

## PROTECTION: THE NEW HUMANITARIAN FIG-LEAF

By Marc DuBois<sup>1</sup>

*Riddle: What is the one thing you can't get in a sex shop?*<sup>2</sup>

### Introduction

The human rights-based approach (HRBA) has filtered into humanitarian action over the past decade. In tangible fashion, this shift has provided guidance and standards for aid itself. Beneficiaries have become something greater than populations in need of assistance – they have become sets of individuals possessing rights. HRBA thinking thus transforms the wants/needs of people in crisis into obligations demanding a response. Given that we humanitarians are often the only ones on the ground interested in or in a position to provide such a response, the impact of HRBA has radically changed the discursive framework under which humanitarian action is performed.

Humanitarian organizations have internalized this obligation to respond in a variety of ways. At the very least, using a human rights framework to analyze the suffering of people has helped humanitarian organizations to distinguish between suffering that is a bad thing (for example, rain floods the fields of a village) to suffering that is a wrong thing (for example, flooded land belongs to a particular ethnic group that does not have the right to own property and hence has settled in flood-prone areas). This basic distinction has allowed humanitarian organizations to position their interventions vis-à-vis the institutions or power arrangements that are the cause of the wrong thing. In these specific responses to people the same questions arise over and over again. What do we do when faced with this wrong thing? What do we do when faced with violence against people? What do we do when confronted with the limit of our aid?

These questions have challenged humanitarians. Importantly, HRBA has thus prompted and reinforced the shift in humanitarian action away from pure delivery of assistance to the inclusion of protection activities. Humanitarian protection<sup>3</sup> aims to ensure that humanitarian action does not place people at greater risk (e.g., the well-worn example of making sure that camp latrines are not shrouded in darkness) *and* to protect them from harm in the first place. Drawing on MSF's experience in protection work in Darfur and other contexts, this paper examines the promise of humanitarian protection, providing a critical perspective on the development of humanitarian protection into an industry of its own. The humanitarian

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<sup>1</sup> Executive Director, Médecins Sans Frontières – United Kingdom. The ideas and opinions set forth in this paper are solely those of the author, and should not be imputed to his employer. Substantial portions of this paper have been published previously by MSF. See DuBois, M. 2007 Protection: The New Humanitarian Fig Leaf. *Dialogues*, (4). MSF UK: London. A previous version of this paper was presented at the World Conference of Humanitarian Studies, February 4, 2009, in Groningen, The Netherlands.

<sup>2</sup> Answer appears later. This riddle has a point. It is not a cheap ploy to convince you to read on.

<sup>3</sup> In some ways, the paroxysm of activity around protection is probably declining, with attentions shifting slightly to its cousin and the theme du jour, the “human security” agenda.

community may well be able to articulate the limits of humanitarian protection within its own specialized discourse, but it consistently overlooks these very limits in its actions and public discourse. In the end, the protection work of humanitarian NGOs may contribute to undermining the rights of people, all the while trumpeting the value of a rights-based approach.

### **The Four Delusions of Humanitarian Protection**

Over the past decade, “protection” has grown from specialized function to jargon champion in humanitarian circles. The progressive abandonment of the relief-only paradigm, or rather the progressive expansion of the relief-protection paradigm beyond the towers of the protection-mandated entities (ICRC, UNICEF and UNHCR), filled an appalling gap. The struggle to prevent what some labelled the “well fed dead” should certainly elicit our welcome. And yet my last visit to Darfur revealed no shortage of the “well-fed raped” or the “well-fed harassed and intimidated.” I have faith that violence against civilians in Darfur would have continued at much higher levels were it not for the protection efforts of (*inter alia*) many humanitarian NGOs, but Darfur and other violent crises remain nasty and brutish, even for those living in relatively stable camp settings, raising questions about the protection role played by humanitarians.

Let us begin with an endorsement.<sup>4</sup> Any doubts as to the inadequacy of assistance without protection have been eradicated. Humanitarians working in places like Darfur, Democratic Republic of Congo or Sri Lanka shoulder a responsibility to engage in protection by raising public awareness or lobbying for action, by dialoguing directly with perpetrators, and by designing programs in a protection-sensitive fashion.

#### *Delusion 1: The “protection gap” is the problem.*

If protection work itself has become a buzz-activity then the buzz-term must be “protection gap.” Googling “protection gap” brings up about 430,000 hits. There are some interestingly irrelevant references. For instance, in the United Kingdom it is estimated that there is a £2.3 trillion protection gap and that a quarter of Britons “have a protection gap” (the shortfall of life insurance protection versus needs). Many of the hits were not so obscure: the humanitarian community has not only embraced protection-based thinking, we seem to have adopted it as the primary lens through which to see the world around us. Some examples of how we describe our work:

- *The protection gap: policies and strategies. International NGOs have failed to protect the people they are trying to help in complex emergencies.*<sup>5</sup>
- *The EU mission was told the protection gap has led to the “refoulement” by Moroccan authorities of asylum seekers and people already recognized as refugees by the UNHCR.*<sup>6</sup>

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<sup>4</sup> Prior to his present position, the author spent seven years in MSF directly supporting *temoignage* activities – bearing witness, advocacy and reporting. He confesses to being a chief perpetrator of humanitarian protection.

<sup>5</sup> Eguren, E., 2007. *The protection gap: policies and strategies*. Humanitarian Exchange Magazine (Humanitarian Practice Network at ODI) [Online] 17. Available at <http://www.odihpn.org/report.asp?id=2221>

- *Protection of Civilians: Bridging the Protection Gap*<sup>7</sup>

Reading through NGO reports on situations like Darfur is like a trip on the London Underground: a pre-recorded message warns riders to “Mind the gap...Mind the gap...Mind the gap.” Why complain? Certainly, there is a protection gap similar to all those other Google hits, for example similar to the protection gap between the bottom of ice hockey shoulder guards and the top of the padded pants, or the protection gap just closed when the U.N. General Assembly adopted an optional protocol to the International Covenant on Economic Social and Cultural Rights allowing individual victims to directly file complaints. But these protection gaps arise from risks that are benign, or less direct. In places like Darfur, though, the protection gap is not in *the first instance* the problem.

We must remain emphatic: it is not the lack of protection activities or legal protections, it is the surplus of violence that should be fingered as the primary problem. The humanitarian obsession with protection reflects the degree to which we define the external environment through *our* activities. A sort of self-flagellation in the humanitarian community over the horrible deaths and destruction of our beneficiaries has shifted the spotlight away from the violence and its perpetrators. Suddenly, rapes, murders, pillaging, and general mayhem are phrased as a failure of the aid givers, and are thus addressed secondarily through their protection activities aimed at bridging the gap. As the second bullet point example above clearly posits: it was the protection gap that led to the abuse of migrants’ rights, and not the naughty activity of the Moroccan authorities.

To talk of a protection gap in a place like Darfur or D.R. Congo implies the presence of an excess of violence, but our humanitarian-centric analysis amounts to misdirection, and it is the perpetrators who gain, followed by those authorities who bear a direct or indirect responsibility for ensuring the protection of people. Protection gap has become a euphemism. Its logic pushes our gaze inward. Think of how the world depicts the violence of Darfur. Now consider that the way this situation has been characterized by the humanitarian community is different: Darfur is the first emergency to be labelled a ‘protection crisis.’<sup>8</sup> In terms of the responsibility to know our limits, perhaps the first limit is hence the realization that with important (though comparatively insignificant) exceptions, protection (in the sense of providing physical safety) of civilians during periods of violent crisis is not our job.

*Delusion 2: The humanitarian community is able to provide meaningful protection.*

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<sup>6</sup> Amnesty International, 2005. *EU Pressure to “Keep People Out” contributing to serious abuse of migrants’ rights*. [Press release] Amnesty International EU Office, 26 October.

<sup>7</sup> Williamson, Roger. “*Protection of Civilians: Bridging the Protection Gap*.” Report on Wilton Park Conference 766. West Sussex, United Kingdom: Wilton Park, 2005.

<sup>8</sup> Pantuliano, S. and O’Callaghan, S., 2006. *The ‘Protection Crisis’: A review of field-based strategies for humanitarian protection in Darfur*. HPG Discussion Paper, December 2006, p. 6.

The NGO protection activities mentioned above, or the many excellent suggestions and guidance that fill books such as Diane Paul's *The Sheltering Tree* or the body of ALNAP's work on protection, deserve praise and incorporation into our daily activities. But we seem to have lost sight of the meaning of these actions, or more importantly the meaning of the word we use to describe them. Here is how ALNAP characterizes the development of protection-thinking in humanitarianism:

[...] a new determination to develop truly practical programming that protects people from all forms of violation, exploitation, and abuse during war and disaster has emerged in recent years.<sup>9</sup>

That seems fairly ambitious – somewhere on the scale of bringing peace, harmony and prosperity to all the people on Earth. Do we humanitarians really believe we can achieve anything approaching such a goal? Of course not, not even with the help of Santa Claus. The key to this hubris lies in the dual or ambivalent meanings given to the term “protection;” in the gap between the everyday understanding of the word and of the specialized meaning given to it by humanitarian NGOs.

Imagine that you and your family are under attack by violent marauders. Brutal men armed with guns and machetes kill your oldest son, drag one screaming daughter out the door by the hair, herd together all your livestock and set your grain silo on fire. Suddenly your savior appears – just like in the movies! – in the form of a helicopter from the international community. They land in front of your about-to-be-burned home, the pillaging stops and all eyes focus on the doors as they begin to creak open. Out steps . . . not Rambo, not the Magnificent 7, not a heavily armed crack unit of commandos prepared to drive the marauders from your village. No, in the place of those protectors steps a group of logo-wearing humanitarians, armed with clip boards, pens, and the promise of documentation. In addition, you will soon learn, they will hold consultations with you to ensure that food rations are sufficient and will regularly fumigate the malaria-carrying mosquitoes breeding in the drainage water from their leaky tap systems.

The point is not to belittle the work done by humanitarian workers when it comes to protection, but to recognize its obvious limits. The definition arrived at in a series of workshops hosted by the ICRC captures the real protection gap – the gap between the protection people need *in the first place* and the protection we humanitarians offer. Protection encompasses *all activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (i.e., human rights, humanitarian law and refugee law)*.<sup>10</sup> Protection in this sense resembles the protection at the heart of the British protection gap – it is about coverage. People in a place like Darfur are covered by rights – Sudanese law, international human rights covenants, and international humanitarian law. There is ample room for confusion in terms of interpretation and usage:

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<sup>9</sup> Slim, H. and A. Bonwick (2004) *Protection – An ALNAP Guide for Humanitarian Agencies*. London: ALNAP.

<sup>10</sup> Giossi Caverzasio, S. (2001) *Strengthening Protection in War: A Search for Professional Standards*. Geneva: ICRC.

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protection as a legal framework, protection as a set of activities to promote the respect of that legal framework, and protection as a set of activities designed to stop violence against people.

In order to carry out this protection as set forth by the ICRC (and perhaps with the larger objective of fulfilling the aforementioned promise outlined by ALNAP), the humanitarian community, with enthusiastic support from major donors, has gone about building a protection bureaucracy – protection officers, protection working groups, protection modules, protection training, protection partnerships, protection monitoring. This hypergrowth has allowed protection to become one of the key focal issues in any given emergency (earning cluster status in the UN), along with stalwarts such as food security or the availability of healthcare. But while the humanitarian community possesses the capacity to deliver food and healthcare to communities, let us look at what humanitarians mean when they talk of delivering protection.

UNHCR's January 2006 *Actions to Develop Protection Partnerships with NGOs* provides a rather comprehensive list. From the "Action" column:

Organize a separate session	Investigate the impact
Promote awareness	Inform staff
Leadership of participatory assessments	Publish and promote the Framework
To consider . . . to organize a	To propose a format
To provide additional ideas	Explore how to do this within mechanisms
Promote the use	Provide analysis
Make available the revised	Develop a training programme
Print and distribute	Review the guide's development
Continue building on results	Set up more regular info exchange
Finalize the guide for staff	Promote a wider dissemination
Provide training programmes	Discuss internally
More frequent consultations	Follow up with evaluation
Distribute new procedures	Review confidentiality guidelines

This list is hardly an exceptional example. Oxfam proposes the following protection action options in dealing with IDPs in their excellent training pack for humanitarian protection workers:<sup>11</sup>

Create international awareness	Fund legal clinics
Act as a channel for information	Lobby the government
Run an information campaign	Monitor knowledge about
Survey refugee preferences	Organize ... visits
Facilitate workshops	Produce videos
Run focus groups	Monitor returns
Fund a fleet of minibuses	Provide relief assistance
Facilitate dialogue	

These entire classes of activities are not particularly noteworthy for their contents, all solid protection measures, but for their absences. Nowhere does it say *prevent the bad guys from hurting people* or even *arrest bad guys who have hurt people*. The goal, hence, of

<sup>11</sup> Oxfam, 2009. *Improving the Safety of Civilians: A Protection Training Pack*. Oxfam: Oxfam publishing.

humanitarian protection work follows the same logic as the above-mentioned example of UK insurance: both are founded upon the notion of coverage, with the consequent aim of reducing the coverage gap.<sup>12</sup>

This gap is closed by ensuring that efforts are made to prevent violence through training and awareness, documentation and monitoring of violence, reporting on violence, and so on. Indicators for progress include increased participation in protection meetings, regular reports issued, etc. In the end, the limited nature of humanitarian protection work stands out in sharp relief to the protection needs of the people, almost by definition. When people need protection most – at the point of attack – our security restrictions virtually eliminate the possibility of our presence. It is perhaps obvious, but much of the protection work of humanitarians deals with the post-violence lives of the victims.

While these points remain uncontroversial, we consistently lose sight of this true protection gap – between what humanitarian protection is able to provide in terms of promoting and defending people’s rights, and the protection needs of a family, community or ethnic group under attack. One should forgive the victims of violence, the families being marauded, if they are not overwhelmed with relief at the sight of all this protection work. The attacks on women IDPs seeking firewood outside of the relative safety of some of the big camps in Darfur became almost proverbial. A cynic could argue that the piles of reports written about this protection gap, if provided to the women, would have easily fulfilled their need for firewood. It is interesting, then, how little effort in Darfur went into following the simple advice one would have found in following Oxfam’s protection training guide: provide fuel to women so they do not have to leave the camps. The gap was documented, but nobody delivered the aid at the root of it.

*Delusion 3: The public’s belief that somebody is at the front lines, making people safe.*

Why does any of this matter? That humanitarians suffer delusions of grandeur when it comes to their role and capacity for protection seems harmless. It is not. Sectors within the humanitarian community, perhaps even those sectors most responsible for the protection agenda, have fought hard against the notion that humanitarian crises can be defined by the levels of need in terms of assistance. We have broken the paradigm that the provision of assistance is a sufficient response to violent political crisis. This rejection of the “humanitarian fig-leaf” stemmed from the perception that the major political actors and national authorities – those carrying the responsibility and having the means to act – were increasingly employing a strategy of hiding their failure beneath the well-trumpeted and overly glorified provision of assistance. In the end, an illusion of dealing with the crisis protected the much lesser reality of dealing with one aspect of the crisis.

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<sup>12</sup> For example, in 2007 the Office of the UN High Commissioner for Human Rights proposed as an urgent measure to send human rights officers to support and coordinate the protection efforts of the UN humanitarian agencies in Darfur. This measure reduced the protection gap in Greater Darfur, but to what extent the violence?

Yet it now seems that having delivered the message of “aid is not enough”, we humanitarians then ensured a parallel mutation, substituting a specialized notion of protection of rights for actions designed to provide *directly* and forcefully for the safety of people. This substitution was neither benign nor accidental. We have seized upon the protection language, colonized it, and recast even the most mundane of aid activities as protection. A person runs screaming from a burning house and the provision of a blanket takes on the garb of protection work, or distributing sacks of corn flour equates protecting people’s right to food (arguably this serves the opposite purpose by diminishing their claim on the state, or, if not done properly, makes them target for attack/robbery). The question of humanitarians suffering from delusions over the nature of their protection work is only true in part, and must be joined by the calculated decision to repackage aid *as* protection. From one prominent INGO’s website: “Our programs provide: Protection from physical harm; Protection from sexual violence and trafficking; Protection from ...”.

Diminishing the luster of aid itself – promoting the message that aid is not a solution to the problem – is an inherent source of consternation for the providers of aid. Institutional donors do not broadcast the fact that their funding purchases band-aids, not cures. Nor do we humanitarians earnestly wish the public to realize this inherent limitation. Certainly western governments do not wish for their publics to be critical of the superficiality of their aid-only efforts. Enter humanitarian protection center stage. The public feels good about funding protection work – drawn to the idea of protecting people and blissfully unaware that their contributions go to bridging a coverage gap. Donor governments are able to brag about the protection work they are doing, satisfying constituents who would call for more than throwing food at the problem.<sup>13</sup> They are able to replace the use of military or diplomatic force in defense of people’s lives with funding a civilian protection bureaucracy to defend rights. Important? Yes. Positive impact? Yes. Incomplete? Certainly. Dishonest? Absolutely.

What does the public perceive when we humanitarians boldly market ourselves as protectors? We know full well: That the world is doing all it can to make sure people in places like Darfur are safe.<sup>14</sup> Even more important, they *notice* the particular organizations that are active in this regard. Major protection initiatives involve some form of public reporting, advocacy, or press. Unlike aid activities, then, they dutifully enhance the financial health of an organization. Favored protection activities – reports, campaigns, letters to the editor, media appearances, mass SMS messages – are all forms of work on behalf of beneficiaries

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<sup>13</sup> Here, an example of testimony from Mr. Douglas Alexander, UK Secretary of State for International Development, to the British Parliament: “In addition to this DFID a major donor to the Protection Capacity programme (PROCAP), a UN project that aims to create a pool of highly qualified child protection officers, including to lead and coordinate humanitarian protection work in emergencies, including child protection activities.” Hansard Daily, 18 Jun 2008: Column 1034W.[Online]. London: House of Commons Available at: <http://www.parliament.the-stationery-office.com/pa/cm200708/cmhansrd/cm080618/text/80618w0025.htm>

<sup>14</sup> Thankfully, those groups (e.g., Save Darfur) who used to think the world could do more, like intervene militarily, have seen the error of their ways, and the goals have been lowered to activities such as lobbying and advocacy. In other words, they have shifted their discourse from one of ensuring physical safety to one of bridging the protection gap.

that also tangibly serve the institution. Coincidence? The logic in favour of mainstreaming protection thus extends beyond the work on the ground, and expediently dovetails with public visibility on a crisis issues.

*Delusion 4: Integrity is the only thing at stake*

If the integrity of humanitarian organizations were the only casualty of this delusion being perpetrated on our publics, it would warrant the hand-wringing of we insiders but little more. The humanitarian business has never been innocent. But what happens when others take notice of our focus on protection? In their eyes, the unqualified goodness of the mainstreaming and programming of protection activities may seem less obvious, even where filled with good intention and demonstrable positive results.

In the first place, people on the ground in places like Darfur and D.R. Congo will notice the focus on protection. There are quite some positives for which they will be thankful, such as the proverbial well-lit latrines or successful family tracing. However, the fervor surrounding humanitarians' rapid uptake of the protection agenda combines detrimentally with its ease and lack of costs. Food, medicine, clean water, shelter, etc. are expensive items often requiring lots of support staff, difficult logistical arrangements, and plain old hassles like getting stuck in the mud with a 20-ton lorry full of grain. By comparison, protection work is inexpensive and undemanding. An organization can partake in the noble business of fighting violence and abuse of populations – the underlying causes of the food shortages and lack of shelter, etc. – rather than responding to the symptoms. Moreover, as insinuated above, all of this protection work is very good for the balance sheet side of aid.

One result is an increasing absence of aid organizations delivering aid, instead seemingly satisfied to engage in protection work. As one member of a prominent international NGO said regarding their performance in Darfur at the peak of the humanitarian upsurge (late 2004, 2005): “We’ve got more protection officers in Darfur than water and sanitation engineers.” He then added that he was sort of kidding, and yet then that it was sort of true. Whatever the truth in that case, MSF perceives a drop-off of major actors in the emergencies of today in terms of their engagement with the task of delivering assistance.

In the second place, governments not especially friendly to the presence of humanitarians have also noticed. When the author was defending an MSF report to Sudanese authorities, they charged that the only reason for this public reporting was to increase donations. It should be clear that the *perception* that humanitarians are busy making noise for their own financial gain endangers their presence (relationship with authorities) and undercuts the power of the protective message. Such accusations will never disappear. But a far more serious threat is posed by the fact that the Sudanese government’s suspicions, viewed more generally across the sector, may not be completely unfounded.

Finally, there is a great risk to humanitarian access to populations in crisis from the linkage between protection activities and their potential to embarrass governments or directly

threaten the interests of individuals within those governments. Obviously, engaging in protection work involves a careful analysis of the potential backlash. In certain contexts, however, humanitarians no longer control the *meaning* of their protection activities as interpreted by those with power, guns and/or blood their hands.

Nowhere is this more evident right now than in Darfur, where the actual and alleged cooperation of NGOs with the International Criminal Court has prompted the government to crack down on activities.<sup>15</sup> There are humanitarian organizations who expend a great deal of effort essentially conducting investigations for the ICC. There are donors who willingly fund this sort of activity. Faced with such allegations, MSF was forced to take the extraordinary measure of issuing a statement to the press denying that we had sent information to the ICC.<sup>16</sup> Nonetheless, aid activities such as those involving counselling, because they arouse suspicion of authorities (in their resemblance to interviewing and documenting of abuse), have been forcibly curtailed.<sup>17</sup>

As humanitarians we have thumped our fists on the hallowed tomes of the Geneva Convention to demand access to civilian victims in need of assistance. The “right of initiative” clearly establishes the right of an impartial humanitarian entity to offer its services in a conflict situation without this offer being interpreted by states as an unfriendly or hostile act. Others do not possess such a right, no matter how salutary their work. Hence, Human Rights Watch, Amnesty International, BBC, International Crisis Group, the Catholic Church, Harvard University, and so on have nothing more than moral rectitude to stand upon when seeking access to places like post-invasion Iraq or crisis-stricken Darfur.

At what point, though, does an humanitarian agency lose this right of access if its essential aim is to replicate the work of a human rights organization? Does IHL oblige governments to tolerate hordes of rights workers running around in the guise of relief operations? And even if IHL mandated against their interests, can we imagine government officials individually responsible for the commission of war crimes actually letting this happen with any regularity

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<sup>15</sup> Salah Gosh, Head of the Government of Sudan’s National Security and Intelligence Services warned that: “Any organization that does not adhere to its mandate will face accountability measures . . . the government wants aid and not for these organizations to play around.” \_\_\_\_, 2008. Sudan warns humanitarian organisations of facing expulsion. *Sudan Tribune* 29 August.

<sup>16</sup> In pertinent part: “Since the creation of the ICC, all MSF sections have adopted a binding internal policy refraining from any cooperation with the ICC. This policy is based on the recognition that humanitarian activities must remain independent from risk of political and judicial pressure in order to be able to give medical and relief assistance to populations in situation of troubles and violence. This policy has been presented and explained to the ICC so as to make sure that MSF will not be compelled or summoned to give information and witnessing to such judicial bodies. [...] We do not hesitate to go public about the crisis or the violence inflicted on the people we treat are facing, particularly when their situation is unknown or not addressed and always in full transparency with all stakeholders. This is what we have done consistently since the beginning of the Darfur crisis. We did not cooperate or send any information to the ICC...” MSF, 2008. *MSF’s position regarding the International Criminal Court’s prosecutor’s case presentation against the President of Sudan* [Press Release]. 30 July. MSF: Geneva.

<sup>17</sup> This paper was written prior to the recent expulsion of 13 NGOs from Darfur following the ICC’s announcement that it had issued an arrest warrant for Sudanese President Omar el Bashir. As the author is typing these final edits from a Khartoum rooftop, the expulsions only serve to emphasize the risks attached to the rapid growth of the humanitarian protection agenda.

given their concerns for prosecution? Evidence pointing at the failures of a government is qualitatively different than evidence of criminal activity of specific persons, yet many humanitarian agencies seem to have given this fairly little forethought. For the purveyors of such information, what impact on the humanitarian imperative of food, water, and healthcare?

And what impact emerges from the victims and beneficiaries themselves? From their point of view, the humanitarian apparatus becomes the primary vehicle via which to transmit violence concerns to the larger world. In many contexts it has thus become the primary vehicle through which populations exercise their right to be protected from harm. If the people employ the humanitarian community as its protector, then any hope of neutrality vis-à-vis the perpetrators is destroyed. Instead, we become positioned as the enemy of the beneficiaries' enemies.

### **Steps forward**

The primary purpose of this paper is to highlight issues, rather than propose solutions. Moreover, it is difficult to imagine any specific formula to safeguard the value of humanitarian protection thinking and programming while at the same time eliminate its departure from the original intent. The accusation above is that these deviations begin as conscious detours, but have then settled into a paradigmatic framework for humanitarian action. While there may be some cynical manipulation, the more frightening prospect is that actual delusions have evolved. As a psychiatrist will advise, a delusion is a fixed, false belief.

That said, there are steps to be taken. As a preliminary exercise, aid and assistance must return as the foundation of protection work, not as its cover, excuse or afterthought. MSF's experience in *temoignage* is instructive in this regard, where the content of advocacy or public denunciation is determined not by what is happening to people *per se* (as would be the case for a journalist or a human rights researcher), but by its intersection with the delivery of medical services. The lens of MSF's healthcare programming thus filters MSF's perception of the population's suffering. Such an approach guarantees that we humanitarians remain focussed on meeting the needs of people in crisis, while at the same time helping to argue against perpetrators' accusations of being involved in areas that they consider "none of our business."

Furthermore, humanitarians must seize upon the necessity of ensuring that protection activities meet a high standard of *defensibility* vis-à-vis any party able to block access or retaliate directly against people. Both in terms of practice and conceptualization, we must practice protection work in a manner that protects the integrity of the work: gaining acceptance for advocacy, preventing harm from negative backlash, and ensuring effectiveness. After ensuring the integrity of the work, advocacy initiatives must be developed and implemented with regard to three axes of defensibility – content, strategy, and

process/method.<sup>18</sup> It is encouraging that the ICRC, so instrumental in developing the concept of humanitarian protection in the late 1990s, has taken up the issue again, engaging with other stakeholders in an attempt to improve the standards and practices therein.

### Conclusion

Question: What are the limits of all this protection work? Answer: With regard to protection, the principal limit of our responsibility is the responsibility to know our limits, and thereafter to be honest with the public about them. Why? Because we humanitarians have gone far beyond our collective limits to the land of hubris and self-delusion, and we seemingly admit it neither to ourselves, nor to our donors nor to the people we serve.

I am one of those protection workers who, with a human rights/legal background, sees action in terms of documentation and advocacy. The rape of women who leave Kalma camp to seek firewood is thus perfectly responded to with a well-placed report. As the humanitarian space in places like Darfur fills with this sort of thinking – a stripped down or even perverted HRBA perspective – we move beyond the goal of making sure that rights will materialize instead of fulfilling needs; beyond the goal that humanitarian aid ensures that victims are treated as people endowed with rights instead of vessels ready to collect aid as it is thrown their way. We move instead to the realm of HRBA-thinking not having supplemented the delivery of lifesaving assistance, but having supplanted it. Worse still, the buzz and sloppy practices around humanitarian protection may attract strategic countermeasures by those from whom people need protection, leading to even less space in which to deliver assistance.

While NGOs and governments pat themselves on the back for the launch and hypergrowth of the humanitarian protection establishment, the violence against people maintains its own forward momentum, for the most part indifferent to our efforts. We should not abandon our work – we *should* pat ourselves on the back for breaking through the barrier of aid alone. But we need to be responsible about the limits of humanitarian protection. First we should stop lamenting the protection gap as if it were the real problem. Second, we need to put institutional interests aside and practice aid/protection for the sake of the beneficiaries. If not, we will long for the days of the well-fed dead and rue the upsurge of the well-documented sick (well-interviewed and well-analyzed as well) or, worse still (given the limitations of humanitarian protection), the well-documented sick *and* dead.

We humanitarians need to be honest about what we call protection. Limited risk reduction or raising awareness should not be branded as “protection” activities when we know the word conveys so much more to the public. That is false advertising; we humanitarians have placed the shiny wrapper of protection on our work and sold it to a public unable to look inside the box. The protection in the box we sell is not the protection stuff people in Darfur or D.R. Congo so desperately need. Put simply, the protection fig-leaf is our creation, and one we

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<sup>18</sup> For details, see DuBois, M. 2008. Civilian protection and humanitarian advocacy: strategies and (false?) dilemmas. *Humanitarian Exchange*, 39. June 2008.

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must lift. To ignore the consequences of playing upon the multiple meanings of the term “protection” is to ignore that the one thing you can’t get in a sex shop is . . . sex.

And the one thing humanitarian protection cannot deliver is . . .