

**FRONTLINE
NEGOTIATIONS**

CENTRE OF COMPETENCE ON
HUMANITARIAN NEGOTIATION



THEMATIC REPORT

Protection negotiations with armed actors

In partnership with



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Cover image: Chocó Department, Bojayá. An ICRC staff member dialogues with a combatant of the Gaitanista Self-Defense Forces of Colombia (AGC) about the principles of international humanitarian law (IHL). Credits: Ricardo MONSALVE GAVIRIA / ICRC

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THE CENTRE OF COMPETENCE ON HUMANITARIAN NEGOTIATION

The Centre of Competence on Humanitarian Negotiation (CCHN) is a joint initiative of the International Committee of the Red Cross (ICRC), the World Food Programme (WFP), the UN Refugee Agency (UNHCR), and Doctors Without Borders (MSF).

It was established in 2016 to provide concrete opportunities for frontline humanitarian negotiators to share and analyse their negotiation practices, to build practitioners' capacity to address recurring challenges and dilemmas in humanitarian negotiation, and to foster peer-to-peer exchange across agencies and regions in a safe environment. Its core objectives are:

- To foster a community of professionals engaged in frontline humanitarian negotiations.
- To promote critical reflection, learning and exchanges among peers within this community.
- To develop a stronger analytical framework and greater capacity for effective practice.

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The Humanitarian Policy Group (HPG) is one of the world's leading teams of independent researchers and communications professionals working on humanitarian issues. It is dedicated to improving humanitarian policy and practice through a combination of high-quality analysis, dialogue and debate.

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Contents

INTRODUCTION	2
Methodology	3
Research limitations.....	3
UNDERSTANDING PROTECTION NEGOTIATIONS	4
INSTITUTIONAL MANDATE, ROLE AND LEGAL BASIS FOR PROTECTION NEGOTIATIONS.....	6
BOX 1 Civil–Military Protection Working Group for Syria	7
RATIONALE FOR PROTECTION NEGOTIATIONS AND DECISION-MAKING.....	8
NEGOTIATION PREPARATION	10
NEGOTIATION STRATEGY AND TACTICS.....	12
BOX 2 The G5 Sahel Compliance Framework	13
BOX 3 Negotiation outcomes	15
BOX 4 Negotiating continuation of humanitarian demining with warring parties.....	15
CHALLENGES AND BARRIERS TO PROTECTION NEGOTIATIONS.....	16
BOX 5 Negotiation to evacuate children at risk in fighting areas	17
MONITORING AND EVALUATING NEGOTIATIONS	19
BOX 6 Lessons learned and good practice in engaging the MILF towards ending child recruitment and use.....	20
NEGOTIATION SUPPORT.....	21
BOX 7 Differences between state and non-state armed actors?	22
LESSONS LEARNED	23
Recommendations for good practice.....	25
RECOMMENDATIONS	26
SELECTED REFERENCES.....	28
Manuals, handbooks, toolkits, guidelines, policies, training modules.....	28
Evaluations and reviews	28
Reports and papers	29
Journal articles and books.....	30

Introduction

Negotiations with armed actors have long been a component in the humanitarian toolkit, often part of a broader dialogue or engagement strategy. However, negotiations to strengthen the protection of civilians are not uniformly undertaken or consistently carried out in humanitarian action, despite long-standing commitments to humanitarian diplomacy to strengthen protection.

Recent years have seen a growing recognition of the need to strengthen negotiations for protection outcomes. Yet, there is a gap in evidence and analysis on the triggers that lead to protection negotiations, the processes and practices used, and the outcomes achieved. Greater knowledge is needed on what enables or undermines good practice for protection negotiations and what lessons can be learned for humanitarian actors to more consistently undertake protection negotiations.

Since 2019, the Centre for Competence on Humanitarian Negotiation (CCHN) has been actively involved in exploring protection negotiations. The CCHN has gathered insights from its community of practice and developed initiatives to strengthen the humanitarian workers' capacity to become better protection negotiators (CCHN, 2024). Building on this, it commissioned the Humanitarian Policy Group at ODI Global to conduct further research on existing negotiation practices by humanitarian actors in this critical area.

Specifically, this research seeks to address the following questions:

1. How are protection negotiations defined and operationalised?
2. What are the best practices in protection negotiations and how do they vary?
3. What contributes to or undermines successful negotiations and what lessons can be learned?
4. What are the patterns of protection negotiation outcomes?
5. What are the barriers to strengthening protection negotiations as standard practice? What could enable it?

For the purposes of this research, protection negotiations with armed actors are defined as negotiations that aim to reduce protection risks, mitigate their worst consequences and achieve protection outcomes, e.g. a reduction in the threat of violence, coercion, or deliberate deprivation, a reduction in the vulnerability of affected populations, and/or an increase in the capacity of affected populations to mitigate the threat. Armed actors include state armed forces and various types of non-state armed groups (NSAGs) such as armed opposition movements, community self-defence militia, and paramilitary forces¹.

¹Armed gangs and organised criminal groups, such as drugs cartels, are out the scope of this research.

Methodology

Two methods were used for the research:

- Semi-structured interviews (online and in person) with 20 experienced staff of United Nations (UN) agencies, the International Committee of the Red Cross (ICRC) and non-governmental organisations (NGOs), both international and national, who have all been directly engaged in protection negotiations with armed actors in various contexts – including Afghanistan, Burkina Faso, Central Africa Republic, Colombia, the Democratic Republic of Congo, Gaza, Iraq, Mali, Myanmar, Nigeria, the Philippines, Somalia, South Sudan, Sudan, Syria, Ukraine and Yemen². In addition to the diversity of humanitarian actors and contexts, the criteria for the selection of informants included the diversity of levels of responsibilities, the types of negotiation and the protection issues addressed. It is notable that the majority of participants interviewed have worked across a range of contexts and drew on experiences from across different contexts regardless of their current position or area of focus. However, it should be acknowledged that this sample, consisting for the most part of highly experienced protection negotiators, is by no means representative of the broader humanitarian sector. In line with standard practice, and given the sensitive nature of the topic, interviews were conducted on a confidential basis to encourage a frank exchange.
- The interviews were complemented by a desk review of relevant resources, including humanitarian actors' institutional guidelines, evaluations and other materials (see 'Selected References'). This review helped identify supportive evidence but also discrepancies with the dominant findings reflected in the literature. It is important to note, however, that the views expressed by the interviewees are their own and do not necessarily reflect the position of the organisation they currently or used to work with. Finally, the research also draws on previous CCHN work, including two 'Listening Tours', a series of events including thematic webinars on international humanitarian law (IHL) and protection negotiations, which were held from October 2024 to January 2025.

Research limitations

The scope of this research was designed with a relatively limited sample, as discussed. It was intended to build learning from people carrying out protection negotiations, which in itself is a relatively small pool of experts within the humanitarian sector. In order to maximise learning, it therefore focused on people who have been directly involved in protection negotiations, many of whom have many years of experience and are senior experts. Some participants have been responsible for developing guidance and training on humanitarian negotiations for their respective organisations. Inevitably, this has influenced responses as reflected in this paper, which means it is not reflective of the broader humanitarian sector.

² Ten of the participants interviewed are members of the CCHN community of practice.

Understanding protection negotiations

Most interviewees understand protection negotiations as activities aimed at enhancing the protection of civilians through engagement with parties to armed conflict and other actors of influence. This is on the basis that both states and NSAGs are obliged, under IHL, to protect civilians from the effects of armed conflict and to respect their fundamental rights. Interestingly, many interviewees used ‘parties to conflict’ and ‘armed actors’ interchangeably, without referring to the legal framework. While dialogue to promote compliance with IHL is well established, it is increasingly recognised that such engagement should go beyond IHL and address other armed actors and perpetrators of violence that are not solely parties to conflict – including, for example, community-embedded armed groups and organised criminal groups. Such dialogue can build on, but is not limited by, approaches to protection dialogue in situations of armed conflict, for example by promoting restraint based on norms, values and traditions of armed actors (ICRC, 2018; Davies and O’Callaghan, 2022). As one participant put it, ‘protection negotiations mean all efforts made to mitigate the threats posed by armed actors to the local populations.’

Conceptually, protection and access negotiations are very much regarded by interviewees as interrelated, both being fundamentally concerned with the wellbeing of civilians and the preservation of their dignity. When humanitarian actors engage armed actors on an affected population’s access to humanitarian assistance, this engagement is about the way people are being treated; in other words, it is about their protection. Access negotiations may also be regarded as a means to achieve protective outcomes. Examples mentioned during interviews include negotiating safe passage of trucks transporting lifesaving food to affected people as an entry point to protective action or negotiations, or the safe evacuation of children from a war zone. Moreover – as reminded by one participant – under IHL, parties to an armed conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. From this perspective, one can clearly see how the denial of access to, and deprivation of, lifesaving aid is in essence a protection risk that threatens the physical integrity and survival of people. Ultimately, protection and access share a common goal.

While this is the perspective of most participants engaged in this research, several interviewees stressed that access and protection negotiations are distinct in nature. Protection negotiations are generally seen as a long-term effort to influence the behaviour of armed actors towards restraint and civilian protection (outcome-oriented), whereas access negotiations revolve around securing deals to enable safe aid delivery to the population (output-oriented). The former primarily aims at ensuring respect for protective norms and reducing civilian harm, while the latter is perceived as more transactional in nature, focusing on practical arrangements aimed at addressing the consequences of conflict and abuse.

In that sense, many interviewees reported using different terminology, such as ‘dialogue’, ‘engagement’, ‘mediation’ or ‘advocacy’ rather than ‘negotiations’, which is perceived as either too limiting (‘it is one method among others’) or too transactional:



The goal of protection dialogue is to persuade target armed actors to take protective actions without expecting anything in return. There is no real negotiation. The norms protecting civilians cannot be negotiated.

What can be negotiated are protective actions that armed actors can take to abide by these norms.

While it is important to acknowledge differences in terminology to describe dialogue to strengthen protection outcomes, and the lack of agreement on the use of protection negotiation terminology, for the purpose of this report we will use the terms ‘protection negotiations’ in the context of the CCHN’s definition of negotiations as ‘the interaction between humanitarian organisations and their counterparts’ in order to establish and maintain presence, access and the delivery of humanitarian and protection action. This includes recognition that ‘humanitarian negotiations have a relational component, focused on building an ongoing relationship of trust with counterparts, and a transactional component, focused on establishing and agreeing on the specific terms and logistics of humanitarian operations’ (CCHN, n.d.).

Moreover, recognition is needed of the age-old perceived tensions between protection and access negotiations that may at times surface, for example when protection issues are perceived as particularly sensitive or threatening by armed actors. A critical dilemma that humanitarian actors face is finding the right balance of maintaining relations with the host state and relevant authorities in order to retain access and delivery of services, while retaining the level of influence to raise sensitive, often unwelcome, protection risks (Davies and Bowden, 2022). Often, humanitarian actors avoid addressing protection issues for fear of retaliation, including having their relief operations shut down.

In these circumstances, protection actors may have an advantage compared with humanitarian organisations who deliver assistance, as they do not have this dilemma to worry about. In other contexts, however, relief agencies may enjoy more leverage in engaging armed actors on protection issues, because they can offer material incentives such as food or healthcare, but prefer not to use it for fear of jeopardising their existing access.

While these perceived tensions are not new, they are a critical barrier to humanitarian actors more systematically carrying out protection negotiations as part of their toolbox. It is notable that while there are inevitable risks to carrying out protection dialogue, such risks are often assumed rather than assessed, often without mitigating measures put in place (Metcalf-Hough, 2022a; Davies, 2021). There are also questions around the approach humanitarian actors use when considering carrying out protection dialogue. There may be tensions between traditional pathways to approaching protection negotiations based on compliance with international frameworks, with approaches based on the interests of the targets of protection dialogue. This may explain the difference in opinions with the experts engaged as part of this research who have a nuanced understanding of protection negotiations, with the broader sector where people have less familiarity, experience and expertise on protection negotiations.

Institutional mandate, role and legal basis for protection negotiations

It is by now widely accepted that protection is core to, and a collective responsibility of, humanitarian action – as highlighted in the Inter-Agency Standing Committee (IASC) 2013 statement on the centrality of protection and the subsequent 2016 policy on protection in humanitarian action (IASC, 2013; 2016). However, in the views of most interviewees, supported by strong evidence, this has often been deprioritised at the expense of negotiating and maintaining access, including in situations where protection issues were critical, with dramatic consequences for the populations (Davies and Bowden, 2022; Cocking et al., 2022). One interviewee spoke in detail about the consequences of turning a blind eye and the acceptance of being instrumentalised as entailing the risk of being perceived as complicit in potential grave IHL violations (see also Magone et al., 2011).³ Indeed, as the 2022 Independent Review of the IASC Protection Policy found, there is still a gap between policy and practice, with actions taken to ensure protection is central to humanitarian action as being ‘incoherent, inadequate and ineffective’ (Cocking et al., 2022).

The legal basis for protection negotiations with armed actors is often drawn from IHL as well as other relevant bodies of law, such as international human rights law (IHRL) – particularly in relation to child rights – and international refugee law. Common Article 3 to the Geneva Conventions entitles impartial humanitarian bodies to ‘offer their services’ to parties to an armed conflict, including non-state parties. This offer of services is often referred to as the ‘right of humanitarian initiative’. The notion of services is not defined but, according to the ICRC, it encompasses all types of humanitarian activities required to meet the needs of all people affected by the armed conflict, be they protection or relief activities. In addition to international law, members of all the national NGOs interviewed made reference to relevant domestic legislation. Humanitarian principles also provide a basis for negotiating with armed actors who can have an impact on the protection of affected populations.

A number of interviewees referred to their organisations’ internal policy or doctrine. In recent years, several UN humanitarian agencies and NGOs have developed dedicated institutional guidelines on engagement with armed actors, in particular with NSAGs (Save the Children, 2019; Geneva Call, 2019; IRC, 2019; UNICEF, 2021; WFP, 2024). Though most of these guidelines are not protection-specific, they acknowledge the importance of engaging with both state and non-state armed actors on humanitarian negotiations. Yet, interviews revealed that several participants have no knowledge of these guidelines and are unsure whether they are authorised to engage directly with NSAGs. This finding echoed a 2018 evaluation of the World Food Programme (WFP)’s Policies on Humanitarian Principles and Access in Humanitarian Contexts, which found a similar level of confusion among employees surveyed about the role and mandate of their organisation. Despite these policies and a clear legal basis, several interviewees said their organisations (both national and international) are not engaging with armed actors, especially NSAGs, in the course of their work but rather rely on

³ For interesting reflections on this dilemma and the compromises made by Médecins Sans Frontières (MSF) between speaking out against grave IHL violations witnessed by the organisation and choosing to keep quiet in order to maintain access to deliver medical care, see Magone et al., 2011.

partners, communities or other actors. Such indirect approaches are often used as a risk-mitigation strategy in contexts where direct engagement with NSAGs has been criminalised by counter-terrorism legislation or may result in political repercussions with the host country. Indeed, for this and other reasons – notably risk aversion – it appears that only a handful of humanitarian actors directly and systematically engage with armed groups on protection issues.

BOX 1 | Civil–Military Protection Working Group for Syria

In 2017, the Humanitarian–Military Coordination Cell (HuMiCC) for Syria broached a variety of protection-related issues with the US-led International Coalition forces and the Syrian Democratic Forces (SDF). These protection concerns included: ‘IDP screening and sponsorship, detention of women and children, civil documentation, civilian casualties [...] and child recruitment’. The coordination took place over many months, with OCHA CMCoord eventually persuading the Coalition leadership ‘to engage the humanitarian community in a sustained dialogue’. A Civil-Military Protection Working Group was established to regularly address protection issues in north-east Syria. It included the ‘military, donors, UN agencies, INGO forum representatives, and the ICRC’. ‘The key lesson for the HuMiCC was that for protection concerns in Syria, sustained and direct dialogue with all relevant parties was required [...] to achieve effective outcomes.’

Source: [Reliefweb](#)

Rationale for protection negotiations and decision-making

According to interviews, a range of factors are taken into consideration by their organisation to decide whether to engage with armed actors on protection. These factors include:

- The criticality of protection concerns.
- The target armed actor's significance and impact on civilians.
- Protection and humanitarian operations.
- The target armed actor's openness to protection negotiations.
- The host state's position (in case of protection negotiations with NSAGs).
- The feasibility and risks associated with protection negotiations (safety and security, reputational, legal, financial, operational, etc.).
- The humanitarian organisation's added value compared to other protection negotiations and its operational capacity.

The above factors are not listed in order of importance. However, according to interviews, host state openness to protection negotiations, or in the case of NSAGs, their acceptance for humanitarian organisations to engage NSAGs, largely shapes an organisation's decision. Most of the time, humanitarian actors privilege their working relationships with the host state to ensure continued access and tend to 'capitulate' if it is hostile to negotiations with NSAGs. This is exacerbated in situations where NSAGs are designated under national and/or international terror legislation, and the host state denotes it illegal to engage with them. This is the case in Nigeria, for example, 'where national counter-terror legislation denotes dialogue with NSAGs as illegal, leaving very little room for engagement' (Davies, 2021).



As a UN agency, we cannot engage the same way with states and NSAGs, notably due to restrictions imposed by states. This may create problems as NSAGs feel we have a double standard.

The decision to engage armed actors in humanitarian negotiations is made by the country director, country representative or head of mission/delegation, often in consultation with relevant colleagues (operations, programmes, security, etc). As discussed, country leadership often prioritises maintaining presence and access to deliver services, and will prioritise this, whatever the cost (Davies and Bowden, 2022). This low-risk appetite to engage armed actors on protection, overlayed with the highly risk-averse nature of the humanitarian sector writ large, is a critical barrier to carrying out protection negotiations (Davies, 2022; Metcalfe-Hough, 2022a).

Several organisations have institutionalised an escalation system in instances of major risks. For example, according to internal guidelines on engagement with NSAGs, the UNICEF country office should consult with the regional office and/or Headquarters if the target armed group is designated on a UN Security Council (UNSC) sanction list or its engagement may have a regional or global impact (UNICEF, 2021). Other organisations such as WFP have similar decision-making thresholds. In one case, an international NGO (INGO) consulted its governing board before accepting the US Agency for International Development (USAID)'s funding for protection negotiations with an NSAG allegedly linked to a designated terrorist organisation. It is unclear whether similar caution exists for engagement with sanctioned states.

Negotiation preparation

Interviews show mixed practice with regards to how humanitarian actors prepare for negotiation. Some organisations have internal tools while others do not appear to provide any guidance on how to prepare for protection negotiations. In that case, staff often use external resources such as the CCHN Field Manual on Frontline Humanitarian Negotiations and adapt it to their needs.

Many interviewees said they undertake the following steps when preparing for protection negotiations:

1. Context/conflict analysis, including protection risk analysis.
2. Stakeholder mapping and power analysis, in particular focusing on target armed actors and actors of influence.
3. Design of a negotiation strategy (objectives, messaging, risk assessment and mitigation, red lines, team composition, etc).
4. Several participants said they also enquire on the target armed actor's history of engaging with humanitarian actors, including agreements or commitments made in the past, to build their strategy.

In this research, the main difference was with the local and national stakeholders. Given that they live in – but are from – their context, they are less likely to formulaically follow these steps. For example, instead of context/conflict analysis or stakeholders mapping, they continually carry out their analysis of conflict dynamics and stakeholders on an ongoing basis. For international negotiators, it is unclear whether these steps reflect standard practice, as most participants interviewed are specialised in protection negotiations. However, they are an integral part of the internal guidelines on engagement with armed actors of several humanitarian organisations. While they are very similar to the Naivasha Grid⁴, only few interviewees referred to this tool and said they were using it for their protection negotiations.



It is important to understand what agreements were reached in the past. I will gather as much detail as possible, become aware of sensitivities and work with colleagues for approaches that might work. I will seek to understand the script, the desired result, the relevant IHL parameters and concerns. Before meetings, I will sit down and discuss the run of show. I will make sure we are clear on the issues to discuss, outline the points to make and what support we have for them, what changes we suggest, who says what.

⁴ 'The Naivasha Grid is the result of an iterative process that started with an informal meeting of 25 frontline negotiators of the ICRC in Naivasha, Kenya, in 2014, whereby participants reflected on the common features of their negotiation practices. While providing an analytical tool to observe and review humanitarian negotiation processes, the Naivasha Grid also serves as a map to plan the successive tasks, roles, and responsibilities between frontline negotiators, their support team, and the mandator and organisation responsible for framing the negotiation exercise in a given mandate'. See <https://frontline-negotiations.org/home/resources/field-manual/>.

When it comes to the topics of engagement, interviewees said the issues were prioritised according to their relevance and acuteness, the local context, the mandate and response capacity of the organisation, but also the position of donors. This is particularly critical when seeking to engage with armed actors that are designated under domestic or international counter-terror legislation, which can have a chilling effect on the willingness of humanitarian actors to directly engage relevant designated armed actors, as well as to secure the funding to do so (see Davies, 2025; 2022). Some humanitarian actors consult with members of affected communities, partners and other stakeholders (including armed actors themselves) when deciding the issues to be discussed, while others decide based on their own protection analysis. At times, decisions to engage armed actors or raise specific issues can be opportunistic.

According to several respondents, the perceived sensitivity of the theme may also matter. For example, IHL rules, such as those governing the protection of healthcare, were considered less sensitive when engaging with NSAGs. Recent research on the practice and interpretation of international humanitarian norms by armed groups tends to support this view. It shows that many NSAGs, including extremist Islamist movements, often agree with the content of relevant IHL rules on healthcare and have taken protective measures such as the respect of the wounded and the medical personnel or to combat pandemics in areas under their control (Bellal et al., 2022).

Negotiation strategy and tactics

Many participants said their organisations follow a principled and constructive approach based on dialogue and persuasion. Protection negotiations are often seen as a long-term effort aimed at influencing the organisational culture of armed actors towards strengthening the protection of civilians. It takes time to establish trust and change behaviour. The focus is on negotiating improved policies, practices and behaviours rather than denouncing violations. Moreover, the importance of tailoring the engagement strategy to the armed actor has been strongly established both through this research and broader evidence (Davies and Spencer, 2022). Engagement should be adapted to the context and the target armed actors. This is a critical step to prepare for a humanitarian negotiation to engage with the counterpart. For example, messaging with extremist Islamist groups resonates far better when they appeal to rules common to both Sharia law and IHL.

This echoes a study by the ICRC that showed that an exclusive focus on the law to influence the behaviour of armed actors is not as effective as combining the law with local norms, beliefs, customs and values specific to armed actors and their constituencies (ICRC, 2018). Such an approach offers greater potential for promoting restraint. If and when an IHL-based dialogue is not feasible, the organisation's protection outreach may also rely on principles of humanity when deemed appropriate, which is often the most universal and commonly accepted principle with armed actors. For example, in Northern Ireland – where an IHL-based dialogue is not relevant given that it is not a situation of armed conflict – building dialogue to reduce use and threats of violence for humanitarian purposes, based on the common value of humanity, has seen traction with both armed groups and communities alike. Indeed, to certain degrees, many armed groups have taken steps to embed restraint in the use of violence (see Davies, 2025).

Similarly, several interviewees said that protection issues should be discussed 'strategically' with armed actors, in a manner that it is relevant, adapted to the context, concrete and operational (see Box 2). Persuasive arguments and incentives can be leveraged to show the benefits of restraint. Examples mentioned by participants include positive reciprocity in the treatment of detainees and wounded combatants. As Mack (2007) states:



Parties to a non-international armed conflict can be reminded that if they treat enemy detainees humanely, it is more likely that their own members who are being held by the other side will be treated in a similar manner. [...] It has been suggested to a party that if it treats its prisoners well, people might surrender to it more easily.

Alternatively, incentivising changes in policy practice can also encourage armed actors to mitigate civilian harm. For example, state and non-state armed groups that are interested in their legitimacy and reputation are often interested not to be named on, or removed from, the UN Secretary-General list naming perpetrators of grave violations against children. Other examples include military efficacy

and discipline, risk of criminal prosecution, popular support and long-term interests (Mack, 2007; Bangerter, 2011; Geneva Academy, 2011).

Thematic entry points are often used as a testing ground before proceeding towards more formal negotiations. One interviewee mentioned discussions around the release of children associated with armed conflict as an initial topic for engagement towards the signing of a comprehensive Action Plan addressing violations against children. Other examples include negotiating access to detention facilities as a starting point for discussing the treatment of detainees and detention conditions. This has also been instrumental in building engagement with NSAGs of which the detainees were members. Such tactics and sequencing can be a good way to achieve quick wins and acceptance. In the event engagement on protection issues is too sensitive during the initial conversations, building common ground and confidence, for example by engaging on the provision of humanitarian assistance, can develop leverage for addressing more contentious issues later.

BOX 2 | The G5 Sahel Compliance Framework

In 2017, the Group of Five for the Sahel (G5 Sahel), comprising of Burkina Faso, Chad, Mali, Mauritania and Niger, ‘launched a Joint Force to fight against common security threats in West Africa’. Following a request from the UN Security Council, the G5 Sahel states created a Compliance Framework ‘to prevent and address potential violations’ of IHL/IHRL. In 2019, the G5 Sahel Joint Force collaborated with the OHCHR, the European Union and CIVIC to establish a Civilian Casualties Identification, Tracking, and Analysis Cell (CITAC). The aim of this tracking mechanism was to ‘analyse the impact of the Joint Force’s operations’, reduce the risk of harm on civilians and to enhance its military objectives, including by gaining and reinforcing the confidence of the civilian populations it is mandated to protect.

Success soon came in the case of sexual violence allegations against members of a ‘troop-contributing country’. This led to investigations that resulted in the ‘identification and arrest of the perpetrators’.

CIVIC also worked with the Ukrainian military to develop a similar mechanism to record, analyse and learn from civilian casualty incidents. This effort led to the establishment of the Civilian Casualty Tracking Provisional Group (CCTPG) in 2019. The main functions of the CCTPG were to instil a ‘protection of civilians’ mindset at all relevant military levels by regularly providing military commands with reports on related civilian harm incidents. The CCTPG proved decisive in several instances to better protect civilians, such as regarding the use of certain types of mortars that caused high amounts of civilian casualties. The CCTPG’s analysis helped identify that this was linked to the lower level of firing authorities for the use of these mortars in comparison to other artillery.

Source: [IHL in Action](#)

In addition to Action Plans, other model agreements used for protection negotiations with armed actors include civilian harm tracking mechanisms developed by CIVIC (see Box 2) and Geneva Call's Deeds of Commitment. While many humanitarian actors do not necessarily use standardised tools, they do record the terms of agreement (including definition of roles and responsibilities for implementation, timelines, etc.) in a written document they communicate to the concerned parties to ensure follow up. Others have supported armed actors developing internal codes of conduct and other military regulations in line with international standards. Research has shown the value of engaging NSAGs through such tools. As NSAGs cannot sign international treaties, these can serve as a useful basis for humanitarian actors to hold NSAGs accountable and monitor implementation in practice. (Mack, 2007; Geneva Academy, 2011; Bellal et al., 2022).

In situations that become deadlocked, several participants stressed the importance of considering conceivable alternatives, options or step-by-step approaches. For instance, in one case, an NSAG categorically refused to renounce the use of anti-personnel (AP) mines despite long negotiations. The humanitarian organisation chose to pursue dialogue after realising that taking a strict 'all-or-nothing' approach would have compromised the chances to explore ways to, at least, minimise harm to civilians. Subsequently, the NSAG agreed to restrict use of AP mines, to inform the local populations on the locations of mined areas and to undertake the clearance of a contaminated zone. This example illustrates the value of developing pragmatic approaches. Experience shows that many armed actors have taken such interim protective measures (moratorium, marking of mined areas, removal after hostilities, etc.) before committing to a full policy change such as the ban on AP mines (Geneva Call, 2007), indicating support to a norm that is not yet considered customary IHL. Similarly, a number of armed actors have agreed to not attack civilian objects such as schools or hospitals in all circumstances, or to refrain from using explosive devices in populated areas to avoid civilian casualties (Bellal et al., 2022).

Finally, several participants said their organisation established red lines when negotiating protection with armed actors. One interviewee said that compromise over the minimum international legal standards of the recruitment and use of children under 15 years in hostilities was non-negotiable. Any compromise would amount to endorsement of a violation of IHL and potentially a war crime. However, there could be possible agreement for the armed actor to recruit children between 16 and 18 without using them in hostilities.

Other examples of red lines include the non-acceptance of funding from parties to conflict for activities related to protection negotiations, the non-payment of fees to armed actors for dialogue and the non-payment of ransoms for the release of abducted staff. Other interviewees responded that their organisation does not have institutional red lines, or their application is very context specific. This can result in limited space to consider and balance the potential compromises. For example, the trade-offs that some organisations make can include the acceptance of armed escorts by parties to a conflict when travelling in their areas, not using the organisation's protective emblem, and flexibility around the standard of 18 years of age for the prohibition of child recruitment, as mentioned previously.

BOX 3 | Negotiation outcomes

All interviewees had successful examples of protection negotiations to share, with both state and non-state armed groups. These include policy commitments to respect specific IHL/IHRL norms, such as the protection of healthcare or cultural property, as well as concrete actions such as the release of hostages and child soldiers, the vacation of schools used for military purposes, the removal of check points impeding free movement of civilians, the reduction of violence, non-use of certain weapons to minimise civilian harm, the facilitation of evacuation of children from fighting areas and establishment of a camp to host refugees.

While interviewees had experienced more failures than successes during their career, the fact there are examples of protective outcomes resulting from negotiations with armed actors is important to highlight and learn from. As one participant said: 'As a humanitarian, I was never taught cases where it got better, where IHL was respected. If you don't have this, how can it go differently? This needs to have better resonance.' Moreover, engagement can also have a preventive effect that is often less visible and is difficult to measure.

BOX 4 | Negotiating continuation of humanitarian demining with warring parties

Geneva Call engaged the separatist Mouvement des Forces Démocratiques de Casamance (MFDC) on the AP mine ban from 2006 to 2013. The MFDC is a fragmented movement, composed of a divided political wing and several military factions. Much of Geneva Call's engagement targeted the 'Kassolol' military faction, as its operating area was particularly affected by landmines along the border with Guinea-Bissau. Initially reluctant to accept any demining without a peace agreement, this MFDC faction was persuaded in 2008 to accept humanitarian demining in inhabited areas of Casamance. With the arrival of new operators, demining operations expanded rapidly and neared MFDC military bases. The danger increased that MFDC would attempt to stop mine clearance by force. Geneva Call called for an agreement between the MFDC Kassolol faction and the Senegalese government mine action centre (CNAMS) on which additional zones could be demined. A first meeting between the two parties was brokered by Geneva Call in March 2013 in Guinea-Bissau. The MFDC said that mine action operators had reached a 'red line' and should stop. 12 deminers working for MECHEM were abducted shortly afterwards by MFDC on the grounds that they had not respected its warnings. Geneva Call hosted a second meeting in June to break the deadlock. Senior members of the government as well as peace facilitators participated. MECHEM deminers were eventually released.

Source: Geneva Call - Annual Report 2013

Challenges and barriers to protection negotiations

There are both internal and external challenges faced by interviewees during protection negotiations with armed actors.

Firstly, armed actors may reject IHL and IHRL for ideological, military or strategic reasons. They may disagree with some norms or have different interpretations, for example on the definition of civilians, proportionality in attack or participation in hostilities. They are sometimes reluctant to engage on protection issues because they suspect humanitarian actors of gathering evidence in order to denounce their actions, or for accountability purposes. They may consider IHL too constraining, especially in times of high tensions or escalation of hostilities, when military imperatives prevail over humanitarian considerations, which leaves little space for dialogue. Depending on the circumstances, armed actors may also reverse earlier policies or simply deny any violations and minimise their responsibilities.



Our exchanges with the jihadists predominantly revolved around health care, security and access to people in need. While the trust we had built had allowed us to progressively expand the scope of our activities and free ourselves from some of the restrictions initially imposed on our work, it is important to stress that the dialogue with armed groups never really extended to discussing aspects of international humanitarian law or international human rights law. We were only able to address these issues once, in August 2012 [...] the head of the ICRC delegation had tried to discuss the issue of hostages and other legal matters relating to protecting people caught up in armed conflict. However, his main counterpart was not open to discussing these issues; for him, human rights emanated from divine law and not from a set of rules established by men.

Interview with Attaher Zacka Maïga in Herbet and Drevon, 2022.

Second, counter-terror legislation is a major obstacle to humanitarian negotiations, as previously discussed. Uncertainty over the implications of such measures, notably the prohibition of material support to NSAGs designated ‘terrorist’ and/or included on sanction lists, has a ‘chilling effect’ on engagement. Restrictive clauses in donor agreements also have a limiting and dissuasive effect, both directly in terms of the scope of engagement, and, importantly, by creating legal insecurity. Several interviewees felt that their organisations are too accommodating of donor no-contact requirements and do not proactively and sufficiently challenge the implications of such restrictions on principled action.

BOX 5 | Negotiation to evacuate children at risk in fighting areas

When fighting broke out in the city, a humanitarian agency was requested to assist in the evacuation of more than 250 vulnerable children, most of whom required specialised medical care, to a secure location. The fighting triggered massive displacement and put the lives of civilians remaining in the city at risk. Moreover, reports of widespread looting emerged, and main access routes became inaccessible due to airstrikes and insecurity. The suspension of aid operations and medical services compounded an already dire situation.

Response

The agency relied on a three-pronged methodology: 1) analysis of the humanitarian access and security environment in and around the city to find the best route that would ensure the safety of the evacuation convoys; 2) direct negotiations with both warring parties utilising a mixture of field-level and leadership-level engagement to ensure the credibility of security guarantees; and 3) establishment of a temporary deconfliction mechanism to inform the parties of the movement of the evacuation convoys while crossing battle lines amid sporadic fighting. After a failed attempt, the agency managed to safely evacuate the children, along with their caretakers, to a safe area.

Lessons learned

- The deconfliction process was generally efficient. However, a major challenge was maintaining regular communication with both conflict parties due to severe network disruptions.
- The agency decided, for logistical reasons, not to use the evacuation route recommended by both parties, which delayed the evacuation for one day as the convoys were forced to return due to fighting in the area. A crucial lesson is the importance of deferring to the advice of the parties, especially when agency staff are not present on the ground.

Another challenge is the opposition by host states to engage with NSAGs. In several contexts, assertive states deny the existence of a situation of armed conflict that would make IHL applicable and prohibit any contact with NSAGs. As a result, humanitarian actors have tended to shy away from engaging for fear of losing access, especially in cases where donor states are politically aligned with the host state. The volatility of conflict dynamics and the proliferation and fragmentation of armed actors (both NSAGs and state) are significant barriers to protection negotiations too. In particular, where command and control are weak, the implementation of any agreements can be problematic, which necessitates engagement with the armed actor at various levels: political and military leadership but also frontline commanders and the rank-and-file. In other cases, humanitarian actors lack the capacity to support the process of and follow-up to negotiations, which undermines the potential of success. For example, Geneva Call has faced difficulties mobilising technical assistance for the destruction of AP mine stockpile by armed groups signatory to the Deed of Commitment

(Geneva Call, 2007). Another example has been the difficulty to address root causes leading to child recruitment and offer viable alternatives (Bongard and Heffes, 2020).

There are also significant organisational challenges that undermine protection negotiations. These include turnover of staff, poor understanding of the context, low levels of expertise in protection negotiations and capacity to engage with armed actors, as well as inter-agency competition and the lack of clear institutional support. It is important for staff to feel secure and protected by their management. However, too often the reality is more the downward transfer of responsibility and risk to frontline staff without a clearly articulated policy and back-up for engagement (Jackson, 2014; IASC, 2021). Several interviewees also pointed out the low-risk appetite of their leadership to engage with NSAGs, especially designated terrorist organisations. As one interviewee summed up, 'I have been more impeded by internal rather than external factors'.

Monitoring and evaluating negotiations

Most interviewees reported that they document protection negotiations in some respects. Some use internal reporting and monitoring templates while others are just recording key developments. However, no one referred to the existence of a mandatory formal procedure. As a result, important information such as armed actors' contacts are often kept at the personal level. This results in information that is easily lost, exacerbated by rapid staff turnover. Several participants also highlighted the lack of organisational capacity to evaluate protection negotiations. Some efforts have been made to establish baselines, review practices and capture success stories (for example, see ICRC, 2007; Geneva Call, 2007) but this is often ad hoc rather than systematic practice. As a result, important protection negotiations processes have gone undocumented.

Where practices have been documented, they are very rarely in the public domain, or accessible to relevant stakeholders. A rare example is the report made by UNICEF on its engagement with the Moro Islamic Liberation Front (MILF) on the prohibition of the recruitment and use of children in armed conflict (see Box 6). In 2012, MSF published a series of open-source accounts of its negotiations with both states and NSAGs in various contexts, including Sri Lanka, Ethiopia, Yemen, Afghanistan, Somalia, Gaza, Myanmar and Nigeria, contained in an edited volume entitled *Humanitarian Negotiations Revealed* (Magone et al., 2012). Such open-source learning exercises are extremely valuable, as outlined by numerous participants involved in this as well as broader research (Davies et al., 2024). They offer insights on key dilemmas faced by humanitarian actors, the rationale behind their decisions, mistakes made, as well as the effectiveness of their approaches, thus contributing to learning from past experiences and identifying good practices.



In my opinion, the best approach would be to record these experiences in writing and to disseminate them. We should not be afraid to write about our experience or to keep record of our dealings with armed groups.

Interview with Attaher Zacka Maïga in Herbet and Drevon, 2022.

BOX 6 | Lessons learned and good practice in engaging the MILF towards ending child recruitment and use

The Moro Islamic Liberation Front (MILF) was listed in the annexes of the UN Secretary-General's report on Children and Armed Conflict in 2003 for recruiting and using children. In 2007, UNICEF, representing the then newly established Country Task Force on Monitoring and Reporting, began to engage the MILF. This led to the negotiation and signing of an Action Plan two years later. However, the progress on implementing the agreement was not entirely smooth. The complexity of the MILF context made identifying children's association challenging. The relationship between the MILF and the communities meant many children lived in MILF camps and, by nature of their Bangsamoro ethnicity, closely linked to the MILF cause. Moreover, the suspension of peace talks, and breakout of armed clashes between the government forces, MILF and a breakaway group, slowed overall implementation. This was especially apparent when UNICEF access to MILF base commands and communities were temporarily ceased or delayed due to insecurity. Sustained peace efforts and continued engagement were therefore essential conditions for the successful implementation of the Action Plan. This ultimately led to the disengagement of nearly 2,000 children previously associated with the MILF and subsequent delisting of MILF from the annexes of the UN Secretary-General's annual Children in Armed Conflict report in 2017.

Through the Action Plan's eight-year implementation, numerous good practices can be highlighted. These included commitment by the MILF leadership at the highest levels, appointment of a senior member of the MILF leadership as Chairman of the MILF Action Plan panel, endorsement of the Action Plan by MILF Religious Council from an Islamic perspective, strong enforcement measures taken by MILF (command orders, training, disciplinary measures, etc), regular engagement and training of front and base commanders to obtain buy-in and build ownership, involvement of the MILF women auxiliary brigade, as well as an awareness-raising programme for the communities in MILF areas. This was all supported by working with strategic local and international partners, leveraging political capital, including the influence of the diplomatic/donor community, along with sustained engagement and trust building with the MILF by the UN and UNICEF, and high-level advocacy by the Office of the Special Representative of the UN Secretary-General for children and armed conflict. Lastly, securing the cooperation of the government of the Philippines, and publicising progress made on the Action Plan were critical to success.

Source: [UNICEF](#)

Negotiation support

The majority of participants interviewed felt they have not been adequately equipped, guided or supported by their organisations and their leadership to engage in dialogue with armed actors on protection.

Challenges include the lack of capacity and poor in-house expertise on humanitarian negotiations. This is particularly the case for protection negotiations, where too often, organisational personnel, including senior management, have limited knowledge of IHL and/or protection. In turn this leads to low levels of management support. Some humanitarian organisations have created dedicated units to support humanitarian personnel with guidance and training on humanitarian negotiations – including through CCHN and its community of practice – but this is not considered sufficient as available resources are not made mandatory or adequately socialised at the operational level.

As a result, as described above, many participants, especially those based at the country level, do not know about these resources nor use them but rather create their own tools, or seek advice from external peers. This is a significant missed opportunity to build learning, knowledge and exchange on critical issues such as protection negotiations. Research shows that the few agencies that have invested in the requisite capacity to engage with armed actors have had greater and more sustained impact. With the development and dissemination of internal guidelines, they were also more likely to pursue negotiations in a consistent and principled manner (Jackson, 2014).

BOX 7 | Differences between state and non-state armed actors?

While inevitably there are differences between types of armed actors and the implications for engaging with them, several participants felt that in practice, the differences were limited for the armed actors they engage with, particularly for states and NSAGs that are parties to an armed conflict. In these situations, both have an obligation to uphold IHL. While states hold the primary responsibility across IHRL and other relevant international treaties to protect civilians under their jurisdiction, NSAGs can assume responsibility for international human rights obligations when they have established de facto authority and perform government-like functions in areas under their control.

However, international legal responsibilities should not dictate whether protection negotiations take place. Armed actors who are not parties to conflict, including gangs and organised criminal groups, often have norms, values and customs that can be leveraged to strengthen protection and promote restraint (ICRC, 2018). A compliance-only approach falls short of seeking opportunities to strengthen protection based on a wider set of interests (norms, values, traditions) with the range of armed actors who perpetrate harm. Such approaches have seen demonstrated success (see Davies and Callaghan, 2022).

It is often assumed that states have more organisational capacity and resources than NSAGs to strengthen the protection of civilians in line with IHL/IHRL standards, especially positive obligations. However, this is not always true, especially in contexts of failing states where the government does not have control of significant areas of territory. On the contrary, states, though also some centralised NSAGs who are more bureaucratic and resourceful, may not see the added value of protection support (in terms of training, internal regulations, etc.) and thus be less willing to engage. But at the same time, highly fragmented groups are also challenging given limited command and control over their troops. One critical difference highlighted by several interviewees in their ability to engage armed actors is with sanctioned and designated terrorist organisations due to perceptions around the legal, financial and reputational risks involved.

Lessons learned

Respondents identified a number of lessons learned from their protection negotiations (see also Table 1 for recommendations on good practice).

Effective protection negotiations require a granular understanding of the context and the target armed actors. It is crucial to know their motivations, interests, perceptions, and decision-making structure, and to tailor the approach to these characteristics if one aims to influence behaviour. It is key also to identify the right interlocutors to engage with. Counterparts should have sufficient authority and credibility to carry out negotiations. Moreover, conflict dynamics and armed actors change over time. It is important to monitor and seize momentum that may provide new opportunities and leverage for dialogue. For example, a US-led airstrike in 2015 on Kunduz hospital in Afghanistan triggered a shock wave throughout the NGO community and within the US Department of Defence (DoD). While a small handful of humanitarian and human rights organisations had documented civilian casualties associated with US military operations across the world for years, this tragic event provided a starting point for strategic engagement with the DoD on civilian harm mitigation. These organisations seized the moment to mobilise and call the DoD to take corrective actions (see Metcalfe-Hough, 2022b).

The confidence and quality of personal relationships established between representatives of the humanitarian agency and their counterparts have been repeatedly identified as critical to successful protection negotiations. ‘Empathy’, ‘respect’, ‘cultural sensitivity’, and ‘perseverance’ were often mentioned by interviewees. As one interviewee stated, ‘The other important part of the strategy is just being a credible interlocutor. Being consistent, honest, straightforward, professional, following through.’ These interpersonal skills are essential to building and sustaining relationships and mutual trust, both with personnel carrying out dialogue as well as at the institutional level. Several interviewees also mentioned the importance of seniority and professional expertise as a key factor in carrying out successful protection negotiations, in their experience.

Identifying and mobilising the right sources of leverage is key to effective engagement. This includes a range of actors, including community leaders, scholars, religious authorities, political parties, members of parliament, civil society actors, human rights organisations, media, diaspora, former combatants, supportive states and armed groups. Such actors may have considerable influence on the leadership of the target armed actors and be instrumental in strengthening protection and promoting restraint. Protection negotiators should have the ability to leverage them at the right level of authority and the right time.

Ensuring a consistent and sustained approach to negotiations is a demonstrated factor that has greater potential to influence behaviour. This requires a wide network of connections inside the target armed actor (political leadership, military command and rank and file, civilian administration and constituencies, etc.) to inform and support the process of negotiations, as well as those affiliated with influence over decision-makers, where relevant. Such connections are key to maintaining acceptance, gaining insights on internal dynamics and identifying opportunities for negotiation, as well as individuals who can promote positive change from within. Interactions should be continuous, based on meaningful arguments and factual evidence demonstrating the humanitarian

consequences of the armed actors' behaviour on civilian populations, with the objective of encouraging the target armed actor to acknowledge their responsibility and take corrective actions. Some organisations go as far as consulting target armed actors on their programming to strengthen buy-in.

Lastly, the strategic use of a range of targeted protection approaches is a key factor to maximising chances of success. When carefully combined, persuasive dialogue and denouncing approaches (e.g. through naming and shaming) may reinforce one another (Petrasek, 2002). Persuasive arguments can build relationships and open doors for engagement while public denunciation may create leverage on armed actors, especially those sensitive to their reputation. Examples include armed actors listed by the UN Secretary-General for grave violations against children. International pressure and a desire to be delisted has, for example, incentivised armed actors to engage with the UN stakeholders to end the recruitment and use of children in conflict. Cases in point are the MILF in the Philippines and Syrian Democratic Forces (SDF) in Syria who both signed Action Plans to end the use and recruitment of children in conflict.

This, and related research, raises questions that would warrant further exploration, evidence and analysis – as well as questions that humanitarian actors should ask when considering their support for protection negotiations (see Davies et al, 2024). These include:

- How to better leverage the experience and expertise of protection negotiators with broader humanitarian assumptions and practice? For example, that humanitarian negotiations for protection and access are interrelated and share common goals. What would it take to overcome perceived tensions and risks between negotiating (and sustaining) access with raising protection concerns?
- To what extent are international organisations willing to consider alternatives, phased agreements, and ultimately compromises to working towards their stated aims in the long term? How is this balanced against any identified 'red lines'?
- To what extent do humanitarian actors prioritise the necessary skill sets to effectively carry out protection negotiations? Including equipping senior leadership with relevant knowledge of protection frameworks? As well as the necessary approaches that are critical to successful protection negotiations – such as relationship and network building?
- How can the similarities and differences between the ways that communities, local or national actors and international actors decide and prepare for protection negotiations be better leveraged, better inform one another, and be mutually reinforcing to achieve successful outcomes?

Recommendations for good practice

Good practice	Practice to be avoided
Conducting a robust analysis of the target armed actor(s) and stakeholders who may influence negotiation outcomes (motivations, interests, perceptions, decision-making, etc.)	Using legalistic or technical jargon
Tailoring the negotiation approach to the context and target armed actors	Adopting a one-size-fits-all approach
Resourcing and empowering staff to conduct engagement with sufficient expertise, experience and seniority	Transferring negotiations to non-qualified staff and/or partners and/or not giving clear direction for staff to carry it out
Preparing an engagement plan with clear and achievable objectives, risk analysis and mitigation measures, strategic approaches and arguments, entry points, red lines, etc.	Compromising humanitarian principles and/or IHL without a proper analysis of potential options and trade-offs
Identifying key interlocutors among the target armed actor, building mutual trust and maintaining personal relationships	Threatening and lecturing
Developing a network of influencers inside and outside the target armed actor based on solid, relevant stakeholder and power analysis	Engaging the wrong interlocutor or at an inappropriate level
Maintaining regular and continuous contacts with armed actors	Instrumentalising interlocutors and contacting them on an ad hoc basis, and/or when needed only
Documenting results of negotiation and ensuring effective follow-up	Not keeping records of negotiations and failing to honour commitments made
Arranging proper handover to ensure institutional continuity	Not sharing knowledge and a secured list of personal contacts with new staff

Recommendations

The following recommendations do not intend to be an exhaustive list of all actions that would be required to enable protection negotiations with armed actors. They have been prioritised based on the feedback of participants interviewed and what would be most useful to inform future actions of the CCHN, its community of practice, and stakeholders undertaking protection negotiations.

- 1. Provide clear institutional support and practical guidance on protection negotiations with armed actors.**

This should include clarification of the scope for such engagement based on the threats civilians face, guidance on addressing barriers such as the implications of counter-terrorism measures, and managing tensions with protection negotiations and humanitarian principles, which are too often misconceived. For example, there are assumptions that engaging armed actors may somehow compromise the principle of neutrality or that counter-terrorism measures prohibit engagement with all NSAGs. This highlights a lack of understanding of the relevant legal and normative frameworks, overlayed with the general risk aversion within the humanitarian sector. Negotiating staff should have clear parameters, with guidance on whether and when they can engage, what they can and cannot agree to, consideration of red lines, as well as consideration of escalation points for further discussion. Training on protection negotiations should be mandatory, including for non-specialist staff such as access, security and liaison officers, who often interact with armed actors, though not necessarily through the lens of protection.

- 2. Create or make use of existing platforms for negotiating staff to participate in critical peer exchange and learning with colleagues.**

Discussions could consider various thematic protection issues, specific country situations, experience engaging with specific actors (such as extremist Islamist groups) or navigating challenges and dilemmas such as counter-terrorism legislation. This would help compare analysis and share negotiating examples and experiences (both successes and failures) within and across organisations that face similar challenges and dilemmas. It would also support identification of good practice as well as dissemination of available resources (manuals, guidelines, handbooks, etc.). Several interviewees said that such ongoing peer exchanges and learning would be more useful than ad hoc training to support staff over the course of their engagement.

- 3. Enhance collective advocacy, for protection negotiations with armed actors, especially with NSAGs.**

Several interviewees felt that their organisations should be more vocal about the restrictions, often contrary to humanitarian principles, imposed by host and donor states on their humanitarian operations, and join like-minded agencies to defend in one voice the space for

protection negotiations with all armed actors, including designated terrorist groups. There are some issues that cannot be overcome by individual agencies but require a common position and advocacy, for example on the question of when and how to speak out against grave violations of IHL. Joint analysis and rules of engagement should also be considered to avoid humanitarian organisations being played off against one another by armed actors.

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