HUMANITARIAN ACADEMY · HUMANITAIRES JOBS

Mini MBA Humanitarian Civil-Military Coordination (CMCoord): preserving access and principles with armed actors

Course handout · Week 8 : Humanitarian access: negotiating with armed actors without losing your principles

A programme of exactly 3 months (12 weeks, 144 hours) to coordinate humanitarian action with armed actors: principles, armed actors and their culture, the Oslo and MCDA Guidelines, foreign military assets in disasters, complex emergencies and integrated missions, armed escorts, humanitarian notification and information sharing, access negotiation, liaison and forums, protection, country-specific guidelines and dilemmas. Based on the public texts of OCHA and the IASC. Corrected numerical exercises, three monthly exams with case studies, and a verifiable diploma from the Humanitarian Academy. Independent course: it is not OCHA's official UN-CMCoord course, to which it refers, and it does not award any United Nations certification.

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Week 8 : Humanitarian access: negotiating with armed actors without losing your principles

Objectives

- Explain the legal framework of humanitarian access and the obligations of parties to a conflict.
- Prepare an access negotiation: analysis of counterparts, interests, room for manoeuvre and red lines.
- Handle unacceptable demands (payments, diversion, beneficiary lists) and document impediments.

The access framework

International humanitarian law provides that parties to an armed conflict **allow and facilitate** the rapid and unimpeded passage of impartial humanitarian relief for civilians in need, subject to their right of control. Consent to relief operations may not be arbitrarily withheld.

Impediments to access take many forms: refusal of movements, endless administrative procedures, checkpoints, taxation, interference in the choice of beneficiaries, violence against staff. OCHA often tracks these impediments in an **access monitoring framework** that feeds collective advocacy.

Preparing the negotiation

Frontline humanitarian negotiation methods (for example the field manual of the Centre of Competence on Humanitarian Negotiation, CCHN) suggest structured preparation:

- **Analyse the context** and the negotiation environment: who controls what, what the trends are.
- **Map the counterparts**: who decides, who influences, who can block; their interests, values and constraints.
- **Distinguish positions and interests**: "no convoy" (position) may hide the fear that the convoy carries weapons (interest: security).
- **Define your room for manoeuvre**: what is negotiable (timing, routes, inspection arrangements) and what is not.
- **Set the red lines** with management, before the negotiation.

Red lines

Common red lines, set in writing and shared between organisations as far as possible:

- choosing beneficiaries on the basis of need alone (impartiality);
- no payment or share of aid to an armed actor;
- no transport of weapons, armed men or military equipment;

- no sharing of beneficiary lists;
- the right to monitor and verify distribution.

> A red line crossed by one organisation quickly becomes the new norm demanded of all the others. Collective consistency protects everyone.

Unacceptable demands: what to do

When an armed actor demands a share of aid, a payment or a list:

1. **Do not answer on the spot**: thank them and say the request will be passed on.
2. **Escalate** the request to management and coordination (OCHA, NGO forum).
3. **Analyse** the real interest behind the demand (security, recognition, needs of fighters' families).
4. **Respond collectively** by explaining the principles and proposing what is possible (for example, including vulnerable families according to the usual criteria).
5. **Document** the impediment and, if necessary, **suspend** the activity rather than give in.

Sanctions and counter-terrorism

Some national laws and sanctions regimes prohibit providing funds or resources to designated groups. In 2022 the United Nations Security Council adopted a cross-cutting **humanitarian exemption** for its sanctions regimes (resolution 2664), but national laws and donor clauses vary.

In practice: know the applicable rules, have arrangements validated by the legal or compliance department, never make an unplanned payment, and document all contacts. Humanitarian dialogue in itself is not support to a group; transfers of resources may be.

Exercise: the checkpoint tax

At the Kéri checkpoint, a local commander demands 5% of the bags in each food convoy "for road security". Your convoy carries 1,200 bags for 2,400 households. Your organisation's red line is that no share of aid is given to an armed actor.

Calculate what the demand represents and propose a course of action.

Model answer. 5% of 1,200 = 60 bags per convoy, the equivalent of 120 households deprived of aid on each trip. Course of action: give nothing on the spot, turn back if necessary without confrontation, escalate the demand, analyse the interest (perhaps the fighters' families have received nothing), respond collectively with the other organisations, document the impediment for OCHA, and seek dialogue with the higher level of command.

Key takeaways

- Parties must allow and facilitate access for impartial relief; arbitrary refusal is prohibited.
- Prepare: context, counterparts, interests behind positions, room for manoeuvre, red lines.
- Red lines are set in advance, in writing, and shared between organisations.
- Unacceptable demand: do not give in on the spot, escalate, analyse, respond collectively, document.
- Dialogue is not support; transfers of resources may be (sanctions, counter-terrorism).

Quiz

1. Under international humanitarian law, the parties must:
   A. Allow and facilitate relief
   B. Distribute the aid to civilians themselves
   C. Pay NGOs for their services
   D. Choose beneficiaries according to their criteria

2. "No convoy" is:
   A. An interest
   B. A value
   C. A position
   D. A humanitarian red line

3. Faced with a demand for payment at a checkpoint, the first reaction is:
   A. Accept if the amount demanded is small
   B. Threaten the commander with an official complaint
   C. Pay discreetly to get through this time
   D. Do not answer on the spot, escalate the request

4. Why share red lines between organisations?
   A. For donors only, in the annual report of the project
   B. To reduce costs
   C. Because a concession is quickly demanded of all
   D. For the press

5. 5% of 1,200 bags is:
   A. 50 bags
   B. 120 bags
   C. 600 bags
   D. 60 bags

Quiz answers : 1. B · 2. C · 3. A · 4. D · 5. C