



# Engaging with States in Conflict Settings or other Situations of Armed Violence

## Key Considerations for Child Protection Area of Responsibility Coordinators

In most humanitarian contexts, engagement with states' authorities at different levels is necessary to ensure that actions and activities aimed at assisting and protecting children are effective and that efforts complement and strengthen existing national systems. Nonetheless, to preserve a principled humanitarian response in conflict settings and other situations of acute violence, considerations need to be examined to define what type of engagement is most suitable and with which state entities. This guidance note provides elements to help child protection (CP) coordinators frame their approach for engaging with authorities.

### 1. Understanding the operational context

Before undertaking any action, it is necessary to gather the information that will inform the initial steps. Key considerations to be clarified are: i) *the operational environment*; ii) *the stance* of the Humanitarian Country Team (HCT) and other local humanitarian teams; and iii) *the historical background* of coordination mechanisms and the relationship with authorities. These aspects will then need to be factored in to inform how and with whom to engage.

i. **The operational environment** in which the coordination takes place influences the approach. Here are some of the main elements commonly defining it:

- The type of crisis triggering the humanitarian response. Each one of the following situations might involve different actors, coordination mechanisms, and raise different priorities and sensitivities.
  - A new conflict or a rapid intensification of the level of armed violence.
  - An ongoing protracted conflict / violence
  - A natural or man-made disaster in a conflict affected area.
  - A serious deterioration of the physical environment in conflict affected areas (slow-onset).
  - A contagious disease outbreak in a conflict affected area.
  - Transborder spillovers from other countries into a conflict affected area (e.g. a refugee influx).
- National laws, policies and directives. Governments set different requirements and put in place different policies to respond to different types of crisis. Some might be formal



(e.g. a declaration of a national disaster triggering a defined protocol) and some more political (like the refusal to implement a traditional cluster system in country). In many cases there might be instructions to coordinate the response with a national state entity or to implement activities with local organizations. These directives might result in opportunities or restrictions in terms of deployable mechanisms, geographic access, type of response activities, or entities with whom to dialogue.

- **The existing humanitarian response mechanisms in place at national and local level.** Often, there is already a coordination structure or mechanism operating at national or sub-national level. Whatever the name, coordination groups might correspond to a cluster, a sectorial working group, a national management cell or system, a civil society or mixed platform, a committee, etc. At local level these structures might or not reflect those of the national levels and are likely to have their own dynamics.
- ii. **The stance of the HCT (or Humanitarian Leadership).** Coordinators need to consider the current framing of government relations by the international community including the HCT. Key considerations include the positions of the lead agency as well as the HCT and how these may shift over time. Further, coordinators also need to consider the Protection Cluster configuration. These elements are necessary to maintain a coherent and articulated approach, and to contribute to broader humanitarian objectives. Some documents might contain elements (such as the HCT Protection strategy or the CCA for development contexts) but be aware that this information might also not be written in any formal document and will have to be collected through direct conversations with the humanitarian team.
- iii. **The historical background.** Coordinators ought to take stock on the CP coordination groups and cluster lead agency/ members historical relationship with the Government and its different entities, what steps have been taken to engage with it at different levels (national and local), how it has evolved over time and how members of existing coordination groups feel about it. The quality and nature of the collaboration might present substantial differences from one public entity to the other and is likely to be affected by administrations' changes.

Keep in mind that in various contexts, the use of certain words might be misunderstood or not well received. In some countries for example, concepts such as '*cluster*', '*humanitarian*', '*protection*', '*monitoring*', '*emergency*', '*armed conflict*', '*sexual violence*', '*gender*', '*GBV*' might trigger negative reactions. Coordinators ought to inform themselves with their colleagues on potential terms to avoid, why they are sensitive and how to better phrase them. Also, be mindful about the use of concepts while talking with the support of translators for ideas not to be misinterpreted in the other language.



## 2. Defining with who and why to engage

Take time to map and understand the nature and configuration of the State's entities including the various line ministries relevant to child protection. This should comprise a power analysis, an overview of intra governmental relations as well as resources allocation. This includes a review of entities' capacities, such as their budget and staff at sub national and local community level. Such an analysis allows coordinators to plan more specifically which parts of the State they will be engaging with and for what purpose, recognizing that the ones most frequently interacting with communities on CP may be from the Ministries of Health, Education and Social Welfare/Children's Services.

CP Coordination group will often have differing relationships with governments to other parts of the Protection cluster. CP involves the delivery of services connected with line ministries such as children and family services. Therefore, given the statutory nature of some of these services, including those related to children's legal care arrangements, a relationship with authorities will need to be maintained at all times in order to meet minimum standards for CP.

Various types of public entities can play different roles in relation to coordination, to the protection of children, or to the implementation of humanitarian operations and they might change from one country to another. Entities from a same government might be of a diverse nature and have different views on essential aspects of the response (such as the impartial delivery of assistance). There might also be key internal dynamics due to political affiliations of the leaders of each entity. All these elements have to be considered to establish with whom to engage, how and for what purpose, and needs to be reassessed over time. Note that opting for not engaging with a public entity related to the sector is actually a significant decision that needs to respond to a solid analysis and rationale. In mapping authorities present in their areas, coordinators should seek to understand:

- ✓ Who has CP responsibilities in the country (officially and in practice)?
- ✓ What are their resources and coverage?
- ✓ What is their influence on topics affecting the protection of children?
- ✓ Which entities will continue dealing with CP once the international humanitarian presence comes to an end, and what capacities did they have before the emergency and now?
- ✓ Which national entities are formally in charge of coordinating the sector in times of normality and emergencies?

The engagement with different authorities might have distinct goals that are necessary for achieving CP objectives. Each purpose might require a particular type of engagement and selected interlocutors.



The following actors are commonly present in most contexts (with these or different names) even though public entities and states' structures might differ broadly from one country to another in terms of their power, roles and capacities.

Purpose for engagement	Typical authorities (non-exhaustive)
➤ Exchange of information.	Any
➤ Coordination of activities.	Child Welfare services/ National Disaster Agency or official commissions/ agencies created to oversee the response/ Ministries of Education and Health and related service providers, plus Municipal authorities.
➤ Activities to strengthen the national child-protection systems.	Child Welfare services/ Health and Mental Health services/ Education services / the Police / the Juvenile Justice System/ Social protection services / the National Disaster Agency/ Human Rights Committees/ the Office of the Prime Minister/ the Ombudsperson and the Public Ministry
➤ Establishment of the coordination system and the foreseen transition strategy, definition of clusters' participants, joint evaluations, etc.	National technical entity in charge of the response (e.g. child welfare services / National Disaster Agency / youth secretariat).
➤ Access and authorizations.	Line ministries / Ministry of Foreign Affairs/ Ministry of Interior / Political leaders (e.g. Governors or Chiefs)/ Defense Ministry and Armed Forces.
➤ Security guarantees.	Ministry of Interior / Security forces (police, military or de facto authorities exerting control) / Political leaders
➤ Influence or development of policy and legislation on CP.	Child welfare services/ Line ministries / the Justice System / the Legislative branch.
➤ Advocacy.	Any (depending of real influence).



### 3. Defining the type of engagement

In building on existing CP coordination groups or mechanisms in humanitarian settings or establishing new ones -including those at community level-, it is necessary to consider who currently leads them and how these may be connected to governmental systems in the future. Consider whether we are expecting national systems to adjust to our humanitarian coordination architecture or vice versa<sup>1</sup>. Moreover, when the Government is party to a conflict, associated risks and opportunities to engage (or not) with specific entities should be examined through a conflict sensitive lens at national and local level.

The types of engagement can range from sporadic exchanges of information and courtesy visits all the way to joint coordination and programming. The following points are important elements to assess and consider when establishing working arrangements with counterparts:

- Their commitment to solve CP related issues (does they have the will but lack capacities or are the problems an intentional result of their actions?).
- Their nature (technical or political role/ appointment).
- Their acceptance by parties to the conflict to operate in affected areas.

Consider also potential negative consequences of engaging with each entity. Common possible risks coordinators should keep in mind are:

- Instrumentalization of the humanitarian community and resources for non-humanitarian purposes, including aid diversion..
- Use of sensitive information and data for non-humanitarian purposes.
- Barriers to discuss and address gaps or CP issues in certain parts of the country or with specific population groups (e.g. address GBV or harmful practices, recruitment and use of children by armed actors or work with populations in non-government control areas).
- Damage to the perception of neutrality and impartiality affecting the acceptance from other parties to the conflict.
- Reluctance of some humanitarian actors to openly participate and share information in coordination mechanisms attended by authorities. This can also happen when authorities' representatives come from a dominant ethnic or religious group, and humanitarian staff from a minority might feel intimidated to participate.

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<sup>1</sup> In case there exists an international coordination structure, making adjustments from the very beginning to enable humanitarian systems transitioning into national systems down to community level can prove useful in terms of efficiency and long-term investment. Supporting key ministries in their advocacy toward other authorities in protecting children based on national legal frameworks is another approach that holds real potential.



While engaging with even a limited range of authorities is always necessary, measures to manage the above-mentioned risks need to be foreseen. This includes:

- how the dialogue or the coordination arrangements are framed (e.g. having specific discussions without the authorities or advocating for the respect of a principled response and the humanitarian space).
- what type of information and data are shared and how, and
- which settings are the most conducive and effective to achieve CP results.

#### 4. Final considerations

Not all counterparts are familiar with the international humanitarian architecture or associated concepts and principles. Seeking to understand their views and positions on those aspects is key to assess how we are perceived. Clarifying who we are, how we work and what we can or not provide is an important effort that needs to be done transparently and continuously at different levels for engaging effectively.

Maintaining a constant review of these relationships over time is key to ensure adjustments are made based on the political environment and the protection space. As most of the elements mentioned in this guidance are not necessarily written, it is important to include such an analysis in a handover note to save significant efforts for new coordinators taking the post.

Finally, remember that actions and perceptions in one place can have repercussions on teams elsewhere in the country and on the humanitarian space in general. In all circumstances, upholding humanitarian and child protection principles and avoiding causing additional harm to affected people should remain a central aspect guiding all interactions. In addition, the safety of staff and those participating in the coordination mechanisms should also be an essential consideration to assess and preserve.

#### Additional readings

- Inter-Agency Standing Committee:
  - *Operational Guidance for Cluster Lead Agencies on working with National Authorities*, 2011
  - *Cluster Coordination at Country Level*, 2015 (see section 5).
- The Alliance for Child Protection in Humanitarian Action, *Minimum Standards for Child Protection in Humanitarian Action*, 2019 (see Principle 9 and Standard 1).
- UNICEF, *Core Commitments for Children in Humanitarian Action*, 2020