

# THE HUMANITARIAN DIPLOMACY OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS

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## **Summary**

*The ICRC's humanitarian diplomacy is a strategy for influencing the parties to armed conflicts and others - States, non-State actors and members of civil society. Its purpose is purely humanitarian and it is carried out through a network of sustained relationships - bilateral and multilateral, official and informal. The author begins by describing the ICRC's specific features as a subject of international law and what is different about its humanitarian diplomacy (and the manner in which its delegates conduct it) when compared with the diplomacy of States. She then depicts the challenges with which our changing world is presenting the ICRC - the shifting roles and conduct of the various actors on the international stage; the decision by some States to adopt an integrated approach in the political, military and humanitarian spheres; the information technology revolution - and what the organization is doing to meet those challenges.*

The International Committee of the Red Cross (ICRC) is known for certain visible aspects of its humanitarian work: monitoring of the conditions of detention of prisoners of war, the distribution of relief supplies, the provision of medical care to the sick and wounded, the reunification of family members separated by war.<sup>2</sup> It is less well known for its humanitarian diplomacy. This is hardly surprising, given that the ICRC has a long tradition of discretion and a natural preference for behind-the-

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<sup>2</sup> In 2003, the ICRC had a worldwide network of more than 80 delegations and missions. Its delegates visited almost 47,000 persons being held in 1,900 places of detention in 80 countries. They enabled relatives separated by a conflict or strife to exchange about 1.3 million family messages, and traced over 4,000 people being sought by their families (*Annual Report 2003*, ICRC, June 2004, p.4).

scenes diplomacy. But discretion is ill-suited to today's world – even though the ICRC is and will remain an organization of measured statements. The ICRC has moved into a new millennium characterized by multilateral diplomacy, networking and the use of virtual means of communication, to name but these. The aim here, therefore, is to lay bare the organization's humanitarian diplomacy, a less well-known but nevertheless increasingly vital aspect of its work.

The article starts by outlining the ICRC's special status on the international scene, conferred on it by all the States and by virtue of which it has rights and obligations. It then refers to the definition of diplomacy to discuss the specific nature of the ICRC's "humanitarian diplomacy", a strategy of influence implying interaction with a wide variety of players for an exclusively humanitarian purpose. A third section compares the function of diplomat to that of delegate. Having thus set the scene, the article looks at the challenges facing the ICRC today and how its humanitarian diplomacy has changed in response. It uses that analysis to depict the work done, sometimes behind the scenes, at others centre stage, to limit armed violence and human suffering, even in the midst of war.

## **THE ICRC'S INTERNATIONAL LEGAL PERSONALITY**

The ICRC is wont to refer to itself as a unique institution, distinct from non-governmental organizations (NGOs), with a functional international legal personality by virtue of which it has rights and obligations. Its reasoning is based on three observations.

First, the ICRC was founded by private initiative in 1863; it is an association governed by Articles 66 ff of the Swiss Civil Code. Its headquarters are in Geneva, and it maintains a privileged relationship with Switzerland, but the duties it performs are international. In addition, the ICRC's humanitarian policy is independent of that of Switzerland, and it takes care not to intervene in Swiss foreign policy. To delimit that independence and set a framework for their relations, on 19 March 1993 the ICRC

and the Swiss Federal Council took the unusual step of signing a headquarters agreement, or an instrument of international public law.<sup>3</sup>

The ICRC is also remarkable in that, as a player on the international scene, its relations with others are scripted by international public law. Acting on the basis of international humanitarian law, which regulates the conduct of hostilities and protects certain categories of people (the wounded, the sick, the shipwrecked, prisoners of war and civilians), it deploys its humanitarian activities in the armed conflicts that break out in every part of the world. The ICRC was at the origin of humanitarian law, helps to develop and construe it, and endeavours to ensure compliance by the parties to conflicts. The States party to the 1949 Geneva Conventions, for their part, have entrusted the ICRC with specific tasks under humanitarian law, namely to visit prisoners of war and to establish a central tracing agency on prisoners of war and civilian internees. They recognize that the ICRC is an “impartial humanitarian body” and a neutral intermediary and maintain close ties with it, via the Ministries of Foreign Affairs, Defence and Justice *inter alia*.

Last but not least, the ICRC, whose humanitarian mission is vested in it by the States, is characterized by the fact that it has not only obligations but also rights. The States cannot assign it a responsibility and not give it the means of discharging that responsibility. They therefore recognize that it has the right to offer its services to the parties to a non-international armed conflict, without such offer constituting interference in the State’s internal affairs.<sup>4</sup> They conclude agreements with the ICRC on their cooperation with it or on the implementation of humanitarian law, and sign headquarters agreements whereby they grant the ICRC’s delegates the privileges and immunities they need to do their work. The States also often accord the ICRC special status in intergovernmental organizations. For example, the United Nations General Assembly resolution of 16 October 1990, which was sponsored by 138 of the 159 Member States, granted the ICRC observer status at the United Nations. It also allows the ICRC very broad access to the main United Nations forums, including the

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<sup>3</sup> Bugnion, François, “Le Comité international de la Croix-Rouge et la Suisse”, *Revue d’Allemagne et des pays de langue allemande, La politique extérieure de la Suisse revisitée*, Pierre du Bois ed., Vol. 28, No. 3, July-September 1996, pp. 353-365. Dominicé, Christian, “L’accord de siège conclu par le Comité international de la Croix-Rouge avec la Suisse”, *Revue générale de Droit international public*, Vol. 99, No. 1, January-April 1995, pp. 5-36.

<sup>4</sup> Article 3 common to the four 1949 Geneva Conventions.

Security Council. Only the International Federation of Red Cross and Red Crescent Societies and the Order of Malta have since obtained observer status of a similar kind.<sup>5</sup> In another example, this one regional, in 1994 the ICRC and the Organization of the Islamic Conference (OIC), which is made up of some fifty Islamic States, signed a cooperation agreement enabling the ICRC to attend, as an observer, all the summits of heads of State and government, meetings of Ministers of Foreign Affairs and technical meetings of mutual interest organized by the OIC.

In short, the ICRC has a functional international legal personality of limited character, as François Bugnion states in his book on the ICRC and the protection of victims of war: “[...] the very nature of the Committee seems a contradiction in terms: it was established as a private body, but derives its mandate from international law; its work is international, although its members are private individuals, all of them Swiss; its activities are based on international treaties to which it is not itself party, in other words its very existence is a constant challenge to standard legal categories.”<sup>6</sup>

## **THE DIPLOMACY OF STATES AND THE ICRC’S HUMANITARIAN DIPLOMACY**

To show what sets the ICRC’s humanitarian diplomacy apart, we should clarify what we mean by the diplomacy of States, even though other people from other cultural backgrounds might define it in another way. In our view, diplomacy is often confused with foreign policy, of which it is in fact an instrument. A country’s foreign policy defines the objectives that diplomacy carries out, at times in conjunction with other means such as military action or economic pressure. It is a policy of interests; in the eyes of some States at least, foreign policy also implies shouldering responsibility at the global level. Diplomacy has several functions, such as representing the State and conducting negotiations in order to reach agreements and draw up rules for the international system. It is a mode of communication, one of whose chief attributes is to avert or regulate disputes in a politically fragmented international system: it thus serves to prevent conflicts and restore peace.

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<sup>5</sup> Koenig, Christian, “Observer status for the ICRC at the United Nations: a legal viewpoint”, *International Review of the Red Cross*, No. 280, January-February 1991, pp. 37-48.

<sup>6</sup> Bugnion, François, *The International Committee of the Red Cross and the Protection of War Victims*, Geneva, ICRC & MacMillan, 2003, p. xxviii.

The ICRC's humanitarian diplomacy is more limited in scope. It comprises developing a network of close bilateral or multilateral, official or informal relations with the protagonists of armed conflicts and disturbances, and with any other State, non-State actor or influential agent, in order to foster heightened awareness of the plight of victims of armed conflicts, support for the ICRC's humanitarian action and respect for humanitarian law. The ICRC's humanitarian diplomacy consists chiefly in making the voices of the victims of armed conflicts and disturbances heard, in negotiating humanitarian agreements with international or national players, in acting as a neutral intermediary between them and in helping to prepare and ensure respect for humanitarian law.

The ICRC's humanitarian diplomacy is defined by four specific traits: it consists of relations with a wide range of contacts, including non-State players; it is limited to the humanitarian sphere and the promotion of peace is not its primary objective; it is independent of State humanitarian diplomacy; and lastly, it often takes the form of a series of representations which, depending on events, may remain confidential or require the mobilization of a network of influence. Let us consider these specific traits one by one.

The entities with which the ICRC maintains relations as part of its humanitarian diplomacy are, of course, States and organized armed groups, but also, and every day more so, intergovernmental and non-governmental organizations, economic, political and religious stakeholders, and other members of civil society. The National Red Cross and Red Crescent Societies and their International Federation are privileged partners. The ICRC conducts its diplomacy from its headquarters in Geneva and from its delegations or missions, not all of which are situated in countries in conflict. There are also ICRC delegates based in Paris, Budapest and Brussels, for instance. In New York and Addis Ababa, they forge ties with the United Nations and the African Union.

The ICRC has greater freedom than the States to approach non-State actors, because governments often fear that any opening towards non-recognized groups will confer legitimacy on them. The ICRC, for its part, has had no compunction in talking - about humanitarian problems - with the leaders of the National Union for the

Total Independence of Angola (UNITA) in Angola, the National Liberation Army (ELN) and the Revolutionary Armed Forces in Colombia (FARC) in Colombia, or the Tamil Tigers (LTTE) in Sri Lanka. Article 3 of the Geneva Conventions, which is applicable in non-international armed conflicts, and its right of humanitarian initiative under the Statutes of the International Red Cross and Red Crescent Movement (the Movement) enable the ICRC to establish contacts with non-State entities, without thus conferring any specific legal status on them.

The ICRC's humanitarian diplomacy is also peculiar in that it has only one limited, humanitarian goal: to prevent and alleviate the suffering caused by armed conflicts, by making the parties to the conflict aware of their responsibilities, by providing direct aid to the victims as needed, by making up for deficiencies in defective prison, sanitation or other systems, or by acting on the environment in which armed conflicts play out (by promoting and disseminating humanitarian law). The interests defended by the State are broader in scope and depend on its foreign policy: for example, to maintain or restore peace, to safeguard its economic interests, to protect the environment, or to promote respect for human rights and democracy. The State has to reconcile divergent and sometimes conflicting interests. Humanitarian aid, when it is a foreign policy objective, may be part of the effort to maintain and promote security and peace, which will give it a very different colour from the ICRC's humanitarian action. Once a State considers that threats to its security are not just military in nature and do not come just from hostile sovereign States, once it sees poverty and pandemics as threats to collective security, it tends to subordinate humanitarian action to other objectives.

Another striking aspect of the ICRC's humanitarian diplomacy is its independence. The ICRC does not link its humanitarian diplomacy with that of States or non-State actors, for a number of reasons. First, it does not want to be used or appear to be used by a party to the conflict. The ICRC's motivation in succouring the victims of war is to protect the dignity of suffering human beings. It does not consider that it has a mission to restore peace, even though its action may further that aim by eliminating the cause of the clashes at the local level. It also knows that peace is almost always an eminently political issue. Another reason the ICRC conducts an independent humanitarian diplomacy is the fear that State efforts to resolve humanitarian

problems will fail and take the ICRC's humanitarian work down with them. The ICRC will therefore continue to demand that seriously ill and dying prisoners of war be repatriated for exclusively humanitarian reasons, even if the parties to the conflict, for their part, are negotiating a prisoner exchange under United Nations auspices that the ICRC may well help carry out. Lastly, the independence of ICRC's humanitarian diplomacy is a *sine qua non* condition for its activities as a neutral intermediary. None of the operations the ICRC has conducted as a neutral intermediary would have worked out had the ICRC hitched its wagon to a political train.

A fourth characteristic of the ICRC's humanitarian diplomacy is the organization's determination to work in a network, when it is opportune to do so, without giving up its legendary and often misunderstood discretion. Initially, the ICRC's preferred "partners" were the States and armed opposition groups, with which it had bilateral confidential relations. This remains the case: persuasion is the ICRC's preferred mode of action, and it resorts to denunciation only in exceptional circumstances. It prefers to convince the authorities, in private discussions, to protect the individuals and groups exposed to violations, rather than to exert pressure on them via public communications. This being said, there is another mode of action that is half way between persuasion and denunciation, namely mobilization. Here, the aim is to share concerns, discreetly, with a carefully selected group (of individuals, groups, States) in a position to influence the parties to the conflict to respect humanitarian law. The ICRC does not, in principle, suggest that the group take any specific action; it lets them choose the means. It limits itself, for example, to reminding several third States confidentially that the time has come to give tangible meaning to their obligation under common Article 1 to the Geneva Conventions to "ensure respect" for international humanitarian law. The decision to have recourse to mobilization is not without risk, and is usually a last resort before going public, but it has the advantage of bridging the gap between one mode of action to another. No matter what mode it chooses, the ICRC does not want to startle the parties to the conflict, only to alert them to the fact that its confidentiality has a price: their genuine willingness to solve the humanitarian problems it lays before them.

The ICRC networks more systematically in many other, more general areas where confidentiality is not an issue: the protection of women victims of armed conflicts;

advocacy on the tragic plight of the missing; reminding the public and private actors developing biological weapons of their responsibilities and the effects on health. In this kind of work, which describes practices without assigning guilt, the ICRC's aim is to share its concerns and to prompt action. It thus endeavours to be present in major forums and to seize every opportunity to share not only its concern, but also its feelings, its indignation and a sense of urgency.<sup>7</sup> Emotional intelligence is a powerful vector of communication for those who possess it.

In short, humanitarian diplomacy is a strategy of influence employed to prevent and resolve humanitarian problems through dialogue, negotiation and the preparation of rules. Increasingly, this strategy involves "series of representations" planned over time, each stage of which comprises options that depend on the reaction of the other party (refusal of access to prisoners; acceptance on certain conditions; procrastination, etc.). These series of representations require communication strategies. Humanitarian diplomacy, long considered a poor second cousin to tangible action in the field, is becoming more important, because on it hinges acceptance of field action.

## THE DIPLOMAT AND THE ICRC DELEGATE

To grasp the peculiar nature of humanitarian diplomacy, let us consider what distinguishes diplomats from ICRC delegates and what they have in common. Both work within a normative framework. For the diplomat, this consists of treaties, customs, "soft law" (United Nations resolutions) and domestic legislation; for delegates, the rules are to be found in humanitarian law, the Movement's resolutions

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<sup>7</sup> Henry Dunant was a pioneer in this respect. Not only was he able to generate exceptional enthusiasm for his ideas in the chanceries and among the statesmen, reigning families and philanthropists of his day, he had the inspired idea, in 1863, to travel to Berlin to an international convention on statistics in order to mobilize support for his plan to neutralize ambulances, a tactic which proved effective. On the Berlin convention, refer to Bugnion, François, "La fondation de la Croix-Rouge et la première Convention de Genève", *De l'utopie à la réalité, Actes du Colloque Henry Dunant*, held in Geneva at the Athénée Palace and the Oratoire Chapel on 3-5 May 1985, Geneva, Henry Dunant Society, 1988, pp. 201-203; *Procès-verbaux des séances du Comité international de la Croix-Rouge*, 17 February 1863 – 28 August 1914, Geneva, 1999, pp. 23-24 (covering the meetings of 25 August and 20 October 1863). Dunant's humanitarian diplomacy is described in the following books: Moorehead Caroline, *Dunant's Dream, War, Switzerland and the History of the Red Cross*, London, Harper Collins Publishers, 1998, 780 pp.; Descombes, Marc, *Dunant*, Collection Les Grands Suisses, Geneva/Lucern, Editions René Coeckelberghs, 1988, 159 pp.



and the Fundamental Principles. The two come together in a meeting space of choice: every four years, the States party to the Geneva Conventions, the ICRC, the Red Cross and Red Crescent Societies, and the International Federation meet in an international conference which is also attended by numerous observers. The conference is original in that it brings together diplomats, who represent their countries' interests, and citizens of those countries who represent the Red Cross and Red Crescent and who have formally independent positions. All take part in the deliberations and vote on an equal footing. In addition, the deliberations must honour the Movement's neutrality. Inflammatory statements on political issues are cut short, the conference's aim being humanitarian, and politics relegated to the corridors. At a time when civil society is occupying a growing place on the international scene (one example being the Ottawa process that led to the prohibition of anti-personnel landmines), the conference is noteworthy in that it creates an original synergy between sometimes differing and even opposing interests. It can also serve as a springboard for a diplomatic conference of States alone, in which the ICRC will participate as an expert, within the framework of the process to supplement international humanitarian law.

While diplomats and ICRC delegates have many opportunities to interact, they nevertheless remain very different players. In the first place, diplomats represent the interests of the State, delegates those of the victims. In some cases, it is true, ICRC delegates can give the impression they are defending the interests of the organization. This is only human, but it is nevertheless a trap everyone tries hard to avoid.

Diplomats, acting within the confines of a foreign policy, defend a model of society that may be influenced by history, ideology, religion or the identity of those in power. ICRC delegates do not promote any particular model of society, just a more humane one. Their model is humanism. For the rest, they do not claim to be the holders of a higher truth. They will listen with equal attentiveness to religious fundamentalists and western democrats, voicing neither approval nor criticism, in order to come to the aid of those who suffer. Delegates accept other people's differences and thus pave the way for respect for others. The joy of a father reading a message from his son on the other side of the front line softens the delegate's deliberate loss of identity, a step he

takes the better to absorb the other person's environment, without necessarily becoming part of it, and to ease his suffering. In this, the ICRC differs from other humanitarian organizations that defend a system of values that goes beyond humanism and adopt a more political approach to attack the root causes of suffering.

Diplomats enjoy the (relative) attributes of power of their country. They can use the carrot and the stick, hold out the promise of economic favours, and threaten sanctions or, if they represent a powerful State, military reprisals. The ICRC's delegates do not have the same powers – and wouldn't want them! Their tool box contains the power to convince, requests for third parties to exert political pressure and the possibility, sparingly used, to turn to the media. The fact that they do not have much to "negotiate" does not, however, mean they carry no weight. Humanitarian law lends authority to their statements. When they speak, they speak of what they know, of what they have seen, and not of what they have heard. Their presence in the "field" reinforces what they say. In addition, some ICRC activities have a major economic impact in countries devastated by war, either in terms of purchases, of assistance provided or of jobs created. The delegates will not mention this, of course, but their contacts are aware of it, just as they are aware that the ICRC's presence fosters a positive image of the authorities working with it.

## **THE CHALLENGES FOR HUMANITARIAN DIPLOMACY IN THE 21<sup>ST</sup> CENTURY AND THE ICRC'S RESPONSES**

The challenges to the ICRC's humanitarian diplomacy come from three developments: the changing role and attitude of the players on the international scene, the growing tendency to see humanitarian work as a means to a political end, and the information technology revolution.

**These global challenges require not just diplomacy between States, but also concerted action in networks of influence.**

The challenges facing today's world, whether pandemics, hunger, environmental deterioration, human rights violations or corruption, cannot be tackled by means of interstate diplomacy alone. Instead of founding yet another international organization,

many players on the international scene prefer to create networks of influence, to engage in a kind of “track two diplomacy” that plays out in informal forums – under the auspices, for example, of an academic research centre. Depending on the issue, this kind of diplomacy brings together local representatives (politicians, religious and community leaders, businesspeople), members of NGOs, in particular humanitarian practitioners, academic experts, parliamentarians, retired civil servants looked up to for their many years of experience, and sometimes even journalists. Held in an academic setting, such meetings allow influential community members or the parties in dispute to talk informally and explore solutions to the problems between them, with the help of third persons with useful expertise. Sometimes government representatives take part in such processes in their individual capacity, with the government’s authorization (this is often referred to as “track 1 1/2 diplomacy”). In such cases they act as informal intermediaries to facilitate discussions between members of civil society from opposing sides, or countries in conflict. What these new forms of diplomacy have in common is the possibility they give influential players to improve their understanding of each other and to develop personal relations, to dissipate rumours, to negotiate in a sheltered environment and to build a consensus unfettered by their earlier positions and without fear of losing face should they fail.<sup>8</sup>

The ICRC has a genuine interest in participating in this kind of diplomacy, which enables it to influence the shape of opinions on humanitarian matters before official negotiations take place, to collect informal reactions to its proposals from people who are often very close to the government and may even be able to influence it, and to become a part of networks that may prove highly useful in promoting its humanitarian concerns. In Asia, for example, where this kind of diplomacy is already playing a major role, the ICRC plans to tighten its links with the Council for Security Cooperation in the Asia Pacific (CSCAP), a non-governmental (second track) process for dialogue on security issues in the Asia Pacific region whose participants are one think tank per country, commissioned by its State.

This informal diplomacy supplements rather than replaces multilateral intergovernmental regional or United Nations forums (*inter alia*, the African Union, the

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<sup>8</sup> Chigas, Diana, *Track II (Citizen) Diplomacy*, University of Colorado, Conflict Research Consortium, 2003, 18 pp.

North Atlantic Treaty Organization (NATO), the Organisation for Security and Co-operation in Europe (OSCE), the Arab League and the Association of South-East Asian States (ASEAN)), to which the ICRC continues to attach great importance. Indeed, a multilateral approach provides a more coherent and effective avenue for discussing a subject of concern to several States. Forums of this kind facilitate contacts that the ICRC might find it difficult to make otherwise and often foster improved bilateral relations. Regular meetings, such as those the ICRC has with the United Nations Security Council, provide unique opportunities to heighten the States' awareness of its concerns. Lastly, certain thorny issues are more easily broached in a multilateral setting, and the resulting resolutions can lay a solid foundation for the ICRC's work.

### **The privatization of State functions**

Traditionally, diplomacy falls within the State's sphere of activities. In today's world, however, many States are powerless in the face of globalization, held hostage by factions that appropriate the levers of power for material gain or with so few means of dealing with the enormous issues at hand that they can no longer meet their responsibilities. Another worrisome development is the unregulated privatization of certain State functions, especially in the area of security. For example, the number of private security company agents working in Iraq is generally estimated to be about 20,000 – if accurate, a huge figure. Attributing responsibility when authority has been delegated, in areas as sensitive as the conduct of hostilities or the management of prisons, is one more challenge for the ICRC's humanitarian diplomacy.<sup>9</sup>

### **Armed opposition groups at a time of “global confrontation”**

In the context of the large-scale fight against terrorism, armed opposition groups are also transforming. Most of them, in particular those labelled as terrorist in the antiterrorism campaign, have gone into hiding to escape repression. The ICRC is thus barred from reaching a series of contacts that hold the keys to access to the victims. In addition, the combatants of such groups can be prosecuted, in the context

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<sup>9</sup> Carbonnier, Gilles, “Privatisation, sous-traitance et partenariats public-privé: charity.com ou business.org?”, *International Review of the Red Cross*, Vol. 86, No. 856, December 2004, pp. 725-743.

of internal conflicts, for the mere fact of having taken up arms. Whether or not they conduct hostilities in compliance with humanitarian law makes no difference, and there is therefore no incentive for them to respect the victims of armed conflict in a context in which their every act can in any case be severely repressed. Lastly, some of these groups have ties with transnational crime organizations. Many States therefore refuse to recognize that an armed conflict is taking place on their territory and contest the applicability of humanitarian law, for fear of conferring legitimacy on armed groups they consider to be “terrorist bands” – a label applied with growing ease to any entity the authorities wish to repress or eradicate. The same authorities also find it exceedingly difficult to comprehend that the ICRC seeks contact with armed opposition groups. Those groups, for their part, sometimes feel they have no choice but to use terror to intimidate the adversary, given the uneven balance of forces prevailing in a world dominated by relations of power. The consequent clashes are known as asymmetrical conflicts.

For the ICRC, the only possible response in terms of humanitarian diplomacy is multidimensional: negotiate access to the civilians that the armed opposition groups control, so as to provide humanitarian aid to protected persons; spread knowledge of humanitarian law to those groups; help them develop codes of conduct and disciplinary measures for violations of the law; encourage them to declare their intention to respect certain norms or to sign special agreements with the State player; serve as a platform for dialogue. What is more, the ICRC is no stranger to the conduct of humanitarian diplomacy with groups qualified as terrorist, as witness its activities during the conflicts of decolonialization. It is hard for it to approach some of those groups directly, if for no other reason than that they are clandestine. But the whole art of this diplomacy is to find States, religious organizations, individuals, who could sway people the ICRC cannot approach directly, in the hope that they will in turn have a positive influence on the group’s conduct.

### **The emergence of civil society components: economic and religious circles, non-governmental organizations**

Economic players present another kind of challenge when they manage security aspects. The days when the ICRC saw corporations chiefly as sources of funding are

long gone. These are players whose security, when they work in conflict zones, is guaranteed by the police or the armed forces. The compounds housing their staff are usually guarded by private security firms. The ICRC does not deal with the corporations directly, preferring a three-sided relationship: it alerts them to the fact that it is in their interests to ensure that the State military and police forces guarding them respect humanitarian law and are therefore trained with that in mind; it states its willingness to provide that training in conflict areas, so long as it is requested to do so by the State; and it encourages corporations to tell the State that this is what they want. This relationship, which is trilateral rather than bilateral, stems from the ICRC's desire not to relegate the country's authorities to the sidelines, as they must be made to shoulder their responsibilities.

This approach is facilitated by the voluntary commitment some private companies have made to uphold human rights and humanitarian law, under pressure from NGOs and governments, and also because they themselves have realized that their operations in conflict zones can undermine their reputations. One example of such a commitment is the code of conduct entitled "Voluntary Principles on Security and Human Rights", which was adopted on 20 December 2000 by the oil and mineral extraction companies of four countries (the United States, the United Kingdom, the Netherlands and Norway).<sup>10</sup> The ICRC, which took part in the process as an observer, is ready to help those States implement the principles, a task that falls first and foremost to the governments of the companies' countries of origin and the host countries.<sup>11</sup> It remains to be seen whether the ICRC will go so far as to approach the private sector directly and ask it to back some of its representations, such as requests for access to prisoners. To date it has refused to do so.

The ICRC's humanitarian diplomacy also focuses on religious circles. Faith is playing a growing role in world politics. Indeed, religions are becoming globalized and fragmented.<sup>12</sup> In theatres of conflict, religion is often manipulated by the instigators of armed violence to mobilize combatants. Some people have even evoked the

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<sup>10</sup> [http://www.state.gov/www/global/human\\_rights/001220\\_fsdr1\\_principles.html](http://www.state.gov/www/global/human_rights/001220_fsdr1_principles.html).

<sup>11</sup> Carbonnier, Gilles, "Corporate responsibility and humanitarian action; What relations between the business and humanitarian worlds?", *International Review of the Red Cross*, Vol. 83, No. 844, December 2001, pp. 947-968.

<sup>12</sup> Thual, François, *Géopolitique des religions; le Dieu fragmenté*, Paris, Ellipses Edition Marketing SA, 2004, 92 pp.

possibility of a war of civilizations, defined in part by religion, with such conviction that they will end up spawning the very creature they study. The ICRC, which is neutral in terms of politics, ideology and religion, has always had limited relations with religious circles. Having become aware of the stakes involved, in 2004 it and the International Islamic University of Islamabad, in Pakistan, co-organized a conference on the protection of the victims of war in the light of Islamic law and humanitarian law. The aim of the conference, which was attended by the directors of about 20 *madrasas* (Koranic schools) and experts in Islamic law from a dozen Islamic countries, was to have the matter debated among scholars and to benefit from the exchange to forge ties with eminent people reflecting the diversity and wealth of the Islamic world. The event received local and international media coverage (Al Jazeera and Al Arabia stations). It was much more than a mere seminar to “disseminate” humanitarian law; it laid the cornerstone for dialogue, which is the only possible response in a world increasingly characterized by identity-related conflicts.

Lastly, the ICRC’s task is not made any simpler by the spectacular increase in the number of NGOs working in theatres of war. Their emergence raises problems of coordination and confusion, for they do not all subscribe to the same principles, and some of them are politically or religiously motivated, or want to impose their vision of society. In this crowded landscape, the ICRC has opted to have close relations with the organizations that share its vision of humanitarian endeavour, translated into a code of conduct some of them have signed on to.<sup>13</sup> For instance, it has launched a process of joint reflection on the concept of protection, which has had the spill-over effect of forging closer ties between partners who work together in the field.<sup>14</sup>

### **A daunting challenge: the integrated approach**

In the integrated approach, humanitarian action is a means to an overriding end, namely to guarantee security, peace and development, and security threats are seen as being much broader than a military threat from another sovereign State. Many countries feel as threatened by terrorism, pandemics, arms trafficking, migratory

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<sup>13</sup> Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations (NGOs) in Disaster Relief.

<sup>14</sup> Sylvie Giossi Carvezasio, *Strengthening protection in war: in search of professional standards*, ICRC, May 2001, 127 pp.

movements sparked by poverty and human rights violations as by the military potential of a neighbouring country. Many States feel that the only effective remedy to the threats facing them is a global and coordinated response integrating the political, military and humanitarian means available; they also see this as an act of solidarity in the face of the planet's problems. The integrated approach, in so far as it could undermine the independence of humanitarian action, is becoming an object of the ICRC's humanitarian diplomacy.<sup>15</sup> It is also being debated in other forums, from the point of view *inter alia* of the security of the personnel of humanitarian organizations, as evidenced by this statement by Nicolas de Torrenté, Executive Director of *Médecins Sans Frontières* in the United States: "Making aid organizations associates of Western politico-military efforts makes them prominent targets for violent opposition, particularly for extremist groups for whom killing unarmed aid workers is an easy means to further their strategic goal of destabilizing and undermining the international community's political project (which in reality is highly dominated by the agenda of Western powers)."<sup>16</sup> The paragraphs below therefore highlight a number of problems the approach poses for humanitarian action, in order to nourish a debate that should include all the stakeholders concerned and cover both the risks of confusion to be avoided and the complementarity to be found while maintaining respect for the independence of humanitarian action.

First, humanitarian action must be impartial, given without discrimination, and respond as a priority to the most urgent needs.<sup>17</sup> How can the application of this principle be guaranteed if humanitarian action is taken in response to a security agenda? Would not any State whose armed forces were providing humanitarian assistance in another country be sorely tempted to favour those cooperating with its political or military agenda and ignore its opponents; in other words, to give preference to those whose allegiance it needed, collectively and individually? And even if the armed forces providing the aid distributed it absolutely impartially, what would be the perception of those who received none? Would they not think that they

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<sup>15</sup> Kellenberger, Jakob and Gnaedinger, Angelo, "Message from the president and the director general", *Annual Report 2003*, ICRC, June 2004, p. 4.

<sup>16</sup> De Torrenté, Nicolas, "Humanitarianism sacrificed: integration's false promise", *Ethics & International Affairs*, Vol.18, No. 2, 2004, p. 6. This issue contains several other articles on the challenges of integration.

<sup>17</sup> Case concerning military and paramilitary activities in and against Nicaragua (Nicaragua v. United States of America), *Merits Judgment of 27 June 1986*, International Court of Justice, Reports of Judgments, Advisory Opinions and Orders, pp. 114-115.



had been left out for political reasons and would they not feel deeply resentful of the hand that helped their neighbours?

Secondly, the people being helped are not without an opinion on the origin of the aid they receive, when they are in a position to judge. It is true that when the situation is dramatic, when one's very survival is at stake, any aid is welcome, no matter where it comes from. But things change once basic needs have been met. Refugees may be reluctant to enter camps set up by a State or a military alliance that bombarded their village and killed their neighbours, and if they have no other choice, they may feel humiliated. It is tough enough to be assisted; to be assisted by a soldier who was fighting the night before, no matter how well intentioned, can be a bitter pill to swallow. It may also be dangerous, because the refugees' "brothers", the resisters on their side, will see betrayal in the acceptance of aid whose motivations and source are controversial.

Lastly, while the humanitarian aid provided by armed forces in an emergency situation cannot be turned down when it is the only means of meeting the most pressing needs, it becomes a problem if it is extended over time. On the one hand, it may pose security problems for independent and neutral humanitarian practitioners, if the population no longer distinguishes them from the members of the armed forces distributing food, especially when the latter are in civilian clothes.<sup>18</sup> On the other, it can have a negative impact when it is conducted without the experience of delegates whose job is to provide aid and without taking account of existing humanitarian programmes. For example, what understanding do soldiers have of the interaction between emergency and development work or of local capacity-building?

The dilemma was illustrated in more general terms by Pierre Krähenbühl, the ICRC Director of Operations, when he commented on the establishment of provincial reconstruction teams in Afghanistan as follows: "The strictly military or security objectives they have set for themselves are not something the ICRC wishes to comment on. But there is cause for concern in the way they integrate humanitarian responses into an overall military and security concept,

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<sup>18</sup> Rana, Raj, "Contemporary challenges in the civil-military relationship: complementarity or incompatibility?", *International Review of the Red Cross*, Vol. 86, No. 855, September 2004, pp. 565-592.

whereby responding to the needs of part of the population comes to be seen as a component of a broader strategy designed to defeat an opponent or enemy.”<sup>19</sup>

The ICRC’s response to the integrated approach is to alert the international community to the difficulties it engenders. It objects to having its activities integrated into a security agenda. It wishes to retain control of the objectives of its humanitarian operations and relies on a form of funding that gives it that leeway. Only in exceptional circumstances will it agree to armed escorts to ensure its security. It maintains a decentralized approach, paying special attention to local risk assessments, while making consolidated analyses of the regional, continental and even global risks to which its delegates may be exposed. In short, it defends the independence it must have if it is to conduct a universal and impartial humanitarian operation, to act as a neutral intermediary between weapons bearers and to maintain contact and dialogue with all those liable to influence the course of various situations of armed violence and their humanitarian repercussions.

Although it will not submit itself to any form of humanitarian coordination that would restrict its freedom of choice, the ICRC welcomes initiatives aimed at improving the mechanisms for consultation and coordination, such as the activities of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). The challenge for the ICRC is to reconcile a legitimate concern for efficiency with the fear that too much humanitarian coordination may one day run afoul of the policy of independence on which its action depends.

### **The challenge of the information technology revolution**

The ICRC’s humanitarian diplomacy faces one final challenge: the intensification and rapidity of exchanges made possible by the information technology revolution. Public opinion weighs heavily on diplomatic processes. Civil society wants to know everything, is easily inflamed, exerts pressure and demands accountability. Delicate talks can be rudely interrupted by current events, in the form of a hostage-taking, a

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<sup>19</sup> Krähenbühl, Pierre, “The ICRC’s approach to contemporary security challenges: A future for independent and neutral humanitarian action”, *International Review of the Red Cross*, Vol. 86, No. 855, September 2004, p. 512.

decapitation, the bombing of a hotel full of tourists. Depending on the nature of the event, the entire round of negotiations can be affected. One single problem then relegates all other topics to the back burner and grabs all the attention of State officials.

In the face of this challenge, the ICRC has taken several steps on the basis of a single premise – the confidentiality of what it has observed in certain spheres, in particular as part of its work in aid of persons deprived of their freedom, is strictly respected – and of its observation that greater openness is more necessary than ever.<sup>20</sup> It has therefore made an effort to construct virtual platforms, such as the web, in different languages. Those in charge of its public communications endeavour to combine local roots (each office has contacts with the local media) with a regional and even international approach. It was in view of the importance of effective communication that the ICRC decided, in cooperation with the British Red Cross, to base a delegate in London, which is host to media representatives with huge audiences in Africa and Asia, and that it created a regional communication centre in Cairo to enhance acceptance of its humanitarian work in the Middle East. The same concern prompted it to forge more links with actors of State diplomacy whom it had neglected in the past, such as parliaments. Communication has become a whole different ball game in a world where certain opinion-setters weigh heavily on the decisions made by the perpetrators of armed violence.

## **CONCLUSION**

As we embark on a new millennium, the dizzying pace of scientific and technological development has enhanced the quality of life for some people while leaving others by the wayside. If those developments are used for hostile purposes, in particular in the field of biology, humanity may find itself on the brink of a major disaster. Human beings, far from communicating better, seem to find it increasingly difficult to understand each other and have engaged in bloody conflicts sparked by fear of others. Power seems to be the only guarantor of security, dealing a serious blow to

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<sup>20</sup> Kellenberger, Jakob, “Speaking out or remaining silent in humanitarian work”, *International Review of the Red Cross*, Vol. 86, No. 855, September 2004, pp 593-609.

the international framework of rules constructed by the generations that lived through two world wars so that men and women would never again experience such horror.

The ICRC's humanitarian diplomacy is the expression of the ICRC's conviction that the sense of collective responsibility has not entirely vanished, that there are still some States, non-State actors, and men and women who do not abdicate in the face of what they consider a duty: to ensure that human dignity is respected at all times, including in war. This conviction is a hope that Manuel Castells expressed far better than we could: "If people are informed, active and communicate with each other, if the world of money shoulders its social responsibilities, [...] if humanity feels a kinship with the planet's other species, if we learn to live in harmony with nature and reflect on the legacy we are leaving to future generations, if we start to explore our inner selves after having restored peace between us, if all this can be achieved by a shared decision knowingly taken, while there is still time, maybe then, at last, we can live and let live, love and be loved."<sup>21</sup>

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<sup>21</sup> Castells, Manuel, *Fin de millénaire. L'ère de l'information*, Paris, Fayard, 1999, 492 pp. (translated from the French).