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# **CARE International Policy on Interactions with Armed Actors**

## I. PURPOSE

As an operational development and humanitarian confederation made up of independent organizations, CARE International (CI) and its partners may need to interact with armed actors (see Annex I. Definitions) for a variety of reasons, such as to negotiate and maintain access to people in need of assistance; share or gather information to keep themselves or others safe; or to advocate for compliance with international law. These interactions might take place in various settings, including during complex emergencies, conflicts, peacetime, and responses to natural hazards (see Section V. Responsibilities for which CARE staff are best placed to make decisions regarding and to conduct these interactions). While these interactions may be necessary (and could even be beneficial), CARE and partner staff must remember that our objectives differ from those of armed actors. Consequently, all interactions with armed actors carry inherent risks. These include risks to the safety and security of CARE and/or partner staff or program participants, as well as to CARE's reputation and how CARE and partners are perceived in particular contexts and around the world. Because no interaction is possible without some risk, all CARE staff should use this policy as the basis for any decision of whether or not, or to what extent, to interact with an armed actor. In addition to this policy, decisions should be based on careful contextual analysis, our application of the humanitarian principles, and consideration of applicable laws and donor regulations.

## II. SCOPE

This policy applies to all of CARE International, including related personnel, wherever located. (See Section V. Responsibilities.)

- "CARE International" includes all employees of any CARE International entity, CARE Member or Candidate, CARE Affiliate, or CARE International country or regional office.
- "Related personnel" includes board members, interns, local and international consultants, visitors, and volunteers, in addition to individual and corporate contractors and related personnel of these entities.

CARE partners are required to abide by this policy or to demonstrate that their own policy is consistent with this one. (See Section V. Responsibilities.)

• "Partners" includes non-CARE entities and their employees and individuals who have entered into formal or informal partnerships or agreements with CARE, as well as community volunteers and incentive workers.

This policy applies across the humanitarian—development spectrum, in peacetime as well as during conflict. It applies to all interactions between CARE International and armed actors, whether they are state or non-state, military, police, or private security contractors (see Annex I. Definitions).

# **III. POLICY STATEMENT**

All CARE and partner interactions with armed actors, whether in providing development or humanitarian assistance, should be based on the humanitarian principles of humanity, impartiality, neutrality, and independence, and comply with

applicable laws, including international and national laws, and donor regulations (See Annex I. Definitions for more detail on the humanitarian principles).

# **IV. POLICY DETAILS**

CARE may interact, or choose not to interact, with armed actors, subject to the specific guidance below.

Before interacting with an armed actor, CARE should consider a range of factors, including<sup>1</sup>:

- Type of armed actor in question. Is the armed actor in question a government-affiliated entity (such as the military
  or police), armed non-state actor, or private force? (While CARE should always use the below factors for
  determining whether or how to interact—or not—with an armed actor, the type of actor may affect CARE's risk
  calculations.)
- Armed actor's respect for civilians and safety. Has the armed actor indicated whether it does or does not respect the protected status of civilians, including humanitarians? Is it likely that CARE would be able to engage with the armed actor safely? (e.g., if the armed actor intentionally attacked civilians or humanitarians, or engaged in intentional human rights' violations or war crimes, this would likely change the manner in which CARE engages with the armed actor and the extent of CARE's interactions with them.)
- Context. Would the interaction take place during peacetime, times of political tension, or conflict, where there is higher risk of the interaction violating the humanitarian principles or creating the perception—amongst program participants or parties to the conflict—that CARE is not a neutral, independent, and impartial humanitarian actor? How does the community where CARE is working regard the armed actor in question and how might that affect the community's acceptance of CARE, if CARE interacts with that armed actor? How will the engagement be affected if there is a significant context change?
- Anticipated risks or benefits of interacting. What risks—including financial, legal (including counter-terror), regulatory, reputational, or security risks—might arise for CARE and CARE staff, or partners and partner staff, from interacting with this particular armed actor? What benefits might doing so confer to CARE? How might these risks and benefits align or not align with the humanitarian principles?
- Short- and long-term effects of interactions on perceptions. How would interacting with this armed actor affect perceptions of CARE, positively or negatively, by program participants, civil society organizations, local or national authorities, and/or other stakeholders? How would it influence other armed actors' perceptions of CARE in the short- and long-term? In either case, would the interaction make CARE, its partners, program participants, or other organizations less safe?
- Legal and other binding requirements. Would this interaction with these armed actors violate any national or
  international laws, counterterrorism or sanctions measures, donor regulations, or other CARE policies? (See
  Section VII. Superseded and Associated Policies, specifically the CI Policy to Comply with Anti-Terrorism Laws.)
- **Ability to remain distinct**. To what degree can CARE staff, partners, and programs remain independent and maintain clear distinctions (physically, with regards to branding, and otherwise) from the armed actor in question?
- **Personal characteristics**. What are the individual characteristics of the armed actors—the individual persons—that CARE is interacting with, and how might those influence the interaction? Who are the individuals doing the interacting on behalf of CARE? Could the armed actors' perceptions of any of the individuals' characteristics put those individuals' safety, and the safety of others around them or associated with them, at risk?

<sup>&</sup>lt;sup>1</sup> For a discussion of who may make decisions regarding interactions with armed actors, see V. Responsibilities.

- **Program characteristics**. What types of programming is CARE doing, or does it plan to do, in territory controlled by a particular armed actor? Might the type of programming and the intended recipients affect how CARE approaches an interaction with that armed actor?
- Willingness to compromise. Understanding that the humanitarian principles are the primary rubric for interacting with armed actors, what positions does CARE consider sacrosanct? What, if any, compromises would CARE be willing to make when interacting with armed actors and what benefit(s) would have to accrue in order to do so?

These considerations will help determine how and/or to what extent CARE should interact with an armed actor. Understandably, these interactions will vary depending on circumstances and context, and may change over time.

#### Coordination

- Coordination is the essential dialogue and interaction between civilians and armed actors that is necessary to
  promote humanitarian principles, enable humanitarian access, avoid competition, minimize inconsistencies and,
  when appropriate, pursue common goals.<sup>2</sup> Evidence-based best practice shows that coordination is in everyone's
  interest.
  - Where coordination mechanisms—such as through the UN or in conjunction with other humanitarian organizations—exist, CARE should strongly consider working through these mechanisms to best align their efforts with other humanitarian actors operating in the same context.
  - However, as an independent organization, CARE may also maintain bilateral relations with armed actors if necessary and appropriate. This is particularly relevant where CARE considers other actors to be biased or serving a specific agenda.
- Coordination will vary depending on the context, the armed actor(s) in question, and other circumstances, including whether CARE is operating in a conflict or non-conflict setting.
  - In non-conflict settings, such as natural disaster responses, where there is less risk of aid being diverted or of CARE not being perceived as impartial, independent, or neutral, CARE may decide to coordinate more with armed actors.
  - o In conflict or otherwise insecure settings, where the above and other risks are higher, CARE should be especially cautious in determining whether or how to interact with armed actors.
- Coordination should be open and not coerced so that CARE can maintain independent control of its programmatic decisions and program activities.
- At no time should CARE coordination with an armed actor involve providing financial or material assistance (with the possible exception of information, education, or communication materials) to them.

# **Information Sharing:**

- In general, CARE should attempt to maintain dialogue with armed actors.<sup>3</sup> This is vital to:
  - Maintain clear distinction of roles and responsibilities between development and humanitarian organizations and armed actors;

<sup>&</sup>lt;sup>2</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), "Humanitarian Civil-Military Coordination," <a href="https://www.unocha.org/es/themes/humanitarian-civil-military-coordination">https://www.unocha.org/es/themes/humanitarian-civil-military-coordination</a>.

<sup>&</sup>lt;sup>3</sup> CARE should remain aware that governmental donors may pass information from CARE to militaries (or other associated armed actor). Where such relationships and facts exist, CARE should be cognizant of what information it provides to the donor, in line with the below considerations and in alignment with the humanitarian principles of neutrality and impartiality. Additionally, CARE should consider what information is provided during engagement and participation at UN cluster and OCHA meetings.

- Maintain operational space for CARE, its partners, and other development and humanitarian organizations;
- Protect civilians, including program participants, CARE and partner staff, and other development and humanitarian workers;
- Facilitate humanitarian access to communities in need of assistance;
- o Encourage adherence to international humanitarian, human rights, and refugee law.
- Under no circumstances should CARE share information gathered through their programs or presence that might endanger human lives, compromise the impartiality and neutrality of CARE, partners, or other development and humanitarian organizations, or violate data protection laws. CARE should only share information in compliance with CARE's Responsible Data Management Guidelines.
- To help facilitate dialogue, however, CARE may (in consultation with safety and security staff) consider sharing information such as:
  - Coordinates of CARE offices, plans, and intentions, including routes and timing of movements and airlifts, in order to safeguard operations and/or to warn of any conflicting activities (i.e., deconfliction);
  - Coordinates of camps, displacement sites, health facilities, religious sites, schools, and/or other vital civilian infrastructure, in order to prevent attacks on civilians and civilian or humanitarian infrastructure (i.e., deconfliction);
  - o General information about threats to the safety and security of development and humanitarian staff;
  - General information about threats to the civilian population and information on civilian harm;
  - Early warning of population movements or humanitarian needs arising as a consequence of military operations or other natural or human-induced disasters;
  - o Information about mine action activities, including hazardous areas and types of mines and/or unexploded ordinance found; responses to mine victims; and mine risk education.
- Before sharing any information, CARE should consider how the armed actor might use the information, and how they might misuse it—including to whom the armed actor might pass the information—and the consequences thereof. CARE staff should consult with their safety and security staff and obtain permission from CARE Implementing Presence leadership (i.e., a country, regional, and/or national director).

### Joint Operations and Use of Armed Actors' Assets:

- **Joint Operations**: CARE should not conduct joint operations with armed actors where the armed actors are providing direct assistance (ex. the armed actor itself is distributing goods or services to affected populations on behalf of NGOs or the armed actor is participating in an assessment alongside CARE).
  - o If armed actors are engaged in direct assistance, effective information sharing and coordination can ensure deliberate geographic separation of armed actor operations from CARE.
- Use of Armed Actors' Assets: In general, CARE should not use armed actors' assets.
  - On an exceptional basis and only as a last resort, CARE may use armed actors' assets where all of the following criteria are met:
    - The intervention is based on need;
    - The urgency of the intervention demands immediate action;
    - There is no comparable civilian alternative;
    - Using the armed actors' assets would allow CARE to deliver life-saving assistance and/or save lives that would otherwise be lost;
    - The operation as a whole remains under civilian control;

- The use of the armed actors' assets would be limited in scale and time.
- CARE's decision to deviate from the general rule and use an armed actor's asset should be made after consultation with other humanitarian organizations and UN agencies, and requested through the country's UN Humanitarian Coordinator. The decision rests with the CARE Implementing Presence leadership (i.e., a country, regional, and/or national director), who should also consult with other relevant colleagues (e.g. safety and security staff and/or legal counsel).

## **Receipt of Funding or In-kind Donations**

• CARE should not seek or accept funds or in-kind donations from any armed actor, particularly in conflict settings. This includes not seeking or accepting funds or in-kind donations from military or security institutions affiliated with donor governments, and not paying bribes. (See Section IV. Policy Details: Engaging for Humanitarian Access for details on what CARE should not pay to armed actors.)

#### Distinction

- **CARE Property**. CARE does not allow armed actors or weapons on their office grounds, in their accommodations or vehicles, or at project sites, unless the safety of CARE staff is threatened.
  - By extension, CARE should not allow armed actors or weapons in their vehicles, but not to the point of risking lives.
  - Similarly, CARE staff should not travel in aircraft or vehicles owned or operated by armed actors, except as a last resort for medical, programmatic, or security reasons.
- **Conduct**. At all times, CARE staff should conduct themselves and CARE programming in a manner that ensures a clear and visible distinction between themselves and armed actors and that supports perceptions of CARE as an impartial, neutral humanitarian organization. Therefore:
  - CARE and partner staff should never present themselves or their work as being part of an armed actor's operations (including on websites or social media);
  - CARE and partner staff should not wear any clothing or symbols associated with an armed group;
  - When on official business, CARE and partner staff should travel in clearly marked vehicles in areas where
     NGO identification is possible and not problematic for the security of program participants or staff;
  - CARE and partner staff should clearly identify their offices and relief commodities where NGO identification is not problematic for the security of program participants or staff;
  - Explaining the rationale behind this conduct is an essential element of engagement with armed actors to help them better understand CARE's actions.

### **Armed Guards**

- Weapons, personnel in the uniform of an armed actor, or armed guards should not be present in areas of development or humanitarian activities.
- As a general rule, CARE should **not** use armed guards as protection or security measures for their offices or staff. However, in exceptional circumstances and following thorough assessments, CARE may consider employing armed guards. Only CARE Implementing Presence leadership—with approval from other relevant leadership, such as a regional director, and/or Lead Member, as well as security staff and legal counsel, where appropriate—can authorize the use of armed guards.<sup>4</sup> The decision to use armed guards should be documented in writing.

<sup>&</sup>lt;sup>4</sup> For more detail, please consult relevant CARE Member Partners' safety & security operational guidance. For reference, the CARE International Personal Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security Handbook can be accessed <a href="https://example.com/hemes/bersonal/">https://example.com/hemes/bersonal/</a> Safety & Security & Sec

#### **Armed Escorts**

- CARE should **not** use armed escorts to accompany humanitarian movements.
- In extreme cases and as a last resort, CARE may consider using armed escorts to accompany humanitarian movements where **all** of the following criteria are met<sup>5</sup>:
  - There is an urgent and immediate humanitarian need and the lack of humanitarian assistance would lead to unacceptable human suffering;
  - The objective of the movement is purely humanitarian, and the movement clearly maintains its humanitarian and civilian purpose;
  - Armed escorts can enhance the safety of humanitarian staff and CARE's ability to provide assistance without compromising the security of program participants or host communities, or perceptions of CARE or its partner as an impartial, independent, neutral actor;
  - The security situation is such that there would be no other suitable alternative and the use of escorts is therefore the last resort;
  - The use of escorts does not compromise the longer-term capacity of humanitarian actors to operate safely and effectively in any given area;
  - The decision to request or accept the use of escorts is made by humanitarians, not political or military authorities;
  - The likelihood of the escort negatively affecting how program participants or other armed actors perceive CARE or its partner is minimal or unavoidable.
- The decision to deviate from the general rule and use an armed escort should be made after consultation with other humanitarian organizations and UN agencies, as any such decision could affect all humanitarians in the short- and long-term. Only the CARE Implementing Presence leadership—with approval from other relevant leadership, such as a regional director, and/or Lead Member, as well as safety and security staff and legal counsel, where appropriate—can authorize the use of armed escorts. The decision to use armed escorts should be documented in writing.
- If all of the required criteria cannot be met, it is CARE's responsibility to balance security risks with program criticality (see Section V. Responsibilities for details on who should do this balancing and make the final decision). In every case, the use of armed escorts should be geographically limited, time bound, and with specific purpose. There is no blanket adoption of armed escorts as a modality for humanitarian operations, rather specific, assessed requirements.
- Regardless of whether CARE accepts an armed escort or not, CARE can engage and advocate with armed actors to provide area and route security, rather than to use armed escorts.

# **Engaging for Humanitarian Access**

- Where necessary, CARE may engage with armed groups to ensure safe, principled access to communities, and for those communities to access assistance and services.<sup>6</sup>
- When appropriate, CARE's approach should complement other humanitarian actors in a given context.
- CARE should not make payments at checkpoints or exchange relief assets or goods for access unless the lives of CARE staff are threatened. Each demand should be escalated to appropriate CARE Implementing Presence leadership for onward consideration, including legal counsel where necessary.

<sup>&</sup>lt;sup>5</sup> See also the IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys, <a href="https://reliefweb.int/report/world/iasc-non-binding-guidelines-use-armed-escorts-humanitarian-convoys">https://reliefweb.int/report/world/iasc-non-binding-guidelines-use-armed-escorts-humanitarian-convoys</a>.

<sup>&</sup>lt;sup>6</sup> This negotiation is allowed by CARE, subject to international and national laws and donor regulations.

• CARE should focus on how CARE abides by the humanitarian principles to serve vulnerable communities and on detailing the specific obligations and responsibilities of armed actors and CARE with respect to access.

# V. RESPONSIBILITIES

- **All CARE Employees and Related Personnel**: It is the responsibility of all CARE International employees and related personnel to know about this policy, how to apply it in their work, and how to uphold it.
- CARE Implementing Presence Leadership:
  - O It is the responsibility of CARE Implementing Presence leadership (i.e., Country Directors, Regional Directors, and/or National Directors), in coordination and cooperation with safety and security staff, to know about this policy and ensure that their employees and related personnel know about it. This may take any reasonable form, including but not limited to circulating the policy, conveying its contents through briefings, or organizing trainings and refresher sessions on it.
    - It is the responsibility of CARE Implementing Presence leadership to ensure that CARE partners are abiding by this policy or, at a minimum, that the partner's approach is consistent with CARE's. CARE Implementing Presence leadership (or their designees) should ensure the partner knows about and adheres to the humanitarian principles and the substance of this policy before entering a partnership agreement and periodically thereafter, throughout the length of the partnership.
    - It is the responsibility of CARE Implementing Presence leadership to provide clear direction to their employees, related personnel, and partners on how to apply this guidance.
  - O Ultimately, CARE Implementing Presence leadership (and partner leadership, when appropriate) are responsible for deciding whether or not they and their staff should or should not interact with armed actors. Consequently, they bear the responsibility for planning in advance whether or not to interact with armed actors and should take measures to discuss how to make these decisions with CARE safety and security staff, legal counsel, and grants/program managers.

## **VI. SUPERSEDED AND ASSOCIATED POLICIES, ANNEXES**

- Superseded Policies:
  - o Policy Framework for CARE International's Relations with Military Forces (June 2009)
  - CARE Guidance Note on Civil and Armed Actors Engagement in the Context of COVID-19 (June 2020)

#### Associated Policies:

- o CI Code
- CI Policy in Response to Counter-Terrorism Regulations
- CI Policy Position on Sanctions Advocacy
- o CI Policy on Fraud and Corruption
- o CI Safeguarding Policy: Protection from Sexual Harassment, Exploitation and Abuse, and Child Abuse
- <u>CARE USA Responsible Data Management Guidelines</u> or comparable guidelines from other CARE Member Partners

#### Annexes:

- I: Definitions
- II: Frequently Asked Questions
- o III: Resources

### **Annex I: Definitions**

To facilitate the understanding of the concepts elaborated above and to avoid confusion arising out of a variety of possible definitions, some key terms used in this policy are defined as follows:

- <u>Armed Actors</u>: "Armed actors" include, but are not limited to: national or subnational government militaries or law enforcement groups; organized armed gangs; international peacekeeping troops; non-state armed groups; and/or private military or security contractors. Armed actors may have various wings—e.g. humanitarian, military, political, religious, social—that humanitarians may interact with at various times.
  - <u>Law Enforcement Groups</u>: State-affiliated entities who may or may not be military entities, such as the border police, customs, correctional officers, local police, and national law enforcement.<sup>7</sup>
  - Non-state Armed Groups: Armed groups who are not affiliated with or coordinated by national governments.
  - Peacekeeping Forces: Civilian, military personnel designated by the national governments of countries participating in a peace operation. These personnel are placed at the disposal of the international organization under whose mandate the operation is being conducted.<sup>8</sup>
  - Private Military Contractors: For-profit providers of professional services linked to warfare. They are
    corporate bodies that specialize in the provision of military skills, conducting tactical combat operations
    and strategic planning, providing intelligence, operational and logistics support and offering troop training
    and technical assistance.
  - Private Security Contractors: For-profit providers of professional security services who may be hired to provide security for places, people, or things.
  - State Armed Groups: A country's armed forces—i.e., their air force, army, navy, etc.
- <u>Humanitarian Principles</u><sup>9</sup>: The principles—humanity, impartiality, independence, and neutrality—provide the foundation for humanitarian action. They are central to establishing and maintaining access to affected people, whether in a natural disaster or a complex emergency, such as armed conflict. Promoting and ensuring compliance with the principles are essential elements of effective humanitarian coordination.
  - Humanity: Human suffering must be addressed where it is found. The purpose of humanitarian action is to protect life and health and ensure respect for human beings.
  - Impartiality: Humanitarian action must be carried out on the basis of need alone, giving priority to the
    most urgent cases of distress and making no distinctions on the basis of nationality, race, gender, religious
    belief, class, or political opinion.
  - Independence: Humanitarian action must be autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is being implemented.
  - <u>Neutrality</u>: Humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious, or ideological nature.
- <u>Visitors</u>: A range of persons who visit CARE offices or programs, including celebrities, donor representatives, family members, journalists, media, and/or researchers.

<sup>&</sup>lt;sup>7</sup> CIMIC Handbook, "Non-Military Actors," <a href="https://www.handbook.cimic-coe.org/3.non-military-actors/3.5law-enforcement-agencies/">https://www.handbook.cimic-coe.org/3.non-military-actors/3.5law-enforcement-agencies/</a>.

<sup>&</sup>lt;sup>8</sup> Demurenko, A., and A. Nikitin (1997) "Basic Terminology and Concepts in International Peacekeeping Operations: An Analytic Review", Low Intensity Conflict and Law Enforcement, 6(1): 111-126. See also, United Nations Peacekeeping, "Our Peacekeepers." https://peacekeeping.un.org/en/our-peacekeepers.

<sup>&</sup>lt;sup>9</sup> OCHA, "What Are Humanitarian Principles?" <a href="https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples">https://www.unocha.org/sites/dms/Documents/OOM-humanitarianprinciples</a> eng June12.pdf.

## **Annex II: Frequently Asked Questions**

Q: Why does this policy refer to "interactions with armed actors" rather than the more commonly used term, "civil-military (CIV-MIL) coordination"?

A: First, "CIV-MIL" generally only refers to militaries associated with a state (i.e., a country). However, CARE commonly engages with a range of actors, including non-state armed groups, peacekeeping troops, police, and security contractors, in addition to militaries. The use of the term "armed actors" makes the scope of application of this policy clearer.

Second, the word "coordination" implies that CARE would automatically choose to engage with an armed actor, when it might not be in CARE's interests (or those of CARE's program participants) to do so. For example, if an armed actor consistently disregards international humanitarian law (IHL) and targets civilians and humanitarians, it might not be advisable for CARE to coordinate with that armed actor.

Finally, "coordination" is just one particular type of interaction that CARE might have with an armed actors. Removing that word from the title of the policy invites CARE to consider the full scope of engagement in which they may or may not choose to participate.

Q: Why does this policy apply to all armed actors? Why aren't there separate policies for state militaries, non-state armed groups, and other actors?

A: The intent of the drafters was to ensure that the policy would be as clear and easy-to-understand as possible for all parts of the CARE confederation. Multiple policies could prove confusing and require CARE implementing units to typify different armed actors, which can be technical and difficult to do. It might also arbitrarily restrict how country offices choose to interact with a particular armed actor, which runs counter to another intent of the drafters: to provide maximum flexibility to CARE implementing units to make the best decision they can, based on the unique contextual factors in which they operate.

This approach—of having one policy for all armed actors—also recognizes that while armed actors may vary tremendously, the factors for determining whether or how to interact with them and the general guidelines for doing so (see Section IV. Policy Details) remain the same. Context, the actor's respect for civilians and safety, anticipated risks or benefits—these and other factors will always apply, regardless of how the actor is categorized.

Finally, this accords with the approach that CARE's peer organizations—such as <u>ICRC</u>, <u>Mercy Corps</u>, and <u>Save the Children</u>—take when providing guidance to their staff related to interacting with armed actors. The trend amongst humanitarian organizations is toward providing inclusive guidance that acknowledges the proliferation of actors that their staff might need to interact with, and that covers interactions with this range of actors in a holistic manner.

Q: Why does this guidance apply in humanitarian and development settings?

A: The line between humanitarian and development settings has become increasingly blurred as conflicts and other crises arise quickly or linger for multiple years, and as the "nexus" approach gains more traction. 10 At the same time, new technologies and ways of spreading information (or misinformation) have made stakeholder perception an increasingly important element to humanitarian and development operations. Given the rapidity with which a development context can transition to a humanitarian context (or vice versa), the ways in which armed actors may attempt to use aid for political purposes even in peacetime, and the role of perception in obtaining and maintaining access, as well as program

<sup>&</sup>lt;sup>10</sup> See OCHA, "Humanitarian Development Nexus," <a href="https://www.unocha.org/es/themes/humanitarian-development-nexus">https://www.unocha.org/es/themes/humanitarian-development-nexus</a>, and the International Council of Voluntary Agencies (ICVA), "Demystifying the Humanitarian, Development and Peace Nexus," <a href="https://www.icvanetwork.org/demystifying-nexus">https://www.icvanetwork.org/demystifying-nexus</a> for more information.

participants' and staff's safety and security, the most prudent approach is to apply the humanitarian principles to all interactions with armed actors, to avoid making missteps that could compromise CARE's or its partners' ability to assist people around the world. More fundamentally, CARE's impartiality, independence, and neutrality are core values across all operating contexts, not just in humanitarian settings. Even in environments without active conflict, armed groups are inherently political actors, whether or not their social role at any particular time is politicized. While certain forms of interaction may be considerably less problematic in "development" settings, this guidance remains a framework for evaluating the tradeoffs and implications associated with such interactions.

Q: Why does it matter whether the interaction takes place during conflict or peace time?

A: The mandates of armed actors and humanitarian organizations, as well as perceptions of them, tend to differ depending on context. In conflicts, for example, armed actors might have a mandate to secure military advantages, in contrast to humanitarians' mandate to save lives and alleviate human suffering. Similarly, stakeholders in a given context may take a relatively binary view of an armed actor during a conflict, and that viewpoint might affect stakeholders' perception of those who work closely with an armed actors. In contrast, armed actors and humanitarians may have more similar mandates during natural disasters responses in peacetime—to save lives. The risk of CARE's or its partners' coordination with armed actors negatively affecting stakeholder perceptions is likewise lower (although never nonexistent).

Q: Does CARE have a role to play in informing and sensitizing armed actors on their obligations to protect civilians (including humanitarian workers) and civilian infrastructure? Is it CARE's role to train armed actors on the protection of civilians and humanitarian operations, or on IHL more broadly?

A: All actors are responsible for understanding the legal and operational frameworks under which they operate. Therefore, where it serves a clear objective and can be done safely and legally (according to international and national laws, as well as donor regulations), CARE may choose to inform, remind, sensitize, or train armed actors on their obligations, but is not required to do so.

### **Annex III: Resources**

# **Guidelines, Handbooks, Manuals:**

- Guidance Note on OCHA CMCoord Support to Protection Outcomes (2020)
- Guidelines on the Use of Military and Civil Defence Assets in Disaster Relief ("Oslo Guidelines") (2007)
- IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys (2013)
- IASC Guideline: Civil-Military Relationship in Complex Emergencies
- Recommended Practices for Effective Humanitarian Civil-Military Coordination of Foreign Military Assets in Natural and Man-Made Disasters (2018)

# **Decision Making Tools**

• World Vision's HISS-CAM Tool

# **Trainings**

- Conflict Analysis (<u>micro</u> or <u>regular</u> length)
- Fundamentals of Humanitarian Access
- Introduction to International Humanitarian Law (also available in French and Spanish)
- Legal Foundations for Humanitarian Access in Situations of Armed Conflict
- Unlocking Humanitarian Access