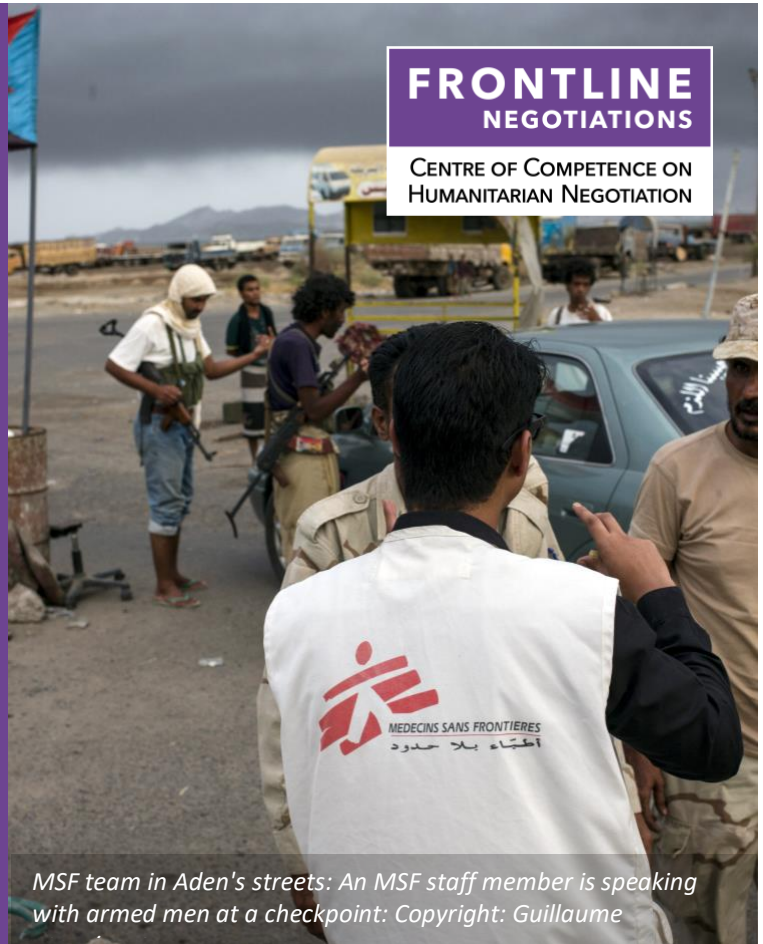


SHORT REPORT

CCHN-HHI Middle East Think Tank on Crisis Negotiation

Fiorella Erni, CCHN Negotiation
Support Specialist Middle East
Eugenia Lacalle, CCHN Associate
Bethany Dill, Harvard Student Affiliate



MSF team in Aden's streets: An MSF staff member is speaking with armed men at a checkpoint: Copyright: Guillaume

Launched in November 2020 as a joint endeavour between the Centre of Competence on Humanitarian Negotiation (CCHN) and the Harvard Humanitarian Initiative (HHI), the Middle East Think Tank on Crisis Negotiation has one objective: to think outside the humanitarian box and offer humanitarian practitioners a common platform to deliberate on innovative solutions. In this ongoing project, over 30 highly experienced humanitarian field practitioners, in consultation with experts from other disciplines, reflect on current negotiation challenges from a multidisciplinary perspective. This short report provides an overview over the topics and outcomes that have been discussed since the launch of the Think Tank.

A marketplace of information

...

The Covid-19 pandemic has brought challenges not only to operation but also to negotiation for humanitarian practitioners in the Middle East. For instance, in many contexts, the army and/or a crisis task force within the ministries of health took over the public health response. Humanitarian workers suddenly faced an entirely new set of interlocutors with whom and professional cultures within which to negotiate. While negotiating access may have been easier at the beginning of the crisis, humanitarian action was soon restricted in the name of public health imperatives, which meant that field practitioners had to weigh principled humanitarian action against public health considerations. At times, humanitarian

In partnership with



HARVARD
HUMANITARIAN
INITIATIVE

negotiators had to compromise their organisations' independence when operating under a national health plan to continue implementing humanitarian operations. At other times, they had to reconsider the impartiality of their approach in order to align with public policies and priorities. Some frontline staff were even confronted with the challenge of negotiating with communities who were tired of Covid-19 preventive measures, which left them struggling to survive economically and blocked humanitarian actors.

Of course, humanitarian negotiation challenges in the Middle East existed long before Covid-19, but the crisis has revealed a need for a marketplace of information where humanitarian practitioners can obtain knowledge on how to deal with specific negotiations related to the pandemic and other special circumstances. This is how the idea of the CCHN-HHI Middle East Think Tank was born.

For me, the Think Tank is the safest place to test new ideas, challenge our perceptions, learn, and offer support to the entire humanitarian community. Hearing from other disciplines, we are learning to think outside [the] 'tank'. This is very important in the constantly changing negotiation environment humanitarian practitioners are facing all over the world.

Mohammad Allaw, CCHN Community and Think Tank Member



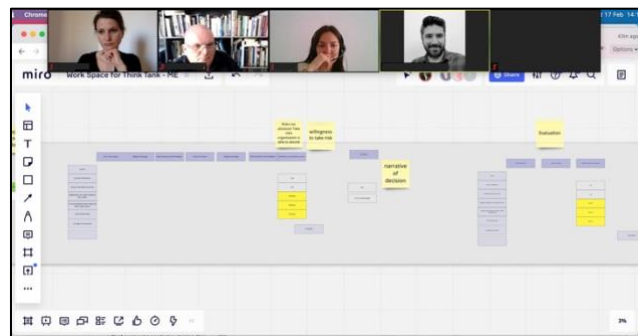
Officially launched as a continuation of the CCHN/Harvard Advanced Professional Certificate on Crisis Negotiation in November 2020, a small group of active CCHN Community members in the region decided on the first four

most pressing negotiation challenges on which the Think Tank and its members should reflect:

- Negotiating with Beneficiaries and Communities
- Access – Principles – Do No Harm: Compromising on Humanitarian Principles
- Changing Interlocutors: Mitigating the Impact of Turnover in a Negotiation
- The Influence of Third Parties on Humanitarian Negotiations with Non-State Armed Groups: about terrorist designations, supporting actors and intermediaries

... with academia and experts from different disciplines...

Shortly after the launch of the Think Tank, over 30 frontline humanitarian practitioners working in and on the Middle East joined the endeavour with a shared objective to combine experience from the field with academia and expert opinions from other disciplines.

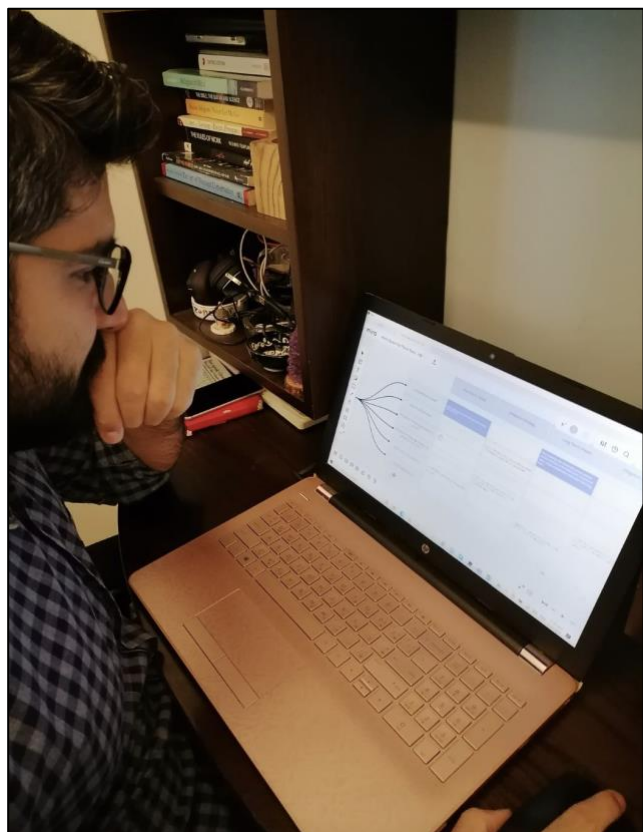


(Zoom meeting of Access – Principles – Do No Harm sub-group)

Organized in different sub-groups, the members of the Think Tank have worked on the different research streams in consultation with experts from various disciplines. They have one objective: to think outside the humanitarian box and find solutions to apparently unsurmountable negotiation challenges and dilemmas. It is probably one of the first times that humanitarian negotiators have asked police officers who are trained in crowd control, teachers at diplomatic academies, business negotiators, or trainers of the armed forces about how they carry out their negotiations and

what humanitarian negotiators can learn from them.

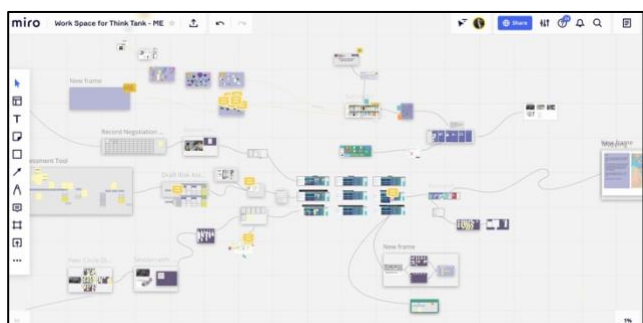
The Think Tank also organized various peer circle discussions, in-depth interviews, and consultations with frontline staff to collect best practices from the field.



(Member of the Access -Principles – Do No Harm sub-group connected to the other members of the Think Tank on Miro)

The research is supported by graduate students from Harvard University who provide literature overviews and bring academic perspectives to the table.

...who are all connected on a virtual whiteboard...



(Think Tank Miro Board)

Collaborating across 9 different countries, the members of the Think Tank are all connected on a virtual whiteboard (Miro) where they collect ideas, notes, articles, and pictures, overcoming borders and travel restrictions imposed by the pandemic.

...to support the humanitarian community!

The Think Tank not only collects and critically reflects on the information it gathers, but it also organizes events such as webinars and discussions for CCHN Community Members, where the wider community can extend its knowledge and horizons on humanitarian frontline negotiation. Furthermore, the members of the Think Tank develop new tools and recommendations on how to plan and carry out frontline humanitarian negotiations.



I am very passionate about humanitarian work, and I have always been looking for a multidisciplinary and multi-intellectual space for sharing and innovation in this field. This is why I am here, to share my experience generously, learn from my peers, and support practitioners in the field.

Jamila Hammami, CCHN Community and Think Tank member



About this report

It was very important to the members of the Think Tank that the knowledge generated will be helpful for field practitioners, producing tangible outcomes.



This is not just a Think Tank; it is a Do Tank who finds tangible solutions to complex problems.

Jan Wynands, CCHN
Community and Think Tank
member



This short report provides an overview of the discussions the members of the Think Tank had on the different topics; preliminary lessons learned; and proposed templates, tools, and frameworks to support practitioners in the field. Even though what is presented here has gone through a first round of peer review, it is by no means final. The next step will be to reintroduce the ideas that have been developed by the Think Tank to the humanitarian community to be tested in the field and then refined.

This is an explorative space. The views expressed by the members of the Think Tank and in this report are those of the individuals and do not necessarily reflect the official opinion of CCHN, HHI, nor its Strategic Partners or member organisations.

Chapter overview

To make the reading experience as light as possible this report contains four independent chapters. Therefore, the report can be read in full, or by selecting the topic of interest below:

[Negotiating with Beneficiaries and Communities](#)

[Access – Principles -Do no Harm: Negotiating Humanitarian Principles](#)

[Changing Interlocutors: Mitigating the Impact of Turn-over](#)

[The Influence of Third Parties on Humanitarian Negotiations: About Terrorist Designations and Supporting Actors](#)

Negotiating with Beneficiaries and Communities



(Syria. Aid for 50,000 living in desperate conditions near the Jordanian border. Ajmal Khybari, UNHCR's Deputy Representative for Protection in Syria, speaks with community leaders and youth groups at Rukban informal settlement. Copyright: UNHCR)

Reflecting about Humanitarian Negotiation, we usually think about interactions with state or non-state actors (both civilian or military) to an armed conflict and not necessarily about negotiations with directly or indirectly affected communities. However, we are currently facing more and more occasions (in the context of migration, for instance) where we need to negotiate safe access with host communities and affected people. In this sub-group of the Think Tank, we reflected about our interactions with beneficiaries and communities and how to negotiate with heterogenous groups rather than our traditional counterparts.

Members of the sub-group and experts

Full members:

- Fetnat Nakrou, Homs, Syria
- Elena Qleibo, Ramallah, Palestine (currently in Costa Rica)
- Ina'm Shakhathreh, Irbid, Jordan

- Jan Wynands, Amman, Jordan (currently in Germany)
- Josep Zapater, Zahle, Lebanon (currently in Venezuela)
- Myriem Aziz, Zahle, Lebanon
- Clara Deniz Buelhoff, Geneva, Switzerland
- Lefteris Konstantopoulos, Athens, Greece
- Lucas Honauer, Jerusalem, OPT
- Bethany Dill, Boston, USA
- Maura James, Boston, USA

Experts:

- Kirk Kinzel, professional negotiator
- Stephen Kilpatrick, former member of the armed forces, current ICRC FAS delegate
- Duncan Spinner, former military trainer, current gender focal point at OSCE in Ukraine
- Ovidiu Vasilica, former police officer, current ICRC PGE delegate

The views expressed by the contributors to this sub-group and working paper are those of the individuals and do not necessarily reflect the official opinion of CCHN, nor its Strategic Partners or member organisations.

Introduction

When host communities block the road to a refugee camp, families of an Ebola victim attack an isolation centre, relatives of detainees demonstrate at the office of a humanitarian organization, migrants occupy a cash centre, local youth threaten that if they are not registered in a food distribution they will forcefully take it, or we discuss the modalities of our programmes with directly and indirectly affected populations to understand their needs and get their buy-in, we find ourselves negotiating with beneficiaries and communities. In this chapter, we look at how we can negotiate access for humanitarian projects through dialogue with communities and beneficiaries by carrying out thorough stakeholder mapping and defining engagement tactics, and we reflect on

how to negotiate with groups of civilians who may oppose our actions. We see the discussion and tools proposed in this chapter as complementary to the ongoing debates around the topic of Accountability to Affected Populations (AAP) that is gaining prominence within humanitarian agencies. The reflections have been inspired by senior humanitarian workers who are part of the Think Tank, Peer Circle Discussions with the CCHN Community of Practice, a graduate student of International Education Policy at Harvard University, law enforcement officers, a military trainer, and a professional negotiator.

Current debate on negotiating with beneficiaries and communities

Terms related to negotiation with beneficiaries and communities vary in definition and scope. Organisations agree that such considerations are important, but they discuss and form policy around them differently. Examples of concepts and terms referring to this topic that emerged in a review of the literature include informed consent, communication, consultation, involvement, participation, engagement, partnership, empowerment, rights-based approach, community-based approach, and accountability. Placing focus on these aspects of humanitarian support is supported by normative or value-based, instrumental, and emancipatory rationales (Brookings Institution, 2008: 10). Some normative or value-based reasons to work together with communities are respecting rights, acting in solidarity, and adhering to written obligations. Instrumental reasons relate to effectiveness, security, quality, efficiency, and contribution. Emancipatory reasons encompass strengthening society, changing inequalities, honouring agency, and increasing sustainability and ownership. In other words, arguments for inclusion not only maintain that such approaches benefit programmes and people in functional and meaningful ways, but also highlight gaps where these strategies are needed.

Accountability to Affected Populations

IASC specified 5 Commitments to AAP in 2011, including leadership/governance; transparency; feedback and complaints; participation; and design, monitoring, and evaluation (IASC, 2013). According to these principles, leaders are to integrate AAP into strategies, proposals, and trainings, among other activities and reports; and design, monitor, and evaluate goals and objectives in alignment with the involvement of affected populations. Humanitarian organisations should provide affected populations with accessible information to support informed decision making and seek feedback through streamlined and functional mechanisms to improve policy and practice, and affected populations are to play an active role in the decisions and processes that affect them, including the most marginalized.

Many organisations address AAP or related concepts in their policies. For example, ICRC uses the Accountability to Affected People Framework, approaching AAP as an ethical commitment and an effective way to build trust and acceptance. The ICRC Framework is designed to use power responsibly and ensure that affected people have the power to co-design humanitarian activities. The Framework underwent external evaluation of diversity, inclusion, and AAP in operations before finalization. The Institutional Strategy 2019–2022 also includes strategies for involving people in decisions that affect their lives (ICRC, 2020). The IOM AAP Framework (IOM, 2020) sets out a Statement of Commitments on leadership, information sharing and transparency, participation, complaints and feedback mechanisms, and partner coordination toward collective approaches to AAP. AAP is also central to UNHCR's protection mandate in its Policy on Age, Gender, and Diversity (UNHCR, 2018). Its approach to community engagement accounts for ethical use of technology with pointers to ensure that staff 'do no (digital) harm'. Considerations include ownership, neutrality, data protection, digital divides, and trust (UNHCR, 2020a). The UNHCR AAP Toolkit provides a Community Mapping Guide as a

foundation for forming communication plans for information provision and feedback with different groups in communities (UNHCR, 2020b). World Vision abides by an institutional Programme Accountability Framework (World Vision International, 2019) that includes four pillars: providing information, consulting with communities so they can influence key decisions, promoting participation, and collecting and acting on feedback and complaints. The Framework outlines minimum standards for initial disaster management, within 12 months, and within 24 months. Oxfam International's Accountability Matrix (Oxfam, 2012) is based on its Programme Standards, with four progressive levels for each of its five dimensions: transparency; feedback; participation; monitoring, evaluation, and learning; and relationships. This is to mention only a few examples of AAP frameworks.

Current reflections around the interaction between humanitarian agencies and directly and indirectly affected populations may focus on how to include the needs of the communities in our planning and how to communicate in a transparent way, but they focus less on aspects of negotiation, collaboration, and power dynamics, which we will address in this chapter.

Definition

In this chapter, we will work with the following definition of *Humanitarian Negotiation with Beneficiaries and Communities*:

Humanitarian Negotiation with Beneficiaries and Communities is a set of interactions between a humanitarian organization and members of directly or indirectly affected communities aimed at 1.) reducing the power imbalance between the humanitarian organization and directly and indirectly affected communities, 2.) designing meaningful and sustainable humanitarian projects, 3.) ensuring safe access to vulnerable groups, 4.) safely implementing humanitarian assistance and protection projects, 5.) de-escalating the situation in case directly or indirectly affected communities block or threaten humanitarian access.

We are aware that the term “beneficiary” already points to a power imbalance between humanitarian actors and the people they assist. Over the past years, humanitarian agencies tried to address this issue by changing the terminology to “affected populations”, “affected communities”, or “people of concern”, to mention a few. However, for the purpose of this chapter, we see it key to distinguish between communities and people who are the target of our projects.

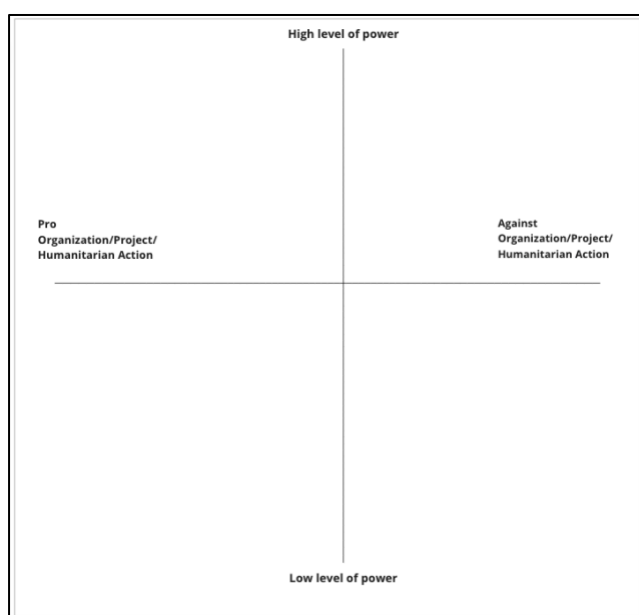
Therefore, we use the term “beneficiary” in this chapter to refer to people who are directly targeted by humanitarian assistance or protection projects. The term “community” refers members of the civilian population who are either directly or indirectly affected by a humanitarian crisis but do not (yet) benefit from our projects. This can, for instance, be host communities in a context of migration, or people who are part of an affected community but do not fall under the criteria of a humanitarian organization to be eligible for assistance (a nutritional project that only targets children under 5 years, for instance, would exclude anyone in the community who is above 5 years of age).

Mapping the community

Before designing and implementing any humanitarian project, as a first step, we propose to carry out a thorough stakeholder mapping of all interest groups within the community. The CCHN developed an actor mapping tool to map all the stakeholders that may have an impact on the negotiation counterpart (CCHN Field Manual, 2019: 252-277). We also found some actor mapping tools in existing AAP frameworks of different organisations (CDA Collaborative Learning Projects, GPPAC, and Norwegian Church Aid, 2015; UNHCR, 2020) but to our knowledge there is currently no actor mapping tool that maps all the interest groups among beneficiaries and communities according to their influence, power, organizational structure, and vulnerabilities with a view to designing projects and negotiate safe access for the field team. The tool that we are proposing

draws on the existing CCHN tool for “Network Mapping and Leveraging Influence” (CCHN Field Manual, 2019: 252-277) but uses different axes and does not focus on one counterpart. We propose the following process to map the stakeholders among communities and beneficiaries:

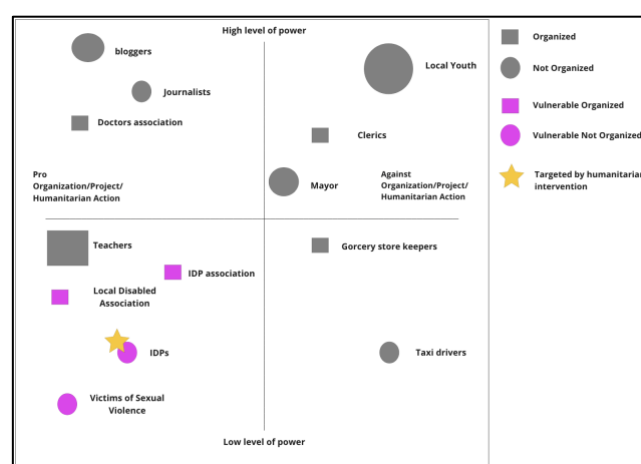
- Step 1 - Define the axes:
 - x – axes (horizontal) pro-humanitarian action/organization vs. against humanitarian action/organization
 - y – axes (vertical) high level of power to grant/block humanitarian access



- Step 2 – Put all the stakeholders among the communities and beneficiaries on the map:
 - Indicate if they are an organized group or not
 - Indicate if the stakeholders are in a vulnerable position or not
 - Indicate whether they are currently the target of our humanitarian intervention
 - Indicate their level of influence in the community with the size of the shape

Example:

You might be planning to implement a food distribution in an IDP camp and trying to map the stakeholders among the beneficiaries in the camp and the host community. You may, for instance, find that the local youth, who are not organized, have a high influence in the community and could pose a high level of risk to the organization because they are against the project. Hence, they have a high power over granting access. On the other hand, you may find that the local grocery storekeepers, who are also opposing the project, are organized, but they seem to have a lower level of power and influence. Also, you may find that the teachers, who are in favour of the project but have limited power over granting you access, have a high level of influence in the community. Furthermore, IDPs, who are the target of your intervention and are not necessarily organized, are experiencing vulnerability due to their displacement and are in favour of your project.



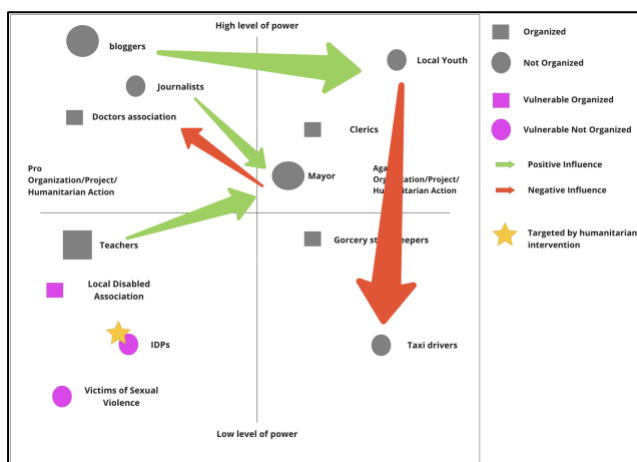
Identifying these actors is the most important part of this exercise as they may not always be obvious to the humanitarian actors. Therefore, it is very important not to apply a humanitarian lens when looking for such actors and networks in the community but to first seek to truly understand the social dynamics. Refer to Annex I for some reflection on identifying refugee networks in a migration context.

- Step 3 – Draw arrows of influence between the actors:
 - Use green for positive influence
 - Use red for negative influence

- Choose a different thickness for the arrows depending on the level of influence (strong/weak)

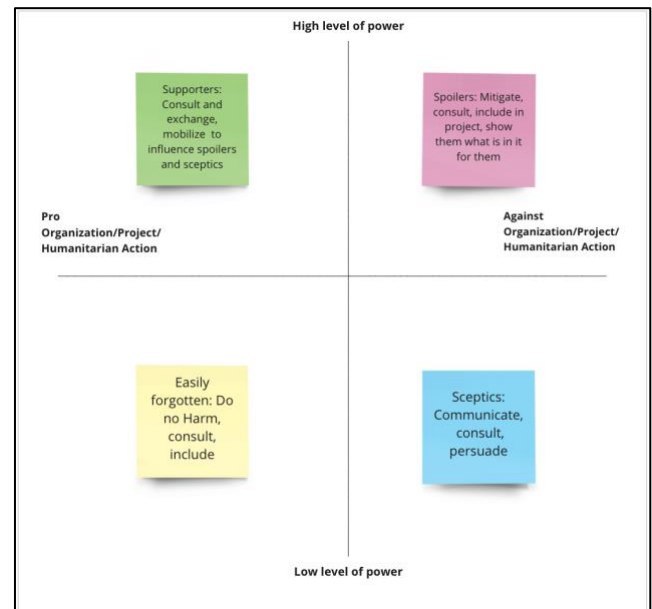
Example:

In the previously outlined scenario, you might find out that the local youth have a very strong negative influence over local taxi drivers but that some bloggers have a positive influence over the youth. Furthermore, you may find out that some journalists who are in favour of your project have a positive influence over the mayor, but that the mayor, on the other hand, has a negative influence over the doctors association, which has been in favour of the project until now.



Positive influence can be leveraged, and negative influence should be mitigated to the extent possible when planning and implementing a project.

- Step 4 – Identify engagement tactics and roles for each actor in the planning, implementation, and evaluation of the project:
 - Supporters (pro and high level of power): Consult and exchange, mobilize to influence spoilers and sceptics
 - Easily forgotten (pro and low level of power): Do no harm, consult, include if possible
 - Sceptics (against and low level of power): Communicate, persuade
 - Spoilers (against and high level of power): Mitigate, consult, include in project, show them what is in it for them

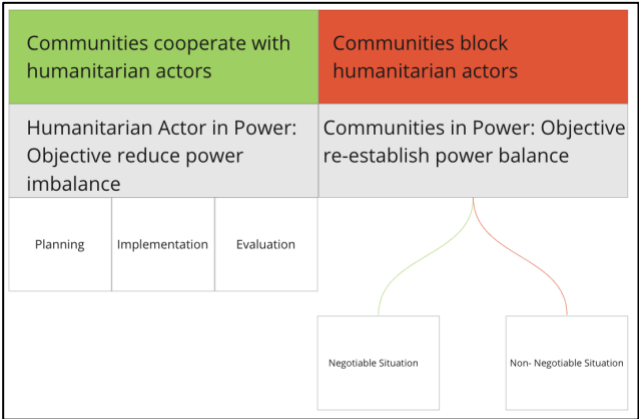


The engagement with the different stakeholders and the role that is attributed to them changes depending on the power dynamics that are at hand.

After the first peer review meeting, the members of the Think Tank would like to add some reflections here: It is important to note that identified stakeholders who have been placed in situations of vulnerability should be approached with cultural and contextual sensitivity. At times, engaging with them (with victims of sexual violence, or HIV patients, for instance) might put them in danger of stigma or worse and increase their vulnerability. Furthermore, we should not fall into the trap of always keeping people who we see as vulnerable in the bottom left quadrant. On occasion, communities may progressively build networks or even consciousness and identity around a perceived vulnerability and progressively gain power. This can happen, for instance, with women or disenfranchised minorities. Finally, we also have to be aware that our consistent engagement with certain stakeholders who are not yet organized may encourage them to organize themselves, thereby changing their position within the map. This may raise particular ethical considerations and responsibilities for humanitarian actors. In short, the map remains fluid, subject to timely updates.

Power dynamics

There is often a power imbalance between the humanitarian organization (in power/control) and the communities and beneficiaries (dependent), reflected in the way projects are designed and communicated. However, several examples show that this power imbalance can tip very quickly in favour of the beneficiaries and communities when they block humanitarian action. In these situations, the communities or beneficiaries are in power, and the humanitarian actors are dependent on their cooperation. In the best case, humanitarian actors are not able to implement a project for a few days; in the worst case, the security of the field teams is at stake. To guarantee safe access when planning and implementing projects, we propose using the previously described actor mapping tool and suggested engagement tactics to reduce the power imbalance in the negotiation between the humanitarian organisations and members of the communities and to re-establish the power balance when communities and beneficiaries block humanitarian action. If the power balance cannot be re-established, the humanitarian actors have to decide whether the situation is negotiable or not negotiable. In the latter case, they may be forced to evacuate. This shift may be caused by dissatisfaction among certain groups about the humanitarian organization and/or the humanitarian project or mis-/dis-information about the humanitarian actor or action in the community.



Communities cooperate with humanitarian actors: Planning, implementing, and evaluating humanitarian projects

Informed by Peer Circle Discussions with members of the CCHN Community of Practice, inputs from different AAP Frameworks and drawing on the experience from law enforcement officers, we propose an examination of the implementation of a humanitarian project in three phases: before (planning), during (implementation), and after (evaluation).

Before - Planning

The planning phase starts with actor mapping, described above. Once the actor mapping is complete and we understand how the different interest groups feel about our organization and the project we plan (this can be achieved through information from resident staff and their network, field visits, focus group discussions, informal conversations, and media monitoring, for instance), we reach out to them with these engagement tactics. In this phase, it is important to understand the objectives, concerns, and fears of the “spoilers” and “sceptics” in helping them achieve their objectives differently or addressing their fears.

Example:

If the local doctors association seems to be against a humanitarian organization and its community health project in a refugee camp because they fear that it will have a negative impact on their income, the organization could consult them when planning the project and reflect on options for cooperation.

Defining the role of each stakeholder in the project is a constant negotiation. We can also use supporters to positively influence the “spoilers” and “sceptics”. Drawing on the lessons learned from crowd control in law enforcement, we found that in the planning phase it is also important to identify “representatives” of each of the interest groups who we can engage with during the

implementation phase. These representatives can be mobilized to “manage” the group they represent during the implementation phase.

Example:

During the planning phase of a nutritional project, you hear that the local youth are opposed to a food distribution to IDPs because they feel left out. You could consult with some of the youth, inviting them to nominate a certain number of daily workers to offload the trucks and appoint a representative. Then, you could inform the representative that he is responsible to make sure that the other youth do not jeopardize the distribution. This way, you give the youth a purpose, value, and voice in the project.

The Think Tank members would like to note here that identifying “representatives” needs to be done with care and should not simply reproduce existing power imbalances in a community. As such, the representative does not always have to be the obvious choice, a tribal leader, for instance, but someone we feel truly represents the needs of the identified interest groups. Furthermore, when dealing with unorganized stakeholders, it may be challenging to find a representative to speak for them all. In such cases, focus group discussions and individual consultations may be useful. There should also be a dialogue with the different stakeholders about their perception of the “representatives” over time.

During - Implementation

Once the planning phase is completed, all voices have been heard in designing the project, the project was properly communicated, and the “spoilers” and “sceptics” have been mitigated as described, we move to the implementation phase, where we work closely with the previously identified “representatives” of the interest groups.

Be approachable

Again, drawing from lessons learned from crowd control in law enforcement, we propose that in the implementation phase it is important to provide the option for a dialogue between the humanitarian actor and the beneficiaries and

communities. In projects where humanitarian actors deal with large crowds, for instance, bringing clearly identifiable “dialogue staff” could be considered. The community and beneficiaries can address “dialogue staff” to ensure that no discontent is provoked by interest groups who feel like they are not heard. Similarly, it is important that the “representatives” of the stakeholders can be easily identified and that there is a constant dialogue with them to understand how the community is feeling.

Example:

During a distribution of Non-Food Items (NFI), a household of ethnic group A may feel like they have received less items than members of ethnic group B. The person is looking for someone to talk to, but it is not clear who is responsible. He approaches a driver of the humanitarian organization who says that he is not responsible but that he was sure everyone received the same amount. The person gets angry, starts shouting, and is soon joined by other members of ethnic group A who start to threaten the driver. This situation might have been avoided if this person could have been able to easily identify the representative of his group to address the issue, or if he had been able to identify a designated dialogue person from the humanitarian organization.

Remove barriers

The experts in crowd control also recommended to – whenever possible – remove physical barriers between the humanitarian actors and the communities and to rely on the “representatives” of the different stakeholders to “control” their groups. This removes the distance between the two actors and allows for dialogue and trust building. Throughout the implementation, it is recommended to stay in constant communication with the “representatives” and to monitor social media to measure the temperature in the community.

After – Evaluation

The evaluation phase of the project also helps the humanitarian organization to evaluate the quality of its actor mapping and the success of engaging with the different stakeholders and

their representatives. In this phase, it is recommended to return to the identified interested groups and their representatives for feedback on the collaboration and consult with community members as to how they experienced the project and the collaboration with their representatives.

Communities block humanitarian actors: Negotiable and non-negotiable situations

Despite all efforts to negotiate humanitarian access with beneficiaries and communities and to reduce the power imbalance, directly and indirectly affected communities may still prevent humanitarian actors from implementing their activities from the outset, before, or during the implementation of a project. The reasons may lie in a general rejection of humanitarian action in a region or discontent with the humanitarian organization in general or with a specific project. The opposition can arise spontaneously or develop over time. In some contexts, for instance, it may be the result of a host communities' fatigue within an ongoing refugee crisis and slowly develops into an opposition against humanitarian actors. In other contexts, opposition may arise over a disagreement about beneficiary registrations and suddenly escalate. Mis- and dis-information can also lead to opposition.

Mis-/disinformation

Inaccurate information flow in a community can pose serious problems for humanitarian action.

Example:

During the Ebola response in Congo (DRC) in 2018, for instance, there was a belief in some communities that humanitarian organisations would kill patients in isolation centres, steal and trade organs from the dead, and try to read people's minds when taking their temperature. This, coupled with frustrations about movement restrictions, economic hardship, checkpoints, etc., led to violent attacks against humanitarian actors.

We define mis- and disinformation as follows:

Mis- and disinformation refer to false information circulated among a targeted group. Misinformation is false information shared without malicious intent, whereas disinformation is false information shared maliciously to disrupt communities. For the purposes of humanitarian negotiation, mis- and disinformation simply refer to information, or divergent facts, that the negotiator must consider to fully understand the counterpart and reach the object of the negotiation.

Current debate on mis-/disinformation

Mis- and disinformation are not new topics of study (Center for Information and Technology and Society, University of California, Santa Barbara, n.d.). Following the 2016 US presidential election, political scientists, security analysts, and psychologists examined the spread of false (or fake) information (or news) and social media (Wendling, 2018). In addition, with the onset of the Covid-19 pandemic, officials and technologists are exploring the effects of mis- and disinformation on public health campaigns and the public's confidence in scientific and government interventions (Virality Project, 2021). The current debate centres on countering and interrupting disinformation campaigns, but studies show flooding media with "right" or "true" information often has little to no effect on perceptions. "Even after people receive clear and credible corrections, misinformation continues to influence their reasoning: in cognitive psychology, this is known as the *continued influence effect of misinformation*" (Southwell et al., 2018). While researchers continue to explore mis- and disinformation, including why and how it affects populations, the Think Tank has been reflecting how we could use existing CCHN tools and the previous reflection on mapping the stakeholders among communities and beneficiaries to support frontline negotiators to plan their communication strategy and information campaigns.

Information monitoring

Before implementing any humanitarian action, it is key to get a sense of the current beliefs, rumours, and types of ongoing information campaigns within the community.

An information campaign is the movement of data that creates value. Understanding what is circulating within the community about the general humanitarian and political situation, humanitarian action, organization, our project etc. will elucidate the motives and values of the community. Knowing what value the existing information campaign(s) brings to beneficiaries will inform your actions to amplify existing narratives or create an alternative information campaign.

Addressing mis-/disinformation in a community

To understand what kind of information is circulating among communities and beneficiaries, we propose using the CCHN Island of Agreement (CCHN Field Manual, 2019: 64-85).

- Step 1 – Gather information and organize it in the island of agreement
 - Identify the agreed and contested facts
 - Identify the convergent and divergent norms
 - Build an island of agreement

Example:

Returning to the example about the Ebola response, for instance, there was a big challenge with contested facts between humanitarian actors and communities. However, there was also an island of agreement that humanitarian organisations could build on to work with the communities by, for instance, employing more local youth or trying to allow traditional rites during the burials for Ebola victims with the necessary protective measures.

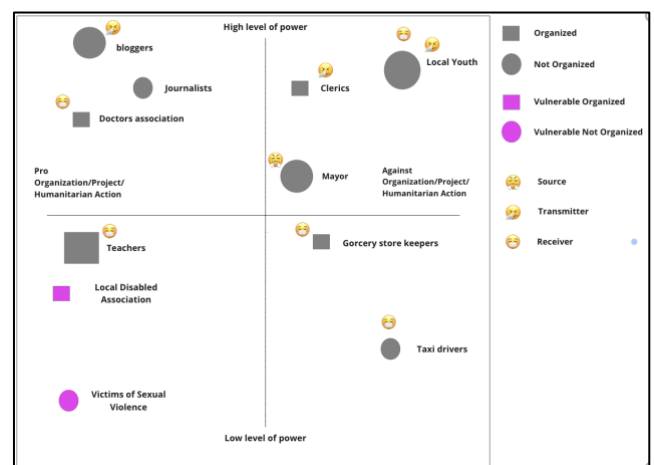
ISLAND OF AGREEMENTS			
CONTESTED FACTS	AGREED FACTS	CONVERGENT NORMS	DIVERGENT NORMS
Points to be <u>clarified</u> with factual evidence	Points of agreement to <u>start the dialogue</u>	Points to be underlined as <u>convergent values</u>	Points of divergence on norms to be <u>negotiated</u>
Ebola does not exist	Local population does not benefit from employment	Everyone has the right to a dignified burial	A deceased person's body should be buried
Humanitarian workers visit the most vulnerable taking temperatures	Humanitarian actors cooperate with the Ministry of Health	Everyone should receive health care	
People are killed in isolation centers	Youth are unemployed	No one should be excluded from elections	
Traditional healers can treat Ebola	Checkpoints delay movie sales	The Ebola response should not be politicized	
Humanitarian workers brought Ebola			
Factual Negotiation: Expanding factual understanding of the parties based on evidence.		Normative negotiation: Expanding normative understanding of the parties based on a new consensus on applicable norms.	

Identifying sources, transmitters and receivers

To understand the information that is circulating in a community we propose to go back to the above-described community actor mapping tool.

- Step 2 – Identify whether the actors are:
 - Sources: Individual or group with authority disseminating information with the intent to disturb and disrupt
 - Transmitters: Individual or group amplifying messages from the source(s) and receiving recognition from and fidelity (is trusted) by receivers
 - Receivers: Members of the community who receive value and ingroup benefits from the information campaign

Example:

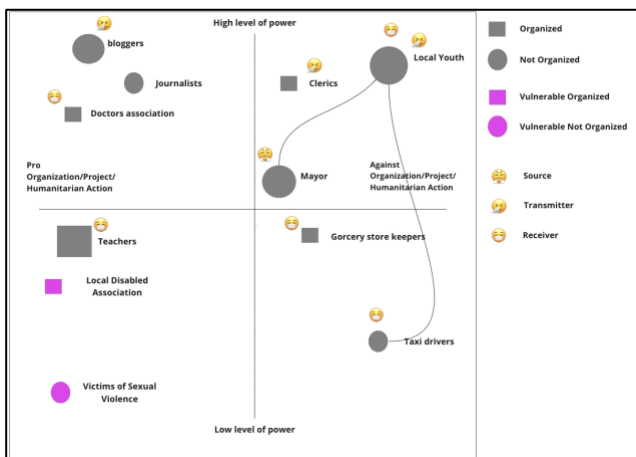


Some actors may, of course – consciously or unconsciously – take several roles: a receiver can also be a transmitter, for instance.

- Step 3 – Analyse the information flow by drawing arrow between the source, transmitter and receivers

Example:

As illustrated in the table below, the mayor (source) might say during his election campaign that he “will make sure that refugees will no longer steal jobs from the local youth, as they have done for many years,” when he takes office. This information is received by local youth (receiver): The youth (transmitter) usually gather at the taxi parking and voice their anger about unemployment due to the refugees to the taxi drivers (receiver).



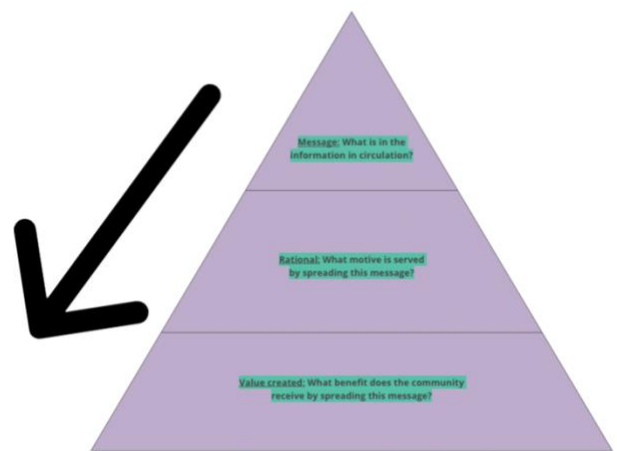
Understanding the motivation

Once we know who is passing messages to whom and who is receiving messages from whom, we analyse the information that has been spread, why it has spread, and what value this spreading of the information gives to the source or transmitter. We use the CCHN Iceberg tool in this process to understand the position of the counterpart (CCHN Field Manual, 2019: 199-208).

- Step 4 – Understand the actor by identifying:
 - The message that is spread
 - The reason for spreading the message
 - The value that is created by spreading the message or what frustration is addressed by spreading the message

Example:

Looking at the previous example, we see that the youth transmit the message that refugees steal jobs, which is the reason for their own unemployment. The reason for spreading this message could be that they hope the refugees would leave if there were enough hostility against them in the town. Or they are embarrassed by the fact that they are unemployed, and they want to save face by blaming someone else. Spreading this message addressed their own frustrations and gives voice to their anger. Possibly, they gain recognition from other youth who share their frustrations.

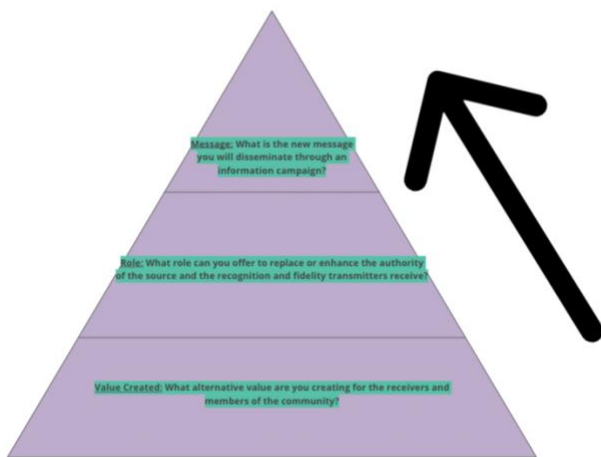


Then, we take another Iceberg and look at it from the bottom up to understand what alternative values we can create and what role we attribute to the transmitter in order to provide a new message.

- Step 5 – Reflect how the message of the actor can be changed by:
 - Creating an alternative value
 - Giving the actor a new role in the project or community
 - Providing a new message

Example:

In this scenario, we could create an alternative value for the youth by offering them a source of income as daily workers or capacity building opportunities. We could also consider including them in the planning of the project to give them the recognition for which they are looking. The roles we attribute depend on the value we want to create. Either they become part of the project, or we could make them ambassadors of the project, etc. This may change their narrative and their message or simply cut the chain of transmission of the wrong information.



Conclusion on mis-/disinformation

Rather than responding directly to the information that is circulating within the community, mapping the actors and understanding what values and motives underpin the information that is circulating, allow you to craft a counter-campaign that may not directly address the initial mis- and disinformation. By crafting a community-driven message that creates roles for transmitters and receivers, you support an alternative vision and value to rally the community around that also supports the object of the negotiation. Understanding the purpose information campaigns serve in the community before crafting a counter-message will ensure you only focus on where you/your organization can create value and increase your impact within the community.

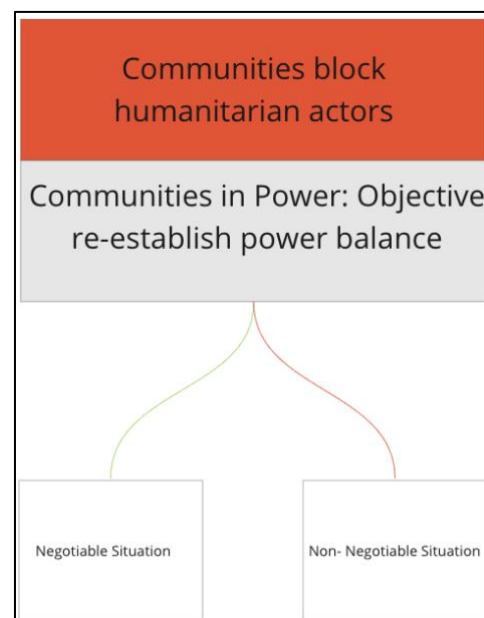
Negotiable and non-negotiable situations

Despite our efforts in engaging with communities and negotiating our projects with them in the planning, implementation, and evaluation phases, we may face situations where communities and beneficiaries block our access up to the extent that they threaten the teams in the field. In such situations, we may have to negotiate with hostile crowds.

We define a hostile crowd as a group of people who are emotionally charged, probably with a common purpose and with little to no constraints, particularly where the rule of law is weak/non-existent, and who see you as the agent of their anger. They are not yet violent.

Drawing on recommendations from a military trainer who has worked extensively on the topic of negotiating with hostile crowds, in such situations we have to evaluate if the situation is:

- Negotiable
- Non-negotiable but might become negotiable
- Non-negotiable



Non-Negotiable Situation

Indicators that a situation is non-negotiable are that the crowd:

- Does not listen to you

- Repeats the same thing over and over again
- People quickly lose their temper
- They threaten you with the use of force

Example:

A non-negotiable situation may be when an Ebola response team arrives at a funeral to bury the body of the victim. Out of nowhere, a group of people arrives, shouting: “There is no Ebola! Leave” More people join in and chant, “Leave, leave, leave!” and the crowd draws in on the response team. There does not seem to be a leader, and no one is listening to the humanitarian workers. The first person lifts a stone and starts throwing it towards the car.

In such situations, the evacuation of the team is usually the only option. Until evacuation is possible, it is recommended to:

- Remain calm
- Tell the crowd that you will comply
- Follow their orders
- Do exactly what they tell you to, no more and no less
- Ask if there is any other solution to the problem
- Avoid unexpected moves

Negotiable situation or a situation that can be turned into a negotiable situation

Indicators that a situation is negotiable are that the crowd:

- Is ready to communicate
- Is not emotional
- Does not threaten the use of force
- Demonstrates goal-oriented, purposeful behaviour
- Still has a sense of humour

Example:

A negotiable situation may be when a humanitarian response team is carrying out a beneficiary registration and members of the host community suddenly arrive at the registration site. They seem agitated and demand that they are registered as well. They all speak at the same time, and more and more of them arrive. They threaten to prevent refugees from coming to the registration site if they are not registered themselves. However, they seem to be willing to discuss their concerns with the humanitarian team.

In this situation, the most important recommendation is not to negotiate with the crowd but to try to identify their leader, separate him or her, and negotiate with him/her while keeping the crowd out of the negotiation.



In such situations, we try to de-escalate the tension, negotiate and to build trust. Listen to what they want, tell them what you want, separate the person from the problem and identify the source of the problem. Tension can also be lowered by culturally appropriate behaviour, smiles, props and jokes. Just be nice! Be emphatic and non-judgmental, respect the person's space, focus on feelings, allow time for silence and reflection, avoid overreacting ... In terms of communication, apply focused listening, paraphrasing, reframing, and communicate non-verbally as well.

Duncan Spinner, former military trainer



Often the crowd calms down when they see that talks are ongoing.

The leader of a crowd can be identified as the one:

- Who answers your questions and does not just repeat his concerns over and over again
- Whose body language shows power and authority

- Who seems respected by others
- The crowd can also be asked who the leader is

Conclusion

After in-depth discussions around the topic of negotiating with beneficiaries and communities, we came to the conclusion that humanitarian frontline negotiators have to recognize that, in many contexts, negotiating humanitarian access does not only mean interactions with civilian and military authorities, local leaders and town elders, but also beneficiaries and communities; and that only by acknowledging them as legitimate negotiation partners during all stages of humanitarian action can we guarantee their buy-in into a project and guarantee safe and continuous access for humanitarian field teams. In this chapter, we proposed some simple tools to map relevant actors among communities and beneficiaries and proposed different engagement tactics during all stages of humanitarian intervention.

References and further reading

Center for Information Technology and Society – University of California, Santa Barbara. (n.d.). A Brief History of Fake News. Retrieved July 16, 2021, from <https://www.cits.ucsb.edu/fake-news/brief-history>

Active Learning Network for Accountability and Performance. (2014). Engagement of Crisis-Affected People in Humanitarian Action. Background Paper of ALNAP's 29th Annual Meeting, 11-12 March 2014, Addis Ababa. London: ALNAP/ODI. <https://reliefweb.int/sites/reliefweb.int/files/resources/background-paper-29th-meeting.pdf>

Brookings Institution. (2008). Moving Beyond Rhetoric: Participation with Populations Displaced by Conflict or Natural Disasters. Washington: Brookings Institution and

University of Bern Project on Internal Displacement.

<http://www.alnap.org/resource/8751.aspx>

CCHN. (2019) CCHN field manual on frontline humanitarian negotiation. V2.0. Geneva: Centre of Competence on Humanitarian Negotiation (CCHN).

<https://frontline-negotiations.org/wp-content/uploads/2021/02/CCHN-Field-Manual-on-Frontline-Humanitarian-Negotiation.pdf>

CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict, and Norwegian Church Aid. (2015). Conflict Analysis Framework: Field Guidelines and Procedures.

<https://www.cdacollaborative.org/publication/conflict-analysis-framework-field-guidelines-and-procedures/>

Inter-Agency Standing Committee. (2013). Accountability to Affected Populations: The Operational Framework.

<https://interagencystandingcommittee.org/accountability-affected-people/documents-public/operational-framework-accountability-affected>

International Committee of the Red Cross. (2019). Accountability to Affected People Institutional Framework.

<https://www.icrc.org/en/publication/accountability-affected-people-institutional-framework>

International Committee of the Red Cross. (2020). ICRC Strategy 2019-2022.

<https://www.icrc.org/en/publication/4354-icrc-strategy-2019-2022>

International Organization for Migration. (2020). Accountability to Affected Populations Framework.

<https://www.iom.int/accountability-affected-populations>

Overseas Development Institute. (2020). Policy Brief 78: Implementing Collective

Accountability to Affected Populations.
<https://www.alnap.org/help-library/implementing-collective-accountability-to-affected-populations-ways-forward-in-large-0>

Oxfam Great Britain (2012). Oxfam GB: Accountability Starter Pack.
<https://www.alnap.org/help-library/oxfam-gb-accountability-starter-pack>

Refugee Studies Centre. (2013). The Two Worlds of Humanitarian Innovation.
<https://www.rsc.ox.ac.uk/publications/the-two-worlds-of-humanitarian-innovation>

Swire-Thompson, Briony & Ecker, Ullrich. (2018). Misinformation and its Correction: Cognitive Mechanisms and Recommendations for Mass Communication.
https://www.researchgate.net/publication/317603082_Misinformation_and_its_Correction_Cognitive_Mechanisms_and_Recommendations_for_Mass_Communication

The Virality Project. (2021). Retrieved July 16, 2021, from <https://www.viralityproject.org/>

United Nations High Commissioner for Refugees. (2018). UNHCR Policy on Age, Gender, and Diversity.
<https://www.unhcr.org/5aa13c0c7.pdf>

United Nations High Commissioner for Refugees. (2020a). UNHCR Emergency Handbook: Accountability to Affected People.
<https://emergency.unhcr.org/entry/42554/accountability-to-affected-populations-aap>

United Nations High Commissioner for Refugees. (2020b). AAP Operational Guidance: A Toolkit by UNHCR.
<https://www.unhcr.org/en-us/handbooks/aap/>

Wendling, M. (2018, January 22). *The (almost) complete history of “fake news”* - BBC News.
<https://www.bbc.com/news/blogs-trending-42724320>

World Vision International. (2019). Programme Accountability Framework.
<https://www.wvi.org/accountability/publications/world-vision-programme-accountability-framework>

Annex: Identifying Refugee Networks

Speaking with humanitarian practitioners, it became apparent that negotiating with beneficiaries and communities is a particular concern in migration contexts, where the outlined actor mapping is even more challenging due to the movement of the people of concern. We are sharing here some reflections from Josep Zapater, who has worked extensively on this topic.



Josep is a member of the Think Tank sub-group Negotiating with Beneficiaries and Communities and has several years of experience working in migration contexts with UNHCR. His last mission was in Zahle, Lebanon, and he is currently based in Venezuela. The reflections presented in this annex are made in his personal capacity and do not reflect the opinion of his organization.

For the purpose of this note, we define refugee networks as:

Collections of refugees, with varying degrees of organization, capable of collective action to pursue specific interests. As per classical definitions of civil society, refugee networks are of a non-state nature and are bigger than one family. However, they may have close links with States. They may have also a structure based on kinship or tribes. In this reflection, refugee networks also include powerful individuals who have a well-defined following over which they exercise informal power – including, for instance, shawishes and religious sheikhs, or persons who used to occupy a position of authority prior to displacement which continues during asylum.

Identifying refugee networks

- The most important method is snowballing (i.e., speaking with well-informed individuals and then following the threads). Do not use complicated methodologies. Avoid tunnel vision.
- The most important attitude is forgetting humanitarian work and protection as the “glasses” through which we look at refugee networks – because we will miss anything that does not fit pre-defined categories or sectors within the humanitarian and protection profession and because refugees do not necessarily have that mindset – rather one of needs, justice, rights, collective action.
- Never look at a refugee network through a specific project. (Refugee mobilisation is not a means for a project, e.g., participation in running community centres.) This is just good programming, rather than a priority in itself in refugee mobilisation.
- Do not look at refugee networks as refugee networks. Rather, look at grassroots organisations, social structures, civil society within a refugee community – or outside of the refugee community and with an ability to absorb refugees – for instance, tribal structures in Bekaa existing prior to the refugee crises but with important links to Syrian society and an ability to influence the refugee community.
- The most relevant factor for humanitarian organisations in identifying refugee networks

is, put simply, power (i.e., their ability or potential to mobilize collective action (positive or negative, within or without protection principles) within the refugee community, and to mobilize external spheres (humanitarians, government, international organisations).

- Look simply at what exists, with a prejudice-free eye.
- Liaise with researchers, anthropologists. On some aspects, they may have much better information on refugee networks than humanitarian organisations.
- Use local knowledge within the humanitarian organisations’ national personnel, including those with no professional responsibilities on community mobilisation. Look for knowledge where it exists.

Types of refugee networks

Without aiming at providing a categorization of refugee networks, the following is a collection of parameters that may help humanitarian actors to class them into groups and understand how they function. It is also a way to provide examples from field work and tips on “where to look” to identify refugee groups. Many refugee groups will combine two or more parameters in differing degrees.

Specificity to the refugee experience

Some refugee networks respond specifically to challenges posed by displacement. Examples may be community groups on promotion of hygiene in informal settlements or outreach volunteers. In some cases, they are created by humanitarian organisations. Other cases are mixed: for instance, we identified a women’s group in Baalbek that was already engaging in mobilisation on early marriage and decided to train and reinforce the group.

Timing of formation: Before or after asylum

Many traditional social organization forms pre-date but survive displacement, often mutating their structures and objectives. These social

organization forms may also have a long transnational history.

Such networks may be **tribal structures**. In Syria, for instance, tribal structures are extremely complex and have mutated for centuries, according to shifting alliances with whomever was in power in Syria. Armed conflict has split some tribes down the middle and reshuffled leadership. Powers in conflict in Syria are paying increasing attention to tribal networks (not only Arab but also Druze and Kurdish) as one more tool in conflict endgame.

Other networks may be Sufi brotherhoods or other religious networks.

There may also be networks who pre-date asylum but then adopt a refugee-specific approach, as can be observed with governance structures that have been implemented by opposition forces before displacement but continue to exist in exile.

Specificity to one particular protection issue – Often linked to social conditions that pre-date displacement, and often pointing to a particular age, gender or diversity group

Women groups, youth groups, and groups of persons with disabilities, for example, belong to this typology. Given that in good measure their social condition exists before displacement (although it may be aggravated), they themselves may exist prior to displacement – although we have not identified cases. These structures are interesting because their social condition may exist also in the host country, leading to the potential of working with mixed groups, therefore creating protection dividends in peaceful coexistence. The fact that their social/protection condition is less refugee specific, and affects host communities, may also make advocacy more acceptable.

Closeness to modern civil society

In some contexts, refugees or IDPs may have established NGOs under the legislation of the host country.

Some Syrians have established NGOs (often under Lebanese law) in Beirut for a mix of advocacy and assistance purposes. Similar trends can be observed in Gaziantep, Turkey.

Contact and alliances with these NGOs are interesting because they enable humanitarian organisations to better understand civil society of the refugees, advocacy strategies, and their own view of protection/ human rights issues linked to return and reintegration. Humanitarian organisations may develop a double relationship with them (i.e., liaising and even alignment on advocacy strategies, and working with them as implementing partners. These networks may not identify themselves as “refugee networks” or even “refugees”. However, this is irrelevant for protection purposes of humanitarian organisations.

Dimensions of work

Refugee networks may combine several dimensions of work (i.e., the social and institutional spheres with which they work):

- Internal. These are refugee groups working for change inside the refugee community (e.g., women groups working on prevention of early marriage). These can also be small self-support groups sharing resources or helping very vulnerable individuals.
- Humanitarian. These are refugee groups liaising and working on advocacy within the humanitarian community (e.g., outreach volunteers).
- Authorities. Refugee groups working on advocacy with authorities.
- International. Refugee networks working on advocacy at the international level (e.g. women’s rights NGOs working on the agenda of women, peace, and security).

What to do with refugee networks

According to the values of the parameters above, humanitarian organisations can establish a range of activities with refugee networks:

- **Information.** Refugee networks can work with us to channel information about protection trends and needs. We can work with them to channel information about availability, modalities and decisions on protection and assistance, organisations' work, etc.
- **Liaising.** Exchange of information on protection trends, refugee realities, refugee rights, advocacy activities. For instance, we may be interested in the views of Syrian civil society regarding the issue of return.
- **Advocacy.** We can advocate within refugee networks for change (e.g., enlisting the help of sheikhs influential with refugees on early marriage). We can also be open to advocacy by refugee networks on certain issues. Advocacy can work with refugee networks that are both aligned and not aligned with protection principles.
- **Training and reinforcement of structures.** When a refugee network works for protection outcomes, a humanitarian organization can do a range of training and reinforcement of structures activities:
 - Training on leadership, governance of grassroots organisations, law and protection principles (those who negotiate with authorities, for instance), return principles, public policy (e.g., on women's equality, or persons with disabilities).
 - Material assistance: Meeting space, office materials.
 - Assistance in developing long-term plans and strategies.
 - Legitimacy with authorities.
- **Alliances.** With enough trust-building, humanitarian organisations may build alliances with, for example, Syrian NGOs on advocacy initiatives on return principles and security guarantees as part of peace negotiations.
- Spend time identifying the refugee networks with which we want to engage and once an informed decision has been taken, engage in the long run – more than one year. Be clear with the refugee networks as to what the humanitarian organization can do and cannot do and for how long.
- Assume that punctual, short-term activities will not have an impact on behavioural change.
- Treat refugee networks as partners – the same as we treat NGOs and authorities. For example, if they write to us with a request, it is simply common courtesy to write back.
- Develop trust. Don't lie.
- Identify leaders. A refugee network may grow out of a particularly motivated, capable individual.
- Exploit particular projects to identify leaders or prospective networks (e.g., DAFI students, ECLs).
- Give positive feedback. Motivate leaders and networks.
- Be transparent with authorities – i.e., within reason, tell them what we do with refugee networks. Tell refugees that we have to tell authorities.
- Be aware of power. By engaging with a particular individual or network, we are already empowering the individual or person and perhaps creating the impression of an existence of an alliance. This may create:
 - False impressions and expectations
 - Jealousy with other refugee networks (e.g. OV's with communities in Aarsal)
 - More power to the individual or network to act negatively within the community
 - Suspensions with authorities.
- Diversify actors. Be aware, for instance, that volunteers paid by humanitarian organisations may be less vocal than grassroots organisations.
- Be aware that the "white saviour syndrome", or something similar, also occurs within the refugee community – e.g., educated, urban Syrian women may not be seen as having legitimacy to change the behaviour of rural Syrian women.

Do's, don'ts, traps, and minefields

- Develop a clear, well thought-through strategy on work with refugee networks. Take the time to do it properly. It will pay off.

- Do not forget masculinity when working with women groups especially the presence of Sexual Gender Based Violence.
- Do not engage in social engineering. Do not mediate (unless under exceptional circumstances) between refugee networks, leaders, or groups, or between them and authorities. Certain humanitarian organisations only work on changing society in the following cases for instance:
 - When working for behavioural change linked to protection outcomes: early marriage, SGBV, etc. Even then, we have to be culturally sensitive.
 - When developing the capacity of grassroots-type groups working for protection outcomes: persons with disabilities, etc.
- See the linkages between peaceful coexistence and refugee networks. There is potential to work on mixed Syrian-Lebanese groups on social issues that affect both (e.g., persons with disabilities). The mere fact of having Syrian and Lebanese working together can have a peaceful coexistence effect.
- Typically, and using the parameters/ typologies above, humanitarian organisations may engage in longer-term “projectized” reinforcement of refugee groups with smaller, grassroots-type groups dedicated to protection outcomes. Humanitarian organisations can engage in liaising, advocacy, and alliances with bigger refugee networks that are not necessarily dedicated to protection outcomes, may pre-exist displacement, and represent traditional or social structures. However, some may fall in the middle:
 - Establish a protection alliance
 - Providing them with knowledge of the organization’s positions and protection parameters, so that they can use in their own advocacy
 - Reinforce their efforts
 - Align advocacy themes and strategies
 - Work with them as implementing partners in reinforcing smaller, grassroots-type refugee networks.

Access – Principles – Do No Harm: Compromising on Principles



(Jenin. ICRC delegate negotiating with Israeli military authorities about problems linked to the earth wall built by Israeli Defense Forces. Photographer: Carina Appel. Copyright: ICRC)

How far are we willing and able to compromise on humanitarian principles to obtain access to victims of armed conflict and what are the short- and long-term consequences of such compromises? In this sub-group, we asked ourselves this very question and developed a framework designed to support humanitarian practitioners to think about this question in a structured way.

Members of the sub-group and experts

Full members:

- Daniel Richards, Jerusalem, OPT
- Mohammad Allaw, Beirut, Lebanon
- Fareed Fakhoury, Gaziantep, Turkey
- Gabriele Vitale, Beirut, Lebanon
- Kiran Kothari, Amman, Jordan
- Michelle Price, Boston, USA

Experts and Guests:

- Pascal Daudin, co-founder at Anthropos Deep Security, former ICRC Senior Policy Advisor
- Mariya Nikolova, ICRC Legal Advisor

The views expressed by the contributors to this sub-group and working paper are those of the individuals and do not necessarily reflect the official opinion of CCHN, any of its Strategic Partners nor the members' organisations.

Introduction

Anyone negotiating in the humanitarian field knows the dilemma between trying to uphold all humanitarian principles during a negotiation and making compromises to obtain access to people affected by conflict in a timely manner – oftentimes, reaching both is not possible. While making compromises is part of any successful negotiation, compromising on humanitarian principles may have severe negative long- and short-term consequences on our own organization and operations, other organisations, and the wider humanitarian effort in a region. Through discussions with humanitarian practitioners, it became apparent that, to date, and in most organisations, there is no structured approach towards making such impactful decisions and evaluating the

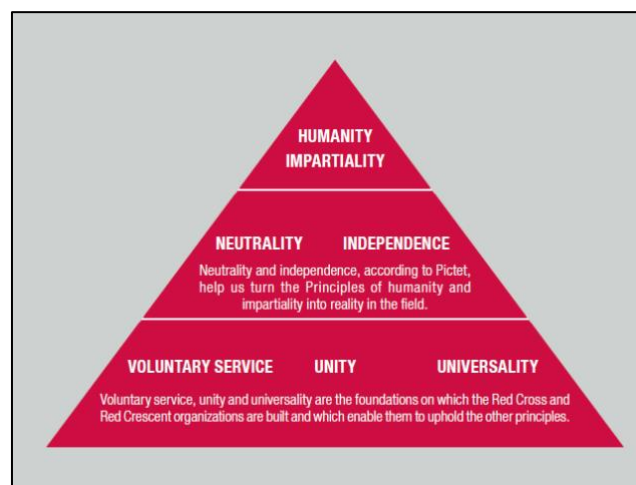
consequences. In this sub-group, we reflected on how such a decision could be approached in a structured way and which variables need to be considered. The sub-group proposes a simple framework to support such discussions in humanitarian teams.

The reflections in this sub-group have been inspired by 12 interviews with humanitarian practitioners, discussions among senior humanitarian workers who are part of the Think Tank and guests, a Peer Circle Discussion, the insights of a Public Health student from Harvard University, and an expert in humanitarian policy-making.

Current debate on compromising in principles

What are humanitarian principles: Pyramid of principles, history, and legal base

Humanitarian action is guided by four humanitarian principles: humanity, impartiality, neutrality, and independence. The Red Cross Red Crescent Movement applies three additional principles: voluntary service, universality, and unity. These principles are often portrayed in a pyramid whereby humanity and impartiality, at the top of the pyramid, are substantive principles and the core of humanitarian ethics, while neutrality and independence are derived principles that are instruments to achieve humanity and impartiality. Humanitarian principles are an essential tool for humanitarian organisations to obtain political acceptance and humanitarian access and guarantee staff security (Daudin, Presentation, 2019). Adherence to these principles is what distinguishes humanitarian action from other actors with political, military, or other objectives (OCHA, 2012).



Source: ICRC

The Red Cross proclaimed these principles in 1965 to legitimise and support the movement's engagement in conflict situations. This framework reflected obligations already recognised under international humanitarian law (IHL) — including the Fourth Geneva Convention 1949 and sections of Additional Protocol I 1979 — to protect civilians affected by armed conflict and to provide them with assistance and medical care with humanity and impartiality. Even though neutrality and independence are not explicitly mentioned in the Geneva Conventions, the concept of non-participation in hostilities is at its core. This concept was later reaffirmed by the International Court of Justice in its 1986 judgment on Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), (Labbé & Daudin, 2016). To date, the humanitarian principles are based on commitments made by states and institutions; they have been repeatedly reaffirmed via national policies, the UN Security Council, and the UN General Assembly through its resolutions 46/182 (1991) and 58/114 (2004) (Macdonald & Valenza, 2012). Further, there is solid institutional adherence to the principles; over 600 organisations have signed the Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief, whose first four articles reflect the four humanitarian principles. Also of note is the Humanitarian Charter and Minimum Standards in Humanitarian Response developed by the Sphere Project (OCHA, 2012).

Even though there is strong general awareness of the principles, it is often difficult to observe all of them to the same standard at the same time, and many practitioners struggle to balance or prioritise them in a consistent and transparent manner. In particular, the principle of humanity — the imperative to save lives — may sometimes be incompatible with impartiality and the other principles. Some form of balance or prioritisation will normally be required, and this is often influenced by the context and the stakeholders involved (Macdonald & Valenza, 2012).

What are the challenges to principled humanitarian action?

Humanitarian actors argue that being perceived as neutral, impartial, and independent is even more important than abiding by humanitarian principles and is particularly essential in being able to gain and maintain access (Challenges to Principled Humanitarian Action, 2016). However, in negotiations with parties to the conflict, humanitarian principles are constantly challenged: among other requests, counterparts may ask that humanitarian actors be escorted by the military, provide beneficiaries lists, assist certain population groups, pay taxes for goods to get through checkpoints, etc. Among additional aspects that put pressure on humanitarian principles are: the reaffirmation of state sovereignty, the prominence of a security agenda among donor agencies, anti-terror legislations, donor policies, states' use of humanitarian action as a form of foreign policy, and the emergence of new humanitarian actors such as faith-based organisations, to name only a few (Labbé & Daudin, 2014).

Among the principles, humanity is the least controversial, as it is widely accepted as the foundation and common ground of humanitarian action. Upholding it, however, sometimes requires compromising the other three and presents many challenges: the biggest one relating to the equality and inequalities of humanity, of valuing certain lives over others (e.g., refugees over IDPs, those affected by

natural disasters over those affected by conflict) according to donor requirements for the granting of funding, which also affects the organization's independence (Fast, 2014). Furthermore, the compelling nature of the principle of humanity has served to justify military action pursuing foreign policy and political interests, which has made actors on the ground wary and suspicious of humanitarian actors, thus hugely affecting access. Furthermore, impartiality is a very difficult principle to operationalize; humanitarian actors and affected populations might have different views on who requires aid more urgently, and access, be it geographical or social, might make areas impossible to reach or impede chronically vulnerable people's access to needs assessments (Shetty, 2007). Similarly, the risk of aid diversion is a big setback on the perceived and actual impartiality of organisations, as it results in aid not being directed to those most in need but according to power dynamics. Finally, the principle of neutrality has probably been the most controversial, acting as a straitjacket for multi-mandate organisations and limiting their activism and advocacy efforts (Schenkenberg, 2016). Certain organisations may have chosen to remain quiet regarding government atrocities in order to be able to maintain access, which may have led the local population to question their independence or distrust the organization. Designation of armed groups as terrorist groups has resulted in aid organisations avoiding areas controlled by them, which leaves the people living there devoid of assistance and affects the organization's perception of neutrality by the designated group (Belliveau, 2015). Similarly, increased use of private military of security firms for the organization's protection can result in the loss of their perceived neutrality by being associated with one or other side of the conflict (Singer, 2006).

Cases where humanitarian organisations have been torn between respecting principles and humanitarian implications

There are numerous cases where humanitarian actors have been accused of violating humanitarian principles, as well as cases where

organisations have had to suspend engagement due to extreme pressure on their principles. Humanitarian organisations have been long blamed for using aid as an excuse to further their political agenda.

As an illustration of how multi-mandate or advocacy-focused organisations are perceived as lacking neutrality, in 2009, after the International Criminal Court's indictment of then Sudanese president Omar al-Bashir for war crimes, 13 organisations were expelled from the country due to allegations of collaborating with the ICC and foreign powers (BBC, 2009). The feeling that these organisations were there to destabilise the country was well-rooted and resulted in the banning of another seven organisations in 2012 by Sudan's Humanitarian Aid Commission for failing in their planned projects (BBC, 2012).

Another example is from late 2016. After Jordan sealed off the area known as the "berm" due to an Islamic State attack, with thousands of Syrian refugees being left stranded in the Jordanian-Syrian border, World Vision opted for getting assistance into the area with the support and armed protection of a logistics contractor affiliated with a militia run by a Syrian businessman and approved by the Jordanian Armed Forces. The organization was heavily criticised by other humanitarian actors, if only because the businessman rerouted part of the assistance to his militia and suffered the repercussions of association with the militia when two of its warehouses were burned down through ISIS attacks targeting Tribal Army staff. World Vision's country director and deputy resigned shortly after ("Jordan and the Berm Rukban and Hadalat 2017-2018," 2017).

Allegations of connections with terrorist groups like Boko Haram and ISIS and of sabotaging counterterrorism efforts have been used several times by the government of Nigeria to close the offices of UNICEF, Mercy Corps and Action Against Hunger (Mumbere, 2019). Most recently, the authorities in Niger also ordered ACTED offices to shut down because of "questionable and subversive connections with

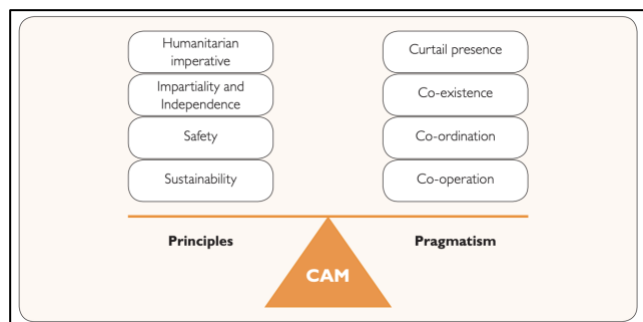
a terrorist organization" (Chahed, 2021). Nevertheless, these cases, which are numerous, are not usually framed as accusations of lack of neutrality, but as falling under prohibitions of engaging with designated terrorist groups.

As a last example of the stress put on these principles concerns a tough decision that WFP had to make in Yemen in 2019. After realising that part of the food was being diverted and not reaching its intended recipients, WFP attempted to establish a biometric registration system to solve this problem. The Houthis rejected the idea, which led to a partial suspension of food distribution, leaving 850.000 people affected (Welsh, 2019).

Between principles and pragmatism: Tools for a structured approach from different organisations

In the field, the frontline negotiators have to strike a balance between adhering to humanitarian principles and pragmatism to get access to implement humanitarian action. World Vision designed a [tool](#) to help its staff members structure such decisions while engaging with military and armed actors. The tool, developed in 2008, weighs World Vision's key operating principles, or HISS (Humanitarian Imperative; Impartiality and Independence; Security and Protection; and Sustainability), against the different levels of engagement with armed actors, or the four C's (Curtail presence; Co-existence; Co-ordination, and; Co-operation.) Once the principles that are placed more at risk by engaging with the military are identified, such engagement can only take place if a three-part test (the CAM process) is answered positively:

- Is there a Compelling aim?
- Is the engagement Appropriate, Adapted, and Adequately informed?
- Is there a Minimal negative impact on the principles and have all other means been exhausted?



Source : World Vision

Similarly, the UNHCR Protection Cluster in Iraq produced in 2020 a [Do No Harm Guidance Note](#) for defining humanitarian engagement when serious humanitarian and protection concerns are present. The document aims at guiding actors in analysing these complex situations through the identification of risks, the development of risk mitigation measures, and the definition of how humanitarian assistance should be provided, unpacking humanitarian principles through guiding questions.

While many organisations use risk management tools and matrices, so far, we have not found a tool that would support a structured thinking and decision-making process when it comes to compromising on humanitarian principles.

Current practices

On our quest to find tools to facilitate the decision-making process around compromising on humanitarian principles and understanding current practices, we held 9 discussions and 12 in-depth interviews with senior humanitarian officials. Unsurprisingly, all interviewees confirmed that to have humanitarian access and uphold the principle of humanity, at times being pragmatic and making serious compromises on other principles and procedures is inevitable.

Examples of such dilemmas mentioned were:

- Deciding to prioritise an ethnic group in an emergency response, hoping to get access to the other ethnic group in the subsequent days after a show of goodwill
- Deciding to implement a health project that will also benefit soldiers of one side of the conflict
- Deciding to implement only a reduced health programme for GBV victims (removal of contraception drugs)
- Deciding to sign an agreement with a designated terrorist group.

The alternative in all listed situations was getting no access at all; the humanitarian workers had to make very difficult decisions.

In discussion with practitioners and among ourselves, we found that humanitarian negotiators are flexible in applying humanitarian principles, donor guidelines, and procedures if they have to save lives. **All of them agreed that humanity is the overall guiding principle that cannot be compromised**, whereas the others can be negotiated. We found a tendency toward greater readiness to make compromises that have a long- rather than short-term negative impact on operations. Several practitioners said that they might choose to temporarily compromise on principles to build rapport with the counterpart with the hope that this will allow them to operate in full respect of all principles in the future. Furthermore, and of no surprise, practitioners said that the more leverage the counterpart has, the more likely they are willing to compromise on principles. Interestingly, one factor of leverage mentioned for the counterpart, apart from pressing needs, time constraints, etc., was competition between humanitarian actors, with several humanitarian organisations offering the same or similar services. In such situations, the counterpart could think or say, “If you don’t compromise and implement, someone else will.” Such competition among organisations was mentioned as being a driving force for compromising on principles.

While all practitioners we talked with said that compromises on principles are thoroughly discussed in the team, with management, and sometimes HQ, only one of them said that they have a structured approach to these discussions and evaluate the short- and long-term impact. As such, there is little transparency and accountability in this decision-making process.

How can we evaluate the impact of compromises?

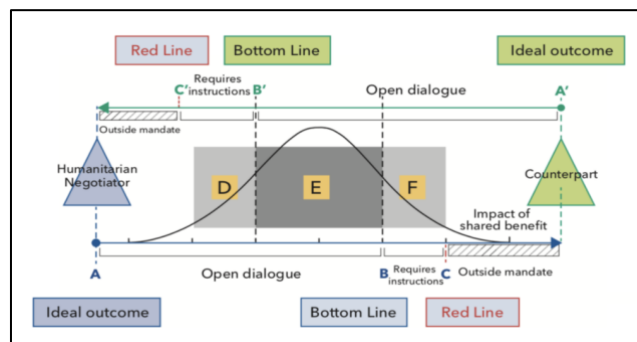
Based on the findings, the sub-group decided to develop a framework that can support a structured thinking process around evaluating the impact of compromises and:

- Help humanitarian negotiators and mandators to make an informed decision about a serious compromise on humanitarian principles
- Help to carry out a 360° evaluation about the long- and short-term impact of a decision
- Help the reflection about mitigation strategies that can be included in the positioning during a negotiation
- Intends to improve the accountability of the decisions made
- Can be used as a reporting tool for HQ, donors, and other actors to justify the decision made in the field
- Can be used as an evaluation tool of past negotiations
- Invites to look at negotiations from retrospective to inform the engagement strategy and red lines in the future.

However, the framework should not be seen as an algorithm for making good decisions.

A continuation of the CCHN Designing Scenarios and Bottom Lines Tool

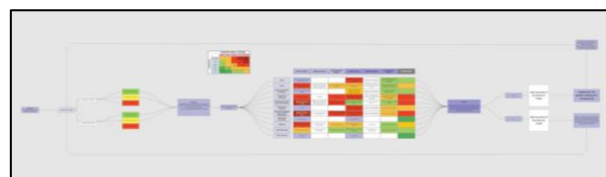
We see the framework we propose as an add-on to the CCHN tools to design scenarios and bottom lines (CCHN Field Manual, 2019: 277-313).



It can be used after we have reflected about the bottom- and redlines in the negotiation and realize that we will take considerable risks when finding an agreement within the bottom line or our mandator even considers adjusting the redline.

A framework to reflect on compromises

To guide the reflections in the team, we created the simple flowchart below. Each part of this flowchart will be explained in the following. The interactive template can be made available upon request.



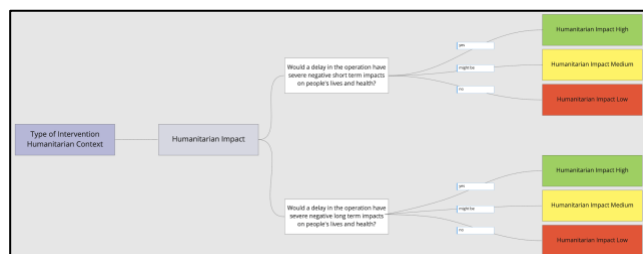
Establishing the context and humanitarian impact of the planned project or intervention

As a point of departure, we propose a brief outline of the humanitarian context and nature of the planned intervention before reflecting on the humanitarian impact it would have. To establish the humanitarian impact of the planned intervention, two questions can be asked:

- Would a delay in the operation have severe negative short-term impacts on people's lives and health?
- Would a delay in the operation have severe negative long-term impacts on people's lives and health?

If the answer to these questions is no, we would argue that the humanitarian impact of the planned intervention would not justify taking

considerable risks in the negotiation. If one or both questions are answered with yes or maybe, the humanitarian impact of the planned intervention may justify taking risks in the negotiation and therefore we would move ahead with the analysis of the impact of a compromise.

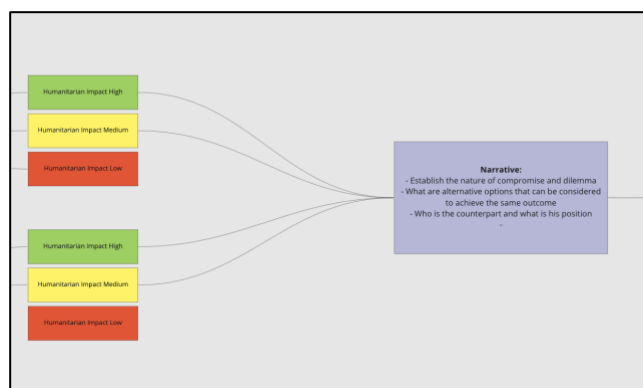


Establishing the dilemma

As a next step, we propose reflection on:

- The nature of compromise that is being considered and the dilemma
- Alternative options that could be considered to achieve the same outcome
- The counterpart (position, reasoning, values, personality, negotiation style, trustworthiness, etc.)

References to the minutes of previous meetings and Negotiation Position Papers (see chapter 3) can also be added here.



Identify indicators

The next crucial step is to identify the indicators that the impact is measured against with the team. These indicators are context specific.

Examples for such indicators may be:

- **Access:** Does the compromise have a positive or negative impact on access?

- **Security of field team:** Are there security implications for the team in the field (positive or negative)? What are the overall security implications for the operations in the country or region?
- **Relationship with counterpart:** How does the compromise impact the relationship with the counterpart?
- **Leverage of counterpart:** Does the compromise give the counterpart leverage in future negotiations that will be difficult to handle?
- **Relationship with other parties to the conflict:** How does the compromise affect the relationship with other parties to the conflict?
- **Continuation of operations:** Does the compromise have a positive or negative impact on the continuation of other operations in a country or region? Does it affect other offices as well?
- **Collective responsibility/ Impact on other organisations:** Do you expect the compromise to negatively impact on the negotiations of other organisations?
- **Beneficiaries/ Communities:** Does the compromise have a negative impact on beneficiaries or communities? Is the imperative of Do No Harm granted?
- **Reputation:** What is the compromise impact on the reputation of the organization both locally and globally?
- **Donor relationship:** Does the compromise impact the donor relationship (positive/negative)?
- **Authorities:** Is there an impact on the relationship between different bodies within the authority with which you are negotiating? May it lead to rivalries, for instance?

Evaluate the impact of a compromise

Once the indicators are established, the team can reflect about the short- and long-term impact (positive and negative), possible mitigation strategies and – if the impact is a risk – also about further risks for each indicator.

Risk matrix

To further qualify potential risks, a simple risk matrix can be used to colour code the identified risks in the framework, evaluating them against likelihood¹ and expected impact/severity².

		Expected Impact / Severity				
		Negligible	Marginal	Moderate	Critical	Catastrophic
Likelihood	Almost Certain					5
	Likely				4	
	Possible			3		
	Unlikely		2			
	Rare	1				

Mitigation measures of a risk are to avoid, prevent, transfer, or reduce the impact. For instance, the risk of an attack on a humanitarian convoy can be **avoided** by cancelling a mission, **prevented** by obtaining security guarantees by all parties to the conflict, or **transferred** by transporting the goods with local private companies; and the **impact can be reduced** by using bulletproof vehicles.

Let's consider an example to fill in the framework after discerning that the humanitarian impact of the planned project is high.

Example:

In country A, there has been a long civil war between the government and opposition forces. A recent escalation has left thousands of people displaced and without food and shelter. For a few days, temperatures have fallen below 0° and community health care workers report an alarming number of deaths due to the cold and starvation. It is essential that humanitarian assistance is provided immediately. The humanitarian organization Food for All (FfA) is requesting access to distribute food and NFI to 300 households. The military commander in charge said that he will only grant access if they distribute to members of ethnic group A first.

FfA has been negotiating with the commander for days, and efforts to mobilise his hierarchy and the Ministry of Humanitarian Affairs have been in vain. While the situation of the IDPs of ethnic group A justifies the intervention, it is against the principle of impartiality to prioritize them over members of ethnic group B, who face the same dire circumstances. The management is facing a difficult decision.

Previously, the team agreed that prioritizing one group over another is a red line, but against the backdrop that dozens will not survive another night, they are considering adjusting the red line with the hope that if they start with ethnic group A, they would be able to provide support to ethnic group B in the coming days.

The field team evaluates the impact in a team meeting with the management by identifying the indicators that need to be considered and detailing the impact/risks and mitigation strategies. They highlight positive impacts in purple and risks according to the colour code of the risk matrix. In the end, they estimate the colour code of the rest of the risks based on the previous analysis.

¹ Rare: This will probably never occur or happen / Unlikely: Not expected to happen or recur, but possible / Possible: Might happen or recur occasionally / Likely: Will probably happen or recur, but it is not a persisting issue or circumstance / Almost certain: Will happen or recur, possibly frequently

² Negligible: Routine issues that are to be expected. Objects of standard contingency plan / Marginal: Minor disruption or delaying factor. Has an

impact that cannot always be planned but can easily be addressed / Moderate: Reversible, has a significant impact that involves key assets resulting in short suspension of activities / Critical: Hard to recover. Severe injuries, interruption of activities, destruction of assets, slow recovery / Catastrophic: Irreversible. Lethal, permanent disability, destruction of assets, massive loss. Long-term inability to operate.

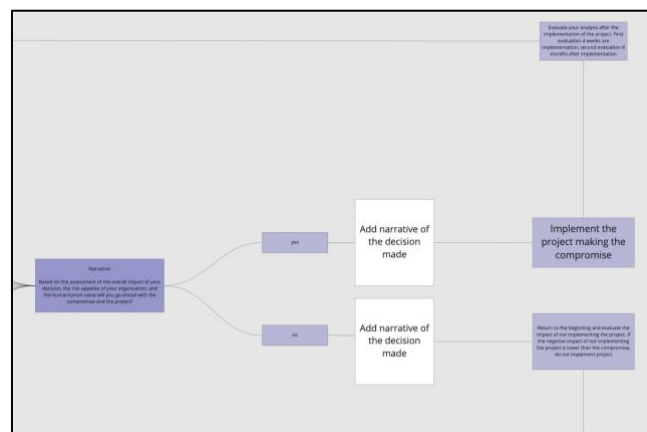
	Short Term Impact	Mitigation Strategy	Risk/ Impact after Mitigation	Long Term Impact	Mitigation Strategy	Risk/ Impact after Mitigation	Overall Rest Risk
Access	Access to opposition areas granted for partial distribution			Most likely access to ethnic group B become even more difficult in the future	Submission of note verbale about exceptional nature of agreement.	The regular dialogue with the authorities indicates that this can be mitigated.	
Security	Opposition forces might threaten the field team.	Establish a communication with the opposition to explain and obtain security guarantees.	Good relationship with opposition command	Opposition might become hostile in the long term.	Establish parallel projects for ethnic group B in other parts of the country	Balancing assistance country wide will have a positive impact	
Relationship with the Counterpart	Positive will help to build trust and rapport.			Counterpart may question organization's respect for principles and legitimacy	Submission of note verbale about exceptional nature of agreement.	If the case is not repeated mitigation possible.	
Leverage of the Counterpart	Counterpart in power	No mitigation	Risk remains	Counterpart might use precedent to force further agreements.	Favour can be leveraged over counterpart as a show of goodwill to his people.	The risk persists but positive leverage for organization could play to advantage.	
Relationship with other parties to the conflict	Opposition will be question organization's legitimacy and impartiality.	Establish a communication with the opposition to explain and obtain security guarantees.	The risk can be reduced but it will be difficult to re-establish trust, ".	Opposition might use precedent to force similar agreements in other areas.	Communication and parallel projects	Risk can be mitigated to a large extent	
Continuation of Operations	Positive			Operations in other areas might become more difficult as similar agreements may be asked.	Submission of note verbale about exceptional nature of agreement.	Risk can be partially mitigated	
Collective Responsibility/ Impact on Other Organizations	Negotiations with other organizations may be severely impacted	Discussion and coordination with other organizations	Can only be mitigated to a certain extent but joint effort might give leverage.	Humanitarian action and principles will be questioned in the long term due to precedent.	Submission of joint statement about exceptional nature of agreement.	Risk can be partially mitigated	
Beneficiaries/ Communities	Lives can be saved.			Lives can be saved.			
Reputation	The organization may be criticized by civilians, authorities and the media	Pre-emptive strike in public communication.	The risk might be reduced	Organization's impartiality may be questioned.	Communication	Risk can be partially mitigated	
Donor Relationship	Donors may request justification	Provide explanation and communication	Risk can be partially mitigated	More reporting may be required in the future.	Provide justification and communication	Risk can be partially mitigated	
Other authorities	none expected			none expected			

The example above is naturally oversimplified and aims to give the reader an idea of how such reflections could be structured and documented. Also, a narrative has to be added about the weight of each indicator. Security, for instance, might be more important than the donor relationship, depending on the circumstances.

As mentioned earlier, the indicators used in the example are suggestions that, if used, require adaptation to the context and priorities of the organization. The colours are designated by evaluating the likelihood and expected impact. Purple is used if the impact is positive.

Decision

Once the matrix is complete, the team will have to evaluate the rest of the risks against the risk appetite of the organization and the humanitarian impact to make a decision as to whether it wants to proceed with the agreement. The decision should be added in a narrative, also for documentation purposes. If the decision is to move forward with the compromise, we would recommend that the team revisit the matrix 4 weeks after the implementation to evaluate the short-term impact, and 6 months after the implementation to evaluate the long-term impact of the compromise and see if the assumptions they have made were correct. If the decision is not to move forward with the compromise and not to implement the programme/project, we would recommend that team return to the matrix and evaluate the impact of not making the compromise to come to a final decision. If, in that case, it becomes evident that the risks of not compromising are higher than the risk of the compromise, the decision may have to be re-evaluated.



In our example, it may be that the team decides that the negative impact of making the compromise is too high and that they prefer not to implement the food distribution for the time-being until they manage to negotiate more favourable terms. They may hope to gain more leverage if the needs among ethnic group A become more pressing and the commander himself may be held accountable.

In this case, the team will have to evaluate what it would mean for them in the short- and long-term if they refused to distribute immediately and, as a result, more people die.

Conclusion

Despite the strong commitment of humanitarian negotiators to uphold humanitarian principles, there are times when these principles come under pressure, especially when negotiating access for humanitarian projects with a high humanitarian impact. The power imbalance between parties to the conflict and humanitarian actors, pressing humanitarian needs that require urgent intervention, competition among humanitarian actors, regulations of target and donor countries, etc., can force humanitarian negotiators to compromise on humanitarian principles. If this is the case, the short- and long-term

consequences of compromises need to be thoroughly considered. In this chapter, we proposed a framework to guide these reflections and evaluate past decisions with the objective of helping humanitarian negotiators to evaluate and justify their decisions and make humanitarian action more accountable.

References and further reading

Abiew, F. (2012). Humanitarian Action under Fire: Reflections on the Role of NGOs in Conflict and Post-Conflict Situations. *International Peacekeeping*, 19, no.2: 203-216.
<https://doi.org/10.1080/13533312.2012.665698>

BBC NEWS | Africa | UN pleads with Sudan over aid ban. (2009). *BBC*.
<http://news.bbc.co.uk/2/hi/africa/7925509.stm>

Belliveau, J. (2015). Red Lines and al-Shabaab: Negotiating Humanitarian Access in Somalia. Norwegian Peacebuilding Resource Centre.
https://www.clingendael.org/sites/default/files/pdfs/Belliveau_NOREF_Clingendael_Negotiating%20with%20Al%20Shabaab_Mar%202015.pdf

Belloni, R. (2005). Is Humanitarianism Part of the Problem? Nine Theses. Discussion Paper, 2005-03. Belfer Center for Science and International Affairs, Harvard Kennedy School.
<https://www.belfercenter.org/sites/default/files/files/publication/belloni.pdf>

CCHN. (2019). CCHN field manual on frontline humanitarian negotiation. V2.0. Geneva: Centre of Competence on Humanitarian Negotiation (CCHN).
<https://frontline-negotiations.org/wp-content/uploads/2021/02/CCHN-Field-Manual-on-Frontline-Humanitarian-Negotiation.pdf>

Chahed, N. (2011). Niger: le gouvernement suspend les activités de l'ONG française Acted à Diffa. *Anadolu Agency*.
<https://www.aa.com.tr/fr/afrique/niger-le-gouvernement-suspend-les-activites-de-long-francaise-acted-a-diffa/2208038#>

Challenges to Principled Humanitarian Action: Perspectives from Four Countries. (2016). Norwegian Refugee Council and Handicap International.
https://www.nrc.no/globalassets/pdf/reports/nrc-hi-report_web.pdf

Charny, Joel R. (2004). Upholding Humanitarian Principles in an Effective Integrated Response. *Ethics & International Affairs*, 18(2), 13-20.
<https://www.belfercenter.org/sites/default/files/files/publication/belloni.pdf>

Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief. (1994).
<https://www.icrc.org/en/doc/resources/documents/publication/p1067.htm>

Fast, L. (2016). Unpacking the Principle of Humanity: Tensions and Implications. *International Review of the Red Cross*, 11–131. https://international-review.icrc.org/sites/default/files/irc_97_1-2-24.pdf

Featherstone, A., & Abouzied, A. (2009). It's the thought that counts: Humanitarian principles and practice in Pakistan.
https://issuu.com/andyfeatherstone/docs/its_the_thought_that_counts_-_humanitarian_principles_and_practice_in_pakistan

24 Principles and Good Practice of Humanitarian Donorship. *Good Humanitarian Donorship*.
<https://www.ghdinitiative.org/ghd/gns/principles-good-practice-ghd.html>

Gordon, S., & Donini, A. (2016). Romancing principles and human rights: Are humanitarian principles salvageable?

- International Review of the Red Cross*, 77–109.
<https://doi.org/10.1017/S1816383115000727>
- Haver, K. (2016). What It Takes: Principled pragmatism to enable access and quality humanitarian aid in insecure environments. *Humanitarian Outcomes*.
<https://www.humanitarianoutcomes.org/publications/what-it-takes-principled-pragmatism-enable-access-and-quality-humanitarian-aid-insecure>
- Hilhorst, D., & Nadja Schmiemann. (2002). Humanitarian Principles and Organizational Culture: Everyday Practice in Médecins Sans Frontières-Holland. *Development in Practice*, 12(3/4), 490-500. Retrieved July 20, 2021, from
<http://www.jstor.org/stable/4029518>
- Jordan and the Berm Rukban and Hadalat 2017-2018. (2017). Iris Institut De Relations Internationales Et Stratégiques.
<https://www.iris-france.org/wp-content/uploads/2017/03/Sensitive-Jordan-and-the-Berm-1.pdf>
- Khartoum expels foreign aid agencies from eastern Sudan. (2012). *BBC News*.
<https://www.bbc.com/news/world-africa-18296430>
- Kyazze, A. B. (2016). Walking the walk: Evidence of Principles in Action from Red Cross and Red Crescent National Societies. *International Review of the Red Cross*, 211–233.
<https://doi.org/10.1017/S1816383115000582>
- Labbé, J., & Daudin, P. (2014). *Applying the humanitarian principles: Reflecting on the experience of the International Committee of the Red Cross*.
<https://doi.org/10.1017/S1816383115000715>
- Mac, K. (2014). A matter of principle(s): The legal effect of impartiality and neutrality on States as humanitarian actors. *Review of the Red Cross*, 157–181.
<https://doi.org/10.1017/S1816383115000661>
- Macdonald, I., & Valenza, A. (2012). *Tools for the Job: Supporting Principled Humanitarian Action*. [tools-for-the-job---supporting-principled-humanitarian-action.pdf \(nrc.no\)](https://www.nrc.no/tools-for-the-job---supporting-principled-humanitarian-action.pdf)
- Mumbere, D. (2019). Suspended for helping Nigeria's Boko Haram: Mercy Corps, UNICEF, Action Against Hunger. *Africa News*.
<https://www.africanews.com/2019/09/26/suspended-for-helping-nigeria-s-boko-haram-mercy-corps-unicef-action-against/>
- What are Humanitarian Principles? (2012). OCHA
https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples_eng_June12.pdf
- Principles of Partnership. (2007). Global Humanitarian Platform.
<https://www.icvanetwork.org/system/files/versions/Principles%20of%20Partnership%20English.pdf>
- Seybolt, T. B. (2007). The Myth of Neutrality.
<https://doi.org/10.1080/10402659608426005>
- Schenkenberg van Mierop, E. (2016). Coming Clean on Neutrality and Independence: The Need to Assess the Application of Humanitarian Principles. *International Review of the Red Cross*, 295–318.
<https://international-review.icrc.org/articles/coming-clean-neutrality-and-independence-need-assess-application-humanitarian-principles>
- Singer, P.W. (2006). Humanitarian Principles, Private Military Agents: Some Implications of the Privatized Military Industry for the Humanitarian Community.
<https://www.brookings.edu/wp-content/uploads/2016/06/singer20060307.pdf>

Shetty, P. (2007). How important is neutrality to humanitarian aid agencies? *The Lancet*, 370(9585), 377–378.

[https://doi.org/10.1016/S0140-6736\(07\)61177-5](https://doi.org/10.1016/S0140-6736(07)61177-5)

Humanitarian Charter and Minimum Standards in Humanitarian Response. (2011). *Sphere Handbook*.

<https://spherestandards.org/handbook/editions/>

UNHCR Protection Cluster in Iraq. (2020). Do No Harm Guidance Note for Defining Humanitarian Engagement when Serious Humanitarian and Protection Concerns are Present.

<https://www.humanitarianresponse.info/en/operations/iraq/document/do-no-harm-guidance-note-rev-0>

Weller, M. (1997). The Relativity of Humanitarian Neutrality and Impartiality. *Proceedings of the Annual Meeting (American Society of International Law)* 91.

<https://sites.tufts.edu/jha/archives/119>

Welsh, T. (2019). Biometrics disagreement leads to food aid suspension in Yemen. *Devex*.

<https://www.devex.com/news/biometrics-disagreement-leads-to-food-aid-suspension-in-yemen-95164>

Williams, S.E. (2017) EXCLUSIVE: World Vision rattles aid groups with solo operation for Syrians at Jordan border. *The New Humanitarian*.

<https://www.thenewhumanitarian.org/investigations/2017/01/24/exclusive-world-vision-rattles-aid-groups-solo-operation-syrians-jordan>

World Vision. (2008). HISS-CAM: A decision-making tool.

https://www.humanitarianlibrary.org/sites/default/files/2014/10/HISS-CAM_Explanation.pdf

Annex: Framework Template



Please refer to Fiorella Erni, CCHN Negotiation Support Specialist Middle East, for the interactive version of the tool.

Changing Interlocutors: Mitigating the Impact of Turn-over



(MSF team in Aden's streets. An MSF staff member is speaking with armed men at a check point. Photographer: Guillaume Binet. Copyright: MSF)

Building rapport and establishing a relationship with the counterpart is the basis for a successful negotiation. However, due to a high turnover of humanitarian staff and changing interlocutors on the side of the counterparts, building these vital relationships can be very difficult. In this sub-group, we reflected how we can mitigate the negative impact of turn-over on humanitarian negotiations by improving institutional memory and transferring trust from one negotiator to another.

Members of the sub-group and experts

Full members:

- Alhadi Albaridi, Damascus, Syria
- Jamila Hammami, Muscat, Oman
- Svetlana Kapustian, Damascus, Syria
- Ina'm Shakhatreh, Amman, Jordan
- Mohammad Allaw, Beirut, Lebanon
- Adbohaliem Ahmad, Baghdad, Iraq
- Suzie Jazmati, Aleppo, Syria

Experts:

- Kirk Kinneel, professional negotiator

The views expressed by the contributors to this sub-group and working paper are those of the individuals and do not necessarily reflect the official opinion of CCHN, nor its Strategic Partners or member organisations.

Introduction

As outlined in the CCHN Field Manual (2019: 108), humanitarian negotiation is a relational negotiation, meaning that we **“focus on establishing and maintaining a relationship with the counterpart that will last over time through the conclusion of a series of agreements. The agreed commitments between the parties are essentially a mean to develop and further their relationship. The cost and benefit of these agreements are evaluated over time, rendering a value to the social connection and coexistence among the parties as the main outcome of the negotiation process. Relational negotiations also imply a sense of dependency of the parties on each other, increasing the need to socialize and connect in the planning phase of the negotiation to mitigate the risk of failure.”** Against this backdrop, high turnover of

humanitarian workers, especially mobile staff, is a liability for humanitarian organisations because the quality of the negotiation relies on the ability of the negotiator to build a relationship of trust with the counterpart. Oftentimes, a lack of reporting and hand-over makes this situation even more challenging. While local staff may be able to mitigate some of these risks by bringing continuity to the relationship between the counterpart and the institution, in certain contexts, this role can be extremely challenging for local colleagues, with the potential for negative security implications. To further complicate matters, often the counterparts of frontline negotiators also change regularly. In discussion with practitioners, we found that there are several reasons for the high turnover on the side of the counterparts: some said that, especially among Non-State-Armed-Groups (NSAGs) that are not well established yet, they found a high turnover because counterparts get promoted as quickly as they fall into disgrace and are fired. In the latter case, the relationships established might even jeopardize the negotiation further. Similar observations have been made with well-established autocratic authorities. Other practitioners experienced turnover on the side of the counterpart, caused by a changing environment. In the beginning of the Covid-19 pandemic, for instance, practitioners suddenly found themselves negotiating access with the Ministry of Health rather than the Security Forces. Others mentioned that counterparts have changed when there was a shift in control of territories. An example mentioned in this regard was in the Syrian context, where hundreds of different NSAGs took control over certain areas over the past decade. Others observed that exchanging interlocutors of humanitarian actors was a tactic by the counterpart to keep “humanitarian actors under control”. This reality of an in-flux environment renders humanitarian negotiations even more difficult. Humanitarian practitioners pointed out that a change of interlocutor on either side usually resulted in a dip in the relationship between the two parties. In this sub-group, we reflected how we can mitigate this negative impact of turnover

on humanitarian negotiations by transferring trust from one negotiator to another and working in negotiation teams, better understanding the position of the counterpart within the larger organization and negotiation patterns on the side of the counterpart, and improving institutional memory. The reflections we present in this chapter are inspired by the experiences of the members of this sub-group, a “Listening Tour” with 30 humanitarian staff working in Yemen carried out between February and April 2021, interviews with 10 humanitarian interpreters, discussions with 64 humanitarian interpreters, and an open discussion with a hostage negotiator and 35 humanitarian practitioners on the topic “Changing Interlocutors – what can we learn from hostage negotiators?” The template was peer reviewed by 15 practitioners in May 2021.

We will first share our lessons learned on how we can work in negotiation teams and transfer trust from one negotiator to another. We will then propose a simple template to analyse and document negotiations and the negotiation patterns of our counterparts and their organization.

Working in negotiation teams and transferring trust

In February 2021, we held an open discussion with humanitarian practitioners and Kirk Kinneil, a professional hostage negotiator, on what lessons humanitarian practitioners can learn from hostage negotiation. In this paragraph, we present the key points that we agreed are most applicable to the humanitarian context.

Introducing negotiation teams – debriefing – reporting

Working in negotiation teams can help mitigate turnover because it is possible to maintain a certain level of continuity for the counterpart when some team members change. Therefore, negotiation teams should be introduced early in the negotiation and relationship building process. Also, working in teams reduces the pressure on one individual as the outcome of a

negotiation is a shared responsibility. Debriefings in the negotiation team are extremely important toward analysis of the progress of the negotiation and the patterns in the behaviour of the counterpart. It is often useful to write a detailed report about the meeting immediately afterward; writing helps the negotiator to capture details that might be forgotten otherwise.

Burrowing trust from a predecessor

If the lead negotiator changes, it is best if someone in the negotiation team takes over. If this is not possible, the new negotiator needs to build rapport as quickly as possible. Ideally, when taking over a negotiation from a predecessor, a briefing is held. If that is not possible, there should be detailed reports (giving an update on the situation, negotiation tactics that have been employed, the position and demands of the counterpart, what went wrong, and recommendations on how to handle the negotiation in the future) that can be used to “pick up where the predecessor has left off” and give the counterpart a sense of continuity.

During the first meeting with a counterpart, it is recommended that the incoming negotiator starts with a summary of his/her understanding about what has been discussed previously and lets it be complemented and validated by the counterpart. This means to validate the two positions, common objectives, and past disagreements, listen to the counterpart, and see if anything has changed so that the **negotiation starts off on a common ground**.

In these kinds of situations, it is important to build trust in a matter of hours. Therefore, the negotiator should listen carefully to understand the counterpart’s emotions, beliefs, and stories. Often, the counterpart feels a connection if he/she feels heard. If the predecessor had a good relationship with the counterpart, it is important to **establish an element of certainty to borrow the trust from the predecessor**.

This can be done by repeating what you know about the previous discussion with the counterpart and continuing the established

patterns and routines. Reassurance and repetition are very important in this moment. Apart from establishing patterns in the professional relationship, it is also important to understand which points the predecessor and the counterpart connected on. The objective is not to try to replace the connection the counterpart had with the predecessor, but to build on it by saying, for instance, “I know that XYZ always told you the truth. I will also make sure to always tell you the truth.”



For instance, if you know that your predecessor always called the counterpart on Wednesday at 6 PM, you repeat that to your counterpart to borrow that trust by saying: “I know that XYZ always called you 6 PM on Wednesday; I will always call you every Wednesday at the same time. This gives the counterpart a feeling that he/she can rely on you as you establish the same pattern that he/she is used to. Of course, there is a dip in the relationship when the lead negotiator changes but by borrowing the trust from the predecessor this can usually be overcome quickly.



Kirk Kinnel: Professional Hostage Negotiator

Mitigating turnover on the side of the counterpart

Intentional or unintentional exchanges of interlocutors on the side of the counterpart can be approached in a similar way to changes on the side of the humanitarian negotiator. The objective is to start on a common ground. In that case, it is recommended that the humanitarian negotiator starts the conversation by affirming his/her understanding of what has been discussed and previously agreed. Once both sides are on the same page about what has been agreed, the discussion can continue to the things upon which they don’t agree. This should be approached carefully and can be introduced

by saying, for example, “I am glad that we agree on many points already, and I see that the following points still need to be discussed between us...” It is important that the humanitarian negotiator recognizes that it is not easy for the counterpart to take over in the middle of a negotiation either, and often he/she did probably not receive a proper briefing from his/her own organization. This is an opportunity for the humanitarian negotiator to help him/her to understand where the conversation left off. This part needs to be thoroughly prepared with dates, names, and places. By stating the points of disagreement, you will show the counterpart that he/she can trust you. Together, these strategies will establish a sense of certainty for the counterpart that they often do not receive from their own organization and may appreciate from the humanitarian negotiator.

Analysing and documenting the relationship with the counterpart, the organization of the counterpart, and the dynamic between the counterpart and the humanitarian negotiation team

As outlined above, in order to transfer trust from one negotiator to another, we need to be able to establish certainty for the counterpart and build on the patterns and routines established between our predecessor and the counterpart.

This can only be achieved if the previous negotiations, information about the counterpart and his/her organization, patterns, triggers, and the strategy of the humanitarian negotiation team is available and thoroughly documented. Therefore, in this sub-group, we developed a template that can be used by humanitarian negotiation teams to capture this information.

The template can be used as a reporting tool, **but its real value lies in being used as an analytical tool that helps to evaluate and document negotiations over time to see the developments of the relationship with a counterpart or the counterpart's organization and can eventually serve as a hand-over document when the lead negotiator is replaced.** The template is extremely detailed and can be customized to the needs of the team. For more complex and long-term negotiations, the team might decide to use the full template. For less complex and shorter-term negotiations the team might choose a lighter version that serves more as a report rather than analytical tool. Finally, the idea is to keep this as a living document that can be updated regularly, rather than being filled in at the end of a mission.

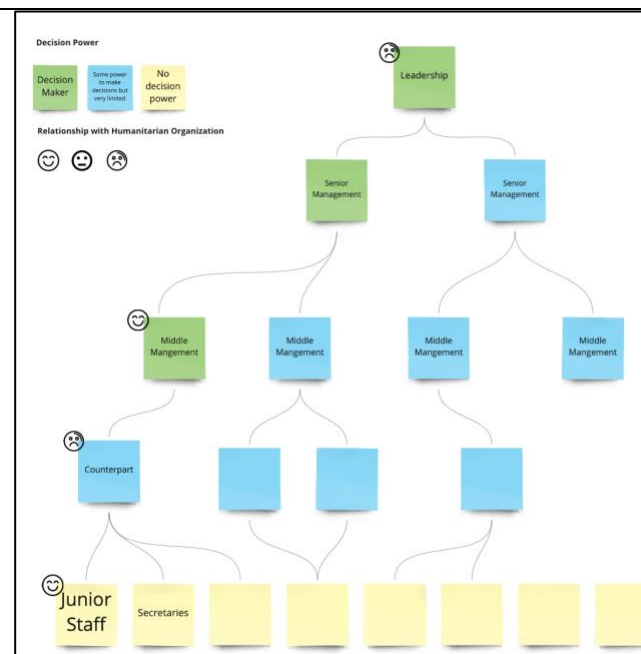
Negotiation position paper: Template and instructions

Negotiator Position Paper No. Intermediate/ Handover Report	
Template	Instructions
<p>Negotiation Position Paper No:</p> <p>Previous Reports:</p> <p>Relevant Minutes of Meetings:</p> <p>Date:</p>	<p>Indicate the number of the position paper and reference previous reports and minutes of meetings.</p>
<p>Humanitarian Negotiation Team</p> <p>Lead Negotiator: Name and Position Profile (gender, nationality, network, language skills, specific negotiation skills)</p> <p>Interpreter: Name and Position Profile (gender, nationality, interpretation skills, network)</p> <p>Other Team Members: Name and Position Profile (gender, nationality, language skills, network, specific negotiation skills)</p> <p>Decision Maker/Mandator: Name and Position Profile (gender, nationality, interpretation skills, network) and objective</p>	<p>Humanitarian Negotiation Team</p> <p>Introduce the negotiation team with names and positions. Add a short profile for every member of the negotiation team, indicating the gender, nationality, network, language skills, negotiation skills, etc., specifying why they were chosen for the position and if they are the right choice or not and why. Add a short profile about the decision maker/mandator, specifying his/her objective.</p>
<p>Background/ Context</p> <p>Overview of Political/Humanitarian Situation</p>	<p>Background/ Context</p> <p>Overview of Political/Humanitarian Situation Provide a short overview of the political/humanitarian situation.</p>

<p>The Organization of the Counterpart</p> <p>Background about the organization of the counterpart</p> <p>How is the organization you are negotiating with structured/organized? /Where is your negotiation counterpart located in the organization (organizational chart)?</p>	<p>The Organization of the Counterpart</p> <p>Background about the organization of the counterpart Refer to any analytical documents about the organization of the counterpart that may be available in your organization or useful links that provide background information.</p> <p>How is the organization you are negotiating with structured/organized? /Where is your counterpart located in the organization (organizational chart)? Write a descriptive paragraph and add an organizational chart of the organization of the counterpart. Indicate where your counterpart is located within the organization (don't forget the people below him/her!). Colour code their decision-making power (green = strong, blue = medium, yellow = none) and indicate their relationship with or perception of your organization (LL = very bad, L = bad, :-/ = neutral, J = good, JJ = very good).</p> <p>Example (usually filled with names):</p>

Who else in the organization do you need to mobilise to influence the counterpart? Or who else in the organization should you be speaking with?

What is the negotiation strategy of the organization of your counterpart/ are there patterns in their behaviour? What triggers a certain pattern or behaviour?



Who else in the organization do you need to/can you mobilise to influence the counterpart? Or who else in the organization should you be speaking with?

The organizational chart is important, portraying the organization as the counterpart would like to it to be. It also helps the negotiation team to understand the counterpart's position within the organization and who else a relationship should/could be established with to mitigate turnover on the side of the counterpart.

To complement this analysis, the CCHN "Network Mapping" (CCHN Field Manual, 2019: 250-27) can be added here.

What is the negotiation strategy of the organization of your counterpart/ are there patterns in their behaviour? What triggers a certain pattern or behaviour?

Explain how the organization of the counterpart reacts to your negotiation strategy. For example, do they intentionally change your

Triggers					
Response					

What are the positions, motives, and values of the counterpart's organization?

- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position?

negotiation partner? If so, when and why? Do they appear chaotic/unclear as to who makes decisions, and is this intentional? Why? etc. Add a simple response/trigger chart to document patterns in the organisations' behaviour over time. List all the triggers you have identified so far on the x-axis and the responses you have identified so far on the y-axis. Indicate the dates that a certain trigger caused a certain response.

Example:

Triggers			
Changed lead negotiator		3 April	
Established positive relationship	19 January, 8 June		
Brought in medical doctor			15 April, 3 June
Response	Counterpart exchanged	Not willing to meet	More open to talk

What are the positions, motives, and values of the counterpart's organization?

Write a descriptive paragraph analysing the position, values and motives of the counterpart's organization

- Position: what they request/claim
 - Motives: what is their reasoning to come to their position?
 - Values: what underlying values inspire the reasoning and position?
- What need do they have to satisfy?

What is the power balance in the negotiation?

	Favourable for us	Neutral	Unfavourable for us

If you worked on the counterpart's "Iceberg" (CCHN Field Manual 2019: 277-199-218), add it here.

What is the power balance in the negotiation?

Write a descriptive paragraph and add a simple power balance chart. List all points that may give one side a power advantage on the left and indicate if it plays in your favour or the counterpart's favour. Add future changes in the next report in red. This will help you understand how the negotiation is developing over time.

Example:

	Favourable for us	Neutral	Unfavourable for us
Time			x
Expertise	x		
Authority			x
Budget	x		

The Negotiation Counterpart

What are the positions, motives, and values of the counterpart? Are they different from the organization of the counterpart?

- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position?

The Negotiation Counterpart

What are the positions, motives and values of the counterpart? Are they different from the organization of the counterpart?

Write a descriptive paragraph analysing the position, values, and motives of the counterpart's organization

- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position?
What need do they have to satisfy?

If you worked on the counterpart's "Iceberg" (CCHN Field Manual 2019: 277-199-218), add it here.

What are the red and bottom lines of the counterpart?

Who can influence the counterpart outside the organization?

What is the negotiation strategy of your counterpart/are there patterns in their behaviour? What triggers a certain pattern or behaviour?

Trigger/response chart

Triggers					
Response					

Mood Chart

The mood chart is best designed in excel based on this example:

What are the red and bottom lines of the counterpart?

Explain the red-and bottom lines you identified for your counterpart. If you worked on “Designing Scenarios” (CCHN Field Manual 2019: 277-313), add it here.

Who can influence the counterpart outside the organization?

Explain what other actors can be leveraged to influence the counterpart from outside the organization. To complement this analysis, the CCHN “Network Mapping” (CCHN Field Manual, 2019: 250-27) can be added here.

What is the negotiation strategy of your counterpart/are there patterns in their behaviour? What triggers a certain pattern or behaviour?

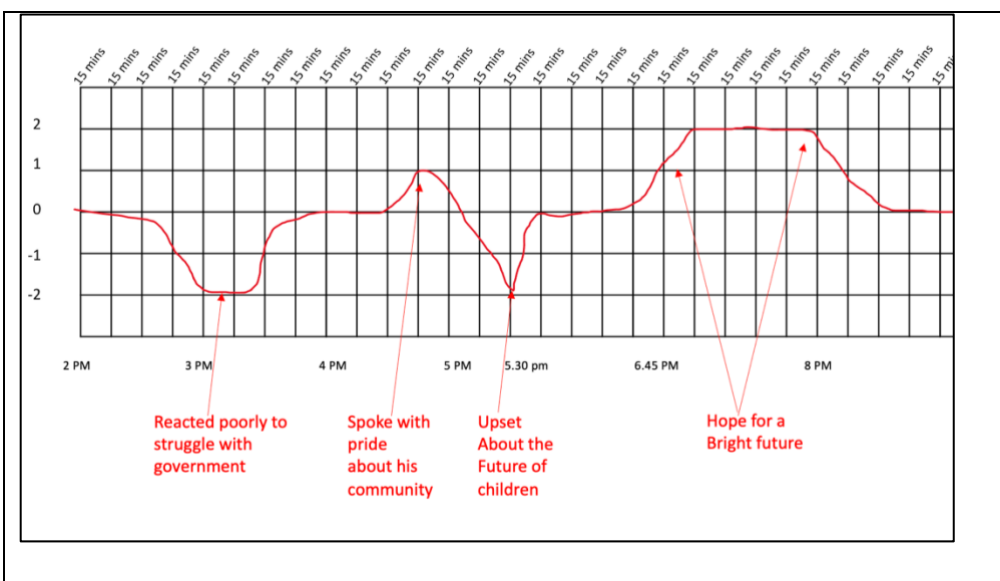
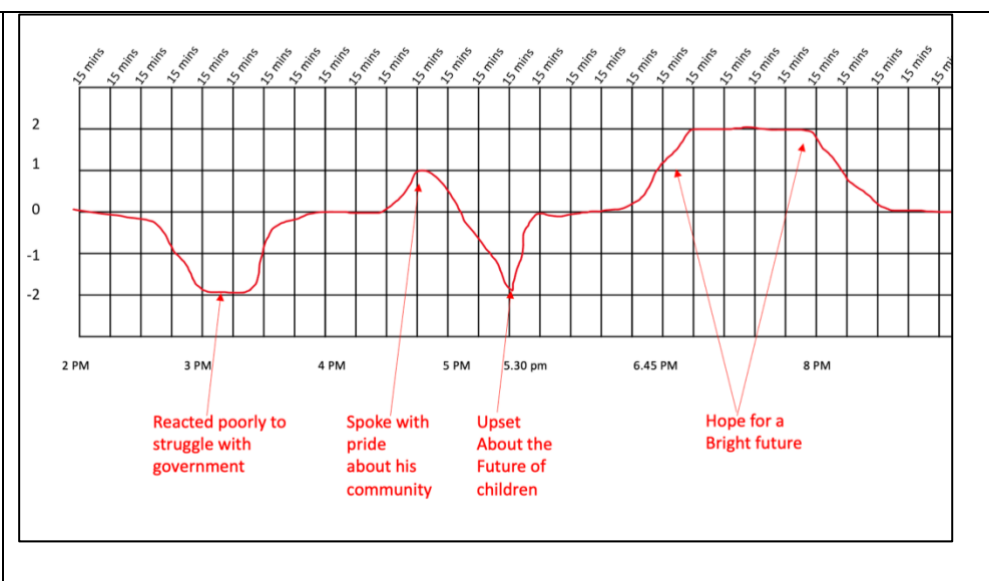
After analysing the triggers/ response of the organization of the counterpart, use another table to analyse the triggers/responses of the counterpart.

This analysis can be refined with a mood chart to how the mood of the counterpart changes during the negotiation or over time and several negotiations.

Identify a matrix, e.g. 2 = very good mood, 1 = good mood, 0 = neutral mood, -1 = bad mood, -2 = very bad mood

Document the mood changes during the course of a negotiation over time, or even over several negotiations.

Example:

	
<p>Threat Assessment of the Compromises</p> <p>What is the impact of the counterpart’s request on our organization/ team (reputational/operational/security)</p>	<p>Threat Assessment of the Compromises</p> <p>What is the impact of the counterpart’s request on our organization/ team (reputational/operational/security)</p> <p>Explain the positive and negative impact that granting the counterpart his/her request would have on our operations/security and organization. If it is a high stakes negotiation, add and apply the “Access – Principles – Do No Harm” Framework presented in chapter 2.</p>
<p>IHL/ Mandate/ Principles</p> <p>Under which legal/institutional framework are you operating?</p>	<p>IHL/ Mandate/ Principles</p> <p>Under which legal/institutional framework are you operating?</p> <p>Explain the mandate, mission and legal framework that justifies your position. Consider, for example, humanitarian principles, International Humanitarian Law, International Standards, etc.</p>
<p>Tactical Negotiation Options</p>	<p>Tactical Negotiation Options</p>

<p>What is the negotiation tactic that has been employed? Have they been successful, and why or why not?</p> <p>What tactics have been considered but abandoned? Why?</p>	<p>What is the negotiation tactic that has been employed? Have they been successful, and why or why not? Explain what tactics you have employed during the negotiation. For example, show flexibility, take a strong position, etc.</p> <p>What tactics have been considered but abandoned? Why? Explain any reflections you have had about employing certain tactics that you have abandoned and explain why.</p>
<p>Organization's Negotiation Team</p> <p>What are the sources of legitimacy of each team member? How do the team members complement each other?</p> <p>What are the liabilities and how can the legitimacy of the lead negotiator and the negotiation team be improved?</p> <p>What is the negotiation style of the lead negotiator? Is it successful, why or why not?</p> <p>Did the negotiator manage to establish rapport/ trust with the counterpart? Why or why not? How does he/she connect with the counterpart?</p>	<p>Organization's Negotiation Team</p> <p>What are the sources of legitimacy of each team member? How do the team members complement each other? Write a descriptive paragraph for each team member. If you worked on the "Legitimacy Tool" (CCHN Field Manual 2019: 90-106), add it here.</p> <p>What are the liabilities and how can the legitimacy of the lead negotiator and the negotiation team be improved? Identify the liabilities in the sources of legitimacy and how they have been or could be mitigated.</p> <p>What is the negotiation style of the lead negotiator? Is it successful, and why or why not? Explain the negotiation style that the negotiator employs and reflect whether it has been successful. For example, the negotiator starts very conversation with chit chat which is well received. He never raises his voice against the counterpart which was more successful than raising the voice.</p> <p>Did the negotiator manage to establish rapport/trust with the counterpart? Why or why not? How does he/she connect with the counterpart?</p>

<p>What patterns/ routine has been established with the counterpart. Have they been successful?</p> <p>Should the negotiation team remain the same? Should it be exchanged? Why (and with whom?) or why not?</p>	<p>Reflect about the personality of the lead negotiator and how it was received by the counterpart. Note all the details that helped in establishing a rapport. For example, talking about football may be helpful to connect or not at all, etc.</p> <p>What patterns/ routine has been established with the counterpart? Have they been successful? Detail the routines that have been established and worked well. For example, have you called/met him in certain intervals, during certain times that have been more favourable than others. Have you always provided him with a summary about the discussion at the end, etc..</p> <p>Should the negotiation team remain the same? Should it be exchanged? Why (and with whom?) or why not? Based on your analysis of the legitimacy of the negotiator team, explain why it should remain in place or why it should be exchanged. If it should be exchanged, explain and who should replace the current negotiator team.</p>
<p>Recommended Negotiator Plan</p> <p>Recommendation about position and the red lines of the organization</p> <p>Recommendation about choice of negotiator and negotiation team</p> <p>Recommendation about tactical plan and negotiation style employed</p>	<p>Recommended Negotiator Plan</p> <p>Write a paragraph with your recommendations about the way forward with the negotiation and the counterpart.</p> <p>Provide your recommendations about how the position and red lines of the organisations should develop, the choice of the negotiation team, the tactical plan, and the negotiation style employed.</p>
<p>Recommendation for Further Research</p>	<p>Recommendation for Further Research</p>

			If there is any further research that needs to be conducted to change the power balance in the negotiation, outline it here.		
Author/Position:	Date:	Time:	Author/Position:	Date:	Time:

Conclusion

High turnover makes humanitarian negotiations vulnerable. Passing on knowledge about the negotiation and the counterpart between team members and lead negotiators appears to be the only way to guarantee continuation in a negotiation process. Many humanitarian colleagues confirmed that taking over a new position often means to start the relationship building process with a counterpart and sometimes take up negotiations all over again, which is not only time intensive but frustrating for both sides. However, despite acknowledging the time lost in the process and the value of having detailed information about past negotiations and the counterpart, when we presented the proposed template to humanitarian practitioners in the framework of a peer review, the feedback was that having such detailed information is exactly what is needed but also that “in the field, you don’t have time to write such lengthy reports.” Therefore, we suggest using the proposed template like a puzzle, that each organization and negotiator can tailor to their needs.

However, we would strongly advocate that information is recorded in detail; on many occasions, having detailed information saves a lot of time during a negotiation and gives both the organization and the negotiator credibility in the eyes of the counterpart.

In the sub-group, we also reflected on the role of resident colleagues in bringing continuity to the relationship with the counterpart and sustainability to humanitarian negotiations. As mentioned above, the sub-group does recognize the vital role that local staff play in this regard but insists that security considerations have to be kept in mind when local staff and/or local interpreters are asked to manage the relationship with the counterpart, added to the negotiation team, or asked to lead the negotiation. We heard from many local colleagues that such relationships can be dangerous to them and their families. Some

reported being threatened by the counterparts in local languages during the negotiation; others said that they were extremely concerned that the counterpart may believe that their position represents their own and not the organization’s opinion. Also, local staff pointed out that even if they manage the relationship with counterparts on a day-to-day basis, it is still key that mobile staff make the effort to read up on past negotiations and counterparts, because unprepared mobile staff can cause awkward and uncomfortable situations with the counterparts and undermine their position. Unfortunately, we only had the chance to touch upon the topic of the role of local staff in mitigating the impact of turnover. More research and discussions on this topic are needed, particularly after mobile staff evacuations amid Covid-19 “forced” resident colleagues to suddenly take on leading roles in negotiations .

References and further reading

CCHN. (2019). CCHN field manual on frontline humanitarian negotiation. V2.0. Geneva: Centre of Competence on Humanitarian Negotiation (CCHN).
<https://frontline-negotiations.org/wp-content/uploads/2021/02/CCHN-Field-Manual-on-Frontline-Humanitarian-Negotiation.pdf>

The Influence of Third Parties on Humanitarian Negotiations with Non-State Armed Groups: About Terrorist Designations, Supporting Actors, and Intermediaries



(Risk Boardgame, Pawns on world map)

Humanitarian Negotiations with Non-State Armed Groups (NSAGs) do not occur in isolation. They are heavily influenced by third parties who either try to contain the power of NSAGs by designating them as terrorist organisations or try to strengthen their influence by supporting them with intelligence, money, weapons, training, etc. Furthermore, different global and local intermediaries influence negotiations with NSAGs. All such third parties have an impact on humanitarian negotiations with NSAGs, raising this question: under which circumstances do we involve third parties in our negotiations, and how does this involvement influence the relationship

with the NSAG on the ground? In this sub-group, we reflected about these very questions by having a close look at humanitarian negotiations in northwest Syria.

Members of the sub-group

Full members:

- Khalil Al Barry, Gaziantep, Turkey
- Haider Alithawi, Erbil, Iraq
- Tamás Szenderák, Geneva, Switzerland
- Ahmad Badr, Amman, Jordan
- Timothy Kennett, Aden, Yemen
- Toni Tsonev, Zahle, Lebanon
- Obada Abdallah, Gaziantep, Turkey
- Adnan Baghajati, Gaziantep, Turkey
- Johannes Rothe, Researcher, Florence, Italy

The views expressed by the contributors to this sub-group and working paper are those of the individuals and do not necessarily reflect the official opinion of CCHN, nor its Strategic Partners or member organisations.

Abbreviations

AFAD: Turkish Agency for Emergency Management
DTG: Designated Terrorist Group
FTO: Foreign Terrorist Organization
IDL: Idlib
NSAG: Non-State Armed Group
NWS: Northwest Syria
NALO: Northern Aleppo
SSG: Syrian Salvation Government

Introduction

Much has been written on humanitarian engagement with NSAGs; less has been written on the influence of third parties on such engagement, even though third parties strongly influence humanitarian negotiations with NSAGs.

One of the more discussed topics in this regard is humanitarian engagement with designated

terrorist groups and how such designations, and as a consequence, donor requirements and legal considerations, complicate matters for humanitarian actors on the ground and put pressure on humanitarian principles. A thorough desk research has found extensive literature on the impact of counterterrorism measures and sanctions regimes on humanitarian action and on the advantages of humanitarian exemptions, but very little has been found on actual engagement and negotiation with Designated Terrorist Groups (DTGs) and how DTGs adapt to facilitate humanitarian engagement with them despite the designation. Also, little is known about the engagement of humanitarian actors with third parties who impose terrorist designations. However, the recent case of the revoking of the terrorist designation of Ansar Allah in Yemen by the US government on 16 February has shown that humanitarian actors do, at times, engage with such actors.

A lesser discussed topic is humanitarian engagement with actors who support NSAGs with intelligence, money, weapons, training, etc., and how they are involved when negotiations with NSAGs in the field reach a stalemate. The literature shows that the relationship between supporting actors and NSAGs ranges from the supporting actor having no influence over the behaviour of NSAGs at all to the supporting actor being in full control over the actions on the ground – and all the variants in-between the two extremes (Popovic, 2017; Tamm, 2020). A key question in this regard is, can humanitarian actors leverage supporting actors to facilitate negotiations on the ground, and what is the impact of such a course of action on the relationship with the NSAG on the ground?

Finally, little is known about the wide range of intermediaries that are involved in humanitarian negotiations with NSAGs.

In this sub-group, we reflected about the influence of third parties by analysing humanitarian negotiations with NSAGs and

engagement with third parties in northwest Syria. The case study presented is based on 18 semi-structured interviews with humanitarian practitioners operating in northwest Syria and discussions among the members of the Think Tank. It lays the groundwork for further comparative studies and reflections on the topic.

Current debate on humanitarian engagement with designated terrorist groups

The literature gap of actual engagement and negotiation with Designated Terrorist Groups (DTGs) has been partly filled with a case study on northwest Syria, carried out as part of a larger PhD research at the European University Institute in Florence, and with the results of a Listening Tour for Yemen.

Designation of terrorist groups

One of the main issues that humanitarian actors face is the existence of a highly complex and diverse web of applicable counterterrorism regimes. Each country has its own list of DTGs, as there is no internationally recognized definition of terrorism (Debarre, 2019b). Moreover, some groups may be labelled as terrorists by certain governments, despite not being formally listed, in an attempt to undermine their legitimacy (Clements, 2020). The United Nations and the European Union also have their own lists, while other regional organisations such as the African Union, OSCE, and ASEAN have developed their own regulations. There are currently no clear pathways or incentives, for DTGs to follow if they want to be delisted³ (Crisis Group, 2021).

Due to the enormous impact that US designations have on humanitarian action because of extended USAID funding and extraterritorial application of the US framework, in this overview we mainly focus on the US regime, which includes two separate legal designations: the Foreign Terrorist Organization

³ For further information, visit <https://www.chaberlin.org/wp-content/uploads/2020/02/2020-02-counterterrorism-en-online.pdf>

(FTO) and the Specially Designated Global Terrorist entity (SDGT).⁴ The former is a counterterrorism measure that triggers the “material support” statute, which has been interpreted very broadly – so as to cover not only the provision of tangible items, but also services, training on IHL and expert advice – and only allows exceptions for religious and medical support (18 US Code § 2339B). The SDGT designation is part of a sanctions regime that blocks the assets of those who commit or pose a significant risk of committing acts of terrorism and of those that have assisted, sponsored, or transacted with the designated entity. This designation applies to both organisations and individuals, and the impacts on humanitarian assistance are somewhat mitigated through general licenses and FAQs issued by the Treasury/Office of Foreign Assets Control (Kurtzer, 2019).

Major cases against humanitarian organisations

The landmark case that broadened the scope the FTO “material support” clause was that of *Holder v. Humanitarian Law Project* in 2010, an advisory ruling where the Supreme Court interpreted that providing human rights and conflict resolution training and expert advice to DTGs falls under the prohibition of material support (Charity and Security Network, 2020).

In the past few years, several organisations operating in the Occupied Palestinian Territories (Norwegian People’s Aid, the Carter Center, and Oxfam GB, with six other cases still under seal) have been sued under a different framework, the False Claims Act, with the premise that they have supported Hamas despite issuing the necessary anti-terrorism certification to USAID. The Oxfam case tried to stretch the material support clause to include the Palestinian Authority, despite it not being listed, therefore being dismissed. However, while the case against the Carter Center was also dismissed (the claim being that, by giving food and water in meetings with Hamas and the Popular Front

for the Liberation of Palestine, the organization had provided material support), Norwegian People’s Aid had to reach a settlement with the US authorities. The Court interpreted that USAID anti-terrorism certifications apply to all of NPA’s projects, even those funded by other donors (Charity and Security Network, 2018). Cases against the New Israel Fund and Doctors Without Borders, according to which the organisations falsely claimed tax-exempt status, have been unsuccessful (Charity and Security Network, 2021).

However, even when legal action against aid agencies has been dismissed, the reputational repercussions of these accusations remain, affecting, among others, the organization’s possibilities of getting funding and accessing banking services. This has been the case of Interpal, which is still designated as a SDTG by the US but was cleared of any allegations of supporting terrorism by the UK’s Charity Commission (Osborne, 2020).

Impact of a terrorist designation

The impacts of a terrorist designation on humanitarian action are numerous, starting with the risk of civil and criminal prosecution, which seems to be the biggest setback for agencies, particularly as there is still no clarity around what actions could and could not entail criminal liability. There are multiple laws that apply (i.e., that of the donor country, of the organization’s country, and of the country of implementation), adding to the general level of uncertainty, which has a chilling effect on aid organisations (NRC, 2018).

Existing literature additionally identifies three kinds of impacts of counterterrorism measures: structural, affecting the organization’s ability to adhere to humanitarian principles and the standard operating procedures; operational, affecting programmatic decisions; and internal, affecting the functioning of and coordination between humanitarian actors (Mackintosh & Duplat, 2013). Structural impacts involve

⁴ For further information, visit the legal briefing prepared by Morrison Foerster in 2017, available at <https://www.interaction.org/wp-content/uploads/2019/03/Together-project-prohibition-against....pdf>

organisations avoiding DGT-controlled areas, thus leaving people in those areas without assistance and being perceived as partial, which heightens the security risks for staff. Likewise, the operational impacts may lead an organization to avoid funding by certain donors or self-censor when deciding which projects to implement. In the end, donors transfer all the risks through flow-down clauses to implementing organisations and local staff. Internal impacts can be seen in increased administrative burdens and costs of compliance with laws, policies, and donor requirements. Around 71% of those humanitarian actors who affirmed that counterterrorism affects their work have identified the administrative burden as the one having the biggest impact (NRC, 2018). Finally, counterterrorism measures have extremely negative consequences on aid agencies' access to financial services. Humanitarian organisations are seen as high risk and low profit, which leads banks to apply de-risking policies, adopting a defensive approach to risk. They sometimes go far beyond the Financial Action Task Force recommendations, asking aid agencies to bear the cost of investigations and to provide information that would put beneficiaries at risk. These policies result in delays in payments, funds being cut, and accounts being closed. Humanitarian organisations resort to cash carrying and informal transfer methods, thus increasing their personal risks and the risk of funds being diverted (El Taraboulsi-McCarthy & Cimatti, 2018).

Engagement with Designated Terrorist Groups

Negotiating with DTGs is not only permitted but also inevitable, particularly when they control large parts of territory. However, humanitarian organisations self-censor and avoid acknowledging that engagement, out of fear of legal prosecution and reputational damage (Kurtzer, 2019). When negotiating access to the territory with DTGs, there are several factors that may provide certain leverage to the organization: providing a product/service that is

valued by the community, being present in the area prior to the encroachment of the DTG, having capable national staff, and establishing continued relationships at all levels of the DTG structure⁵ (Belliveau, 2015). Likewise, in places like Yemen and northwest Syria, where Ansar Allah and Hayat Tahrir Al Sham (HTS) act like the legitimate governing authority and look for increased legitimacy, this can give humanitarian organisations some negotiating leverage.

One of the most important aspects when negotiating with terrorist groups is having established clear red lines. Some red lines that have been identified revolve around paying taxes and direct transfers of money, placing the staff in danger, providing beneficiary lists, and affecting the quality of the services provided (Belliveau, 2015). Unfortunately, there is a lack of coordination among humanitarian organisations along these lines, which means that DTGs play one against each other, asking concessions out of certain organisations and then using them as proof against the rest (Clements, 2019). This lack of coordination is partly due to competition over funding, but also for fear of potential repercussions of recognizing that they negotiate with terrorist groups (NRC, 2018). However, some examples of best practices can be found in Syria, where various organisations signed a [protocol on their engagement with parties to the conflict](#) in 2014; and Yemen, where a coalition of 21 aid agencies made an unprecedented, [united call](#) for the Biden Administration to revoke the Ansar Allah designation and succeeded.

Outlook

Non-engagement with DTGs does increase operational and security risks for organisations and their staff. When organisations avoid areas controlled by the DTG, they are not perceived as neutral by NSAGs and are resented by communities where they are not delivering assistance. This makes delivery of principled humanitarian assistance impossible and

⁵ These lessons learnt come from a MSF report on engagement with Al-Shabaab and may therefore not always be relevant to negotiations in the

Middle East, where the main issue is not that DTGs deny access, but rather the actual engagement with them.

increases the likelihood of attacks on organisations and their staff (Belliveau, 2015).

There seems to be an understanding that engaging with DTGs that function as *de facto* authorities is inevitable and that humanitarian organisations actually do, but this is not acknowledged even within the same organization. Donors prefer not to ask, and organisations prefer not to request guidance, out of fear of getting a very conservative response. The case of Hamas is the best example that institution building does not allow DTGs to bypass the designation (Mackintosh and Duplat, 2013). There is a sense that HTS is becoming more pragmatic and willing to engage with third states, but it remains to be seen what happens next (Drevon et al., 2021).

In order to better balance the legitimate security interests of states in their fight against terrorism and their obligations under international law to allow unimpeded access and delivery of principled humanitarian action, all relevant stakeholders must do their part. Intergovernmental organisations and states must do their best to harmonise the applicable legal framework and include standardised, general exemptions for humanitarian action (Debarre, 2019a). Recent [UNSC Resolution 2482 \(2019\)](#), requiring states to take into account the negative impacts of counterterrorism regimes on humanitarian activities, and [Directive 2017/541 of the European Parliament and the Council of 15 March 2017](#), providing for such an exemption and harmonization, are good steps in the right direction but are not enough. Likewise, donors need to better support and release the increasing pressure on aid organisations; they should be able to openly discuss the concerns and challenges they face without fears of incurring legal repercussions or losing funding. Finally, strengthened dialogue and cooperation need to take place among humanitarian actors: to this day, the only exemption for humanitarian action contemplated in a UNSC sanctions regime was achieved through the joint efforts and pushback of aid agencies in the context of the Somali famine in 2011 (NRC, 2018).

Current debate on the involvement of third parties in non-international armed conflicts

The internationalization of civil war is a widespread (if not even universal) phenomenon in civil wars generally. Internationalization should not be understood too narrowly, not only as direct external military action. International proxy warfare, i.e., “the indirect engagement in a conflict by third parties wishing to influence its strategic outcome” (Mumford, 2013: 1), is just as important. External involvement can be in support of NSAGs, both insurgents and pro-incumbent militias, even in support of state actors themselves (Ahram et al., 2011). Almost half of all armed insurgent groups active between 1945 and 2011 have received external support (Cunningham, 2013) and around 75% of insurgent groups that succeeded in controlling territory between 1980 and 2003 had external sponsorship in the form of money or military hardware (Lidow, 2016). Lidow explains the reason well:

Large-scale military offensives require complicated logistics and regular shipments of ammunition. To acquire these supplies, rebel groups either need access to cash and arms dealers, or the support of a foreign government. Without external support, few rebel groups emerge from obscurity (2016, 10).

Much of the recent literature dealing with proxy warfare and the partnerships between external supporters and local NSAG partners focuses on the strategic aspects of these relationships, as well as external and internal partners’ motivation for entering these partnerships (Rauta, 2021). Beyond the ethics of supporting NSAG “rebel” partners, which can be approached from a “just war” perspective (Pattison, 2015), the governance of such partnerships is frequently quite complicated, something to which the academic literature has increasingly paid attention.

Commonly, the issues that such relationships between an external supporter and local NSAG allies can throw up are framed as a Principal-Agent problem. The agents (in this scenario usually the NSAG) have their own agency and objectives, which may only partially overlap with those of the principal (usually the external supporter). For a principal attempting to implement their strategic agenda through an agent, divergent motives between both actors pose the risk of agents “shirking”, i.e., pursuing their own agenda at the expense of the principal’s. In the original economic principal-agent models, an agent’s ability to diverge from the principal’s agenda is often linked to information asymmetries between both actors. The agent, as the actor closer to implementation, is frequently in possession of better information (Jensen et al., 1976). The agent can make use of such information asymmetries to pursue its own objectives. Principal-agent models often present mechanisms for principals to exercise greater control over their agents as a solution to the principal-agent problem (from the principal’s perspective).

Where principal-agent models focus on information asymmetries between principal and agent, others (Abbott et al., 2020) have recently broadened the perspective to include indirect governance more generally, while shifting the emphasis from information asymmetries to questions of power between governors (the equivalent to the principal) and the intermediaries (the equivalent to agents) they enlist to govern indirectly. According to this perspective, intermediaries usually offer governors certain competences they do not themselves possess, whether legitimacy, credibility, operational capacity, or expertise. Governors then face the “governor’s dilemma” of whether to maximise their intermediaries’ competence, at the expense of potentially losing control over them, or whether to maximise control over their intermediaries, at the expense of the competences for which they have sought

them out. While principal-agent models usually rely on the idea of delegation from principal to agent, different modes of managing the relationship between governors and intermediaries are possible, from the delegation of authority from governor to intermediaries, the enlisting by the governor of intermediaries endowed with their own authority, and the exercise of hierarchical or non-hierarchical post-facto control. As opposed to principal-agent theory, which is based on information asymmetries, competence-control theory emphasises power asymmetries (Abbott et al., 2020). In many cases, governors risk not achieving their governance goals if they do not use intermediaries. Thus, in many cases, the relationship between governor and intermediary is not as clearly hierarchical as one might think at first. Where there are multiple governors or multiple intermediaries, this usually increases the power of the side that has the greater choice⁶ (Abbott et al., 2020).

While the micro-foundations of principal-agent models and competence-control theory may diverge, the implications of both for the relationships between external supporters and their NSAG partners are relatively similar. Where the agenda of both actors does not completely overlap, we can expect NSAGs to pursue at least some objectives that differ from those of their external supporters and supporters to face limitations to their ability to prevent them from doing so. Thus, there is frequently a certain levelling of the supposedly hierarchical relationship between both, so these are often not simple proxy relationships. The empirical literature mostly supports these theoretical expectations, including when it comes to issues relevant to humanitarians. Generally, access to external supporters’ resources can make NSAGs less responsive to local civilian populations’ needs and more violent towards these civilian populations (Salehyan et al., 2014), although supporters may be able to offset this effect, showing that they can have some influence on NSAGs’ violence

⁶ This definition only captures international forms of proxy warfare. As the burgeoning literature on state-militia relations shows, domestic forms of proxy warfare are just as possible.

towards civilians (Salehyan et al., 2014). Various case studies show how supposed proxies often have additional constituencies other than their patron (Barter, 2013; Thurber, 2014) and how they can subvert a supporter's agenda for their own agenda or even invert the relationship (Bale, 2012; Marshall et al., 2016). More decentralized and fragmented NSAGs are also particularly likely to defect from their supporters as their decentralized nature creates additional principal agent problems within the NSAG (Popovic, 2017). Principal-agent considerations may also motivate external supporters to create additional control mechanisms; one example is through umbrella institutions that allow the aggregate monitoring of different NSAG clients (Popovic, 2018). Where objectives diverge between external supporters and their NSAG partners, external supporters sometimes resort to undermining a NSAG's leadership, by supporting internal rivals or encouraging the fragmentation of NSAGs, for example (Tamm 2019). While this shows some of the mechanisms through which external supporters may be able to influence NSAG behaviour, it is also a testimony to their inability to simply order these NSAGs' leaderships to comply with their expectations. Divergent goals between NSAGs and external state sponsors can even lead to increased use of violence against civilian populations, in some cases because external supporters withhold funds, leading weakly disciplined insurgent groups to "live off the land" and engage in more abusive practices towards civilian populations (Lidow 2016).

The principal-agent and competence-control dilemmas that external actors face in their partnerships with NSAGs have implications for humanitarians attempting to reach out to these NSAGs via third parties. While bringing these parties into humanitarian access negotiations may offer humanitarians additional leverage vis-a-vis NSAGs, this effect should not be overestimated. Where external sponsors face limitations to their ability to control their NSAG partners, this will likely also be reflected in their ability and willingness to support humanitarians' negotiation objectives. Thus, negotiating through such external partners may well be

worthwhile, but humanitarians should not overestimate the leverage this may offer them.

Humanitarian negotiations with NSAGs in northwest Syria

We are presenting the outcome of the research on humanitarian negotiations with NSAGs in northwest Syria in an interview with the lead researcher Johannes Rothe carried out by Fiorella Erni, CCHN Negotiation Support Specialist Middle East during the CCHN World Summit taking place from 28 June – 3 July 2021.



Johannes is a PhD researcher in Social and Political Sciences at the European University Institute, working on governance and service provision in non-state controlled parts of Syria during the ongoing conflict.

He previously worked as a delegate for the ICRC between 2013 and 2017, with missions in Gaza, South Sudan and Syria (twice).

Before we discuss how third parties influence the negotiations in northwest Syria, could you tell us bit more about context of the area, the evolution of control of different NSAGs, and humanitarian action?

Different parts of northwest Syria (NWS) have undergone a different evolution over the course of the conflict. Very roughly speaking, one can distinguish between Idlib governorate and (formerly) some surrounding areas (east Latakia, northern Hama, western Aleppo governorates) on the one hand and a string of areas in northern Aleppo on the other hand. Idlib was initially controlled by a patchwork of different armed groups, and governance was in the hand of various mostly local bodies. However, control has become more consolidated over time. Since around 2017, Hayat Tahrir al-Sham (HTS) has become the dominant armed group in the area, defeating various competing armed groups. HTS has supported the creation of a government

structure in the area, the so-called Syrian Salvation Government (SSG). The SSG has gradually integrated most alternative governance bodies and have created an administrative structure that controls much of governance in Idlib. HTS is the successor group to the former Syrian al-Qaida branch. While they have split from al-Qaida in the meantime and are now primarily pursuing Syria-centred goals, the group is on international DTG lists, which creates challenges when interacting with it.

The situation in northern Aleppo is different. The area is mostly controlled by armed groups closely associated with Turkey, and Turkey plays a much more important role in this area, not only militarily, but also administratively. The Turkish authorities have assigned some of their own provincial administration's responsibilities for the administration of specific parts of northern Aleppo. These administrations and AFAD, the Turkish agency for emergency management, play an important role. At the same time, while Turkey has assumed various governance functions, local administrative structures play a more important role than in Idlib, making governance of the area more fragmented, as it lacks the clear integration into a consolidated government-style governance body that has taken place in Idlib.

The topic of this chapter is the influence of third parties on humanitarian negotiations with NSAGs. Who are these third parties in the context of northwest Syria?

One of the outcomes of the study at this stage is the fluidity of the concept of a third party, or the similarities between negotiating via third parties and other forms of negotiation. In many cases, it seems more appropriate to think of intermediaries, rather than third parties. When we started the study, we were particularly interested in the role that external state actors might have in mediating or intervening with the NSAGs they are supporting. However, the involvement of intermediaries in NWS is much broader and also blurs the boundaries between external and internal intermediaries. For

example, many humanitarian organisations rely on other humanitarian actors as intermediaries in negotiations. This includes both INGOs and local NGOs requesting OCHA to conduct negotiations on their behalf, for example, with the Salvation Government. It also means that humanitarian organisations push negotiation responsibilities downwards, to local implementing partners. This also occurs within humanitarian organisations, with task-sharing between field staff that frequently conduct negotiations and remote managers who have the ultimate decision-making power. Thus, intermediaries can frequently be found in the sector itself.

Beyond the humanitarian sector, intermediaries can include external states, the actors we primarily had in mind when thinking of the focus for the study, but also various other actors, for example, community figures who are used to intervene or negotiate with NSAGs on behalf of humanitarian actors. Another question mark when it comes to thinking about intermediaries are the increasingly vertically bureaucratised bodies like the Salvation Government, which is backed by an armed group like HTS. Here, humanitarians frequently negotiate with individual directorates, ministries, or local councils rather than the armed group itself. On the one hand, these actors frequently act as intermediaries in dealing with decision-makers in the armed wing that might be standing behind them. On the other hand, given that this is an increasingly consolidated bureaucracy with a division of tasks, it is doubtful whether we can really think of these bureaucracies as intermediaries.

There are many third parties and/or intermediaries are involved in NWS. Maybe we could start with the more obvious influencing actor in this region, Turkey. How does Turkey influence negotiations with NSAGs in NWS, and how does this fit into current debates around the topic of the influence of supporting actors on NSAGs? How do humanitarian actors navigate this field, and how do they involve Turkey in their access negotiations in the different areas in NWS?

Turkey has a military presence around Idlib, but when it comes to humanitarian activities its primary role is in northern Aleppo.

Humanitarian actors usually obtain permits for their activities in northern Aleppo from the Turkish authorities before also obtaining these from the local Syrian authorities on the ground. This includes both the field assessments (if new locations are visited), as well as the implementation of projects. Projects are coordinated with AFAD, which has the primary responsibility when it comes to IDP camps, and the Turkish humanitarian coordination centre. NGOs also need an official registration in Turkey; otherwise, they face numerous obstacles when operating in northern Aleppo. Thus, humanitarian activities in northern Aleppo normally need to be greenlighted by the Turkish authorities and then coordinated with and greenlighted by the local Syrian authorities. At the same time, this also means that humanitarian actors can try to refer to the Turkish authorities in case they face issues with their local Syrian counterparts and try to use them as potential intermediaries if they face issues. However, while humanitarian actors can try to involve the Turkish authorities to put pressure on their counterparts in the field, they need to be careful to not jeopardise their relationships with local actors, especially because the Turkish authorities do not necessarily exercise full control over what is going on at the level of individual projects. To understand this, it may be helpful to think of some of the theoretical academic literature that has dealt with such situations, for example, some of the literature on principal agent dynamics or, more recently, on the so-called governor's dilemma. This literature emphasises that principals or governors frequently face issues controlling their supposed subordinates or proxies, be this because of information asymmetries or because governors face a trade-off between exercising control over their

partners and partners' ability to implement the tasks for which they have been recruited or used (Abbott et al., 2020; Popovic, 2017).

There is quite a lot of difference in terms of negotiating access in Idlib and northern Aleppo, which also has to do with the fact that HTS, the dominant group in Idlib, is designated as a terrorist organization by several states, including Turkey, as well, as per UN resolution⁷. Could you tell us more about the evolution of HTS and how the designation has impacted their behaviour and institution building? How does HTS deal with the designation, and how does it impact on their interactions and negotiations with humanitarian actors?

HTS is the successor group of the Nusra Front, the former Syrian al-Qaida affiliate. However, the group has gone through several iterations and severed its connections with al-Qaida, as well as focusing primarily on Syria, rather than transnational goals like al-Qaida, and including a process of "Syrianisation" of its cadres. It has generally tried to become an actor more palatable to some of the states with influence in Syria, including but not limited to Turkey. Over the past years this has included in-person meetings with international political analysts, more recently also international journalists inside Idlib.

A similar process has played out in HTS interactions with humanitarian actors. The Nusra Front had set up an administration for services to both provide services in areas under its control as well as to deal with humanitarian actors. Humanitarian actors that have interacted with this office have described these contacts as quite inflexible and mostly attempts at dictating working modalities to humanitarian organisations, with an only limited understanding of how such organisations work, and often with a view to profiting materially

⁷ On 5 June 2018, the Security Council Committee, pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities, enacted the amendments specified with underline and strikethrough in the entry below on its ISIL (Da'esh) and Al-Qaida Sanctions List of individuals and entities subject to the assets freeze,

travel ban and arms embargo set out in paragraph 1 of Security Council resolution 2368 (2017), and adopted under Chapter VII of the Charter of the United Nations.
<https://www.un.org/press/en/2018/sc13365.doc.htm>

from such programming, by trying to impose taxation. Over time, HTS has to an extent adapted to the needs of humanitarian actors interacting with it. By creating a civilian authority in charge of administering Idlib, the establishment of the SSG can be seen as an attempt to create some distance between the armed group (and a DTG at that) and the institutions humanitarian actors need to coordinate with. Similarly, the SSG does not officially request direct taxes from humanitarian organisations anymore, although there are likely indirect taxation processes ongoing, for example, through the taxation of contractors working with humanitarian actors.

The SSG also seems to have become more careful when it comes to attempting to influence the design of humanitarian programming, both by changing approach and by reframing it in terms more palatable to humanitarian organisations. Humanitarian organisations are required to coordinate with it, but the SSG now frequently frames attempts to influence the programming of humanitarian actors in terms of technical input, rather than an imposition of certain conditions. The SSG has also mostly had to accept the autonomy of humanitarian actors when it comes to the design of most programming and even the relative independence of whole sectors. A good example of this is the medical sector, in which a coordination body is active that has for a long time been able to function quite autonomously from the SSG (the body was even initially founded as nominally part of the Syrian Interim Government, a governance body the SSG was founded in opposition to). The SSG tends to understand donor regulations and tries to use these as leverage themselves, for example, making differentiated demands depending on who the donor is, and their perceived level of strictness.

We see a lot of flexibility on the side of the counterpart. What are the coping strategies of humanitarian actors in dealing with the DTG? How do humanitarian actors engage with HTS and the SSG? What does it mean to negotiate

with a DTG, and how does the designation impact on humanitarian operations?

Humanitarian actors essentially find themselves in a situation where, on the one hand, they are limited in terms of the interactions they can have with the armed group controlling the area due to its DTG status and legal and donor constraints on interaction with them and, on the other hand, it is necessary to interact with the people in control of the area if they want to carry out effective humanitarian programming. At the least, coordination with local authorities is absolutely essential for the implementation of humanitarian activities. Humanitarian organisations have attempted various coping strategies for dealing with this issue.

Mostly, humanitarian organisations interact with the civilian authorities, rather than the armed actors linked with them. This can occur at different levels. Some interact primarily with the lowest levels, for example, Local Councils; others engage these authorities also at other levels. Here, it is essentially a question of our judgment whether we interpret this as the use of intermediaries (to the military actors in control), or whether this is a merely a natural process of interacting with an increasingly vertically integrated bureaucracy that divides tasks between different bureaucratic institutions, and where the responsibility for dealing with the humanitarians would indeed fall on these civilian administrations. Frequently, these interactions are framed in a way that makes such engagement supposedly less official and thereby more acceptable. For example, some organisations only share information with the SSG orally, rather than in writing. Many do not recognise documents bearing the stamp of the SSG as “official” documents. There have been whole debates about whether to accept so-called “Non Objection Letters” from the SSG, in which the SSG states that it has no objections to an organization’s activities in an area, or whether it is unacceptable to request such letters.

To what extent are intermediaries used to work around constraints resulting from the designation?

Many organisations, especially INGOs, also delegate negotiation activities to other actors. This can occur through the pooling of shared access concerns through OCHA, which is able to approach the SSG at high levels, usually in Turkey, to negotiate issues of shared concern. This has the advantage that, given that it is OCHA, and that it can claim to speak in the name of numerous organisations, it potentially has greater negotiation power than individual organisations. Another tactic is to outsource access negotiations to local implementing partners who frequently have greater leeway to approach the SSG and its representatives. Sometimes this can be understood as a process of risk-sharing, at other times also of risk-transferring, where the partners that programmes are being outsourced to are the ones that bear the risk of negotiating operational access. Another frequent tactic is the mobilisation of local communities or key people in these communities to speak on behalf of humanitarians, either through direct mobilisation or through awareness-raising on an organization's activities. Here, humanitarians anticipate that in case their activities should be affected this might mobilise communities. Finally, even where organisations implement their own projects, many INGOs and Syrian NGOs delegate within the organization to an extent, with a division of tasks between negotiators in the field and decision-makers in HQ who often supervise programming remotely and have the final say on the outcomes of negotiations.

Is it very clear for the field negotiator what the red lines are when negotiating with a DTG?

Mostly, these red lines are linked to the core humanitarian principles, to the design of programming, for example who to include on beneficiary lists or internal institutional policies, for example hiring practices or information-sharing. While certain types of issues frequently come up, in many cases the red lines are still decided on a case-by-case basis, especially if they are not directly linked to the core humanitarian principles. This can also create certain ambiguities for the field negotiator, although most organisations try to reduce these

by strengthening internal information flows. At the same time, the structuring of humanitarian operations, through remote management, the restrictions imposed by donors when it comes to interactions with a DTG and the sometimes elaborated implementation chains linking different organisations as implementing partners can create additional ambiguities. At times, donors impose very strict conditionalities that, if implemented fully, make operating in the field extremely challenging. Thus, field negotiators frequently have to navigate the tension not only between attempts by the local authorities to influence their activities and principled humanitarian action, but also the additional restrictions linked to the DTG status and imposed, among others, by donors. Again, information-sharing is often a useful tactic to address such ambiguities, but it may also reduce negotiators' space to negotiate arrangements compatible with principled humanitarian action. Of course, for field negotiators, this can also have deeply personal implications.

What are the (security/economic) implications for the field negotiator?

Humanitarian activities are a key pillar of the NWS economy and working for a humanitarian organization often provides a comparatively good economic status. At the same time, given the difficulties of obtaining such a job, some field negotiators can face strong economic incentives to keep activities going, possibly even at the cost of compromising on principles. This risk may be even more acute for smaller organisations that depend on the success and continuity of individual projects. At the same time, it is also very important to remember that the field negotiators usually live in the communities on which they negotiate. Being seen as uncompromising and inflexible might therefore pose security risks for them. There have been cases in NWS where negotiators have been abducted; there have also been instances of humanitarian workers robbed or killed. Given the general security challenges in the area, it is often impossible to know whether an incident is linked to a humanitarian's professional activities or is unrelated, for example, of criminal nature. Such ambiguities can also be exploited by

counterparts, for example, as they might be able to hint at consequences without any explicit threats. Many organisations attempt to mitigate such risks, for example, by showing clearly that field negotiators are not the actual decision-makers, by sending higher-ranking staff for crucial negotiations, or by negotiating key questions at higher levels before involving lower-ranked field negotiators. However, all of these are mitigating tactics, rather than eliminating the security risks for field negotiators.

HTS questioned the neutrality of humanitarian actors on several instances. An example mentioned frequently was the car registrations that humanitarian actors are reluctant to do with HTS but are open to pay for in NE Syria and Kurdish territories. To what extent does the designation impact on principled humanitarian action?

There are indeed some question marks on this. Mostly, donors have more general policies on limiting/avoiding contact and negotiations on humanitarian programming with armed actors, in order to avoid supporting conflict parties in one way or another. Thus, some of the same donors active in Idlib have similar policies when it comes to limiting interaction with armed actors in northern Aleppo. At the same time, there are indeed some question marks about the extent to which the limitations linked specifically to the designation may impact humanitarian action and whether humanitarians and donors are always consistent when it comes to interacting with DTGs, FTOs, and other NSAG actors. This emphasises some of the ambiguities that exist in the humanitarian sector anyway, for example, the different legal standing of state and non-state authorities. The designation highlights some of the questions this creates, for example whether the raising of fees by such actors is always diversion of humanitarian funding, and whether it constitutes material support to terrorism. There may also be a different willingness to accept such ambiguities on the part of donors when it comes to dealing with different actors, NWS, and northeast Syria (NES) possibly being examples of this. This has

also been noticed by the interlocutors. A comparison is sometimes made by SSG representatives with the way humanitarian organisations are operating in areas under government control, and why they are willing to tolerate a higher degree of interference in those areas than in NWS. Another similar issue were the debates that have occurred around the registration of cars in NWS and the required registration fees. This was rejected by most humanitarian organisations and they negotiated an exemption for humanitarian-owned vehicles. At the same time, there are (higher) registration fees for cars also in NES; these have not created the same types of debate. These types of issues can come up in conversations and negotiations with interlocutors and create a perception of inconsistency.

Conclusion

In much of northern Aleppo, Turkey — as an external state actor — plays a key governance role supporting, and often steering, local partners. In Idlib, on the other hand, a locally dominant armed group, HTS, has been heavily involved in the setting up of a central administration. Here, Turkey, while having a key military role, is barely involved in governance matters. Turkey's involvement as a key supporter of local NSAGs in northern Aleppo increases predictability and clarifies access requirements for humanitarians, while arguably shrinking their ability to shape these regulatory requirements through negotiation. While Turkey's influence over local NSAGs and governance bodies provides humanitarians with an additional entry point to influence their counterparts, disagreements will normally still need to be solved at local level, meaning that the leverage this provides humanitarians should not be over-estimated. Ultimately, humanitarians still need cooperative relationships with their local counterparts on the ground to be able to implement programming successfully.

In Idlib, negotiating through intermediaries is frequently linked to the terror designation of HTS. Humanitarians have used various

instruments to allow humanitarian access and provide assistance to the area despite this designation. The designation has provided humanitarian organisations with some transactional negotiating leverage vis-à-vis their counterparts in the field (while complicating their interactions with donors), but also made the type of relationship-building that is at the core of many humanitarian negotiations far more complicated. To an extent, counterparts have attempted to accommodate humanitarians' concerns, including through the setting up of governance bodies "shielding" humanitarians from interaction with DTG counterparts. While it could be argued that other factors played a more important role in the creation of this set-up, and while it does not necessarily imply that NSAG counterparts have given up on their own agendas, the existence of these administrative bodies arguably facilitates the coordination of humanitarian action.

Beyond these local governance bodies, different forms of delegation and negotiation via intermediary within the humanitarian sector have transposed some of the principal-agent dilemmas faced by external supporters of NSAGs to implementation chains within the sector. Moreover, they arguably increase the already heavy pressure on field negotiators. Beyond the normal pressures that humanitarian access negotiations in the field bring, they have to navigate the sometimes contradictory requirements of ensuring humanitarian access while limiting interaction with DTGs, often with both their economic status and their personal security at stake.

While the situation between Idlib and northern Aleppo is ostensibly quite different, there are also some striking similarities between both areas and in how humanitarians need to negotiate access. In both areas, while humanitarians rely on interacting with Turkish government agencies and the SSG, respectively, one can question whether these are intermediaries, or rather an integral part of the respective local governance structures. Instead, when it comes to the mobilisation of "third parties" for humanitarian purposes, one needs

to point to the frequent involvement of key local community members and local communities. Humanitarians often rely on local actors with strong social influence to overcome access obstacles, emphasizing the importance of such local social factors, even in situations of external influence. Finally, and linked with this point, despite efforts in both Idlib and northern Aleppo to build up functioning centralized governance structures, local conditions continue to shape negotiation environments, leading to important differences in access within the two broader territories. Thus, an analysis at the governorate level (as is the case here) can highlight important structural elements while risking obscuring such local differences.

Way forward

Based on this research carried out in the framework of the Think Tank, the CCHN is drafting a guidance document with recommendations for humanitarian practitioners operating in this region and organized a Peer Workshop and Specialized Session on this topic in September 2021.

The case of humanitarian negotiation in northwest Syria is just one example that shows the tremendous impact third parties have on these negotiations. The Think Tank will take the findings from this context to carry out comparative studies in other contexts with the objective to support field practitioners in their engagement with NSAGs and the third parties who influence them.

References and further reading

DOJ Asks Court to Dismiss Whistleblower Case Accusing Carter Center of Material Support. (2018). Charity and Security Network. https://charityandsecurity.org/news/carter_center_sued/

- Engagement with Parties to the Conflict to Deliver Humanitarian Assistance in Northern Syria. (2014). Humanitarian Response. https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/jop_protocol_for_engagement_with_parties_conflict_eng_final.pdf
- Holder v. Humanitarian Law Project. (2020). Charity and Security Network. <https://charityandsecurity.org/litigation/hlp/>
- Norwegian People's Aid Settles Enforcement Case Over Democracy Building and Mine Removal Projects US Says Were Material Support. (2018) Charity and Security Network. https://charityandsecurity.org/news/news_npa-us-settle-case/
- State of New York ex rel. TZAC, Inc. V. New Israel Fund. (2021). Charity and Security Network. <https://charityandsecurity.org/litigation/state-of-new-york-ex-rel-tzac-inc-v-new-israel-fund/>
- Terrorist Designation of Ansar Allah in Yemen. (2021). US Department of State Archived Content. <https://2017-2021.state.gov/terrorist-designation-of-ansarallah-in-yemen/index.html>
- TZAC Files Notice of Voluntary Dismissal in Case Against Oxfam GB. (2019). Charity and Security Network. <https://charityandsecurity.org/news/lawfare-suit-against-oxfam-gb-unsealed/>
- Abbott, K. W., Genschel, P., Snidal, D., Zangl, B., (2020). Competence–Control Theory. In: Kenneth W. Abbott, Philipp Genschel, Duncan Snidal und Bernhard Zangl (Hg.): The Governor's Dilemma: Oxford University Press, 3–36.
- Abrahms, M., Matthew, W., Kennedy, R., (2018) Explaining Civilian Attacks: Terrorist Networks, Principal-Agent Problems and Target Selection. *Perspectives on Terrorism*. 12 (1), 23-45.
- ACAPS. (2021). Yemen: US Terrorist Designation of Ansar Allah: Risk Alert and Humanitarian Impact. <https://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20-%20US%20terrorist%20designation%20of%20Ansar%20Allah%20-%20Risk%20alert%20and%20humanitarian%20impact%20%2814%20January%202021%29.pdf>
- Ahram, A I. (2011). Proxy warriors. The rise and fall of state-sponsored militias. Stanford University Press. <https://doi.org/10.1515/9780804777407>
- Moghadam, A., Wyss, M. (2020). The Political Power of Proxies: Why Nonstate Actors Use Local Surrogates. *International Security* 44 (4), 119–157. DOI: https://doi.org/10.1162/isec_a_00377
- Barter, S.J. (2013). State Proxy or Security Dilemma? Understanding Anti-Rebel Militias in Civil War. *Asian Security* 9 (2), 75–92.
- Bale, J. M. (2012). Terrorists as State "Proxies": Separating Fact from Fiction. In: Michael A. Innes (Hg.): Making Sense of Proxy Wars. States, Surrogates & the Use of Force. Dulles: Potomac Books Inc, 1-30
- Belliveau, J. (2015). Red Lines and al-Shabaab: Negotiating Humanitarian Access in Somalia. Norwegian Peacebuilding Resource Centre. https://www.clingendael.org/sites/default/files/pdfs/Belliveau_NOREF_Clingendael_Negotiating%20with%20Al%20Shabaab_Mar%202015.pdf
- Clements, A. J. Frontline Negotiations in Yemen: Dilemmas and Challenges. (2019). *CCHN Connect*. (Only accessible to CCHN Community Members through CCHN Connect)

- Clements, A. J. Getting Armed Groups to the Negotiation Table. (2020). CMI.
<https://www.cmi.no/publications/7425-getting-armed-groups-to-the-negotiating-table>
- Cunningham, D. E., Gleditsch, K., Salehyan, I. (2013). Non-state actors in civil wars: A new dataset. *Conflict Management and Peace Science* 30 (5), 516–531.
- Debarre, A. (2019a). Safeguarding Humanitarian Action in Sanctions Regimes. *IPI Issue Brief*, June 2019.
<https://www.ipinst.org/2019/06/safeguarding-humanitarian-action-in-sanctions-regimes>
- Debarre, A. (2019b). Countering Terrorism and Violent Extremism: The Risks for Humanitarian Action. *Extremisms in Africa Vol. 2. Bryanston, SA: Tracey McDonald*.
https://www.ipinst.org/wp-content/uploads/2019/07/Extremism_Risks_-_Humanitarian_Action.pdf
- Drevon, J. Haenni, P. (2021). How global Jihad relocalises and where it leads: the case of HTS, the former AQ franchise in Syria. EUI Working RSC Working Paper.
<https://cadmus.eui.eu/handle/1814/69795>
- El Taraboulsi-McCarthy, S. & Cimatti, C. (2018). Counter-Terrorism, De-Risking and the Humanitarian Response in Yemen: a Call for Action. HPG.
<https://cdn.odi.org/media/documents/12047.pdf>
- Executive Order on Terrorism Financing 2001* (US) <https://georgewebush-whitehouse.archives.gov/news/releases/2001/09/print/20010924-1.html>
- Felbab-Brown, V. (2016). Hurray for militias? Not so fast: Lessons from the Afghan Local Police experience. *Small Wars & Insurgencies*, 27 (2), 258–281.
<https://doi.org/10.1080/09592318.2015.1129169>
- Gillard, E-C. (2017). Recommendations for Reducing Tensions in the Interplay Between Sanctions, Counterterrorism Measures and Humanitarian Action. Chatham House.
https://www.chathamhouse.org/sites/default/files/publications/research/CHHJ5596_NSA_G_iv_research_paper_1708_WEB.pdf
- Hughes, G. A. (2014). Syria and the perils of proxy warfare. *Small Wars & Insurgencies* 25 (3), 522–538.
- Inter-Agency Standing Committee. (2016). Donor Conditions and Their Implications for Humanitarian Response.
https://interagencystandingcommittee.org/system/files/20160416_donor_conditions_study_final_0.pdf
- Jackson, A. & Aynte, A. (2013). Talking to the Other Side: Humanitarian Negotiations with al-Shabaab in Somalia. HPG Working Paper.
<https://cdn.odi.org/media/documents/8744.pdf>
- Jensen, M. C., Meckling, W.H. (1976). Theory of the firm: Managerial behavior, agency costs and ownership structure. *Journal of Financial Economics* 3 (4), 305–360. DOI: 10.1016/0304-405X(76)90026-X
- Khalifa, D & Bonsey, N. (2021). In Syria's Idlib, Washington's Chance to Reimagine Counter-terrorism. Crisis Group International.
<https://www.crisisgroup.org/middle-east-north-africa/eastern-mediterranean/syria/syrias-idlib-washingtons-chance-reimagine-counter-terrorism>
- Kurtzer, J. D. (2019). Denial, Delay, Diversion: Tackling Access Challenges in an Evolving Humanitarian Landscape. Center for Strategic and International Studies.
<https://www.csis.org/analysis/denial-delay-diversion-tackling-access-challenges-evolving-humanitarian-landscape>
- Leenders, R., Giustozzi, A. (2020). Foreign sponsorship of pro-government militias

- fighting Syria's insurgency: Whither proxy wars? *Mediterranean Politics*. 1–30. DOI: 10.1080/13629395.2020.1839235.
- Lidow, N. H. (2016). *Violent Order. Understanding Rebel Governance through Liberia's Civil War*. Cambridge University Press.
- Mackintosh, K. & Duplat, P. (2013). Study of the Impact of Donor Counter-Terrorism Measures on Principled Humanitarian Action. OCHA, NRC. <https://www.nrc.no/globalassets/pdf/reports/study-of-the-impact-of-donor-counterterrorism-measures-on-principled-humanitarian-action.pdf>
- Marshall, A. (2016). From civil war to proxy war: past history and current dilemmas. *Small Wars & Insurgencies* 27 (2), 183–195.
- Modirzadeh, N.K. Lewis, D. A. & Bruderlein, C. (2011). Humanitarian Engagement under Counter-terrorism: a Conflict of Norms and the Emerging Policy Landscape. *International Review of the Red Cross*. <https://www.icrc.org/es/doc/assets/files/revue/2011/irrc-883-modirzadeh-lewis-bruderlein.pdf>
- Mumford, Andrew (2013): Proxy warfare. Cambridge: Polity Press. <https://doi.org/10.1080/03071847.2013.787733>
- Norwegian Refugee Council. (2018). Principles Under Pressure: The Impact of Counterterrorism Measures and Preventing/Countering Violent Extremism on Principled Humanitarian Action. <https://www.nrc.no/globalassets/pdf/reports/principles-under-pressure/nrc-principles-under-pressure-report-2018-screen.pdf>
- Osborne, P. Westad, J-P. (2020). EXCLUSIVE: HSBC to block donations to Palestinian aid charity Interpal. *Middle East Eye*. <https://www.middleeasteye.net/news/exclusive-hsbc-block-donations-palestinian-aid-charity-interpal>
- Pattison, J. (2015). The Ethics of Arming Rebels. *Ethics & International Affairs*, 29(4), 455–471. <https://doi.org/10.1017/S089267941500043X>
- Popovic, M. (2017): Fragile Proxies: Explaining Rebel Defection Against Their State Sponsors. *Terrorism and Political Violence*, 29(5), 922–942. <https://doi.org/10.1080/09546553.2015.1092437>
- Popovic, M. (2018). Inter-Rebel Alliances in the Shadow of Foreign Sponsors. *International Interactions*, 44 (4), 749–776. <https://doi.org/10.1080/03050629.2017.1414812>
- Protocol on Engagement with Parties to the Conflict to Deliver Humanitarian Assistance in Northern Syria (2014). https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/jop_protocol_for_engagement_with_parties_conflict_eng_final.pdf
- Roepstorff, K. Faltas, C. & Hövelmann, S. (2020). Counterterrorism Measures and Sanction Regimes: Shrinking Space for Humanitarian Aid Organisations. *Centre for Humanitarian Action*. <https://www.chaberlin.org/wp-content/uploads/2020/02/2020-02-counterterrorism-en-online.pdf>
- Ross, S. A. (1973). The Economic Theory of Agency: The Principal's Problem. *The American Economic Review*, 63 (2), 134–139. <https://www.jstor.org/stable/1817064>
- Salehyan, I., Siroky, D., & Wood, R. M. (2014). External Rebel Sponsorship and Civilian Abuse: A Principal-Agent Analysis of Wartime Atrocities. *International Organization* 68 (3), 633–661. <https://doi.org/10.1017/S002081831400006X>

US Code s. 2339B of title 18. Providing Material Support or Resources to Designated Foreign Terrorist Organisations.
<https://www.law.cornell.edu/uscode/text/18/2339B>

Tamm, H., (2016). Rebel Leaders, Internal Rivals, and External Resources: How State Sponsors Affect Insurgent Cohesion. *International Studies Quarterly*, 60 (4),. 599–610.
<https://doi.org/10.1093/isq/sqw033>

Tamm, H. (2019). In the balance: External troop support and rebel fragmentation in the Second Congo War. *Journal of Strategic Studies*, 1–28.
<https://doi.org/10.1080/01402390.2019.1701442>

Tamm, H (2019). In the balance: External troop support and rebel fragmentation in the Second Congo War. *Journal of Strategic Studies*. 1–28. DOI: 10.1080/01402390.2019.1701442.

Tamm, H. (2020) The Invader's Dilemma. In K. W. Abbott, P. Genschel, D. Snidal & B. Zangl (Eds.). *The Governor's Dilemma*. Oxford University Press, 119–136.

Thurber, C. (2014). Militias as sociopolitical movements: Lessons from Iraq's armed Shia groups. *Small Wars & Insurgencies*, 25 (5-6), 900–923.

Tsurkov, E. Hayat Tahrir al-Sham (Syria). Guns and Governance: How Europe Should Talk with Non-State Armed Groups in the Middle East. European Council on Foreign Relations.
<https://ecfr.eu/special/mena-armed-groups/hayat-tahrir-al-sham-syria/>

UNSC Res 2482. (2019). UN Doc S/RES/2482 [https://undocs.org/S/RES/2482\(2019\)](https://undocs.org/S/RES/2482(2019))

Rauta, V. (2021). Framers, founders, and reformers: Three generations of proxy war research. *Contemporary Security Policy*,

42(1), 113-134.

[DOI:10.1080/13523260.2020.1800240](https://doi.org/10.1080/13523260.2020.1800240)

Weinstein, J. M. (2007). Inside Rebellion. The politics of insurgent violence. Cambridge University Press.