WORKING WITH STATE AUTHORITIES AND ARMED GROUPS ON PROTECTION
“Looters came at night to steal goats, money and valuables. They attack with machetes or knives. Some villages have been abandoned. No one is left in Namuziba … We go to farm in the fields along the main road but we are afraid. I can’t cross the road after 4pm. We fear rape and worry that other villages will soon be destroyed. I mainly grow sugar cane but it is sometimes cut and taken. I also planted onions but they have been destroyed.”
Protection is fundamentally about people like Sarah being safe from the harm that others might do her, whilst ensuring her dignity, well-being and access to rights.

When conflict or disaster strikes, people can become more vulnerable to violence, coercion and abuse from others. They can also suffer trauma, fear and humiliation. Services can be denied to them as they encounter discrimination, rights violations and neglect. They will generally do what they can to stay safe and cope, and the state is responsible for protecting them. In an armed conflict, an organised armed group will have similar obligations.

As humanitarians we can never take over the role of the state, but we do have a complementary part to play, remaining accountable to the people we seek to support. That can involve coordinating, supporting, capacity building and advocating with the relevant authorities to uphold their protection responsibilities towards people at risk.

This booklet brings together guidance and lessons learned from efforts by humanitarian organisations in a range of contexts to play that complementary role, engaging with the state and armed groups on one level as well as with the people themselves on another.
No two contexts are the same; what is feasible and desirable as a means of working with the authorities to help keep people protected in one situation may not work in another. Nonetheless, some general learning can be drawn from past experience in a range of countries and situations.
• A sound protection analysis is critical to know how to approach working with the relevant authorities. This involves consulting the people affected as those best placed to understand the threats they face and the support they need to stay safe and rebuild their lives. The analysis should include the authorities’ attitudes towards sections of the population, their capacity and commitment to meet their obligations, and prevailing policies and practices, as well as relevant domestic laws, customs and institutions.

• Advocacy should be based on a power analysis – a review of who has protection responsibilities in a particular context, and who has formal or informal influence with them.

• An understanding of the wider context is also important: culture, history of the crisis, political divisions, ethnic tensions, etc. – including the role of foreign powers in the country’s history. Be aware that international humanitarians may be perceived as enemies, spies, religious missionaries or pawns of foreign powers.

• Be respectful: every community is distinct, and people may not use our protection jargon, but that doesn’t mean they know nothing about protection and state obligations.

• Be aware that capacity and willingness to protect will vary across government departments: you may get a better response at one level or in one department than another.

• The state’s presence in people’s lives is often most tangible at the local level (administrators, police, army officers), making local action often highly relevant for improving protection. But note that local authorities can also be less well resourced and less able to influence across government than officials higher up.

• Be patient: it takes time to build relationships. State authorities can expect to be consulted and involved by humanitarians working in their area; any failure to do so can create a lack of trust and raise barriers to access.

• Genuine neutrality and impartiality are essential to maintaining a dialogue with all parties to a conflict. Government authorities may question or try to prevent humanitarian contact with armed groups. Be prepared to explain the strictly humanitarian purpose of dialogue with all sides to improve conditions for all affected people.

• Shifting conflict dynamics can make it all the more essential to maintain a humanitarian stance of neutrality, impartiality and independence in relation to all parties involved in a conflict. If humanitarians defer to the government at the expense of engaging with a non-state armed group, they may face a difficult situation later on if the balance of power shifts. The choices we may make now can have implications for our ability to assist those in need in the future.

• Some government departments may be functional and quite independent of the political factors driving conflict. While humanitarians will need to keep a distance from the political objectives of a government in conflict, engaging with line ministries such as health, water, child services or gender may remain a viable option.

• The term ‘protection’ can alienate authorities in some places, particularly where armed groups or local officials have offered ‘protection’ from physical harm or imprisonment in exchange for payment. Framing protection aims differently – e.g. community service provision or dialogue on social issues – may result in more productive discussion.
Humanitarian action that supports national goals on protecting vulnerable groups can promote the state’s protective role and ensure a more lasting impact. The outcomes of humanitarian interventions by international agencies or national and local organisations can also be improved if they are planned and implemented in coordination with the government. Not only do governments have primary responsibility for meeting humanitarian needs, but they have knowledge of the context and what is feasible, they enjoy a long-term relationship with and often hold an electoral mandate from the people affected, so can have a more durable impact than international agencies, and they can call on a range of government departments to make things happen.

From the government side, perceptions that humanitarians are overstepping the limits of their role and taking on functions of the state may foster understandable resentment. In some situations, humanitarian agencies have been criticised for failing to operate under national laws on protection (often owing to the weakness of such laws and their lack of attention to human rights) and trying to replace existing protection systems. Where humanitarians cannot be accountable to a national regulatory framework we should refer to international standards, which may include regional law, human rights law, refugee law and international humanitarian law.

Given their obligations for ensuring protection and assistance, governments will often want to take a leading role in coordinating humanitarian response, including through chairing or co-chairing sectoral coordination groups. Such national leadership should be welcomed, but should also be balanced against the needs of people affected. Where the government is a party to a conflict or an alleged source of harm to sections of the population, there is a case for maintaining dialogue with the authorities outside the structure of the protection cluster or protection working group.

**EXAMPLES AND LESSONS LEARNED**

**COORDINATION**

KHADIJA

Afghanistan

The work of the UN Mine Action Service (UNMAS) with the Afghan demining authority, MACCA, cleared Khadija's village of explosive hazards. “This has changed our lives,” she says. “We will be self-sufficient and our men will not need to leave the area to search for work elsewhere.”

Young people playing the game of El Golombiao in Colombia: © Olga Lucía Zuluaga/UNICEF
CASE STUDY: COORDINATING WITH GOVERNMENT TO PREVENT GENDER-BASED VIOLENCE IN THE PHILIPPINES

The devastation wrought by super-typhoon Haiyan in 2013 also put women and children at increased risk of violence as families and communities were separated. Following the Philippine government’s humanitarian appeal, the International Organisation for Migration (IOM), UNICEF and the UN Population Fund (UNFPA) coordinated efforts to prevent sexual exploitation and human trafficking with national and local members of the Inter-Agency Council Against Trafficking (IACAT). IACAT members, composed of civil society organisations (many of them, women and children’s groups) and government agencies, were not previously part of the humanitarian response. Joint field assessments and training for local government and civil society staff reached more of those responsible for preventing gender-based violence (GBV) and human trafficking in the Visayas region, where trafficking was already a particular problem before Haiyan. International agencies, local NGOs and local government departments in the affected areas developed and circulated common referral pathways to reduce potential confusion for people needing support. Their collaboration enabled emergency responders to reach more people at risk of or subject to GBV, with vulnerable boys and men among those receiving vital information and services.

Lessons learned
- The wide area of devastation and the limited resources of many humanitarian organisations made local cooperation a necessity.
- The legal and regulatory framework in place for protection and the cluster system provided space for local associations to engage with government and humanitarian agencies.
- Positive personal and institutional relations between the focal points and international agencies helped establish a common agenda and aided dialogue with government counterparts.

For more information, see www.weblog.iom.int/keepthemsafe-counter-trafficking-after-yolanda

CASE STUDY: WORKING WITH LOCAL GOVERNMENT TO REDUCE CHILD RECRUITMENT INTO ARMED GROUPS IN COLOMBIA

Levels of violence in Colombia remain high, both related and unrelated to the armed conflict, and children and adolescents are at risk of recruitment by armed groups. This is a particular problem in the informal townships that have sprung up around Bogota, as rural families displaced by the violence have drifted to the ‘safety’ of the city. In an urban environment characterised by chronic violence, children grow up knowing little but the lawlessness of armed groups. El Golombiao, the ‘game of peace’, was devised to counter those influences by demonstrating the value of a functioning, lawful society.

Developed by UNICEF, IOM and GTZ (now GIZ) in 2004 in collaboration with the government’s youth programme Colombia Joven, the game uses football as a basis for promoting peaceful co-existence, non-violent conflict resolution, participation, gender equality, respect for ethnic diversity and a sense of each young person’s capacity to shape their own future.

The initiative was rolled out in municipalities where large numbers of young people were joining paramilitary and guerrilla groups, and involved local authorities that might otherwise have remained fairly distant from young people’s lives. The incidence of violent youth gangs has declined in the areas where El Golombiao is played.

For more information, see www.vamosjogar.info/?p=5229
Where a national or local mechanism exists to provide protection but it functions poorly or is disrupted as a result of an acute emergency or chronic crisis, it can be more sustainable to support it than to attempt to establish a parallel system as part of an emergency response.

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Sometimes, as in the DRC example opposite, the support entails raising awareness of rights and applicable laws among communities as well as within government departments, and facilitating communication between protective services and the citizens who need them.

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“The gap between the population and the authorities has narrowed: things are better now; we work together. Arbitrary arrest has gone down because people know the law.”

Meeting of the Women’s Forum of a community protection committee in eastern DRC. Eleanor Farmer/Oxfam
CASE STUDY: HELPING TO KEEP CHILDREN’S SERVICES RUNNING DURING CONFLICT IN CÔTE D’IVOIRE

When social services collapsed in areas of Côte d’Ivoire held by the Forces Nouvelles (FN) rebellion from 2002, Save the Children worked with social workers on both sides of the conflict. The agency provided training, site visits and transport allowances. A key duty of social workers in FN areas was to identify social services and other forms of assistance to children who remained in their communities, which they used to build up a referral network for individual cases. In addition, they raised awareness of children’s concerns with the authorities and the general public, and established a tracing and reunification system with the Red Cross and UNHCR. The FN also identified one person as a child protection focal point for each town that they controlled; these individuals received training on children’s rights and issues affecting children in areas of armed conflict.

Lessons learned

• Focal points for children’s issues were nominated by local people.
• Simultaneous operation on both sides of the conflict facilitated the flow of information, promoted a consistent approach and ensured access for all.
• Sound prior understanding of social arrangements, administrative structures, historical issues (such as contentious issues around birth registration and citizenship) and of the conflict itself greatly increased the extent to which elements of the existing system could be used and supported.

For more information, see www.savethechildren.org.uk/sites/default/files/docs/Child_Protection_Systems_low_res_1.pdf

CASE STUDY: PROMOTING DIALOGUE BETWEEN COMMUNITIES AND LOCAL OFFICIALS ON PROTECTION IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

In 2009 Oxfam set up protection committees in partnership with Congolese NGOs and community volunteers to raise awareness of Congolese law and human rights; negotiate and advocate with local authorities to prevent, minimise or respond to abuse; and help those affected to access services such as medical, legal and psychosocial care. The model was found to be effective in increasing communities’ access to support and their ability to negotiate better protection from abuse. In 2011 Oxfam expanded these activities into more remote and insecure areas of eastern DRC where armed groups were active and state authority was weak. A pragmatic approach was taken, supporting communities to negotiate the best possible improvement in their protection in the circumstances, rather than seeking full realisation of human rights. In some locations, the project helped secure reductions in arbitrary arrests and domestic violence, mediation by customary chiefs with other authorities and armed groups on cases of abuse and reporting sexual violence. Often the changes involved compromise, such as agreeing to negotiated, low flat-rate charges at checkpoints rather than uncontrolled and frequently violent extortion of fees, but residents reported that these changes made a major improvement to their day-to-day security.

Lessons learned

• A detailed knowledge of the law is not necessary to obtain a reduction in human rights violations or to enhance people’s sense of their own security; this is critical in rural DRC, where formal education levels are generally low, particularly among women.
• The buy-in of local authorities was sought by a policy of non-confrontational collaboration, ad hoc support from their seniors and the subtle but effective use of training activities targeted at addressing habitual abuses by officials. Where local authorities refused to participate in activities because they were afraid of being confronted about such abuses, meetings instead addressed issues of mutual concern in order to build a relationship, which then allowed more sensitive matters to be tackled later on.
• Community mobilisers from the local area were essential to promoting understanding and ownership among residents, providing in situ support from a basis of identification with community beliefs and concerns.
• The voluntary nature of the protection committees was vital to gaining cooperation from officials, who initially accused committee members of making money out of stopping their own revenue from the local population. They were far more willing to cooperate once they understood that members were not working for monetary reward.
• The committees were also able to raise protection concerns with armed groups that had traditional ties to sections of the community, through inter-ethnic delegations to militia representatives. This resulted in negotiated food collections as an alternative to looting and an easing of inter-community tensions about the ethnic affiliations of armed groups.

For more information, see www.oxfamblogs.org/fp2p/how-can-aid-agencies-help-citizens-demand-their-rights-and-reduce-risks-in-the-middle-of-a-war-zone-draft-paper-for-your-comments
Sometimes a lack of knowledge, skills and resources prevents government representatives from meeting all their obligations for people’s safety and well-being, particularly at the local level. In such cases there may be a role for humanitarian organisations to help build local or national government capacity, often in parallel with efforts to improve citizens’ own understanding of their rights and knowledge of how to access the services available to them.

Capacity building is a complex affair, however, and requires both sustained investment and a careful balance between the immediate needs of people affected by an emergency and the longer-term benefits of establishing nationally owned systems for the future. Building effective systems for the protection of vulnerable groups is a long-term endeavour, not achievable within the short timeframes of conventional emergency responses. To be successful, therefore, it must be a shared priority between development and humanitarian organisations (including the donor community).

“\nYou can't do much meaningful work if the people are against you. If you don't interact with the communities, you can't secure their trust: we have to be accountable.”

Meeting of community members and security providers, Karamoja 2012; Lilu Thapa/Danish Refugee Council

EXAMPLES AND LESSONS LEARNED
CAPACITY BUILDING
CASE STUDY: DIALOGUE BETWEEN COMMUNITIES AND SECURITY SERVICES IN UGANDA

In 2010 the Danish Refugee Council/Danish Demining Group (DRC/DDG) initiated a Community Safety Project in the conflict-prone Karamoja region of Uganda, seeking changes in attitudes and behaviour in order to reduce the armed violence that is a driver of chronic poverty, vulnerability and underdevelopment.

Traditional inter-tribal conflicts over water, pasture and livestock have become increasingly violent in recent decades, not only causing more death, injury and destruction of property but also limiting people’s mobility, a crucial component of the pastoral way of life. At the core of conflict and insecurity in Karamoja is a weak or absent state. Limited security services and the lack of a credible justice system have left local communities little choice but to ensure their own protection. Dialogue with state security providers is therefore essential to improving the security situation, but successive forced disarmament programmes have created a climate of tension and distrust between them and the population.

To enhance cooperation between the two sides and to create an environment conducive to information sharing and violence prevention, DDG initiated monthly local meetings between communities and security providers to discuss and resolve critical issues. These covered contentious matters such as mistreatment of community members and theft during cordon and search operations, and on the other hand a lack of cooperation by communities in identifying criminal elements in their midst. Impact assessments (in 2012 and 2015) have indicated a gradual shift in the relationship between security services and communities from one of fear and intimidation to one of cooperation based on dialogue, generating a positive circle of improved information flow, performance and trust.

The security forces – initially sceptical – now recognise the value of the approach, and request DDG’s facilitation and training support on conflict management.

For more information, see www.gichd.org/mine-action-resources/publications/detail/publication/community-safety-livelihoods-and-socio-economic-development-karamoja-uganda/#.VtAs0pyLShc

CASE STUDY: STRENGTHENING GOVERNMENT FAMILY TRACING CAPACITY IN KENYA

In December 2007, post-election violence in Kenya displaced an estimated 350,000 people across the country. As families fled in search of shelter and safety, children became orphaned or separated from their families. When people began returning home, many parents, fearing further violence, left their children in charitable institutions or child-headed households in urban centres around the conflict-affected areas. Officials from the Department of Children’s Services (DCS) were overwhelmed as they tried to respond to the needs of displaced and conflict-affected children as well as those of pre-existing caseloads of street children and other vulnerable young people.

International child protection organisations worked with the DCS to assess needs and plan the response, and trained DCS staff to register separated children and trace their families. However, limited staffing hampered coordination efforts, while a lack of technical expertise and resources restricted the scope for tracing. An inter-agency database set up at DCS headquarters remained largely unused for lack of capacity. International agencies lacked the means to coach national child protection partners adequately while meeting technical assistance needs generated by the emergency response. The possible longer-term benefits of the capacity building were seen to be at the cost of immediate service delivery for children separated from their families, large numbers of whom were registered but not followed up.

For more information, see www.savethechildren.org.uk/sites/default/files/docs/Child_Protection_Systems_low_res_1.pdf
Advocacy and dialogue can be crucial to ensuring that state authorities and armed groups comply with their obligations, so that people stay safe in the midst of crisis. As with any advocacy, credibility is everything: if the risk to civilians is such that you need to start a dialogue before you can verify rumours, be careful not to present them as established fact – and back up your advocacy with accurate information as soon as possible.

Explicit awareness and field-level management of the risks involved are also essential, particularly in situations of violence and conflict. Advocacy by humanitarian organisations carries the risk of provoking a negative reaction that can compromise protection efforts on the ground, restricting people’s access to support and potentially placing them in greater danger. These risks should be balanced against the positive potential of effective advocacy, and appropriate messages and channels should be identified on the basis of the power analysis mentioned above. A mix of public advocacy and private dialogue can be mutually reinforcing, as in the example opposite.

"Now if a soldier comes into your compound, it’s like a brother, and he might ask if you could spare him 500 francs. In such cases people are generally happy to help out. Whereas before there were so many checkpoints, and at each one you had to give money. If you didn’t have money, they would take some of whatever you were carrying, and if you weren’t carrying anything they would force you to labour for them, whipping you as they did so."

COMMUNITY PROTECTION COMMITTEE MEMBER
Niangara
Eastern DRC

Thousands of civilians a year are killed or injured in conflict in Afghanistan. Photo: © UN Photo/Erin Kanable
CASE STUDY: INFORMATION GATHERING AS A BASIS FOR PROMOTING REDUCED CIVILIAN CASUALTIES IN AFGHANISTAN

A UN Assistance Mission in Afghanistan (UNAMA) human rights team investigating all known incidents involving civilian casualties maintained a rigorous neutrality in its reporting and its contact with interlocutors within government, the International Security Assistance Force (ISAF) and the Taliban and other armed groups. Its motto was that it was 'saving lives, not taking sides' and the focus was not on violations but on the circumstances in which civilians were killed. Thus monitoring produced data that helped bring attention to the issue of civilian casualties and the need to reduce them. A combination of public reporting, behind-the-scenes discussion with parties to the conflict and relationship building with media and other influential stakeholders eventually obliged the parties to take notice.

Within a few months, both sets of warring parties issued policy directives/fatwas declaring their intent to increase efforts to avoid civilian casualties.

For ISAF this meant more stringent controls on the use of airstrikes and for the Taliban and other armed groups it meant prior warnings to civilians of attacks and the use of improvised explosive devices (IEDs). Casualties continued but the rate of killing did not keep pace with a NATO/US surge and intensification of the fighting in general.

Lessons learned

- Advocacy based on credible evidence is more likely to prove effective in exposing circumstances and trends that pose harm to civilians, and so influencing the impact of hostilities.
- The monitoring took place under the umbrella of the protection cluster, maximising the combined impact of humanitarian and human rights organisations working on protection, in a manner that did not constrain humanitarian space or access.


CASE STUDY: SUPPORT TO COMMUNITY ADVOCACY WITH GOVERNMENT ON DISPLACEMENT IN THE PHILIPPINES

When Typhoon Ketsana hit the Philippines in September 2009, Oxfam supported the establishment of Quick Response Teams (QRTs) as a community response mechanism. These teams provided a forum for internally displaced persons (IDPs), women in particular, to engage with local government officials, identifying issues and negotiating for their resolution. QRTs were set up in 26 communities and at three temporary relocation sites.

In several villages they drafted a ‘People’s Plan’ which identified options for the relocation of communities in high-risk areas. The QRTs were able to influence local government on a range of issues, including extending the stay of evacuees in temporary sites, preventing premature closure, identifying alternative relocation sites and distributing shelter repair materials.

For more information, see www.oxfam.or.kr/sites/default/files/humanitarian-brochure-emergencies-131113-en-.pdf
Sometimes in conflict situations, an organised armed group – rather than the government – is effectively in control of a given area for a time. The group will then have obligations, similar to those of the state, to keep civilians in that area safe and to facilitate humanitarian efforts to provide them both with assistance and with support to reduce risks and recover from harm. In such cases, humanitarian organisations may need to establish dialogue with that group in order to help reduce violence against the population and facilitate their access to necessary humanitarian aid.

This doesn’t imply that the humanitarian organisation is endorsing the armed group in its action against the government, or recognising it as a pseudo-state authority, and it is important to avoid any appearance of endorsement. In the context of counter-terrorism legislation, some donors may also impose limitations on an organisation’s engagement with certain armed groups.

Experience indicates that engagement with armed groups cannot be improvised, but requires particular skills. It can entail security considerations for both sides, and must be conducted in a way that avoids either placing civilians at greater risk or undermining the ability of humanitarian organisations to operate, and be seen to operate, in accordance with humanitarian principles. To be credible, humanitarians will need a nuanced understanding of the armed group, the context and the military realities; and their organisation will need to be seen to live up to its principles.

“In our own organisation, we do not have a code of conduct or rules and regulations on how to protect women and girls because we are more focused on political issues. However, we realise that gender issues are as important as political issues. We can prevent many things before they happen.”

EXAMPLES AND LESSONS LEARNED
ENGAGING WITH ARMED GROUPS

“Representative of a non-state armed group at a 2010 workshop on ‘Improving the Protection of Women and Girls during Armed Conflict’.”

“Destruction of a stockpile of ant-personnel mines by the Polisario Front, Western Sahara, 2007: Geneva Call.”
CASE STUDY: GENEVA CALL’S MODEL OF DIALOGUE WITH ARMED GROUPS ON PROTECTING CIVILIANS

Geneva Call, an NGO established in 2000, aims to promote and improve the compliance of non-state armed groups with international humanitarian norms. Initially focusing on landmines, Geneva Call later expanded its work to international norms on the protection of children (in particular the recruitment and use of children in hostilities), eliminating gender discrimination and the prohibition of sexual violence in armed conflict. Geneva Call’s inclusive approach gives armed groups the opportunity to sign up to specific humanitarian norms and be held accountable, for instance by signing 'deeds of commitment'. For Geneva Call, this is a long-term effort: it involves constructive and sustained dialogue to persuade each group to sign formal commitments, and it continues after signature through implementation support and monitoring to ensure that these commitments translate into actual practice. In recent years, Geneva Call has increasingly provided armed groups with customised training on the rules of international humanitarian law and advice on how to incorporate these into their codes of conduct and other internal regulations.

Lessons learned

• Constructive engagement with armed groups can be effective and can yield tangible benefits for the protection of civilians: more than 50 non-state armed groups have pledged to renounce the use of anti-personnel mines, for example, and global use of these weapons by such groups has decreased in the past decade.

• Contrary to a commonly held view, many such groups are willing to accept external oversight: all signatories to the deeds of commitment have met their monitoring obligations, providing information and reports to Geneva Call on their implementation and allowing follow-up field missions.

• Commitments by armed groups can positively influence the policies both of states and of other non-state groups. States may be encouraged to sign a treaty because the opposing armed group has made a similar commitment.

For more information, see www.odihpn.org/magazine/engaging-armed-non-state-actors-on-humanitarian-norms-reflections-on-geneva-calls-experience
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