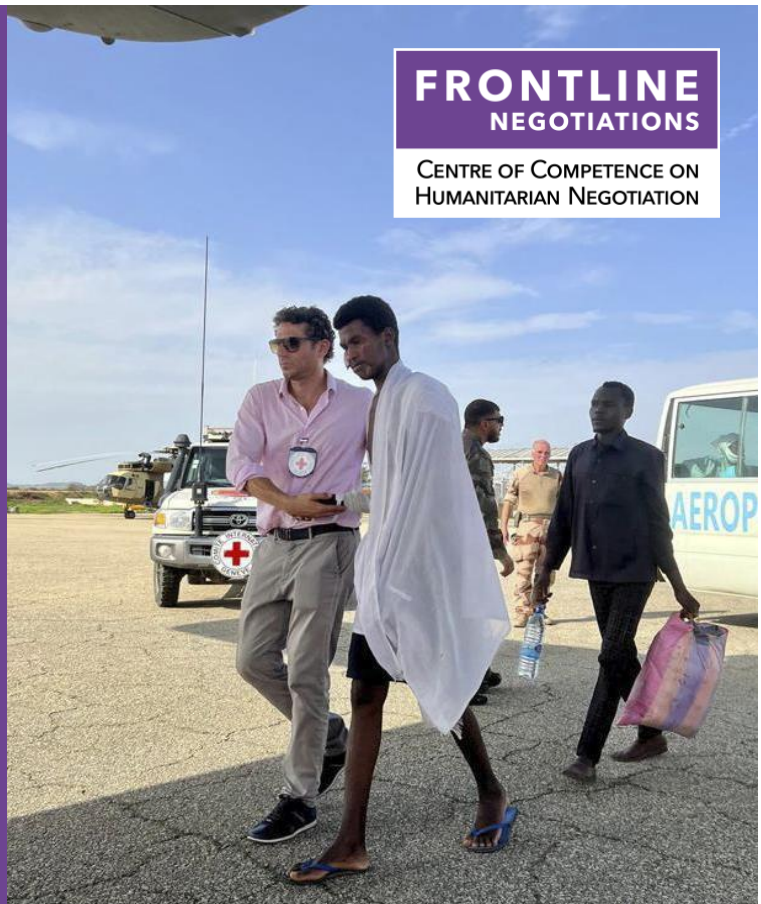


# Negotiating for protection outcomes

Insights from the CCHN's research and the community of practice's collective experience

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**FRONTLINE**  
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CENTRE OF COMPETENCE ON  
HUMANITARIAN NEGOTIATION

According to international law, providing 'protection' in humanitarian crises means ensuring people's fundamental rights are respected. While governments have the primary responsibility for upholding these rights, during conflicts, all parties involved are obligated by international law to protect civilians.

Unfortunately, recent years have seen a rise in conflicts and a decline in the respect of international legal frameworks. This makes it especially important for humanitarian workers to engage with those responsible for protecting civilians. However, negotiating in these situations can be challenging.

The CCHN has been actively involved in exploring protection negotiations since 2021 and set it as a strategic priority for 2024. In doing so, the CCHN started gathering insights from their network of practitioners and developing initiatives to strengthen humanitarian workers' capacity to become better negotiators in this critical area.

## Negotiating protection?

Negotiation practices around protection are not uniform but rather mirror the heterogeneity of protection mandates and outcomes. According to members of CCHN's community of practice, humanitarian actors engage and negotiate around protection with several goals, all aimed at mitigating the risks civilians face in crises. These goals can be categorised within the 'protection risk equation' framework, which considers three key elements: threats, vulnerabilities, and capacities, for example:

- ➔ **Securing safe passage:** Negotiations can aim to secure safe passage for humanitarian workers and supplies to reach populations who need assistance. This can involve negotiating with warring parties, local authorities, or armed groups controlling specific territories.
- ➔ **Protecting civilians:** Negotiations might focus on [establishing safe zones](#) to shield civilians from ongoing violence. These negotiations can also serve as a platform to advocate for broader protection principles, remind duty-bearers of their responsibility in upholding international

law, and persuade them to change their behaviours and attitudes.

- **Reaching vulnerable groups:** Negotiations can aim to secure access to specific vulnerable groups, such as refugees, internally displaced persons, or victims of violence. This allows for needs assessments and identification of specific vulnerabilities.
- **Implementing protection programmes:** Negotiations may also be needed to secure permission to implement specific protection activities, such as clearing mines or distributing educational materials on sexual and gender-based violence.

These goals are often interconnected. Negotiators may be working towards several of them simultaneously, depending on the situation and the most pressing needs of the affected population. Their success contributes to a shift in the protection risk equation, creating a safer environment for civilians by reducing threats, bolstering their capacities to cope with risks, and ultimately reducing their vulnerability.

## Challenges and dilemmas

The same intricacy that characterises protection negotiations has also led to a **myriad of challenges and dilemmas** that humanitarian actors must face when seeking to negotiate protection outcomes.

### Challenges and dilemmas in negotiating protection

The Centre of Competence on Humanitarian Negotiation (CCHN) gathered the experiences of humanitarian frontline negotiators and explored challenges and dilemmas when negotiating for protection outcomes.

- **Navigating complexity:** Humanitarian practitioners planning protection negotiations face a growing challenge: navigating an increasingly complex environment. Conflict dynamics are more intricate, armed groups are proliferating and fragmenting, and frontlines and territorial control are constantly shifting. This makes planning and engaging difficult, as the positions, interlocutors, and the environment are in constant flux. Practitioners struggle to identify

who they should negotiate with and often have limited or no access to key counterparts. Deciding whether to engage with designated groups or de facto authorities is a constant dilemma, further complicated by concerns of legitimising certain actors, or by sanctions and counter-terrorism laws.

- **Obstacles to upholding international humanitarian law in protection negotiations:** Counterparts may not have a comprehensive understanding of IHL and other applicable legal frameworks; they might not even know what their respective roles and responsibilities are. Others may not be interested in adhering to international legal frameworks – often seen as ‘Western’ inventions –, deny committing any violations or call out perceived ‘double standards’ in respecting IHL.
- **The intangible and relative nature of ‘protection’:** Unlike delivering tangible aid like water, healthcare, or food, protection work is harder to grasp. Its benefits are often intangible and take time to show results. This makes it more challenging to negotiate, especially in emergencies where immediate needs dominate. The broad nature of ‘protection’ can also create confusion. Counterparts may struggle to understand the desired outcomes and misunderstand the goals. In some languages, the concept may not translate well, even being confused with ‘security.’
- **Having to negotiate that which is non-negotiable:** Humanitarian workers, especially those focused on protection, face a constant dilemma. They are bound by international legal frameworks, yet the realities in the field often demand a pragmatic approach. Generally, achieving protection outcomes requires striking a delicate balance between upholding these principles and adapting to the situation to protect and assist. While some compromise might be necessary, clear guidance is often lacking to determine where to draw the line – what can be compromised, how much, and under what circumstances. Humanitarian teams and organisations need better support to determine their ‘red lines’ and prepare for negotiations

while knowing how much they can bend without breaking their core principles.

## CCHN's project on protection negotiations

The CCHN's project on protection negotiations has been dedicated to capturing and analysing the challenges, dilemmas, and practices of negotiating protection outcomes while contributing to strengthening the skills of humanitarian professionals in this critical area. Since 2023, the CCHN has held five protection negotiations focused workshops for

humanitarian workers in various contexts, including Colombia, Myanmar, Ethiopia, the Horn of Africa, and the Middle East – in collaboration with its strategic partners such as the International Committee of the Red Cross, United Nations High Commissioner for Refugees, and the Global Protection Cluster. Additionally, it launched a bi-monthly Global Protection Negotiations discussion group and a series exploring community-led protection negotiations. Currently, the CCHN is set to begin research on the best practices associated with negotiating protection outcomes, whilst also harvesting tailored case studies from its dynamic community of practice.



Figure 1: CCHN-led workshop for protection partners in the Horn of Africa (October 2023)

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