Local Engagement Refugee Research Network Paper No. 1 –
December 2019

Protection and the Humanitarian-Development Nexus

A Literature Review

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Executive Summary

Attempts to bridge the Humanitarian-Development (HD) nexus are not new, but in recent years this idea has received renewed interest in light of the failure of traditional approaches to adequately respond to and manage complex, protracted crises. While these major policy shifts take place at the global and national levels (for example, see the 2016 World Humanitarian Summit, the Grand Bargain, the 2018 Global Compact on Refugees, or the Regional Refugee and Resilience Plan (3RP)), few studies have considered the implications that an HD approach could have on one of the core mandates of humanitarian assistance: protection. This literature review therefore examines the potential protection implications of an HD approach to complex, emergency situations. It discusses current gaps and areas for future research that were identified in our review of the literature. Highlighting both the risks and benefits that this approach could have towards the protection outcomes for affected persons, we find that these outcomes largely depend on who is involved and whose interests are prioritized in decision-making processes in an HD approach. Consequently, this approach raises additional questions that lead us to an unresolved and ongoing debate within the humanitarian sector around its role in non-traditional humanitarian situations. This debate centres around whether the humanitarian sector should maintain a needs-based approach or shift towards a rights-based approach, which in turn raises important questions about when (and which of) the humanitarian principles are relevant and what protection really means, particularly when the perspectives of other stakeholders – such as affected persons – are taken into consideration. These issues remain unresolved and become complicated by the addition of multiple actors (humanitarian, development, civilian, private, affected persons etc.) with different roles, interests and mandates in an HD approach. We therefore propose that both the humanitarian and development sectors engage with the concepts, objectives and principles behind this debate head-on, in order to strengthen our understanding of what they mean practically. As HD approaches are likely to become the new way of addressing complex crises, finding clarity on how humanitarian and development actors can work together through shared principles and objectives is critical to ensure that affected persons are adequately protected.

Introduction

While it is the primary responsibility of states to protect all individuals on their soil, where states cannot or are unwilling to provide protection, the humanitarian sector must step forward to uphold this role (IASC 2013). The centrality of protection is thus a "core and shared responsibility of all humanitarian actors" (Hastie 2018: 6). Protection is broadly defined as "all activities aimed at ensuring full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law)" (IASC 2016: 2). But what protection really means– to the various actors operating in the humanitarian sector, in relation to the four humanitarian principles (humanity, neutrality, impartiality and independence), and in practice– is subject to interpretation and to debate itself (Bennett 2015; Clarke *et al.* 2018; Spiegel 2017; Steets *et al*. 2016).

This literature review broadly examines the theme of protection within the humanitarian sector, including current debates within the sector and areas for future research. In particular, we examine the literature relating to the Humanitarian-Development Nexus from the perspective of protection. That being said, it should be noted that there is very little research, academic or grey, that discusses the protection implications of implementing a humanitarian-development approach.

The first section of the paper provides an outline of the humanitarian and development sectors and their roles, the problematic of complex and protracted emergencies, and the proposed solution of bridging the humanitarian-development (HD) gap to address these situations. The second section delves deeper into the meaning of protection in the aid system and discusses the potential protection implications of a HD approach to complex emergencies, to reveal the lack of clarity and current debate behind these concepts. The third section discusses gaps in the literature and areas/questions for future research. While the humanitarian sector and its role are often taken to be well-established, we demonstrate how many aspects of the humanitarian sector are contested, which leads to confusion and uncertainty about the future of humanitarian action, especially as it relates to protection.

1. Humanitarian and Development Aid

1.1. Traditional approaches to humanitarian and development aid

The aid system has traditionally been compartmentalized between humanitarian and development assistance. The humanitarian sector is intended to address emergency situations and meet the immediate basic needs of people affected by those crises. For this reason, humanitarian responses are expected to be short-term, flexible, and may circumvent existing national systems in order to quickly deliver aid to people in need (Bennett 2015; Buchanan-Smith and Maxwell 1994; Macrae 2012). Protection embodies the spirit of what the humanitarian sector should aim to achieve in emergency situations, in line with the four recognized principles (humanity, neutrality, impartiality and independence) to guide this aim (ICRC 2015; UNHCR 2015). Humanitarian actors are able to make important decisions based on the four principles, which provide them with the moral impetus to give aid to anyone in need, regardless of their affiliations (impartiality), without influence from the interest of political or non-political actors (independence), and with no intention or interest to influence the outcome of a conflict (neutrality) (*ibid*). The humanity principle is upheld through protection activities, which in practice means "identifying who is at risk, how and why at the very outset of a crisis and thereafter, taking into account the specific vulnerabilities that underlie these risks, including those experienced by men, women, girls and boys, and groups such as internally displaced persons, older persons, persons with disabilities, and persons belonging to sexual and other minorities" (IASC 2013: 1). Complementary, but separate to humanitarian assistance, development assistance is intended to address the structural causes of poverty, by working to change the social, economic and political systems that create the conditions in which poverty and inequality occur (Bennett 2015; Brown and Donini 2014; Krocks *et al*. 2018). For this reason, development organizations aim to be sustainable in their efforts by working with local and national government structures. As such, the development sector is not meant to be neutral, impartial or independent as the humanitarian sector tries to be, and its approach is rooted in a human rights framework, which aims (similar to the protection mandate of humanitarian aid) to uphold the rights of the recipients of aid in accordance with relevant bodies of law (Brown and Donini 2014; CIC 2015).

These simple conceptions of humanitarian and developmental roles represent how the aid system is intended to work. But reality is messy and complex, and situations requiring humanitarian and/or developmental aid are not clear-cut, change over time, and may require a multitude of interventions by actors from all sides. The rigid classification within the aid system has resulted in organizational, cultural, and budgetary silos, which make coordination and collaboration between the humanitarian and development sectors difficult to achieve (Bennett 2015; Brown and Donini 2014; Hinds 2015). For example, funding for humanitarian and development assistance have traditionally been managed by separate departments in donor governments, contributing to the disconnect between both systems (Bennett 2015; Hinds 2015). Unlike humanitarian assistance, which is financed mainly by short-term grants, funding for development assistance is longer-term, thereby providing some stability, predictability, and dependability for all the actors involved (Gavas *et al*. 2015; Krocks *et al*. 2018; Watson 2016; UNSG 2016). The populations of concern for each sector are also different: development approaches work through national systems, and therefore their initiatives are usually targeted towards citizens of the countries in which they work (Hinds 2015; Macrae 2012). In contrast, refugees and asylum seekers found within these countries are usually considered the mandate of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations. Development organizations tend to step back from emergencies, particularly in conflict-affected and fragile states because, unlike humanitarians, they must work with states and do not want to be perceived as supporting governments that violate human rights, leaving humanitarian organizations to pick up the slack (De Castellarnau and Stoianova 2018; Christensen and Harild 2010). These structural divisions have, in turn, reinforced cultural divides between humanitarian and development aid workers who remain specialized in their own field, with few career incentives to cross over and build their capacities in other sectors (Bennett 2015; Hinds 2015; Macrae 2012).

The theoretical and practical divide between the humanitarian and development sectors is a shortcoming of the aid system whenever their roles do not match the complex realities of the situations they are trying to address. This is problematic because emergency situations are taking longer and longer to 'resolve'– and hence last for several years (Crawford *et al*. 2015; Christensen and Harild 2010). From 1978 to 2014 only one displacement crisis out of 91 was resolved in under four years (Crawford *et al*. 2015:12). Most (80%) were resolved in 10 years, but many more lasted

for upwards of 20 years for refugees, and 23 years on average for IDPs (*ibid*). The new normal for the humanitarian sector is one of protracted crisis situations, a contradictory term in itself, blurring the lines between emergency and enduring needs (Crawford *et al*. 2015; Dubois 2018). Correspondingly, humanitarian organizations have expanded their scope of operations to include "recovery and basic service provision, particularly in protracted crises, where extreme, widespread and unpredictable needs exist alongside long-term structural vulnerabilities, an absence of government support and where there are major barriers to scaling up development funding and activities" (Bennett 2015: 7). But this is an increasingly challenging situation as the humanitarian system struggles to meet the high-level of diverse needs for which it is currently responsible, all the while constrained by its institutions' own mandates, structures, and lack of funding (Clarke *et al*. 2018; OCHA 2018, UNHCR 2017). There is a clear need to find some kind of solution to better address the nature of current humanitarian crises, which has led to two separate, yet related proposals: a) bridging the gap between the humanitarian-development nexus through policy initiatives and changes to operations, funding structures, and coordination between the two sectors; and b) improved coordination and accountability of the humanitarian sector actions to best meet the needs of peoples affected by crisis (Dubois 2018; Osa and Hanatani 2018). Underlining both of these changes is an undercurrent pushing the humanitarian sector from a needs-based approach towards a rights-based approach, discussed further in section 2.

1.2. The Humanitarian-Development (HD) Nexus: Meanings and Approaches

Debates about the relationship between humanitarian assistance and development aid emerged in the 1990s, with a view to try to resolve the divide between these two branches of the aid system (Bennett 2015; Betts 2009; Buchanan-Smith and Maxwell 1994; Hinds 2015; Osa and Hanatani 2018). The main issues discussed were differences in "(1) funding (temporal period of engagement and types of activities eligible for funding); (2) institutions (philosophy, mandates, strategies, approaches); and (3) partnerships and coordination (between different actors and between capitals and field offices within the same organization)" (Osa and Hanatani 2018: 5). A number of approaches have tried to bridge the gap between humanitarian and development responses by addressing these three main issues. These approaches, some of which continue to be used today, include 'relief to development continuum', 'contiguum model', 'Linking Relief, Rehabilitation

and Development (LRRD)', 'Relief to Development and Transition', 'Targeted Development Approach', 'Early Recovery', the 'Gap approach', 'Seamless Assistance', and the 'Resilience Approach' (Bennett 2015; Betts 2009; Buchanan-Smith and Maxwell 1994; Crisp 2001; Dunbar and Milner 2016; Gomez and Kawaguchi 2018; Hinds 2015; Krocks *et al*. 2018; Macrae 2012; Osa and Hanatani 2018). These approaches are based on different assumptions– for example, 'relief to development' saw the transition from humanitarian to development as a linear process whereas later approaches recognized that different phases can happen concurrently– but they all contain common elements. Indeed, they all envision that humanitarian and development actors can work collaboratively and effectively towards common goals, such as "reduc[ing] need, risk and vulnerability", "supporting and strengthening national and local capacities rather than replacing them", and ensuring "the dignity, safety and well-being of people" (UNSG 2016: 36, 45, 46, respectively; OCHA 2017; UNGA 2016a; UNHCR 2017).

The latest interpretation of an HD approach is perhaps the most aggressive at pushing these common goals. As highlighted by the then UN Secretary General in his 2016 report, *In safety and dignity: addressing large movements of refugees and migrants*, the mandates and approaches of humanitarian and development actors are distinct, but both have a similar aim to ensure that people's rights are upheld and that they can live in dignity, as embodied by the Sustainable Development Goals (CIC 2015 and 2016; OCHA 2017; UNSG 2016). This objective has been reiterated in a number of recent policies and reports including: the 2016 World Humanitarian Summit, the 2030 Agenda and Sustainable Development Goals (SDGs), the Paris Agreement on Climate Change, the Grand Bargain, the UN Office for the Coordination of Humanitarian Affairs' (OCHA) New Way of Working, the 2016 *New York Declaration for Refugees and Migrants*, the 2018 Global Compact for Safe, Orderly and Regular Migration and the 2018 final draft of the Global Compact on Refugees (Global Compacts). For example, Objective 2f) of the Global Compact for Migration is to "strengthen collaboration between humanitarian and development actors (…) in order to develop long-term responses and outcomes that ensure respect for the rights of affected individuals, resilience and coping capacities of populations, as well as economic and social self-reliance" (UNGA 2019: 10). This objective links humanitarian and development objectives together, using rights-based language that supports both a development approach and a humanitarian one (UNHCR 2017).

Examples of an HD approach in practice range from individual programs to comprehensive regional and nationally owned plans implemented by multiple actors (local non-governmental organization (NGOs), international NGOs (INGO)s, UN agencies, local or national governments).[1] However, such examples are the exception, rather than the norm (see CIC 2016; Thomas 2017). Several factors contribute to the difficulty in achieving an HD approach in practice. First, the question of how to actually implement an HD approach is a matter of debate (Gomez and Kawaguchi 2018). There remains a lack of clarity on what an HD approach means, a situation that is further complicated by the use of similar, but differently understood, terms and concepts within humanitarian and development approaches (for example: relief, recovery, resilience, vulnerability) (Bennett 2015; Clarke *et al*. 2018; Crisp 2001; Dadu-Brown *et al*. 2017; Darcy 2008; Gomez and Kawaguchi 2018; Hinds 2015). For instance, vulnerability within humanitarian approaches focuses on individuals and the risks they face based on what makes them immediately vulnerable, whereas development approaches focus on the structural and long-term causes of vulnerability. Second, the success of these approaches on the ground has been hindered by the continued inability of the humanitarian and development systems to overcome the three aforementioned gaps (funding, institutions, coordination/partnership). For example, despite efforts to link funding for humanitarian-development initiatives (for example, through joint humanitarian-development appeals and more flexible funding), these achievements are at risk due to inadequate levels of consistent and multi-year funding for the scope of these initiatives (such as to support the 3RP) (Gavas *et al*. 2015; Hinds 2015; Krocks *et al.* 2018). Emergency funding has risen, but in comparison to development funding remains relatively small and so it does not have the capacity to deal with the protracted crises with which it is tasked (Bennett 2015; Carbonnier 2018; Clarke *et al*. 2018; UNSG 2016; Watson 2016). Moreover, most donor departments continue to function without significant changes, and for the few donor departments that have restructured, it is unclear

[1] See for example: Resilience in the Sahel-Enhanced (RISE); Sahel Regional Response Plan (CIC 2016); RESET in Ethiopia, piloted by EU (Bennett 2015); Joint Resilience Initiative by UNICEF, WFP and FAO in Ethiopia (CIC 2015); Uganda Self-Reliance Strategy (Lie 2015); Transitional Solutions Initiative in Eastern Sudan (CIC 2015; Hinds 2015); Colombia's Transitional Support Initiative (CIC 2015; Hinds 2015); Haiti Transitional Appeal (CIC 2015); UN's Strategic Response Plan for Syria (3RP) and subsequent nationally-led plans (CIC 2015; Krocks *et al*. 2018); and Tamkeen project in Syria (Dadu-Brown *et al*. 2017).

if and how this has improved coordination for managing crises (Gavas *et al.* 2015). The recent United Nations (UN) creation of the Joint Steering Committee to advance Humanitarian and Development Collaboration may provide some guidance in the future, but presently both sectors are dealing with issues as they arise (OCHA 2018).

One potential way for linking humanitarian and development actors' activities in addressing complex and protracted crises could be through a rights-based approach. Whereas humanitarian approaches have traditionally been more 'needs-based' in practice, in recent years, a number of humanitarian organizations have shifted towards applying a 'rights-based' approach in their work (similar to development actors) (Hinds 2015; UNHCR 2017). However, adopting a rights-based approach in the humanitarian sector is not without controversy and raises a number of important questions regarding the humanitarian sector's role. While protection is about upholding the rights of people affected by crises, which would fit within a rights-based approach, in a paradoxical way, the humanitarian sector at large is about prioritizing certain rights in order to meet the immediate needs of those same people. The question then becomes, which rights and needs are we talking about, and who decides which rights and needs to prioritize? The next section discusses this contestation, confusion and debate with regards to this rights-based shift in the humanitarian sector, and specifically in relation to an HD approach.

2. Protection and the Humanitarian-Development Nexus

2.1. The meaning of protection in the aid system: current and ongoing debate

The meaning of protection is often taken for granted, but in fact, the broad definition of protection has resulted in multiple debates in the humanitarian sector about what protection is, or should be, and for whom (Clarke *et al*. 2018; Spiegel 2017; Steets *et al*. 2016). Humanitarian organizations usually understand protection as "access to life-saving assistance and protection service" (Steets *et al*. 2016: 45; also, UNHCR 2015). A more progressive definition as laid out by the Inter-Agency Standing Committee (IASC) envisions protection as also including an advocacy function, in order to stop rights violations (Steets *et al*. 2016). Although this latter conception includes clear directives for protection clusters, OCHA, and the Humanitarian Coordinator to advocate on behalf

of affected persons to stop human rights violations, not all humanitarian organizations adopt this conception of protection (Steets *et al*. 2016). The humanitarian principles are also a critical part of humanitarian action, which distinguishes humanitarians from other actors and which enables them to access and assist people who development actors are unable to reach (such as those caught in the crossfires of conflict zones) (Dubois 2018; Guinote 2018; ICRC 2015; UNHCR 2015). The importance of upholding the humanitarian principles in general is unquestioned, and the HD approaches discussed in the previous section (Global Compacts, New York Declaration, etc.) also reiterate the importance of delivering humanitarian aid in accordance with these principles (UNGA 2016a/b and 2018 and 2019; OCHA 2017). What is at issue is not if principled humanitarian action is necessary, but if the four principles should be upheld at all times and, if not, when and which principles should be considered under which circumstances (Bennett 2015; Dubois 2018; ICRC 2015; OCHA 2017). The HD approaches propose a joint way of working toward collective outcomes,[2] which would inevitably involve working with governments. Some humanitarians take issue with this compromise of the principles of independence and neutrality (De Castellarnau and Stoianova 2018). Conversely, there is evidence that "humanitarian work is generally more effective where conducted in partnership with, or under the umbrella of, the government" (Clarke *et al*. 2018: 198). Moreover, since the primary responsibility to protect resides with states, "humanitarian action is thereby meant to complement and support States in fulfilling such responsibilities; it should neither undermine nor supplement state responsibility" (UNHCR 2015). Undertaking principled humanitarian action is evidently not a clear-cut path, but one that must carefully consider, based on a thorough analysis of the local context, which principles must be prioritized in order to achieve the best protection outcomes (Dubois 2018; Guinote 2018; Hinds 2018; Macrae 2012; OCHA 2017).

In addition to the conceptual diversity around what protection means, there are also different understandings of what protection needs are and which needs should be prioritized. Protection

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[2] For example, OCHA reiterates that "while nothing should undermine the commitment to principled humanitarian action, especially in situations of armed conflict, there is, at the same time, a shared moral imperative of preventing crises and sustainably reducing people's levels of humanitarian need, a task that requires the pursuit of collective outcomes across silos" (OCHA 2017: 4).

covers a vast array of needs, ranging from health to education to food security, as emphasized by the Cluster Approach which calls for the integration of protection into every cluster (IASC 2015). Not only are needs wide-ranging, but as a recent study of the humanitarian system highlighted, people's protection needs are 'multidimensional' and can vary depending on the context and affected populations (Clarke *et al*. 2018). This breadth and multidimensionality make it difficult for humanitarian organizations to meet all of people's protection needs and thus requires them to prioritize certain needs over others (Clarke *et al*. 2018). Here the humanitarian principles are intended to help guide these decisions by prioritizing urgent needs and life-saving action over, for example, defending refugees' right to work (as upheld in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and the Universal Declaration of Human Rights). But how humanitarians should proceed in cases where crises become protracted, where acute and long-term protection needs co-exist and reinforce each other, and where humanitarian action alone cannot address the high level of need, is much less clear. Research shows that humanitarian organizations are more effective at meeting acute needs, whereas long-term protection needs, such as livelihoods and recovery programs, are neglected in favour of pre-conceived programs that contain little space for people's shifting priorities over time (Clarke *et al*. 2018).

Finally, the humanitarian sector includes a diverse group of actors, from UN agencies, to INGOS and NGOs, and CSOs, working in sectors ranging from health care, education, WASH (water, sanitation and hygiene), and shelter, all of which constitute protection needs and have an impact on protection outcomes. There is no single body that oversees how these various actors uphold core standards, which are themselves committed to on a voluntary basis; therefore, there is wide variation in how these actors interpret and implement their protection obligations in their activities (ICRC 2015). This situation is both an outcome of the sector's diversity and part of the problem. It means that humanitarians can interpret 'protection' to fit their own agendas, and makes the problem of complex emergencies much harder to effectively address. Consensus and clarity can lead to better collaboration and partnership, but when even the basic principles or approaches are understood and interpreted differently, this fragmentation is likely to undermine the efforts of the humanitarian sector, and the HD approach more broadly (Gomez and Kawaguchi 2018).

This section has highlighted the lack of consensus regarding core aspects of protection within the humanitarian sector. These debates reveal some uncertainty within the humanitarian sector about the direction of its own future (ICRC 2015). The next section discusses debates around the responsibility of humanitarian actors and examines the implications of their expanded roles.

2.2. What should be the role of humanitarian actors in the future?

Out of the debates around how to improve the humanitarian and development systems in order to better manage crises, and in response to the failures of the humanitarian sector to adequately respond to and protect civilians during the 1994 Rwandan genocide, initiatives were developed to make humanitarian responses more effective, efficient, and accountable through improved humanitarian coordination (Brown and Donini 2014; Osa and Hanatani 2018; Steets *et a*l. 2016). Among these initiatives are the creation of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in 1998, the Cluster system in 2005, the SPHERE Project, the transformative agenda in 2011, and accountability to affected persons in 2011 (Philips 2011; Osa and Hanatani 2018). The prolonged presence of humanitarian actors and the expansion of their roles from meeting immediate basic needs to addressing longer-term needs – including education, health care, psycho-social support, and even skills training and livelihood programs – has necessarily demanded more oversight and accountability from the sector (De Castellarnau and Stoianova 2018). The way the sector has evolved to meet the changing dynamics of humanitarian situations has effectively shifted part of its role into the realm of 'development' and with this comes greater responsibility: to donors, to governments and local populations, and importantly to persons affected by crises themselves.

This shift has led to the adoption of more rights-based language to describe the roles, responsibilities and activities of the humanitarian sector. For instance, efforts to improve the humanitarian sector's accountability to persons affected by crises highlight how these persons are stakeholders on par with donors, (see IASC Accountability to Affected Persons (AAP); Core Humanitarian Standards (CHS), SPHERE standards, or the Code of Conduct for ICRC and NGOs). A number of these policies and standards take actor-oriented and participatory approaches, which come from the development sector, to highlight the responsibility towards rights-holding persons affected by crises and the need to centre decisions around what these actors say that they need (Brown and Donini 2014). Some organizations, such as UNHCR, take this point further, claiming

that participation "promotes protection", by empowering people to take some control of their lives, building social capital through community-based activities, and improving project outcomes (UNHCR 2008: 18; also, Calhoun 2010). UNHCR's Emergency Handbook, for example, states that in addition to principled humanitarianism, "equally important is UNHCR's commitment to a rights-based and community-based approach, which includes efforts to engage and empower persons of concern in decisions that affect their lives" (UNHCR 2015: Humanitarian Principles). The fact that these policies transfer so much power to persons affected by crises (theoretically at least, since the application of such policies is historically poor) creates significant challenges for the humanitarian sector, as the programs/actions requested by affected persons may not be something that humanitarian actors can deliver or may require some compromise between what humanitarians and people affected by crisis consider to be protection priorities. To illustrate this point, humanitarians may prioritize meeting food security or health needs, whereas people affected by crisis may consider that meeting their protection needs in terms of "nationality, freedom of movement, access to justice [and] peace and security" is equally – if not more – important (Clarke *et al*. 2018: 187). Or again, refugees might ask that humanitarian actors advocate on their behalf for the right to work in hosting countries, an advocacy role that the IASC supports (Steets *et al*. 2016). But advocacy with government bodies could also be seen to violate the principle of neutrality, and it is not clear how effective humanitarian organizations are at fulfilling this advocacy responsibility, especially when it conflicts with their own interests or ability to remain engaged in the crisis situation.

Additionally, approaches aiming to achieve active participation and empowerment "may challenge humanitarian principles and values, because they imply tackling structural inequalities or promoting social change and therefore entering controversies of a more political nature", which could end up involving humanitarian actors in local politics or power dynamics (Brown and Donini 2014: 21). Some humanitarian organizations maintain that such engagement is necessary, particularly when working in protracted situations and when circumventing local institutions could undermine the work of humanitarians in the long-term (Bennett 2015; Brown and Donini 2014; Spiegel 2017). A number of international policies and standards support this trend towards localization, emphasizing the need to reinforce, rather than replicate, the roles of local institutions and actors as they are often much better placed to respond (Bennett 2015; Dadu-Brown *et al*. 2017;

Dunbar and Milner 2016; Foresti and Denney 2011; Hinds 2015; ICRC 2015; Kocks *et al*. 2018; OCHA 2018; Tateyama 2018; UNGA 2016a and b). A recent study found that a lack of such engagement from local actors meant that "government structures had, in some cases, been disempowered by long-term humanitarian interventions" as humanitarian actors had chosen to build parallel systems that ended up weakening existing institutions (Clarke *et al.* 2018: 275). These policies highlight that local organizations are already familiar with the context and people in need, have connections and relations with different local actors, and know how to navigate those power dynamics (Dadu-Brown *et al*. 2018; Foresti and Denney 2011; Krocks *et al*. 2018). However, one of the difficulties in implementing this localization agenda is ensuring the inclusion of multiple perspectives (not reinforcing unequal power dynamics and ensuring the voices of minorities are heard) and that local actors are involved in this process, not simply told what to do (Clarke *et al*. 2018).

On the other hand, the humanitarian sector's expansion, and its accompanying increased responsibility and accountability obligations, is not without debate. More traditional humanitarian actors, which "tend to operate with an extremely high regard for humanitarian principles and have often positioned themselves outside state interests" view the sector's expansion as negatively impacting on its primary objective: to respond immediately to emergency situations (Brown and Donini 2014: 22; see also De Castellarnau and Stoianova 2018; Dubois 2018). The humanitarian sector's ability to respond to 'real' emergencies has not improved, and this, they argue, is because the drive for accountability has made the sector risk-averse, choosing to work in safer spaces and "overstretching the humanitarian mandate into areas beyond immediate and lifesaving responses" (De Castellarnau and Stoianova 2018: 27; also, Bennett 2015). This expansion has effectively diluted the role of humanitarian actors to 'catch-all', distracting from its main role and reducing its ability to meet the immediate needs of people affected by crises (De Castellarnau and Stoianova 2018). These actors call for a more restricted role of the humanitarian sector to address acute emergencies, building on its strongest qualities (four principles), and for development and peacebuilding actors to step up and fulfil their separate, but necessary roles in order to deal with the issue of protracted crises (De Castellarnau and Stoianova 2018; Dubois 2018).

Clearly, there remains debate as to how humanitarian organizations should uphold their protection responsibilities, a debate that has become increasingly muddled by the introduction of additional stakeholders (local actors and people affected by crisis) in the determination of what those protection responsibilities entail. Traditionally, the humanitarian sector has operated a needs-based approach that prioritized the perspective of humanitarian actors in determining protection needs, through their interpretation of the humanitarian principles. But the shift towards a rights-based approach, which emphasizes the rights of people affected by crisis to be included in the determination of those protection needs and activities, poses significant challenges to the sector. Which rights should be upheld, which can be suspended, how do we rank rights, and who is responsible for such an exercise? This conversation is even more confused by the multiple uses of the term ‘rights’ and ‘rights-based approach’. What is a rights-based approach and how do different humanitarian actors interpret it? This remains an area of contestation leading to the heart of the question: what should be the role of the humanitarian sector in the future?

We have seen in this section that the push towards bridging the HD nexus is part of a larger debate around rights-based vs needs-based approach and the future of the humanitarian sector’s role. The next section discusses in greater detail debates within the humanitarian sector about an HD approach and what implications such an approach holds for its protection role and protection outcomes for persons affected by crises.

2.3. Protection implications of a humanitarian-development approach in complex emergencies

As we have seen, attempts to bridge the humanitarian-development nexus are not new, but in recent years there has been renewed interest in this idea. It is important to examine why this is happening now, as it will likely have repercussions on protection outcomes. Renewed interest is partly due to the growing recognition of aid system’s shortcomings and the need to better respond and manage complex, protracted crises (OCHA 2017). However, this renewed interest is also due to a sense of urgency felt by donor (i.e. Northern) countries, who have seen an increase of forced migrants arriving at their own doors. The Syrian refugee crisis, in particular, demonstrated to donor countries that the boundary between North and South is not so difficult to breach, and this led to greater ‘buy-in’ from donors to actually support and promote a humanitarian-development

approach. Donors are now much more supportive of ideas around restructuring their own funding and department structures, and also in supporting efforts (such as the World Humanitarian Summit and Global Compacts) to manage migration and create burden-sharing arrangements with Southern countries (CIC 2016; Krocks *et al*. 2018). There is clearly vested interest by donors to make things work in hosting neighbouring countries so that there are fewer secondary movements of refugees to their own countries (Krocks *et al*. 2018). Recognizing the interests of donor countries is important for contextualizing their push for an HD approach. It also helps to explain the emphasis on using HD approaches for protracted refugee situations, which is where the bulk of the literature is focused.

Part of the difficulty in analyzing HD approaches from a protection perspective is the range of programs and plans that fall under this label. For example, one of the few evidence-based programs that does integrate humanitarian and development initiatives is cash-programming, which has increasingly been used to meet people's basic needs and provide a kind of safety net in order to reduce vulnerability to shocks (Clarke *et al*. 2018; Macrae 2012). Cash is a useful way of thinking about how to integrate objectives and activities in order to meet multi-dimensional needs, and move beyond sectoral approaches to more area-based approaches (Steets *et al*. 2016). However, cash cannot meet all protection needs, particularly given that the multidimensionality of those needs – discussed above – requires engagement with governments. The following discussion therefore considers those programs and policies that claim or are identified as trying to bridge the HD nexus, looking at what protection implications they could have for refugees/IDPs (who are the main targeted group of affected persons), humanitarian organizations (UN agencies, INGOs/NGOs), and governments (donors and hosting). However, as there is a dearth of assessments on the implementation of HD approaches, particularly in terms of their impact on protection outcomes, this discussion is largely theoretical.

Protection for refugees in host countries

There have been concerted efforts by national and international actors to support refugees in their (neighbouring) host countries in two ways. First, actors have placed a greater emphasis on creating long-term opportunities for refugees, such as by encouraging self-reliance and thus, improving protection outcomes, through skills and asset building, and livelihood creation projects (Betts

2009; CIC 2016; Crawford *et al*. 2015; Türk 2016; UNGA 2016a and b; UNSG 2016). These may even potentially contribute to durable solutions, although that was also promised by past humanitarian-development approaches (Betts 2009; CIC 2016; Dunbar and Milner 2016; Türk 2016, UNHCR 2007 and 2017). Secondly, increased but differentiated burden sharing (see for ex. Global Compacts) means that refugee-hosting countries could receive more humanitarian and development financing, which would benefit host nationals, but could also improve protection outcomes for refugees (Betts 2009). For instance, an issue with traditional humanitarian assistance is that it targets refugees only, and excludes host nationals who may be equally in need of assistance. This selectivity can and often does lead to resentment and conflict between host nationals and refugees, which can reduce the protection space available to refugees by encouraging hosting countries to restrict the rights of refugees and even push for early return, in violation of the principle of *non-refoulement* (Loescher and Milner 2011; UNHCR 2017). This also reinforces the idea that refugees are 'burdens', who are 'drains' on the local infrastructure and environment (*ibid*). Conversely, provision of funding to hosting countries means that host nationals, local infrastructure and environment can also benefit, which can lead to better social cohesion between host nationals and refugees (UNGA 2016a and b; UNHCR 2017). In turn this can create a larger protection space for refugees by allowing them the right to work and move around freely, which can also improve their self-reliance through working and being able to build up assets for the future[3] (see Betts 2009; CIC2015 and 2016; Crawford *et al*. 2015; Dunbar and Milner 2016; Türk 2016; UNGA 2016a and b). Part of an HD approach means shifting the conceptions of refugees from dependent to agentic, in line with a rights-based approach (CIC 2015 and 2016; UNSG 2016).

[3] However, it is important to note the limited scope of protection space offered in these global HD policies, such as the Global Compacts or New York Declaration, which largely support State and donor objectives. This limited protection space reveals some of the power dynamics behind an HD approach, because the best protection outcome for refugees is a durable solution that restores full citizenship and the accompanying rights to them. But these global policies do not push hosting countries to provide extensive rights or citizenship to refugees and they do not provide concrete resettlement quotas for third countries to accept their share of refugees (Chimni 2019). Instead the short-term solution is to maintain some form of protection space in refugee-hosting countries, but without providing any long-term solution that would meet refugees' protection needs other than their eventual voluntary repatriation, which may or may not be desired or even possible for some refugees.

This means promoting refugees are important actors who can bring benefits (as economic actors and through increased humanitarian/development funding) to their hosting countries (Betts 2009; CIC 2015 and 2016; Dunbar and Milner 2016; UNSG 2016). However, cast typing refugees as primarily economic actors neglects the realities of refugees who are not able to engage in this way, whether because of their gender, age, or ability. It also fails to recognize the non-paid work that many of these women, older people and youth do in their households. Moreover, linking refugees with economic opportunities has protection risks for refugees as the distinction between migrant and refugee becomes blurred. Refugees become in danger of being seen as economic migrants and they may face restrictive migration policies or a reduction in resettlement countries' intake of refugees, leading to protection risks for refugees who need resettlement and whose right to asylum may be violated by such policies (Crisp and Dessalegne 2002). Additionally, the neo-liberal undertones of labour mobility schemes – such as Special Economic Zones in Jordan – raise red flags, especially as little is known about how rights of refugees will be upheld in the long-term under such plans (see Crisp and Dessalegne 2002; Dunbar and Milner 2016; Parkes and Pauwels 2017).

Protection of refugees in mixed migration movements

Increasingly, large migration movements include a mix of migrants and refugees, and states' responses to these movements have been restrictive, leading to protection risks for both migrants and refugees. The Global Compact on Migration aims to improve standards for international migration in order to better regulate and provide 'pathways for safe and regular migration' (Türk 2016; UNGA 2019). These pathways could potentially offer positive protection outcomes for refugees by providing fair and accessible registration and admission of asylum seekers, and reducing the need to use illegal methods of travel (such as smuggling) and the risks that accompany them, for example human trafficking, sexual exploitation, and death (Türk 2016; UNGA 2019; UNHCR 2007). Whether these positive outcomes happen in practice remains to be seen, as a number of the suggestions to provide accessible asylum claims include setting up out-of-country registration stations, which could also be interpreted as another way for donor countries to contain refugees/asylum seekers far away from them (Chimni 2019; Parkes and Pauwels 2017), as is illustrated by the Durable Solution in Australia (Amnesty International 2018). There is also a strong potential for States to co-opt migration management to forward their own securitization

agendas (Chimni 2019; Parkes and Pauwels 2017). For example, the New York Declaration for Refugees and Migrants includes the caveat that States "recognize that the ability of refugees to lodge asylum claims in the country of their choice may be regulated, subject to the safeguard that they will have access to, and enjoyment of, protection elsewhere" (UNGA 2016b: 719), leaving open the possibility for refugee-sharing arrangements such as the agreement between the European Union and Turkey.

Protection for Internally Displaced Persons (IDPs)

There is much less information around how an HD approach can be used to protect IDPs. There remains debate as to whether an HD approach is even appropriate in situations of active or ongoing conflict, and how humanitarian, development and peace-building actors should work alongside each other in these situations (Bennett 2015; Hinds 2015). During situations of ongoing conflict, it is critical that humanitarian actors can reach populations in need, which could be complicated by the political implications of an HD approach. Some argue that active conflict situations, whether protracted or not, are inappropriate for an HD approach (De Castellarnau and Stoianova 2018). Conversely, others argue that resilience and recovery programs to meet long-term needs are critical even in conflict zones, although finding funding for such activities is very difficult, especially given the risk averse attitudes of humanitarian organizations and donors, and the challenges of coordinating and building local capacity to provide this type of programming (Clarke *et al*. 2018; Dadu-Brown *et al*. 2017; Tateyama 2018). Recent studies undertaken in Syria highlighted the need for both immediate and long-term programming to meet people's acute needs while supporting resilience efforts (Dadu-Brown *et al*. 2017; Tateyama 2018). Such studies restated the importance of humanitarian actors being the ones to implement programs in this conflict environment, as "the risk of compromising humanitarian principles by allowing development agents to deliver humanitarian services is too high" (Dadu-Brown *et al.* 2017, p.20). However, this is still no guarantee that principled humanitarian action will take place, as many of the UN agencies operating in Syria have been criticized for not upholding the humanitarian principles "because they have been strongly concerned by the prospect of reduced cooperation from the Assad regime" (Tateyama 2018: 113). This challenge reflects the divisions highlighted in earlier sections around the role of the humanitarian sector.

What should be the role of the humanitarian sector in an HD approach?

For some humanitarian organizations, particularly NGOs, there is strong insistence around the need to keep the distinction between humanitarian and development actors separate and that within any HD approach, there must always be a distinct humanitarian space (Carbonnier 2018; Guinote 2018; Igoe 2018). Some 'Duntanist' NGOs take this point further, maintaining that the subsuming of the humanitarian sector into development agendas, such as the SDGs, effectively undermines the humanitarian sector's role (De Castellarnau and Stoianova 2018; Dubois 2018). Further, they argue that the fundamental differences between the two types of responses (humanitarian must be non-political, development must engage with governments and is therefore political) means that there is a risk that an HD approach will have a political agenda[4] or objective from the start and this can affect the protection outcomes for people in need (De Castellarnau and Stoianova 2018; Guinote 2018; Igoe 2018). This complicates the humanitarian protection mandate because determining protection needs is intended to be based on the needs of the population at risk, but a comprehensive HD response[5] conceived and implemented at the start of a crisis could mean that this response will be based on needs second, and political considerations first, and the risks that this could pose are often under-examined (see Carbonnier 2018; De Castellarnau and Stoianova 2018; CIC 2016; Crisp and Dessalegne 2002; Darcy 2008; Guinote 2018; Hinds 2015; Krocks *et al*. 2018; Lie 2015; Parkes and Pauwels 2017; Spiegel 2017; Tateyama 2018). Further, integrating different objectives into one approach puts protection concerns at risk of being minimized by political, military, or other agendas (Chimni 2019), especially if new actors who are not beholden to the responsibility to protection principles (ex. World Bank or the private sector) begin working in an HD approach (De Castellarnau and Stoianova 2018; ICVA 2017). Having to coordinate and integrate planning activities between humanitarian and development actors could also slow down humanitarian responses at the critical early stages of a crisis (ICVA 2017).

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[4] It should be noted that this is raised as a problematic issue by humanitarian actors, but it is not necessarily problematic for other actors, including refugees who may identify protection needs that are more political in nature.

[5] For example, one of the aspects reiterated in an HD approach is that "whenever possible, humanitarian responses are led by national and local actors with tailored international support based on complementarity, and international cooperation leveraged to strengthen the response capacity of affected States and communities (OCHA 2018: 62).

Conversely, others argue that there are always political elements to any humanitarian response, and that pretending otherwise is disingenuous (Bennett 2015; Chimni 2019; Harroff-Travel 1989). In this sense, an HD approach would be more transparent about those political elements, which can be considered in order to better manage the risks facing affected populations to ensure that they are properly protected. For other organizations, particularly those that might benefit from an HD approach (such as UNHCR) and who themselves push for a more rights-based approach to humanitarian actions, these issues are less concerning. These are also the actors with a greater influence and role in implementing an HD approach. But there are potentially negative protection implications of humanitarian actors becoming involved in the political sphere, including them being less likely to speak out against human rights violations or in support of affected persons' rights. For instance, comprehensive refugee responses are to be led by UNHCR, in coordination with all state, agency/organization, financial institution, civil society, private sector and refugee stakeholders (UNGA 2016b). But this could put UNHCR in a difficult position between negotiating with the interests of different stakeholders and upholding its own protection mandate (Crisp and Dessalegne 2002). The Global Compact on Refugees, a process which was led by UNHCR, contains weak language around refugee rights, such as the right to seek asylum, and the reiteration of the principle of non-refoulement was removed in the final version of the Compact (Chimni 2019). This indicates that UNHCR may be compromised in its role as both arbiter of interests, including its own, and a provider of principled protection (*ibid*).

This section considered some of the risks and benefits that an HD approach could have towards improving protection outcomes for affected persons. However, there is very little academic literature examining this issue, which brings us to the third section where we discuss current gaps in the literature and areas for future research.

3. Gaps for future research

As demonstrated above, the complexity of bridging the humanitarian-development nexus is "not merely a temporal or a technical one, but a conceptual one that involves reconciling the different imperatives, approaches and levels at which humanitarian and development actors operate" (Bennett 2015: 11; see also Gomez and Kawaguchi 2018). There are seemingly fundamental

conceptual issues (humanitarian needs-based/non-political vs development rights-based/political) that better coordination and organizational restructuring cannot address. Yet, while the humanitarian sector is guided by principles that would place it at odds with the development sector, it also contains space in its responsibility for protection to focus on rights-holders – and this space has been growing at pace of the humanitarian sector's own growth and accountability. Despite the expansion and improved coordination of the humanitarian sector to address these more complex crises, this sector has struggled to protect the people it aims to serve. One could argue that achieving an HD nexus is important for better protection outcomes, because adequate protection cannot be achieved by the humanitarian sector alone in the majority of complex, protracted crises. The core responsibility of protection may actually be the avenue through which an HD approach can be achieved; yet, as demonstrated above, protection of affected persons may also be limited by an HD approach, depending on the various motivations of donors, governments and even humanitarian organizations themselves.

Without a clear and unified consensus on what 'protection' really means and how it can be achieved in reality, it seems unlikely that the humanitarian sector can actually live up to this central objective. Achieving this consensus is made more difficult due to the expansion of the humanitarian sector, filled with multiple actors and their different roles, interests and mandates. It seems likely that the humanitarian organizations with the power and interest to move an HD agenda forward will succeed. What is needed now is "a nexus that works for the people who need protection and assistance on the ground, not only for the institutions involved" (Guinote 2018). The question we should be asking is therefore not 'if', but when, how, who and what will be involved in an HD approach to address complex crises. Another key question is: how can we ensure that protection remains a core objective and responsibility of actors working with an HD approach to address complex crises? The literature, academic or grey, on this particular perspective is limited, which perhaps reflects the lack of critical thinking about the ramifications of an HD approach (Osa and Hanatani 2018).

Despite the adoption of an HD approach by various organizations in a number of contexts, we still don't know how to 'do' an HD approach or even what an effective HD should look like (Clarke *et al*. 2018; Darcy 2016; Foresti and Denney 2011). The limited evaluations on this subject mainly

demonstrate that what has been done is not very effective, with the most "successful initiatives tend[ing] to relate to 'natural' disasters (cyclical drought in the Horn of Africa, and, to a lesser degree, hurricanes in Haiti and earthquakes in Nepal), and hav[ing] been undertaken as part of a broader, government-led strategy" (Clarke *et al.* 2018: 233). A related question is when and where is an HD approach appropriate and how should we implement it in different contexts? There are vast differences between lower-income and middle-income developing countries, between camp or rural-based settings and urban/peri-urban settings. The humanitarian sector is better at meeting needs in enclosed spaces, but does not have a strong record in reaching less accessible and visible populations, such as those in cities (Clarke *et al*. 2018). The importance of an HD approach that is different and based on the specifics of each situation is recognized, but there is a lack of research examining what an HD approach could/should look like and how it can be adapted to meet the various issues/needs in these diverse contexts.

There is a lack of academic research to critically examine the protection implications of bridging the HD nexus. In particular, case studies are needed to understand how an HD approach can best address the (human rights) needs of displaced persons (Carbonnier 2018), when protection and humanitarian principles should take precedence over other approaches, and when there is space for a mixed/comprehensive approach. Moreover, most of the research is focused on refugees/asylum seekers, and there is much less research on IDPs, particularly in conflict zones.

Where humanitarian organizations are undertaking programs/policies that 'crossover' into development, there is a lack of information on how they implement this in practice and how they navigate the local power dynamics and institutions (for example through participatory approaches, advocacy, community-based approaches, Accountability to Affected Populations) (Calhoun 2010). Developing an understanding of these issues will strengthen the humanitarian sector and help guide it down a clearer path for its role in an HD approach.

Throughout the literature, emphasis is placed on the need to move away from a 'one-size-fits-all' model, towards approaches that consider the type of crisis and the context in which it takes place, in order to deliver an appropriate response (Bennett 2015; De Castellarnau and Stoianova 2018). Despite the importance of context, there remains criticism of how the humanitarian sector

continues to operate in an ineffective, standard, top-down manner. One avenue for ensuring that humanitarian (and HD) responses are contextually appropriate is to involve local actors and institutions from the beginning, thus fulfilling the localization agenda. More research is necessary, however, to understand how localization can be achieved in practice, drawing on case studies to illustrate the processes behind successful and unsuccessful HD approaches in order to better understand how humanitarian, development and local actors can collaborate as partners (and not reinforcing unequal power relations) in future crisis situations.

There is also criticism of how the top-down structure of the humanitarian system privileges the perspectives of Western thinking UN agencies and INGOs in defining and determining what the issues are and how to address them (Dubois 2018). Dubois reminds us that there is "deep Western Bias in the interpretation of the core principles (humanity, impartiality, neutrality and independence) … [and that] there is a failure to ensure the transformative promise of humanity by placing human beings and human communities at the centre of crisis response, instead of defining people by their victimhood" (Dubois 2018: 1). While programming may meet the narrow objectives that humanitarian organizations set for themselves, they may not stand up to the needs identified and prioritized by affected persons themselves. Therefore, it is important to note is that the potential for an HD approach to provide better protection outcomes for people affected by crisis is largely dependent on which actors are involved and the power they have to define, prioritize and uphold people's protection needs over competing interests and priorities. It begs the question: whose perspectives should matter, and when?

Conclusion

Current and long-term data indicates that emergency crises tend to be quite complex and usually become long-term crises that are difficult to resolve, requiring a more comprehensive response from multiple actors. The humanitarian and development band-aids do not fit neatly over these complex situations and so they have had to respond and evolve accordingly, but while constrained by their siloed structures. The recent push at the global level to bridge the HD nexus represents a dominant perspective that will likely continue on its path (Bennett 2015; CIC 2015 and 2016; Crisp

2001; Dunbar and Milner 2016; Krocks *et al.* 2018; OCHA 2017; UNGA 2016a and b; UNHCR 2017; UNSG 2016).

The question we should ask is not if an HD approach is appropriate. In many cases this is already happening explicitly in certain country contexts (ex. 3RP for the Syria crisis and its national components), and inadvertently through the policies and actions taken by humanitarian organizations. The main issue is: how to balance humanitarian and development activities, regardless if they are undertaken by humanitarian or development actors, in order to ensure that affected persons are adequately protected? Bennett (2015) argues that the challenge of addressing protracted crises:

> "requires abandoning 'humanitarian' and 'development' labels and perspectives and finding commonality in objectives, principles and approaches to commonly identified problems, where commonality makes sense, as well as clearly identifying where such concepts diverge and should remain distinct. This requires a more nuanced understanding of *where humanitarian principles are operationally relevant in protracted crises, and where they may be counter-productive in cases where a cohesive strategy and mix of approaches, tools and actors may be required*" (p.14, italics own; see also Krocks *et al.* 2018; Macrae 2012).

These debates are happening, but quietly. There is a need to engage with the concepts, objectives and principles behind this debate head-on, and discuss and challenge them in order to strengthen our understanding of what they mean practically. These discussions must happen within and across the humanitarian-development divide, because "to hold all these parties together with a shared sense of purpose requires them to first agree on shared values and principles. The search for better procedures and structures will otherwise mean little" (ICRC 2015: 23).

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Conseil de recherches en sciences humaines du Canada

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This research was supported by the Social Sciences and Humanities Research Council of Canada.