42</sup> ICRC, *Middle East & North Africa - ICRC Annual Report 2009*, pp. 365-369, May 2010, [http://www.icrc.org/web/eng/siteeng0.nsf/html/section\\_annual\\_report\\_2009](http://www.icrc.org/web/eng/siteeng0.nsf/html/section_annual_report_2009).

<sup>43</sup> OCHA, *Annual Report 2009*, pp. 112-114, <http://ochaonline.un.org/ocha2009ar/opt.html>

<sup>44</sup> The “protection/human rights/rule of law sector” (2007-2008) gave way to the protection cluster first activated in January 2009 and formalized in March 2009. Sub-clusters are: Child Protection, gender-based violence, rule of law/justice, mine action, and housing, land and property. For further analysis, see: Susanna Krüger and Julia Steets, *Cluster Approach Evaluation Phase 2 – Country Study: the occupied Palestinian territory*, May 2010, available at: [www.reliefweb.int](http://www.reliefweb.int). For annual funding data, see: OCHA’s Financial Tracking System (FTS) for the oPt: available at: <http://fts.unocha.org/>

<sup>45</sup> Levels of funding for protection/human rights/rule of law sector in Consolidated Appeals as of 2 November 2010: 44% in 2007; 37% in 2008; data from FTS, supra note 36.

<sup>46</sup> B’Tselem, Camera Distribution Project, [http://www.btselem.org/english/video/cdp\\_background.asp](http://www.btselem.org/english/video/cdp_background.asp)

Accompaniers in the West Bank with the Ecumenical Accompaniment Programme in Palestine and Israel (EAPPI) provide protection by presence, accompanying Palestinians and Israelis in non-violent actions.<sup>47</sup>

But there are limits to protecting people through the monitoring of human rights violations and the provision of assistance. The tension between protection and assistance is vividly illustrated by Israel's military operations in Gaza in late December 2008 and in January 2009. Worldwide there has been a worrying trend in attacks on humanitarian workers and installations, and UNRWA has not been immune to this. For example, UNRWA premises, including schools and its compound, were attacked by Israeli forces in Gaza in January 2009—for which Israel paid the UN \$10.5 million in compensation.<sup>48</sup> More recently, extremist groups attacked UNRWA's Summer Games installations in Gaza in May 2010.<sup>49</sup>

### **What can humanitarian actors in other parts of the world learn from UNRWA?**

Many humanitarian actors are working in situations where the government of the affected country is both responsible for widespread violations of human rights and for determining access of humanitarian actors to affected populations, e.g. Sudan (Darfur), Pakistan, Myanmar, Sri Lanka. In particular the protection activities of humanitarian agencies can be a target for governmental retribution and humanitarian actors have to play a low-key role in trying to address the protection needs of affected communities. As in the case of UNRWA, humanitarian actors in these situations rely on presence, assistance, advocacy, and support to local communities. But we are particularly struck by UNRWA's experience in nuancing advocacy efforts to denounce human rights abuses while at the same time maintaining a working relationship with Israeli authorities to enable the Agency to protect individuals in particular situations. This effective balancing is a useful model for humanitarians working in other crises and contexts. Humanitarian diplomacy<sup>50</sup> is not new to humanitarian work, of course, but UNRWA has fine-tuned it to meet a particular context which is unique and merits more careful understanding.

We were also struck with comparisons between some of the challenges of humanitarian work in Bosnia in the mid-1990s and the on-going crisis in Gaza. The Bosnian war (1992-95) led to one of the largest humanitarian operations in the world and required sustained negotiations from humanitarian actors trying to prevent assistance from being politicized. But humanitarian actors were frustrated by the lack of progress in resolving the conflict; while they could deliver assistance (albeit with great difficulties), they were powerless to prevent

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<sup>47</sup> Ecumenical Accompaniment Programme in Palestine and Israel (EAPI), [www.eappi.org](http://www.eappi.org)

<sup>48</sup> Patrick Worsnip, "Israel pays U.N. \$10.5 million over Gaza damage," *Reuters*, 22 January 2010, <http://www.reuters.com/article/idUSTRE60L5S620100122>

<sup>49</sup> For Israel's actions during this period in Gaza, see: UNRWA, "Attacks against the UN in Gaza must be investigated," 25 January 2009, <http://unrwa.org/etemplate.php?id=199>; Goldstone Report (Report of the United Nations Fact Finding Mission on the Gaza Conflict), 23 and 24 September 2009, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/factfindingmission.htm>. For information on compensation for the attacks, see: Amnesty International, "Israel compensation payment to UN ignores rights of Gaza victims," 23 February 2010, <http://www.amnesty.org/en/news-and-updates/israel-compensation-payment-un-ignores-rights-gaza-victims-2010-02-23>; On the attacks on Summer Games installations in May 2010, see: Nidal al-Mughrabi, "Militants attack U.N. Gaza summer camp," *Reuters*, <http://www.reuters.com/article/idUSTRE64MORT20100523>

<sup>50</sup> Larry Minear and Hazel Smith, eds., *Humanitarian Diplomacy: Practitioners and Their Craft* (Toronto: UN University Press, 2007).

attacks on civilians or to bring about an end to the war. This led several observers to refer to Bosnians during the war as ‘the well-fed dead.’<sup>51</sup> Similarly, UNRWA and other humanitarian actors in the occupied Palestinian territory (oPt) are struggling to find ways to assist and protect Palestinian civilians in a context where their role is limited to humanitarian – not political – action. In both Bosnia and the oPt, there were criticisms of donor governments who were unwilling to take the necessary steps to bring an end to the conflict but who responded with massive amounts of humanitarian aid – perhaps as a fig leaf or a guilt-offering for their inability to address the causes of the conflict. But in 1995, the United States and Europe decided to take military action against Bosnian Serbs through NATO, bombing Bosnia and Hercegovina (“Operation Deliberate Force”) for nearly three weeks – an action which forced the parties to the negotiating table and eventually brought an end to the conflict.<sup>52</sup> It was as if the U.S. and European governments reached a point where they realized decisive action had to be taken to bring an end to the conflict. They acted and the conflict ended.

Humanitarian actors are still involved in the Balkans – 16 years after the Dayton Peace Agreement – trying to resolve displacement issues and to support post-conflict reconciliation issues. Addressing the humanitarian consequences of conflict is a long-term enterprise. But the ending of the conflict opened a space for humanitarian actors to do what they do best: assist people to get on with their lives rather than try to protect them in a hostile climate. The demonstration of political will to bring an end to the Israeli occupation has not yet happened and it is undoubtedly more complex and difficult than in the Balkans, in part because the situation has gone on for more than 60 years, because of the highly politicized context of Arab-Israeli relations, because of long-term links between Israel and powerful donor governments, and because of the multiple issues which need to be simultaneously resolved in any comprehensive peace agreement. But the lack of a political solution means that UNRWA and other humanitarian actors continue to operate in the limbo of trying to protect people from forces over which they have no, or at best little, influence.

In terms of its humanitarian work on the ground, there are aspects of UNRWA’s approach which merit further attention by humanitarian actors working in other parts of the world. Many international NGOs and UN agencies rely, like UNRWA, on their national staff to carry out activities, with international staff as the interlocutors or the “face” of the organizations and their key departments. However, none have seemingly perfected this to the degree which UNRWA has, across all fields of its operation. The expatriate leadership of UNRWA makes visible the international concern for Palestinians, enables international advocacy efforts and on-the-ground negotiations with the relevant governments and authorities for humanitarian access and other guarantees under IHL, and provides a protective umbrella under which national staff can carry out their work. UNRWA employs nearly 30,000 staff who are refugees themselves and provide direct assistance as doctors, educators and social workers, which helps to ensure a close relationship between the refugees and the Agency. But UNRWA’s impressive human resources are the result in part of the seemingly intractable nature of the Palestinian refugee situation. In contrast, in other humanitarian contexts, there is often an assumption that solutions will, sooner or later, be found for

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<sup>51</sup> See for example, the *New York Times* editorial of July 1992, <http://www.nytimes.com/1992/07/15/opinion/the-well-fed-dead-in-bosnia.html>

<sup>52</sup> For further analysis, see: Ivo Daalder, *Getting to Dayton: The Making of America's Bosnia Policy*, Washington, DC: Brookings Institution Press, 2000, full text available at: <http://www.brookings.edu/press/Books/2000/dayton.aspx>; Ryan C. Hendrickson, “History - Crossing the Rubicon,” <http://www.nato.int/docu/review/2005/issue3/english/history.html>.

refugees and the agency will move on to another emergency situation. South African refugee programs were closed down after apartheid came to an end. Chilean refugees either returned or found other solutions after democratic regimes replaced the Pinochet dictatorship. Central American refugees returned to their homes following a decade of civil conflict. And UNHCR, for example, needs staff who can respond to refugee needs wherever they occur, even though this results in turnover of expatriate staff in field operations.

The consideration of any humanitarian agency – especially one dependent largely upon voluntary donations such as UNRWA – to expand its eligibility for services is not a decision made lightly. Particularly of note is the Agency’s unwavering commitment to providing services in the face of armed conflict, increasing access restrictions in the occupied Palestinian territory, and resource constraints. But UNRWA’s expansion of eligibility for service delivery has put its work more in line with international standards. Recent examples of this expansion of eligibility include when in 2006, UNRWA began to allow the families of refugee women who are married to non-refugees (MNRs) to access Agency services – although these family members still cannot be registered with UNRWA as this passes patrilineally.<sup>53</sup> The demand for this extension of services is great – and comes with a heavy price tag. UNRWA estimated some 360,000 eligible individuals would stand to benefit from these revised guidelines, at a cost for the Agency’s health department alone of \$7.2 million.<sup>54</sup> In addition, in UNRWA’s 2009 Consolidated Eligibility and Registration Instructions, the Agency included non-refugee wives and *Kafalah*<sup>55</sup> children as eligible for registration.<sup>56</sup> These steps show that UNRWA has sought to improve its efforts to serve Palestine refugees.

## Conclusions

Protection is increasingly becoming a component of humanitarian response to people affected by conflict and natural disasters. This trend is reflected in UNRWA’s increasing acknowledgement of its protection role. In some respects, UNRWA uses strategies similar to those used by other humanitarian actors: protection by presence, by advocacy, and by assistance. But there are important differences. For example, central to UNHCR’s protection of refugees is individual legal assistance and often advocacy to ensure that refugees are not returned to countries where their lives are in danger. Concepts of *non-refoulement* have a bizarre resonance in the Palestinian context where refugees not only believe strongly in their right to return, but where their right to return is enshrined in UN General Assembly Resolution 194.<sup>57</sup> Like the ICRC, UNRWA’s on-the-ground protection work in the oPt relies on its ability to negotiate on a day-by-day basis with the Occupying Power.

<sup>53</sup> UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 2006.

<sup>54</sup> UNRWA, *General Fund Appeal 2008-2009*, January 2008,

<http://www.unrwa.org/userfiles/20100118154134.pdf>. The Health Department accounted for 19% of the Agency’s 545.6 million program budget in 2009 according to UNRWA, “Programme budget,”

<http://www.unrwa.org/etemplate.php?id=248>. As soon as March 2006, several thousand MNR children were accessing UNRWA health services, over 5,000 were enrolled in UNRWA schools, and several hundred MNR families were receiving the Agency’s “special hardship” assistance; see UNRWA note [in English] annexed to UN Human Rights Council, *Promotion et protection de tous les droits de l’homme, civils, politiques, économiques, sociaux et culturels, y compris le droit au développement*, A/HRC/11/42, 16 June 2009, para 8.

<sup>55</sup> *Sharia* law and the Quran prohibit adoption; *Kafalah* is a practice, similar to adoption, which originates in *Sharia* law, as the Quran places importance on care and protection of orphans.

<sup>56</sup> For full details on eligibility, see UNRWA, *Consolidated Eligibility and Registration Instructions (CERI)*, 2009, <http://unrwa.org/userfiles/2010011995652.pdf>

<sup>57</sup> NB: In contrast to Resolution 194, UN Security Council Resolution 242 (1967) does not specifically recognize the right to return, but calls for a “just settlement to the refugee problem.”

There are several problems with the broad definition of protection used in the humanitarian world. The broad definition means that virtually all programmatic work can be considered as protection, from building latrines to registering people to vote to developing good vocational programs. These are all good programs, but by labeling them as protection we have perhaps deluded ourselves into thinking that we are doing more to protect people than we are able to do. Does monitoring the number of rape victims really protect women from being raped? The fact that there is so much protection work going on can also create unrealistic expectations (or cynicism) from affected communities about what humanitarian actors can deliver. Ultimately, by calling everything protection, governments with the power to ensure physical safety of civilians are let off the hook. Probably nowhere is this more clear than in the case of UNRWA and the protection of Palestinian refugees. As a recent article by researchers at the Overseas Development Institute concluded:

“Ultimately, the humanitarian community has limited power in the face of Israeli intransigence. The presence of humanitarian actors is tolerated in so far as they mitigate the humanitarian consequences of the occupation, without having the clout to contest the nature of the occupation or the policies of arbitrary displacement taking place under it.”<sup>58</sup>

There are limits to humanitarian action in protecting vulnerable people. These limitations are evident in all regions for people living in very different circumstances and for a range of actors trying not only to assist people in need but to protect them. From the African Union-United Nations mission in Darfur (UNAMID) to the UN Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), to the humanitarian interventions in Somalia and Yemen, international action has not been able to stop human rights violations. Often humanitarian actors work in areas where governments limit access, such as in Balochistan and other parts of Pakistan, where humanitarians and journalists have been banned from entering. Despite strong international efforts to the contrary, the fact remains that forced and arbitrary displacement are still hallmarks of conflicts, which are often over control of land or resources, and humanitarian actors can only protect civilians to a certain degree.

With this in mind, as conflicts and many displacement situations have become protracted, perhaps it is time for the humanitarian community to scale back expectations of what it alone can do to protect people at risk. While the need for humanitarians will remain a constant around the world, and limitations on humanitarian action will always exist, the models of aid that will serve populations best in the long run are those which shore up national capacity to withstand and mitigate against threats. At the same time, as there are "no humanitarian solutions to humanitarian problems" perhaps it is time to redouble efforts at a political level to ensure that those responsible for protecting people actually do so by pressing harder for accountability and political solutions. This would strengthen respect for international law, international human rights law and international humanitarian law, which would only bolster humanitarian protection efforts.

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<sup>58</sup> Karine MacAllister and Karim Khalil, “Internal displacement in the occupied Palestinian territory,” *Humanitarian Exchange Magazine*, Issue 44, September 2009, <http://www.odihpn.org/report.asp?id=3033>