Protection and the nexus

Tensions and opportunities

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Cover photo: More than 500 camels, goats and sheep visit the borehole according to Abdirashid, a herder in Qodqod village, Somalia. The borehole has been connected to provide water to animal troughs in the village.
Photographer Anisa Hussein Dahir © ICRC

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Introduction

The need to ensure a complementary approach to humanitarian and development assistance has been a long-standing challenge for the international aid system. For people affected by crises, it matters little what label is given to the assistance they receive, and yet the bifurcation of humanitarian assistance and development cooperation has been an enduring policy issue to be addressed by the international community. Given the increasingly protracted nature of many crises and a squeeze on both humanitarian and development funding, there have been renewed efforts to break the silos between these two types of assistance as part of the nexus approach. In particular, the World Humanitarian Summit (WHS) in 2016 ushered in the New Way of Working (NWOW) 'that meets people's immediate humanitarian needs while at the same time reducing risk and vulnerability by working together towards collective outcomes over multiple-year time frames and based on comparative advantage in each context'.[1] Efforts are underway to operationalise the nexus approach at the field level. However, there remains a great deal of uncertainty about what it means in practice, and work is needed to tackle the deep-rooted conceptual, structural, institutional, financial, planning, and other barriers that continue to impede a more joined-up approach to humanitarian and development assistance.

One area of the humanitarian–development nexus[2] that has received less attention has been protection. Indeed, there has arguably been an assistance bias within the debate. This Network Paper, therefore, aims to explain what the nexus approach means for humanitarian protection actors (including members of protection clusters) and how they may begin to address it. Section 1 asks why aid agencies engaged in protection activities have only recently begun to engage more on the issue, when they have not significantly addressed it up until now. Section 2 then explains some of the conceptual similarities and differences between protection within the humanitarian response compared to the development agenda. While there has been almost universal acceptance of the need to ensure greater complementarity between humanitarian and development assistance, there have also been concerns about moving in this direction, which are presented in Section 3. Notwithstanding these reservations, in Section 4 the paper argues that protection should engage with this agenda and outlines key issues to consider regarding collective protection outcomes, as well as the priorities for advancing the nexus approach in relation to protection (in Section 5).

This Network Paper is based on a desk review of relevant literature and interviews with representatives of United Nations (UN) entities, the International Committee of the Red Cross (ICRC), non-governmental organisations (NGOs) and donors working on protection and the nexus approach. It specifically focuses on this latest phase of policy thinking on humanitarian–development cooperation rather than previous attempts to address this issues. It does not include specific case studies, but practical examples are provided wherever possible in text boxes. While there remains a divergent set of views and opinions on the topic, there is broad acceptance that protection actors must address this issue and clarify how it applies to them in practice. Therefore, the paper aims to provide some initial thoughts and considerations for how to take forward future work in this area. It does not, however, provide a broader assessment of the nexus approach beyond considerations related to protection.

1 Commitments to Action, World Humanitarian Summit, May 2016, p. 25 (www.agendaforhumanity.org/sites/default/files/resources/2017/Jul/WHS_commitment_to_Action_8September2016.pdf)

2 This paper deals principally with the humanitarian–development nexus rather than the so-called 'triple nexus', which also includes 'peace' actors. The relationship between protection and peace requires a separate line of inquiry and has been researched fairly extensively. Furthermore, the Global Protection Cluster (GC) has already had a workstream on civil–military coordination for protection with military actors including UN peace operations. See www.globalprotectioncluster.org/wp-content/uploads/GPC-civ-mil-work-plan.pdf.

Chapter 1
Background

1.1 The emergence of the humanitarian–development nexus

Efforts to ensure a more joined-up approach to humanitarian assistance and development cooperation in protracted crises have been ongoing since the early 1990s. The first generation of policy approaches emerged from the humanitarian community in relation to natural disasters, and was concerned with linking relief, rehabilitation and development (LRRD). It was assumed that recovery from crises was a linear process and, therefore, aid should follow a 'continuum' from relief to development. As Buchanan-Smith and Maxwell explained at the time, 'better "development" can reduce the need for emergency relief; better "relief" can contribute to development; and better "rehabilitation" can ease the transition between the two'.[3] Despite some innovations, little progress was made in terms of the institutional obstacles to changing aid delivery. Moreover, the assumption of the LRRD approach that crises – particularly armed conflicts – were a temporary interruption in the normal path towards sustainable development and economic growth proved to be incorrect. The changing nature of armed conflict made violence more cyclical, with a linear transition from war to peace a rare occurrence.

The second generation of policy approaches in the 2000s, therefore, saw a rejection of the continuum concept and its replacement with the 'contiguum' approach, which was based on the understanding that humanitarian and development assistance needed to be provided simultaneously within a crisis.[4] As well as being about linking relief and development, the debate moved on to question how to integrate aid and security, given that development actors increasingly acknowledged that they could not disengage from protracted crises, but rather needed to be present in fragile states to prevent conflict and achieve development goals. At the same time, there was a growth in the number of UN peace operations and greater emphasis on peacebuilding and stabilisation. However, at this time substantive changes in aid responses in protracted crisis to ensure greater complementarity between humanitarian and development assistance remained limited.

The latest phase of policy approaches (since the WHS in 2016) have been prompted by the increasingly protracted nature of crises and the complexity of providing assistance in these contexts. As the number and duration of armed conflicts has increased, the total number of people displaced – both refugees and internally displaced persons (IDPs) – has risen from 43.7 million in 2014 to 70.8 million in 2018.[5] As a result, inter-agency humanitarian appeals now last an average of seven years and the size of appeals has increased nearly 400% in the last decade. In addition, 80% of humanitarian funding now goes to conflict-affected countries.[6] However, most appeals remain underfunded and the volume of humanitarian assistance is insufficient to address all the needs of affected populations. Furthermore, in the absence of adequate levels of development assistance in several contexts, humanitarian actors have found themselves increasingly alone in addressing long-term structural problems, which require different kinds of solution than they are equipped to provide. On the other hand, many fragile states – characterised by protracted conflict – are also unable to make development gains. While development actors[7] have been called upon to engage in such contexts and have created various approaches to do so, there have not been shifts in aid flows to support this. This has been a key factor prompting renewed interest in bridging the humanitarian–development divide.

Faced with these mutual challenges, humanitarian and development actors have been forced to work together more than in the past. The current generation of policy approaches, which aim to join up humanitarian and development assistance, focus on the so-called 'nexus'. This occurs against the backdrop of the 2030 Agenda for Sustainable Development and the adoption, in 2015, by the UN General Assembly of the 17 Sustainable Development Goals (SDGs) with specific targets (169 in total) to be achieved by 2030. With the aim to 'leave no one behind', the SDGs make specific reference to people affected by humanitarian crises, and have offered a common results framework around which humanitarian and development actors can better work together.[8] In his report for the WHS in 2016, the UN Secretary-General called for a new paradigm to 'transcend the humanitarian–development divide by working towards collective outcomes, based on comparative advantage and over multi-year timeframes'.[9]

3 Buchanan-Smith, M. and Maxwell, S. (1994) *Linking relief and development: an introduction and overview*. London: ODI, p. 1

4 Harmer, A. and Macrae, J. (2004) *Beyond the continuum: the changing role of aid policy in protracted crises*. London: ODI, p. 1

5 UNHCR (2019) *Global trends forced displacement in 2018* (www.unhcr.org/statistics/unhcrstats/5d08d7ee7/unhcr-global-trends-2018.html)

6 OCHA (2017) *New Way of Working*, p. 3 (www.unocha.org/sites/unocha/files/NWOW%20Booklet%20low%20res.002_0.pdf)

7 The term 'development actors' has been used in this paper to denote those organisations whose primary goal is to promote economic development and alleviate poverty including the International Financial Institutions (World Bank and International Monetary Fund), bilateral donor governments, relevant UN entities and NGOs.

8 ICVA (2017) 'The New Way of Working explained – an ICVA Briefing Paper', p. 4.

9 United Nations (2016) 'One humanity: shared responsibility', Report of the Secretary-General for the World Humanitarian Summit, p. 29

At the WHS itself – under core responsibility 4 entitled 'Changing people's lives: from delivering aid to ending need' – a Commitment to Action was signed by the UN Secretary-General and seven UN agencies (WHO, UNDP, WFP, UNHCR, UNICEF, UNFPA, OCHA), and endorsed by the World Bank and IOM, to implement a 'new way of working (NWOW)' that meets people's immediate humanitarian needs while simultaneously reducing risk and vulnerability by working together towards collective outcomes

The NWOW is just one of several initiatives in which the nexus approach has now been integrated. The nexus is also a central theme of the Global Compact on Refugees (GCR) (see Box 1), which aims to ensure more predictable and equitable responsibility sharing for large-scale refugee movements and protracted displacement. The Grand Bargain between the UN, NGOs and donors, which emerged from the High Level Panel on Humanitarian Financing and was adopted at the WHS, has also sought to address the humanitarian–development nexus as part of broader efforts to make the humanitarian system more 'fit for purpose'. Similarly, reforms in the UN development system have focused on the need to bridge humanitarian assistance and development cooperation to enable the UN system to more effectively deliver on the SDGs.[10] The debate has also broadened to include peace actors as part of the so-called 'triple nexus' including humanitarian, development and peace.

The key conceptual shift of the nexus approach, particularly the NWOW,[11] has been to move away from viewing humanitarian assistance merely as a means of mitigating human suffering through the delivery of aid, to making it part of a broader effort (along with development assistance) to end humanitarian need by reducing risk and the vulnerability of crisis-affected communities. The formulation of 'Collective outcomes' has become the main vehicle to bridge gaps between humanitarian and development assistance.

To take forward this agenda, a Joint Steering Committee (JSC) to Advance Humanitarian and Development Collaboration was established in 2017. This is chaired by the Deputy UN Secretary-General and convenes all UN principals. The JSC's purpose is to provide uniform, senior-level leadership across the UN system to ensure measurable progress for collective outcomes between humanitarian and development actors, with an initial focus on seven pilot countries. While the NWOW has principally been a UN initiative, the Inter-Agency Steering Committee (IASC) established a Task Team on Strengthening the Humanitarian/Development Nexus involving NGOs and other actors, which has now been replaced by IASC Results Group 4 on Humanitarian–Development Collaboration.[12] In February 2019 the Organisation for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) adopted a Recommendation on the Humanitarian–Development–Peace Nexus, making the issue a policy priority and calling on DAC members to coordinate better across the nexus.[13]

There is a divergent set of views about the added value of the nexus approach and what it means in practice. For several organisations, the nexus approach does not represent anything specifically new, especially for multi-mandated agencies that have always had to ensure complementarity between their humanitarian and development programmes. For others there is the sense that the initiative offers added impetus to the long-standing challenge of breaking down silos between humanitarian and development assistance and ensuring a more joined-up approach. However, it is widely recognised that much still needs to be done to operationalise the nexus approach at the field level. Research by the Center on International Cooperation and the UN University across 13 countries showed that progress has been slow, with application of these new approaches more feasible in some contexts than others.[14] A study by Food and Agriculture Organization, Norwegian Refugee Council, and UN Development Programme on financing the

Box 1 The Global Compact on Refugees

The GCR and Comprehensive Refugee Response Framework (CRRF), included therein, offers some of the most advanced approaches to the humanitarian–development nexus. Adopted in 2018, the GCR's purpose is to increase the predictability and burden-sharing responsibility for mass refugee movements and protracted refugee situations. As part of the GCR, development actors are called upon to step up their support for both refugees and host communities in order to build their resilience and reduce vulnerability. The increased role of development actors, particularly the World Bank, has been one of the most significant changes to the refugee response in recent years. The roll out of the CRRF in several pilot countries has shown that conditions for refugees have improved most when different actors have worked together.

10 'Repositioning the United Nations development system to deliver on the 2030 Agenda: ensuring a better future for all', Report of the Secretary-General, A/72/124–E/2018/3, 11 July 2017, p. 17

11 The NWOW can be described, in short, as working over multiple years, based on the comparative advantage of a diverse range of actors, including those outside the UN system, towards collective outcomes. Wherever possible, those efforts should reinforce and strengthen existing capacities at national and local levels. See OCHA (2017: 6).

12 Before this working group, the IASC had a number of other coordination mechanisms related to humanitarian and development issues, including within the context of the Early Recovery Cluster.

13 OECD (2019) *DAC Recommendation on the OECD legal instruments humanitarian–development–peace nexus*, OECD, 2019 (https://legalinstruments.oecd.org/public/doc/643/643.en.pdf)

14 See OCHA, UNDP, UNHCR, UNICEF, WFP and the World Bank, supported by the Center on International Cooperation (2016) 'After the World Humanitarian Summit: better humanitarian–development cooperation for sustainable results on the ground'.

nexus similarly found that the purpose and scope of nexus approaches are not yet clear at the country level, with several barriers to progress.[15] For its part, UN OCHA has established a team to support the application of the NWOW at field level, while UNDP is deploying nexus advisors to support its roll out. From the interviews conducted as research for this paper, most humanitarian organisations – including those undertaking protection activities – are still figuring out what the nexus approach means for them in practice, and if and how they intend to apply it to their programmes and operations. In reality, it is extremely difficult to break down the established structures and power dynamics that shape the aid system and bring about any kind of reform, hence the slow progress in this area.

1.2 The evolution of humanitarian protection and relevance of the nexus

While protection actors[16] have been involved in previous policy discussions on humanitarian and development cooperation in protracted crises, particularly related to durable solutions for IDPs, they have only recently begun to engage in the latest phase of the debate. Their more pressing priority has been to ensure that protection is made an integral part of humanitarian response, arguably leaving them less time to engage non-traditional protection actors such as development actors. While UNHCR and the ICRC have been mandated to provide protection since their inception decades ago, many other humanitarian organisations only became involved in the protection sector in the 1990s. As a result of a series of workshops organised by the ICRC at this time, the following definition of protection was adopted by the 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, International Refugee law (IRL).*[17]

Following the 2005 Humanitarian Response Review, the IASC established the protection cluster and since then protection has become a sector in humanitarian action, alongside other traditional interventions such as food, health, education, livelihoods and shelter. While the international community has increasingly recognised the need to protect people affected by armed conflicts (and not merely provide them with assistance), the protection cluster has contended with a lack of conceptual clarity about what is meant by protection, with different organisations each concerned with separate elements such as child protection, gender-based violence or human rights. This has meant that articulating a common understanding of what protection means in practice has been difficult to achieve. The tangible results of protection have also been more difficult to pin-point and measure compared to other sectors concerned with delivering material assistance. Given the almost complete disregard for international law by parties to conflict, the protection sector arguably has one of the more insurmountable (albeit critical) tasks within humanitarian response today.

Despite these challenges, the need to protect conflict-affected populations has gained increasing prominence. Protection is viewed as both an outcome, in and of itself, as well as the means to achieving other goals within the humanitarian response. In order to secure senior leadership commitment to protection within the humanitarian community, the IASC adopted a statement on *The centrality of protection in humanitarian action* in 2013.[18] In 2015, this was followed up by an *Independent whole of system review of protection in the context of humanitarian action* to take stock of the challenges to providing protection as part of the humanitarian response and chart ways to improve.[19] The review led to the IASC adopting the first-ever *Policy on protection in humanitarian action* in 2016.[20] A central thrust and requirement of implementing the new protection policy has been the development of Humanitarian Country Team (HCT) protection strategies to ensure that protection is considered across the breadth of the humanitarian response. The Global Protection Cluster (GPC) has also had in place for several years a protection mainstreaming task team to ensure key protection principles are adopted by different sectors.

When considering humanitarian protection actors' other recent priorities – defining their contribution to the humanitarian response, while mainstreaming protection principles in other sectors – it is not surprising that they have not engaged significantly in policy discussions on the nexus approach and enhanced complementarity of humanitarian and develop-ment assistance. This is not to say that they dismissed the importance of the debate. Indeed, after the creation of the Protection Cluster in 2006 there was significant engagement with development actors – including in the context of the Early Recovery Cluster – to develop approaches to durable solution for IDPs. The resulting *IASC framework on durable solutions for IDPs* was a collaborative effort

15 FAO, NRC and UNDP (2019) 'Financing the nexus: gaps and opportunities from a field perspective' (www.nrc.no/resources/reports/financing-the-nexus-gaps-and-opportunities-from-a-field-perspective/)

16 This term is used to mean those members of the protection cluster and those UN agencies and NGOs that are engaged on protection activities

17 Giossi Caverzasio, S. (ed.) (2001) 'Strengthening protection in war: a search for professional standards: summary of discussions among human rights and humanitarian organisations'. Workshops at the ICRC, 1996–2000. Geneva: ICRC

18 IASC (2013) *The centrality of protection in humanitarian action*, 17 December 2013, IASC (https://interagencystandingcommittee.org/principals/content/centrality-protection-humanitarian-action)

19 IASC (2015) *Independent Whole of System Review of Protection in the Context of Humanitarian Action*

20 IASC Policy on Protection in Humanitarian Action, 14 October 2016 (https://interagencystandingcommittee.org/system/files/iasc_policy_on_protection_in_humanitarian_action_0.pdf)

between protection and development actors.[21] Humanitarian protection has also traditionally required close collaboration with those development actors involved in rule of law, human rights and housing, and land and property issues. The IASC protection statement and protection policy both mention the importance of engaging with other actors – including development ones – in order to achieve protection outcomes, albeit briefly and in a cursory way. The third edition of the ICRC-developed *Professional standards for protection work carried out by humanitarian and human rights actors in armed conflict and other situations of violence* also includes a chapter on 'promoting complementarity' in recognition of the need to mobilise other actors to respond to unaddressed protection issues and carry out a joint analysis.[22]

However, despite this previous work and references to the issue in broader protection policy documents, no comprehensive guidance has yet been developed for how protection should be integrated in the nexus approach and what this means for protection actors on a practical level. The GPC Strategic Framework (2016–2019) identified working with development actors as a priority area but did not stipulate how this should happen. The GPC's 2018 annual review acknowledged the need to strengthen linkages with development actors and identified some positive examples; however, it also argued that the policy discussion on the humanitarian–development nexus had ultimately been 'protection blind'.[23] A mapping and synthesis of evaluations on the humanitarian–development nexus conducted by the UN Evaluation Group in 2018 also made no mention of protection.[24] Others have noted the gap in nexus thinking regarding protection given the assistance bias in the 2030 Sustainable Development Agenda.[25] While protection clusters have engaged in the operational challenges of enhancing humanitarian and development cooperation on protection issues, few have developed specific tools or approaches to engage with the nexus. The protection cluster in Ukraine (see Box 2) is one of the few that have published specific guidance on how the issue could be addressed.

This Network Paper, therefore, aims to prompt further discussion by humanitarian protection actors about how they can further engage in the nexus debate. It comes when the GPC has recently finalised its new Strategic Framework for 2020–2024, *Protection in a climate of change*, which refers to the nexus and working with different actors on protection in two of the plan's five strategic priorities. The Framework emphasises the contribution of the nexus approach to the achievement of durable solutions and the need for collective protection outcomes through a number of measures.[27]

Box 2 Protection for development actors in Ukraine

In 2017, the protection cluster in Ukraine organised a series of workshops that brought together humanitarian and development actors to discuss the importance of protection mainstreaming and the incorporation of protection principles, including how they should be operationalised. The cluster produced a note entitled 'Protection for development actors in Ukraine',[26] which outlined how protection principles could be mainstreamed in development assistance in the country to ensure do-no-harm and rights-based approaches were respected. A joint activity, cited in the GPC's 2018 Annual Review, was the development of a free legal aid directory for IDPs and conflict-affected people in Ukraine. As part of the NWOW, collective outcomes were defined and have been included in the Humanitarian Response Plan (HRP), which will soon be multi-year.

21 See IASC (2010) *IASC Framework for durable solutions for internally displaced persons*, The Brookings Institution – University of Bern Project on Internal Displacement. The Framework was followed by a handbook – Global Cluster for Early Recovery (2017) *Durable solutions in practice*.

22 ICRC (2018) *Professional standards for protection work carried out by humanitarian and human rights actors in armed conflict and other situations of violence*, ICRC, 2018, pp. 37–40

23 GPC (2019) *Centrality of protection in humanitarian action, GPC 2018 review*, p. 30

24 UN Evaluation Group (UNEG), FAO, UNHCR and WHO (2018) *The humanitarian–development nexus – what do evaluations have to say? Mapping and synthesis of evaluations*, Working Paper

25 See for example Slim, H. (2017) 'Nexus thinking in humanitarian policy: how does everything fit together on the ground'. Keynote address by Dr Hugo Slim to the World Food Programme (WFP) Annual Partnership Consultation, 25 October (www.icrc.org/en/document/nexus-thinking-humanitarian-policy-how-does-everything-fit-together-ground)

26 Protection Cluster Ukraine (2017) 'Protection for development actors in Ukraine' (https://reliefweb.int/report/ukraine/ukraine-protection-development-actors-august-2017-enruuk)

27 GPC (2020) 'Protection in a climate of change', Strategic Framework, 2020–24, Global Protection Cluster, February 2020

Chapter 2
Conceptual similarities and differences

Having discussed why the humanitarian–development nexus has become more of an issue to be addressed by protection actors, this section examines some of the similarities and differences between the way humanitarians and development actors conceptualise protection.

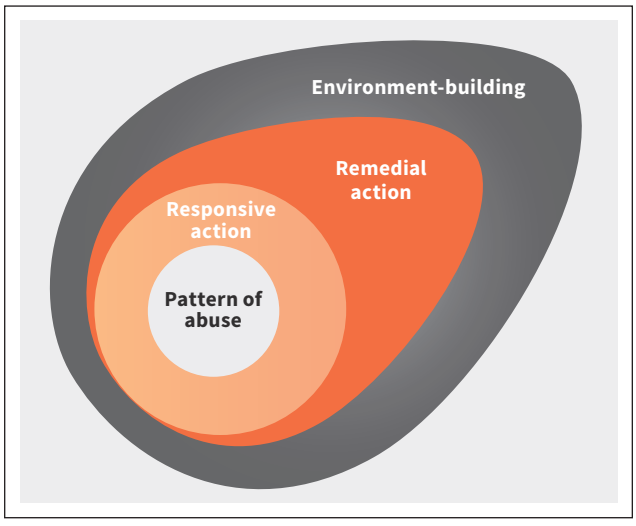
2.1 Protection within the humanitarian response

The aforementioned IASC definition of protection has been the foundation of humanitarian protection work and has been adopted by most organisations involved in such activities, although many consider it too broad to circumscribe what protection action is, and what it is not. The definition clearly states that protection is primarily concerned with ensuring compliance with international law. Certain aspects of protection have also been defined including child protection – which focuses on preventing and responding to violence, exploitation, abuse, and neglect – and therefore not merely restricted to legal responsibilities.

In order to operationalise the IASC definition, the 'egg model' was developed in the 1990s and has been included in the IASC protection policy, outlining three levels of intervention in relation to protection activities:[28]

1. *Responsive action* – which aims to prevent or alleviate the immediate effects of a pattern of abuse resulting from violence, coercion or forced deprivation.
2. *Remedial action* – which aims to assist and support people affected by violence, coercion, or forced deprivation by helping restore dignified living conditions.
3. *Environment building* – which aims to create an environment conducive to the respect of the rights of the individual by changing laws, polices, and structures.

Figure 1 Egg model of protection action



The third layer of action – environment building – initially appears to be the most relevant to the nexus, given the institutional focus of development cooperation on supporting state authorities. For example, providing support to strengthen national human rights institutions or developing national laws to address protection issues are activities in which development actors might typically become involved. Unlike humanitarian actors, they are unlikely to be the first responders to protection incidents – such as violations of international humanitarian law (IHL). However, development actors may become involved in protection activities related to the first two layers in the egg model, for example in relation to responsive action and remedial action. In reality, there is overlap between the protection work humanitarian and development actors do and it is impossible to categorise what kind of activities each actor may exclusively become involved with. While the egg model offers a useful frame-work for analysing what protection actions may fall within the humanitarian–development nexus, it is most likely a combination of the different layers. Instead, it is more useful to think about the added value or comparative advantages that humanitarian and development actors each bring to protection. This is more helpful in defining what activities that they might be best suited to implement.

A further commonly used operational approach to protection[29] is the 'risk-based model of protection' based on the following equation:

Protection Risk = Threat + Vulnerability

The protection needs of affected populations are framed in terms of the risks they face, which are a composite of the specific protection threat they experience as well as their vulnerability to these threats. For example, the protection risk of explosive remnants of war (ERW) is a combination of the threat of physical injury they pose as well as the vulnerability of communities living in proximity to ERW. In turn, protection activities may aim to reduce either the threat or vulnerability. In this case the threat of ERWs may be reduced by their removal, whereas the vulnerability of communities to ERW may be reduced through mine risk education (MRE). This model resonates with the NWOW and collective outcomes that aim to '[meet] people's immediate needs while at the same time reducing risk and vulnerability'. While it is difficult to generalise, humanitarian actors usually

28 IASC Protection Policy, p. 31

29 See Slim, H. amd Bonwick, A. (2005) 'Protection – an ALNAP guide for humanitarian agencies'. ALNAP, p. 52

focus more on reducing protection threats, while development actors are likely to focus more on reducing the vulnerability of communities to those same threats. A further level of analysis in the above model focuses on building 'capacities' and 'resilience' of communities to reduce risk, which has also gained prominence and relevance to both humanitarian and development actors.

2.2 Protection within development assistance

The concept of protection does not exist *per se* within development assistance. However, there are several related concepts linked with development assistance that use different terminology and have similarities with humanitarian protection. In particular, many UN agencies, donors and NGOs have adopted a 'rights-based approach to development' since the 1990s. The premise of this approach is that the denial of rights is a principal cause of poverty and, therefore, promoting actions that help protect and fulfil specific rights is a central strategy for reducing poverty and promoting sustainable development. A sufficiently well-functioning state, however, will often be a precondition for a well-functioning human rights-based approach to development. The SDGs aim to 'realize the rights of all' as a cross-cutting issue relevant to each of the goals. 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 While not all the rights incorporated in the SDGs are relevant to humanitarian crises, many are, and in this sense, may be considered part of the humanitarian–development nexus.

Furthermore, there is significant overlap between the human rights principles (such as participation, accountability and non-discrimination), which are the cornerstone of the rights-based approach to development, and the four protection principles promoted by the GPC that should be mainstreamed throughout humanitarian response (namely, safety and dignity, meaningful access, accountability, and participation and empowerment). Humanitarian and development actors share many of the same protection principles.

The 'rule of law' – a priority for UNDP and UN peace operations – clearly has commonalities with humanitarian protection in terms of ensuring greater compliance with international law. Indeed, rule of law used to be an area of responsibility (AoR) of the global protection cluster after it was first established, but eventually lapsed. Human security, similarly, has long been a concern for development actors and overlaps with the physical security aspect of humanitarian protection. Activities and types of assistance that fall within the scope of these concepts would be obvious components for including protection within the humanitarian–development nexus and there has already been significant collaboration in these areas.

The increasing support provided to social protection systems also has potential for bridging the humanitarian–development divide. For instance, cash-based interventions (CBI) are a central feature of social protection systems, while humanitarian actors have renewed their commitment to cash assistance through initiatives such as the Grand Bargain. At the WHS there were several concrete commitments for scaling up and systematically considering the use of CBI in conjunction with national social protection schemes. More recently, protection actors have also developed approaches to 'cash for protection' to address individuals with the most acute protection needs as well as the protection risks associated with cash programming, with the GPC having established a Task Team on Cash for Protection.

2.3 Overlaps and distinctions

In short, there are a number of inter-related and overlapping protection-related concepts within humanitarian and development contexts. The convergence of these defines the protection dimension of the humanitarian–development nexus. Having said that, it is hard to outline exactly which protection concepts and activities might fall within this space and there are several ways to approach this issue.

For example, a useful starting point might be to outline the respective legal frameworks for protection activities undertaken by humanitarian as compared development actors which are not the same but may provide important insights into the protection dimension of the nexus. In some contexts, for instance Palestine, the protection cluster has already developed legal messages that straddle the different legal frameworks of humanitarian and development contexts. For their part, protection actors have undertaken extensive legal analysis to define the normative framework of humanitarian protection, which is outlined in the annex of the IASC protection policy. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has also mapped out the human rights that need to be protected, respected, and fulfilled for each of the SDGs to be achieved. Although it is beyond the scope of this Network Paper, further research needs to be undertaken on the relative legal frameworks that help define the protection dimension of the humanitarian–development nexus.

Despite the need for greater clarity on these protection concepts, the nexus approach means protection actors are less confined to certain concepts and related activities when devising protection strategies. They can instead develop more holistic and longer-term responses involving a range of actors that will have better and longer-term impacts for affected populations. The nexus approach offers flexibility to address protection issues from their immediate consequences all the way through to their root causes. While this expansive approach is appealing, there is, however, a risk of causing further confusion about whose responsibility it is to address the myriad inter-related concepts on protection. Protection actors have worked hard to communicate a coherent narrative about what protection means for the humanitarian response – this should not be diluted by the arrival of the nexus approach. When engaging with the nexus it will be important to maintain clarity about what protection means for different actors.

Chapter 3
Limits of the humanitarian–development nexus for protection actors

There is widespread support within the humanitarian and development communities regarding the need to ensure more joined-up, complementary and better-coordinated strategies for helping affected populations in protracted crises. Given the interlinking challenges that such populations face, it is imperative that all actors work together more closely towards common goals. Before proceeding to explain how this might happen in practice with respect to protection, it is first important to acknowledge the cautionary voices about the implications of the nexus approach, especially from humanitarian actors keen to preserve their distinct role in such contexts. This section outlines some of the limits for protection actors as well as the challenges and risks it presents.

3.1 A risk to humanitarian principles

While the NWOW policy approach originated from the humanitarian community, the overarching conceptual framework of the humanitarian–development nexus agenda is centred on the 2030 Sustainable Development Agenda and the achievement of the SDGs. While development actors are being called upon to be more active in humanitarian crises in order to address the underlying vulnerabilities of affected communities, humanitarian actors are at the same time being asked to be more transformative in their assistance as an intermediary step towards the achievement of the SDGs. Thus, for some, this new paradigm is not so much about bridging the gap between humanitarian and development assistance, but rather about humanitarianism being absorbed into the development agenda.[30] In their open letter announcing their decision to pull out from the WHS, the NGO *Médecins Sans Frontières* made clear that for them:

> *the WHS's focus would seem to be an incorporation of humanitarian assistance into a broader development and resilience agenda … [this] threatens to dissolve humanitarian assistance into wider development, peace-building and political agendas*'.[31]

Development assistance is state-centred and built around fostering national ownership for development priorities. This is not problematic in benign environments, but in a situation of armed conflict being associated with this agenda raises a number of concerns for humanitarian actors, particularly the potential impact it might have on respect for humanitarian principles of humanity, impartiality, neutrality, and independence.[32] In particular, further engagement (as part of the nexus approach) by humanitarian actors with a state that it is a party to conflict may undermine their ability to act independently and be considered neutral. For protection actors, this translates into a reduced ability to conduct protection monitoring and independently document alleged violations of international law by state actors. The risk to humanitarians' ability to uphold these principles – adherence to which is critical to enabling access and their effective delivery of assistance and services to affected populations – therefore represents an important limit on the extent to which protection actors should become engaged in the nexus approach. While humanitarian and development actors must work to strengthen the complementarity of their assistance, they must continue to preserve the critical distinctions of humanitarian and other forms of action. The challenge is to better reconcile and not ignore these different methods, structures, cultures and objectives of each kind of aid. This will only come about by pursuing a complementarity and comparative approach rather than one of integration and subordination.

3.2 National ownership vs state accountability

While the state is primarily responsible for the protection of its civilian population, in today's conflicts it is frequently either unwilling or unable to fulfil this responsibility. Protection actors must, therefore, be able to act independently to hold state authorities accountable for their obligations under international law. For these reasons, it has been long debated whether it is appropriate for representatives of state authorities to be members of the field protection cluster in a given context. Protection actors seeking to engage with non-state armed groups on protection (given their responsibilities with regard to international law) will undoubtably face consequences for their relationship with state authorities, who most likely classify such groups as illegal under national law. While development actors may at times face similar challenges, they work in quite different ways. For them, the state is their primary partner to advance the development agenda and, to ensure national ownership of this, they must have a close relationship despite any concerns they might have with their human rights record. While development actors promote greater respect for human rights through the rights-based approach, this is with the aim of achieving a broader development goal rather than an end itself, which is the case for protection actors.

30 See for example DuBois, M. (2016) 'The cost of coherence'. MSF Emergency Gap Series 04, December 2016

31 MSF (2016) 'MSF to pull out of World Humanitarian Summit', 5 May (www.msf.org/msf-pull-out-world-humanitarian-summit)

32 See for example Oxfam (2019) 'The humanitarian-development-peace nexus: what does it mean for multi-mandated organisations?' Oxfam, p.11

In many instances advocacy towards state authorities on protection issues will align between humanitarian and development actors. Indeed, conditionalities attached to development assistance can sometimes be used to leverage change. For example, in January 2019, the Ethiopian Parliament adopted a new Refugee Proclamation that accorded refugees the same treatment as Ethiopian nationals regarding access to key social services. The fact that a number of development actors made the adoption of the proclamation a precondition for their funding made a significant contribution to its introduction.[33] However, when state authorities are the principal perpetrators of serious violations of international law and their priorities do not align with those of humanitarians, being too closely associated with them because of the nexus approach may undermine the pursuit of protection outcomes. In northeast Nigeria, for instance, ensuring resilience and durable solutions are key parts of the nexus approach outlined in the collective outcomes in the HRP, yet the Government of Nigeria is a party to the conflict and has had other priorities.[34]

A potential consequence is that protection actors will come under pressure not to address the most egregious violations of international law and instead focus on the less severe protection issues that state authorities are willing to address. This is not to say that protection actors should act independently of state authorities and, indeed, all protection strategies must include engagement with them given they are the primary duty bearer. Their precise relationship, however, will depend on the extent to which state authorities are either 'unwilling' or 'unable' to fulfil their protection responsibilities. If lack of capacity is the problem, then protection actors can more actively engage with them. Nevertheless, the attitude and practice of state authorities regarding protection will set limits for how much humanitarian protection actors can engage with development actors on the nexus approach.

3.3 Mission creep: acting beyond means and mandate

Another criticism of the nexus is that the increased time and effort required to ensure a joined-up approach may come at the expense of humanitarian actors' ability to respond quickly and scale-up their assistance to crises as they happen.[35] There is a significant amount of policy fatigue among many humanitarian actors who are sceptical about the time needed to integrate new approaches such as the NWOW and a sense that they will be a priority one day and then fade the next. Protection actors already have one of the most challenging aspects of the humanitarian response – to help communities reduce their exposure to risk and engage with parties to the conflict so that civilians are spared from the worst forms of violence. They have a limited role to play in terms of providing physical security, which is often the most immediate need of the civilian population. There is already a massive gap between the expectations of crisis-affected populations and the capacity of protection actors to provide such protection. For these reasons, the 2018 State of the Humanitarian System (SOHS) report found that protection needs are often not met.[36] Protection is also one of the least well-funded sectors (in absolute terms and relative to other sectors).[37] In 2019 the funding of all HRPs globally was 67% – for the protection sector alone it was 35%.[38] As noted earlier, the principal focus of protection clusters in recent years has been to better demonstrate the results and impact of their interventions and promote the centrality of protection throughout the humanitarian response, including through the development of HCT protection strategies.

With these challenges in mind, careful consideration should be given as to whether engaging development actors working on protection as part of the nexus approach represents a justifiable and worthwhile shift in the strategic focus of humanitarian protection actors or whether it represents 'mission creep' and a potential drain of their limited resources away from their core responsibilities. Following the *Whole of system review of protection* in 2015 there has been increasing recognition of the need to 'simplify' protection and better communicate the concept to the various stakeholders involved by building an overarching narrative. This has involved making people safer and more secure during armed conflicts and natural disasters, building on communities' own self-protection mechanisms. Refocusing on the nexus approach risks further complicating humanitarian protection at a time when it has been trying to return to basics. There is a sense of protection actors missing out (especially when potential new funds are on offer) if they are not involved, but they must ask themselves what their principal priority should be at a time when they are already overstretched.

3.4 A dependable partner?

While engaging with development actors represents an opportunity to mobilise non-traditional protection actors to address unmet protection needs, consideration must be given as to how dependable a partner development actors might be in such an endeavour. There is no doubt about the good intentions of development actors, but their primary objectives are to reduce poverty, promote sustainable development and contribute to the other SDGs, with some more willing

33 Steets, J., Lehmann, J. and Reichhold, U. (2019) 'UNHCR's engagement in humanitarian–development cooperation' GPPI, p. 15

34 MSF and ODI HPN (2019) 'Roundtable: the nexus in practice experiences from the field', 7 May (https://odihpn.org/event-report/nexus-in-practice-experiences-from-the-field/)

35 Oxfam (2019: 5) 'The humanitarian-development-peace nexus: what does it mean for multi-mandated organisations?, Oxfam, June 2019, p. 5.

36 ALNAP (2018) *State of the humanitarian system (SOHS)*, p. 6

37 See for example Murray, J. and Landry, J. (2013) '*Placing protection at the centre of humanitarian action: study on protection funding in complex humanitarian emergencies*.', Independent Study for the Global Protection Cluster, September 2013

38 GPC (2020: 8)

to engage with protection issues than others. While human rights are central to the achievement of the SDGs and the rights-based approach to development has been adopted by many aid agencies, it must be recognised that protection is not the core business of most development actors and will often be a secondary consideration. This contrasts with UN peace operations, which frequently have the protection of civilians as their priority-mandated task, which facilitates easier coordination with protection actors – albeit with other challenges. The willingness and capacity of development actors to address protection issues within humanitarian crises varies significantly but should be a key consideration for protection actors before deciding how much they wish to commit to the nexus approach.

From the reaction of those interviewed as part of researching this Network Paper, there is a long way to go in order to sensitise development actors about humanitarian protection and effectively engage them on these issues. A review of UNHCR's engagement in humanitarian–development cooperation found that UNHCR's influence on development actors' strategic decisions had been limited.[39] Often development actors see more egregious protection issues as the responsibility of humanitarian actors and, therefore, will continue to distance themselves from efforts to tackle them.

Box 3 Mali – the challenge of applying the nexus approach in a complex protection crisis

With protection challenges arising from armed conflict, terrorist activities, transnational criminal networks and migration flows, and limited state presence across the country, the protection dimension of the nexus approach has been difficult to apply in Mali. There are currently at least four multinational forces in Mali as well as various humanitarian and development actors, each with their own conception of what protection is, making building a common vision challenging. There has been some discussion on formulating collective outcomes, but they have not yet been included in the HRP or other strategic planning frameworks. While there are possible entry points at the sectoral level, a humanitarian–development protection forum and training for all actors have been proposed as a starting point before the nexus approach can be applied more comprehensively with respect to protection.[40]

If protection in the nexus approach is to be enhanced, then it's important that development actors become more committed and conversant on protection issues and further integrate them within their programmes and operations through the rights-based approach. A clear policy commitment on their behalf will be an antecedent to furthering the nexus approach with respect to protection.

In sum, in view of the limits outlined in the sections above, protection actors need to think carefully about what kind of collaboration may be appropriate with development actors in a given context (see for example Box 3). There are contexts and situations in which protection actors may be ill-advised to actively pursue the nexus approach. Instead, they may be better placed to focus on a humanitarian response to address the protection needs of crisis-affected populations by ensuring respect for humanitarian principles and that the most egregious violations of international law committed by states are addressed. In acute active armed conflict, where levels of violence and political contestation are high, and where the state may be a party to the conflict, collaboration with development actors may be limited and separate humanitarian action from other activities should be pursued. As the UN Secretary General has noted:

> *While working towards collective outcomes to reduce vulnerability and risk needs to be the rule, we must recognize the existence of contexts that require the delivery of urgent and life-saving assistance and protection in the short term.*[41]

However, despite the well-founded limits set out above, the nexus approach represents an important opportunity for protection actors to work with development actors more towards achieving protection outcomes, and it is a policy issue that they would find hard to avoid given the nature of humanitarian crisis today and the prioritisation of the issue from the highest levels within the UN and from donors. In the survey conducted for the October 2019 Professionals for Humanitarian Assistance and Protection (PHAP) webinar on 'The future of protection in the nexus' the majority of respondents had a positive view of the future effects of nexus reforms on protection, with a greater number seeing it as an opportunity rather than a risk.[42] With this in mind, the next sections of this paper set out how protection actors might begin to define their role as part of the nexus approach.

39 Steets et al. (2019: 13)

40 For more details see Dahrendorf , N. (2019) *Integrating a protection-centred approach into the humanitarian and development nexus in Mali.* SDC, 16 July

41 United Nations (2016: 36)

42 For more details on the survey and to access a recording of the webinar, visit https://phap.org/PHAP/Events/OEV2019/OEV191022.aspx?EventKey=OEV191022

Chapter 4
An approach to collective protection outcomes

The idea of collective outcomes is the main conceptual shift from previous approaches to humanitarian–development cooperation. It was first presented in the Secretary-General's 2016 report for the WHS, which called on all relevant actors to deliver collective outcomes to transcend humanitarian development divides.[43] A collective outcome is defined as:

> *a concrete and measurable result that humanitarian, development and other relevant actors want to achieve jointly over a period of 3–5 years to reduce people's needs, risks and vulnerabilities and increase their resilience.*[44]

As such, collective outcomes represent an intermediate target between the current level of need, risk and vulnerability and the achievement of the SDGs. The Joint Steering Committee (JSC) has identified seven priority countries (Burkina Faso, Cameroon, Chad, Ethiopia, Niger, Nigeria and Somalia) to advance the nexus approach, each at a different stage of formulating and implementing collective outcomes. Several other countries have also introduced the approach. However, there is no clear guidance or consistent practice in terms of formulating collective outcomes. Where they are inserted into relevant plans has also varied, which undermines the potential added value. They are most commonly located in the HRP rather than the UN Sustainable Development Cooperation Framework (UNSDCF).[45] The Development Coordination Office (DCO) is in the process of finalising a compendium piece to guide Resident Coordinators (RCs) in applying the nexus approach, while the IASC Task Force on the Humanitarian Development Nexus has commissioned the drafting of guidance on the development of collective outcomes.

The table in Annex 1 provides examples of collective outcomes – based on a review of HRPs and other relevant documents – demonstrating that many relate to protection issues, albeit implicitly rather than explicitly. Some countries (see for example Box 4 on Somalia) are more advanced than others in the elaboration of collective outcomes and their impact on planning. While collective outcomes are context-specific, there have been common themes across those developed so far. These could form the basis of an approach to protection collective outcomes. The following non-exhaustive list of three areas of focus provides some initial thinking.

43 UN (2016: 32)

44 OCHA (2018) Collective outcomes, 'operationalising the New Way of Working', p. 2

45 The UDSDCF is the renamed and more commonly known United Nations Development Assistance Framework (UNDAF).

Box 4 Somalia collective outcomes linked to durable solutions

Somalia has, for many years, endured a range of humanitarian challenges including armed conflict, food insecurity, forced displacement, and climate-induced hazards. It has also experienced one of the longest-running humanitarian crises in the world. Several humanitarian, development and resilience plans already exist. The common purpose of these has been brought together in four collective outcomes, defined in 2017 within the HRP, whose collective aim is to reduce needs, risks and vulnerability and increase resilience by 2022. With associated lead agencies and results indicators, the collective outcomes represent some of the most elaborated application of the nexus approach. With the return of IDPs a key priority requiring common humanitarian and development action, one of the four collective outcomes is dedicated to durable solutions (see table in Annex 1).

4.1 Durable solutions for displacement

The nexus approach is particularly relevant to addressing protracted displacement situations, both for refugees and IDPs. As noted earlier, this an area where protection actors have already engaged with development actors for a number of years and is how the issue has been framed in the new GPC Strategic Framework 2020–2024.[46] Many of the country examples of collective outcomes in Annex 1 relate to supporting durable solutions; a key priority for protection actors. Indeed, durable solutions represent the definitive outcome to resolve protection issues caused as a result of displacement.

It used to be considered that a conflict had to be finalised and a peace agreement signed before durable solutions for refugees and IDPs could be pursued. Displacement trends and dynamics are, however, frequently more cyclical. In 2017, OCHA published a report entitled *Breaking the impasse – reducing protracted internal displacement as a collective outcome*, which promoted a new approach recognising that IDPs should not have to wait until a conflict is fully resolved before they can begin rebuilding their lives and move towards self-sufficiency in accordance with the fundamental standards of human rights.[47] The GCR also makes clear that the facilitation of

46 GPC (2020: 21)

47 OCHA (2017) 'Breaking the impasse, 'reducing protracted internal displacement as a collective outcome', p. 5

voluntary repatriation of refugees should not necessarily have to wait for a political solution to the original displacement.[48]

In recent years it has been increasingly recognised that protracted displacement is not a purely humanitarian concern, but also one that development actors should be more involved in. In particular, the traditional approach of prioritising responses that meet short-term humanitarian needs during displacement has not been enough to achieve durable solutions for the ever-growing number of IDPs and refugees worldwide. As a result, displacement is now also framed as a development challenge that requires development-led solutions, which provide a sustainable response to situations of large-scale and often protracted displacement. Development actors are now consequently seen as key to addressing such situations. For example, the Regional Refugee and Resilience Plan (3RP) for Syria (see Box 5) has both humanitarian and development pillars, led by UNHCR and UNDP respectively. A key turning point has been the World Bank's Global Programme on Forced Displacement (GPFD) – IDA18 sub-window – which has made available significant funds to identify opportunities for a more systematic contribution to support economically and socially sustainable solutions. While not taking these funds itself, UNHCR has played a key technical advisory role with regard to their disbursement by the World Bank, with the development of refugee protection frameworks a requirement of those countries receiving money from this new instrument.

The promotion of durable solution is, therefore, likely to be a key area in which protection actors will become more engaged as part of the nexus approach. Interventions to support housing, land and property (HLP) rights and other long-term areas of support for durable solutions provide opportunities for humanitarian and development cooperation. While they have helped develop IDP durable solutions strategies and also now the implementation of the Comprehensive Refugee Response Framework for refugees, the nexus approach represents a further opportunity for protection actors to engage development actors on these issues. In addition to the more traditional humanitarian role of protection actors on durable solutions, they could also work as part of the nexus approach with the World Bank and other development actors to leverage their assistance in this area.

4.2 Building state social systems to deliver protection services

Another area that is likely to see collective outcomes of particular relevance to protection actors is the building of state social systems. In many fragile states experiencing humanitarian crisis, state social systems, which would ordinarily provide services to individuals experiencing protection threats such as gender-based violence (GBV) or child protection concerns, are weak or non-existent. Given the imperative to provide an immediate response, humanitarian protection actors often set up parallel systems through NGOs and other local actors, establishing referral pathways and associated services. While they may engage with relevant state social services and ministries to work on system strengthening, this is usually within a limited planning timeframe in view of the short-term nature of humanitarian action. Such an approach is ultimately unsustainable and moreover does not address the root causes of protection challenges or why predictable protection services are unavailable. Working with development actors over the long term to build state social systems that have the capacity to deliver protection services is, therefore, an obvious area in which to develop collective outcomes related to protection. Agencies working on child protection systems with ministries of social affairs is an obvious example.[49] The need to strengthen the social worker workforce would be another priority protection area in which development actors could focus, as well as ensuring that social protection and safety net systems reflect protection priorities. Adopting such an approach not only helps ensure more predictable and sustainable protection services for those in need, but also addresses populations' underlying vulnerabilities to protection threats. Development actors have common interests

Box 5 Regional Refugee and Resilience Plan (3RP) for Syria

The Regional Refugee and Resilience Plan (3RP) brings together more than 200 partners in a coordinated region-wide response to the Syria crisis. It has two components: refugees (protection and emergency assistance to refugees and vulnerable communities) and resilience (enhancing capacities, resources, and self-reliance of refugees, households, and national delivery systems). Under the regional plan, individual national plans set collective outcomes, which aim to benefit both refugees and host communities, and strengthen national systems. For example, the Jordan Response Plan has specific targets to enrol 222,000 Syrian refugee children in school in 2016, while also increasing education management capacities, improving access to adequate and safe schools for Jordanians and Syrians alike, and decreasing overcrowding by building, renovating, and refurbishing schools and training education service providers.

48 UN (2018) 'Report of the UN High Commissioner for Refugees: Global Compact on Refugees', A/73/12 (Part II), p. 17, para 87

49 See for example 'Humanitarian-development nexus and child protection: sharing responsibility for children's protection – addressing risks and vulnerabilities through cohesive partnerships, Background Paper, The Alliance for Child Protection in Humanitarian Action, October 2019

with humanitarians, such as addressing social inclusion and promoting social safety networks, which are critical for tacking poverty and promoting economic development.

4.3 Justice, rule of law and accountability

A third area with potential for protection-related nexus programming is justice, rule of law and accountability. The immediate priority for protection actors is to respond to violations of international law and alleviate the suffering of those affected. The long-term objective, however, is to seek accountability for such violations by bringing those responsible to justice. This is also a key strategy for preventing rather than responding to protection incidents as it removes the pervasive culture of impunity for violations of international law, which characterises many armed conflicts, and instead promotes accountability. Given the lack of rule of law and legal systems in many states affected by humanitarian crisis, there is little that humanitarian protection actors can do to bring about such long-term state-building and ensure that the necessary legal systems are in place. While a lack of political will is always an issue, engaging with development actors is a key opportunity to promote greater justice and help build the required institutions. This means not only changing relevant national laws to reflect human rights norms and standards, but also supporting the justice sector (e.g. courts and judges) to implement the law.

OHCHR generally has such a role as part of their country programmes either independently or as part of the UN peace operations of which they may form a component. UNDP similarly has rule of law and human rights programmes, while UNICEF will work to strengthen legal systems for children in contact with the law. NGOs also become involved in legal aid and other justice programmes. This is another area where there is scope for increasing collaboration between humanitarian and development actors. For example, UNDP and UNHCR have developed a Global Partnership on Rule of Law and Governance (see Box 6) for precisely these reasons. Such interventions usually form part of stabilisation and peacebuilding plans and funds, which provide another source of collaboration and funding for protection actors.

Box 6 UNDP-UNHCR Global Partnership on Rule of Law and Governance

Weak governance and rule of law are among the key drivers of forced displacement. Given their common interests in this area, UNDP and UNHCR established a Global Partnership on Rule of Law and Governance in 2017. The Partnership integrates immediate humanitarian assistance with long-term rule of law and governance support to enable national and local partners to better fulfil their protection responsibilities and develop sustainable solutions for IDPs, refugees, stateless persons, and host communities. It offers an avenue for resources to concurrently serve the objectives of both organisations and support joint efforts at the country level to prevent and address displacement. It also provides a platform for field experiences to inform the development of global policy and responses. As part of the initiative, UNDP and UNHCR have implemented joint initiatives in 13 contexts.

Chapter 5
Priorities and entry points to enhance the nexus approach on protection

Translating policy into tangible changes in aid responses in protracted crises has been a long-standing challenge in the humanitarian–development debate. The strong commitment shown at the strategic level for the nexus approach and NWOW since the WHS has not yet led to significant changes at the operational level within relevant situations. There remain many questions about what the nexus approach means in practice and how it should be applied. It potentially requires significant changes to the interests and power dynamics that have shaped the aid system – therefore there has been significant inertia to bringing about the required change. Research by the Centre on International Cooperation and the UN University across 13 countries found that, while there is greater alignment of humanitarian and development assistance in several contexts, progress is slow and there should be little expectation of major change given the existing structural and systemic barriers.[50] A recent survey with Resident/Humanitarian Coordinators in 28 countries conducted by the IASC Task Team on the humanitarian–development nexus showed that the understanding and implementation of the NWOW varies significantly, with support and guidance required. A 2018 study conducted by Save the Children in Ethiopia and Somalia similarly found that knowledge about the NWOW was limited among governments and NGOs, and not much higher for UN staff.[51]

There are important structural differences between humanitarian and development assistance, not least in their guiding principles and ways of working, and therefore expectations about progress with the nexus approach need to be tempered. While they have engaged in field-level discussions on the nexus, made reference to it in their HRP sectoral plans and provided inputs into relevant inter-agency processes, few protection clusters at the field level have developed any specific tools, approaches or interventions to work on nexus issues. The new GPC Strategic Framework 2020–2024 therefore provides an opportunity to provide strategic direction on this issue for protection actors.

Beyond the conceptual differences there have – until now – been siloed approaches by humanitarian and development actors to analysis, strategic planning, programming, coordination mechanisms and financing. These all represent potential entry points for applying the nexus approach. The following section explains potential oppor-tunities and challenges for protection actors within these different areas.

5.1 Shared and joint analysis of protection risks

The starting point to developing a response to protection concerns is a detailed and context-specific analysis of the risks that people are experiencing. This analysis should determine priorities and establish corresponding strategies to address the identified risks, while also mobilising other key actors to address the problems identified. Protection actors should gather information from a range of sources including the affected population, civil society, human rights organisations and other humanitarian agencies, including through the cluster system. As noted earlier, a protection risk arises from an analysis of the protection threat, the vulnerability of the community/population at risk and their own capacities to address the risk. The protection analysis will normally feature in the HCT protection strategy and the protection cluster strategy, as well as the Humanitarian Needs Overview (HNO). Development actors are a potential source of information for protection actors' protection analysis. A human rights and gender equality analysis will also feature in the Common Country Analysis (CCA) that development actors are required to produce as part of the Corporation Framework in terms of setting out the root causes of development challenges.

A shared and joint analysis of protection risks forms the basis, and is a key enabler, of applying the nexus approach. Humanitarian and development actors need to come together to collectively conduct such an analysis, including establishing a comprehensive evidence base to ensure that prioritisation is built on a common understanding of needs, risks, vulnerabilities and capacities. Insofar as these provide a common analytical framework for humanitarian and development actors, such a joint analysis should be possible. However, humanitarian and development actors use different legal frameworks and ultimately different analytical perspectives. While humani-tarian actors are concerned about patterns of harm to the civilian population and violations of international law, development actors are mainly concerned about human rights as an impediment to achieving development goals. It is important that the humanitarian protection analysis is not diluted when combined with analysis by development actors. Nevertheless, while mindful of these constraints, it should be possible to arrive at a joint and shared analysis of protection issues that will help straddle the humanitarian–development divide and form the basis of the elaboration of respective plans and programming. Human

50 OCHA (2016) *After the World Humanitarian Summit: better humanitarian-development cooperation for sustainable results on the ground*, p.20

51 Ndeda, N. and Birungi, D. (2018) 'Addressing the humanitarian–development nexus in the Horn of Africa'. Save the Children, p. 14 (https://resourcecentre.savethechildren.net/library/addressing-humanitarian-development-nexus-horn-africa)

rights staff, the RC's office and the protection cluster should come together to produce such an analysis in consultation with all relevant actors.

5.2 Coherent and joined up strategic planning

The nexus approach will only be realised if there is coherent and joined-up strategic planning. The NWOW does not require humanitarian and development actors to develop a new strategic planning framework *per se*. Instead, the elaboration of collective outcomes is meant to represent their joint efforts to bridge the humanitarian–development divide. There is currently, though, no consensus about where these collective outcomes should be articulated in relevant strategic planning frameworks. The processes for developing collective outcomes have thus far demonstrated limited scope to influence existing planning frameworks.[52] As noted earlier, collective outcomes have been included, for the most part, in HRPs. According to the compendium piece on the nexus developed by DCO, the cooperation framework should also reflect collective outcomes and how they will be achieved programmatically, including the comparative advantage of development actors. It is clearly an imperative to decide where collective outcomes should be reflected in relevant strategic planning frameworks.

For protection actors there are already several strategic planning processes in which they must articulate their humanitarian protection strategy and potentially consider the nexus approach. As a result of the IASC centrality of protection statement (2013) and protection policy (2016) there is now meant to be an HCT protection strategy to ensure that protection is central to the entire humanitarian response and these have been developed in a number of countries. In addition, each protection cluster should formulate its own protection strategy. Nowadays, many HRPs are multi-year (two to three years) in recognition of the protracted nature of crises and, therefore, protection actors are already expected to formulate long-term strategic objectives and accompanying indicators on protection. It is difficult to discern distinctions between the multi-year strategic objectives on protection that they might formulate in the HRP, and the multi-year collective outcomes that may be formulated with development actors as part of the NWOW. Where UN peace operations exist, protection actors will also be asked to coordinate with the protection of civilians strategy of the mission, a requirement within all such operations with this mandate. In protracted displacement situations, durable solutions strategies for IDPs are frequently developed with protection actors playing a key role. Following the adoption of the GCR, UNHCR will now develop CRRFs for refugee situations with a strong protection component.

With this myriad of exciting strategic planning commitments, protection actors need to think carefully about where it would make sense to apply and reflect the nexus approach in protracted crises. It would make sense for nexus thinking to be mainstreamed in all relevant plans; however, for there to be a shift in development actors' approach to protection challenges more focus might also be necessary. The inclusion of collective outcomes within the HRP does not represent a significant shift from existing ways of working. A more effective approach would be to ensure that the cooperation frameworks developed by development actors clearly refer to protection and human rights issues, and greater links are made with the activities that humanitarian protection actors are implementing within the HRP. Guidance for the elaboration of the cooperation framework includes such an approach, and relevant staff should be trained to apply this.

5.3 Programming and funding mechanisms

As relevant strategic planning processes (by both humanitarian and development actors) begin to reflect the nexus approach and collective outcomes are formulated, they should begin to trickle down to the programming level. There is no guidance yet as to what might constitute nexus programming regarding protection, but some of the areas and interventions outlined above are likely to be developed. A number of multi-mandated UN agencies and NGOs are already implementing many aspects of the nexus approach (see for example Box 7 on UNRWA), with Oxfam and Save the Children having already published several examples of good practice. The scope of UNICEF's child protection programming also already spans a diverse array of activities, from child protection within emergencies to building national child protection systems with governments. UNICEF has, though, recently issued new programming procedures on the nexus approach to ensure a more joined up approach to its humanitarian–development assistance. It would be useful for the GPC to develop a compendium of good practices on nexus programming with respect to protection.

Box 7 UNRWA's protection approach

The United Nations Relief and Works Agency (UNRWA) for Palestinian refugees has been providing humanitarian and development assistance to the largest protracted refugee situation since 1950. Since the 1990s its protection mandate has been progressively strengthened with the agency increasing its capacity in this area. UNRWA's protection framework already encompasses protection within humanitarian and development contexts ranging from undertaking human rights monitoring in armed conflict situations to building the social work services to respond to long-standing protection issues within protracted displacement situations. There are no separate programming procedures for developing this diverse set of interventions, and they are carried out as part of the same operational plans, by the same staff and usually funded in the same way.

52 FAO, NRC, and UNDP (2019) 'Financing the nexus: gaps and opportunities from a field perspective', FAO, NRC, and UNDP, p. 6

Funding mechanisms can create incentives to focus on specific priorities and encourage collaborative action and joint programming across the nexus, but according to a 2019 study on the financing of the nexus conducted by NRC, FAO and UNDP these have not been significantly explored as yet.[53] The modalities for funding in the aid system remain siloed into humanitarian and development assistance for the most part. While there has been a push for multi-year, flexible humanitarian funding through the Grand Bargain this has remained a secondary concern to the immediate priority of addressing funding shortages in most humanitarian appeals, which has led to the prioritisation of funding to the most acute needs and life-saving interventions rather than adopting longer-term approaches.

Humanitarian funding has increased steadily in recent years, but it has not grown fast enough to meet rising needs. With shrinking levels of official development assistance, countries affected by crisis often receive far less development funding than they would without the crisis. In 2016, people living in the 20 largest recipient countries of humanitarian assistance received less development assistance than those living in other developing countries.[54] This is a significant barrier to advancing the nexus approach if development funding is not on hand to fill the gap in long-term unmet needs and humanitarian funding is also insufficient. The nexus approach risks becoming a fight over dwindling pots of funding when increased levels are needed.

New modalities for funding may help mitigate these challenges to an extent. The OECD DAC Recommendation on the Humanitarian–Development–Peace Nexus adopted in February 2019 represents the first high-level policy initiative to consider the role and potential of financing to enable collective approaches across humanitarian and development assistance in crisis-affected settings. Country-based pooled funds have the potential to contribute to nexus programming and are increasingly being used by donors to deliver Grand Bargain commitments. For protection actors, the traditional avenue to access humanitarian funding has been bilateral grants from donors for projects in the HRP, or through pooled funds managed by OCHA. In some contexts, recovery, stabilisation or peacebuilding multi-donor trust funds exist, which provide opportunities for rule of law, human rights, and other protection activities to be funded as part of the application of the nexus approach.

It is yet to be seen how protection actors can leverage additional funds to address protection issues as part of the nexus approach, and the risk remains that they will end up competing with development actors for to implement the same kinds of activities. However, there is scope for joint fundraising for nexus programming between humanitarian and development actors, which should be explored further and mechanisms put in place to support these approaches.

5.4 Coordination mechanisms and staffing

The bifurcation of the aid system into humanitarian and development assistance has led to separate coordination structures at the field level, with no mechanisms to bridge the two. Enhancing coordination among humanitarian actors has been a huge challenge in and of itself. The introduction of the cluster system following the 2005 Humanitarian Response Review has been relatively effective in improving the predictability, leadership, and effectiveness of the humanitarian response. The protection cluster varies somewhat from other clusters in having separate AoRs for child protection, GBV, housing, land and property, and mine action, and different leadership arrangements for the cluster for armed conflicts and natural hazard-related disasters. In order to mainstream protection throughout the humanitarian response the protection cluster needs to engage significantly with all other clusters. Each HCT must also establish its own protection strategy and may set up separate working groups on such issues as IDP returns, humanitarian access, and other areas that require significant input from protection actors.

A challenge for protection actors wishing to applying the nexus approach is that the standard package of humanitarian clusters does not map neatly onto the organising frameworks of development actors and governments. The United Nations County Team (UNCT) may establish working groups on different topics to develop and implement the Cooperation Framework, but there will not necessarily be one dedicated to human rights, which might be addressed through several different workstreams. Unlike other clusters, such as education and health, the protection cluster role does not correspond with the responsibilities of a single government ministry, but most likely several relevant parts of the government, including the ministry of social affairs, education, health, interior and national human rights institutions.

Protection actors must also engage with security and military actors in terms of their compliance with international humanitarian and human rights law. Given that state actors might be the same perpetrators of the violations of international law that protection actors are attempting to address, it makes their participation in coordination mechanisms problematic. While it might make sense to have national child protection agencies as part of the child protection working group, it would not be appropriate to have state security institutions attend protection cluster meetings. The need to safeguard humanitarian principles may also distance protection actors from coordination with development actors who might be more willing to engage with state institutions. In some situations (Somalia is one example), humanitarian actors have, at times, opted out of the strategic planning processes of development actors precisely for these reasons.

53 FAO, NRC, UNDP (2019) Financing the nexus gaps and opportunities from a field perspective

54 Oxfam (2019: 15)

In order to operationalise the nexus approach, dedicated staff are now beginning to be deployed, especially in RC offices, to strengthen the joint analysis and strategic planning process described above. For example, UNDP has nexus advisors at the field level, while OCHA has created an operations team at HQ to support field-level application of the nexus approach. OHCHR already places human rights advisors within RC offices, which provides an obvious focal point for protection actors to engage with the nexus approach. UN peace operations with a protection of civilians mandate have senior protection of civilians advisors that are the counterpart of the protection cluster.

The leadership of the RC is critical in applying the nexus approach and strengthening its protection dimension; therefore, it is important that they have a background (or at least familiarity) with protection and human rights issues. The nexus approach offers opportunities for protection actors to work with a range of actors that might be considered non-traditional partners on protection, including for example the private sector and social work institutes. These different actors should be mapped out and the coordination mechanisms related to protection and the nexus approach clarified.

Chapter 6
Conclusion and recommendations

The nexus has become an issue that is hard for protection actors to ignore. There remain divergent views about the implications of the nexus approach for protection ranging from concern, given its potential negative impact on respect for humanitarian principles, to indifference, given that in many ways it does not represent anything significantly new. Protection actors should remain cautious about engaging in the nexus approach if it detracts from their recent efforts to ensure the centrality of protection within the humanitarian response, which remains a priority and is far from having been achieved. Nevertheless, mindful of these constraints protection actors should seek to engage to the extent possible in the nexus approach and define their role as part of this. There would be significant opportunity costs in not engaging, as protection actors would be left responding to challenges that require long-term solutions that go way beyond their means to address. The nexus approach provides renewed possibilities to tackle protection problems – not from the narrow confines of humanitarian action that is stuck in addressing symptoms, but rather by offering the opportunity to take a long-term perspective that gets to the root causes of why people are not protected in humanitarian crises. This has arguably been a missing element of humanitarian approaches to protection to date and could be exploited more.

There is still no significant traction at the field level for applying the nexus approach, with many questions about how it should be applied in practice in general, let alone with respect to protection. It is arguable whether the nexus agenda is radical enough to bring about the needed change within the aid system. If it does become more operationalised, however, protection actors should clarify its added value for delivering protection for affected populations and their comparative advantage within the nexus approach compared to other actors. Discussions on how to take this forward should take place within the GPC, which should also engage more with the different coordination mechanisms set up on the nexus described above. A structured dialogue on protection needs to be established with development actors, including the World Bank, bilateral donors and relevant UN entities, in order to build a common understanding about what protection means as part of the nexus. In many ways this requires going back to the starting point when humanitarian protection was first conceived and thinking again about how this endeavour now needs to be approached with greater coordination with development actors in mind.

In the meantime, some recommended actions to take forward this priority include:

- The GPC should establish a specific workstream/group on the topic to implement this strategic priority in the Strategic Framework (2020–2024) and associated workplan, with a view to defining the role of field protection clusters with respect to the nexus approach and providing technical support to this end.
- The JSC and IASC task forces on the nexus should undertake – in consultation with the GPC – a lessons learned exercise on protection in protracted crisis and the application of the nexus approach/programmes.
- The GPC should develop guidance on how protection clusters (and their respective AoRs) should engage in the nexus approach at the field level, setting out the risks and opportunities, in particular in the formulation of collective outcomes relevant to protection.
- The GPC should establish criteria outlining when it is appropriate for protection actors to engage in the nexus approach and the appropriate level of collaboration with development actors in a given context.
- The JSC should develop and facilitate a strong policy commitment across UN entities to protection and human rights as part of the operationalisation of the nexus approach, similar to the IASC's adoption of the statement on the centrality of protection.
- DCO, OCHA and the GPC should clarify how the protection dimension of the nexus approach should be reflected in relevant strategic planning frameworks including the HRPs, Cooperation Frameworks and HCT Protection Strategies.
- Research should be conducted to outline the legal framework for the nexus approach and the relevant parts of international law across the humanitarian–development divide.
- DCO, OCHA and the GPC should design a framework for developing a joint analysis between humanitarian and development actors on protection and human rights issues.
- The GPC and OHCHR should develop training materials with development actors such as the World Bank and UNDP on protection and human rights approaches.
- More staff should be deployed within the RC's office with a protection and human rights background to act as a focal point on nexus approach for protection clusters and help facilitate joint analysis and planning.
- DCO, OCHA and the GPC should clarify (not necessarily establish new) coordination mechanisms on the nexus approach with regard to protection.
- The GPC should undertake a mapping/study on protection within different funding instruments and modalities for supporting protection activities in the nexus approach.

Annex 1

Examples of collective outcomes relevant to and focused on protection

Country	Collective outcome	Indicators	Source	Comments
Joint Steering Committee priority countries				
Somalia	Four collective outcomes (CO) formulated in 2017 to align various humanitarian and development plans and to be achieved by 2022, including: Collective outcome 2: Risk and vulnerability reduced and resilience of internally displaced persons, refugee returnees and host communities strengthened in order to reach durable solutions for 100,000 displaced households by 2022	Number of IDPs/returnees having reached durable solutions (DS) (return/reintegration) Number of settlements/areas of return impacted by displacement included in urban extension plans/rural development plans and % of plans fully/partially implemented Number of IDPs/returnees with ID papers, property/tenancy entitlements Number of government entities and regional/local authorities capacitated to coordinate and lead DS initiatives	Somalia Humanitarian Response Plan (2019)	
Nigeria	Overall five COs have been formulated including: Durable Solutions – By 2021, about half of the displaced people will have attained safe, dignified and voluntary return, local integration, or relocation	Not formulated yet	Nigeria Humanitarian Response Strategy (2019–21)	
Ethiopia	In progress. However, two–three specific collective outcomes to be achieved by 2025 related to enhancing durable solutions for IDPs and IDP returnees, as well as enabling basic service delivery and livelihood support in disaster-prone areas	Not formulated yet	Ethiopian Humanitarian Response Plan (2019) – protection section makes reference to links with development actors	Humanitarian strategy expected to be multi-year and UNSDCF being developed in 2019. Humanitarian and development actors working on a joint strategy for 2020–2025
Niger	Protection and life-saving needs of displaced persons due to the conflict and insecurity in Boko Haram-held areas	Not formulated yet	Niger Humanitarian Response Plan (2019) IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	HRP is multi-year from 2019–2021
Cameroon	In progress. Focus areas being discussed, and protection expected to be one of them	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	Nexus mentioned in protection response plan of HRP

Country	Collective outcome	Indicators	Source	Comments
Burkina Faso	Five collective outcomes have been identified and are anchored in the UN Development Assistance Framework, but do not relate to protection explicitly. The only relevant one is on peace and security	N/A	Burkina Faso Humanitarian Response Plan (2019) and UN Development Assistance Framework	Burkina Faso is not a significant protection crisis
Other countries				
Sudan	By 2022, people in Sudan benefit from more efficient, accountable, and participatory governance, enhanced rule of law and access to justice, and greater protection of human rights (draft)	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	
Côte d'Ivoire	Rule of law, transitional justice and human rights Protection, prevention and fight against SGBV	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	No HRP in place
Democratic Republic of Congo	In progress. Focus areas are being discussed IDPs and refugees Justice Reform, Rule of Law and Human Rights	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	Only priority areas discussed so far. HRP already multi-year from 2017–2019
Ukraine	Three COs have been developed, including: 1. Affected people have access to adequate protection and means of livelihoods	Not formulated yet	Ukraine Humanitarian Response Plan (2019)	Moving to two-year HRP. The protection cluster has engaged with development actors and provided guidance
Mali	In progress. Four priority areas have been discussed, one of which relates to protection	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	
Uganda	To support governments to protect and assist refugees and support host communities involved, through a response based on the principle of international cooperation and on burden and responsibility sharing	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	No HRP in place
Central African Republic	Social contract between the state and the population is renewed	Not formulated yet	IASC Humanitarian Development Nexus Task Team Collective Outcome Progress Mapping	Protection included in multi-year strategic objectives of HRP (2017–2019)

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