

# EXAMPLE NSAG ENGAGEMENT POLICY CONSIDERING COUNTERTERRORISM RISKS

## TOOL 8

### 1. PURPOSE AND BACKGROUND

World Response may engage with non-state armed groups (NSAGs) in the course of its operations in order to provide protection and assistance to those in need, regardless of where they are located. This may involve engaging with groups or individuals that have been designated as terrorist by states or international organisations, such as the UN Security Council and the EU. Any engagement with NSAGs should be in accordance with international humanitarian law (IHL) and consistent with the humanitarian principles of humanity, impartiality, neutrality and independence. In its engagement with NSAGs, World Response must comply with relevant counterterrorism measures. This engagement policy is complemented by World Response's counterterrorism policy.

This policy is intended to set out the main principles that enable World Response to engage NSAGs in accordance with its mandate, while complying with relevant legal frameworks. It is also intended to provide guidance to staff who carry out this engagement.

### 2. MAIN PRINCIPLES

#### Purpose of engagement

The purpose of engagement with NSAGs in general is to allow World Response to carry out its mandate, which may require the organisation to engage with any party to an armed conflict. In each context, World Response will identify and clarify the specific goal and scope of engaging NSAGs in that context and will develop a tailored and context-specific engagement strategy to provide guidance to staff.

#### Context-specific engagement guidance and counterterrorism measures

World Response will provide staff with guidance on NSAG engagement tailored to the objectives of its operations in each relevant context. The guidance will identify counterterrorism measures relevant to the specific context, including sanctions, criminal law measures and donor requirements. XXX will be responsible for developing the guidance. The guidance should be approved by XXX.

### Engagement strategies will include:

- ✓ Identification of who approves the engagement and whether there are any red lines, including identification of the circumstances under which the engagement would be terminated.
- ✓ Identification of suitable entry points for engagement.
- ✓ Identification of points of leverage for engagement and incentives for compliance.
- ✓ Identification of who undertakes the engagement, including whether such engagement should be carried out by local intermediaries, e.g. local community leaders.
- ✓ Guidance on prioritisation of resources in the context of engagement, including in terms of the level of engagement and how such engagement will be sustained.
- ✓ Guidance on the level of confidentiality of the engagement process and balancing such confidentiality with transparency about the engagement process and its objectives.
- ✓ Identification of the risks of this engagement for staff and for the organisation, including due to the possible reaction of the host state, and identification of risk-mitigation measures.

### Sanctions

Identify whether any of the individuals or groups to be engaged under a national or international sanctions regime.

- ✓ If no, is there a likelihood or risk that a group may become listed or start to cooperate with a listed group?
- ✓ If yes, identify whether the sanction regimes in place prohibit the engagement or the purpose of the engagement, e.g. the delivery of humanitarian assistance.
- ✓ If yes, identify if there are any exemptions or licenses that could be used. If so, identify if this would lead to delays.

### Donor regulations

- ✓ Identify if donor agreements for this context prohibit engagement with NSAGs for the purpose of the delivery of humanitarian assistance to areas controlled by NSAGs or if they require particular due diligence steps.
- ✓ If such assistance is prohibited, identify whether it is possible to negotiate with the donor.

### Criminal law measures

- ✓ Identify whether staff are at risk of criminal liability under the law of the host state, the states of nationality of the staff, or a third state. Appropriate legal advice should be sought for this step.
- ✓ Identify risk-mitigation measures.

### Legitimacy

As an impartial humanitarian organisation, World Response is aware that engaging with NSAGs may be perceived as providing legitimacy to NSAGs. World Response reaffirms that engagement with NSAGs for humanitarian purposes does not affect the legal status of NSAGs in accordance with IHL, in particular Common Article 3 to the Geneva Conventions. In addition, such engagement does not constitute an unlawful interference into the internal affairs of a state. World Response has the following policies to mitigate the risk of providing legitimacy to NSAGs through its engagements with them:

- ✓ Code of conduct for staff
- ✓ Counterterrorism policy