

The emerging concept of humanitarian diplomacy: identification of a community of practice and prospects for international recognition

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Abstract

In recent years the term ‘humanitarian diplomacy’ has become fashionable among humanitarian organizations in general, and within the Red Cross and Red Crescent Movement in particular. However, the very idea of ‘humanitarian diplomacy’ is not uncontroversial, owing to the imprecise and contested nature of the term, and to its

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unclear operational application. The present article proposes to explore the definitions and scope of action of humanitarian diplomacy, as well as some of the challenges that it faces, with a view to preparing the way for its eventual recognition by the international community.



[Humanitarians] do nothing but negotiate, but are not always aware of it.¹

Since the beginning of the twenty-first century, with the accelerating pace of globalization, a multiplicity of new areas of global diplomatic activity, relating to such issues as climate change, the environment, access to water, culture, health, and knowledge, has developed alongside classic national diplomacy.

Humanitarian diplomacy is an emerging term. Its definition does not match that of conventional diplomacy, whose objective is to manage the international relations of states through negotiation. Instead, humanitarian diplomacy focuses on ‘maximising support for operations and programs, and building the partnerships necessary if humanitarian objectives are to be achieved’.² A first book was devoted to the subject in 2007,³ and the expression has since been used with growing frequency by a number of humanitarian agencies. One of these is the International Red Cross and Red Crescent Movement, which is keen to emphasize its universality and the auxiliary role of the National Societies to their respective governments.⁴ The International Committee of the Red Cross (ICRC), for instance, has developed its own definition of humanitarian diplomacy, which reflects its specific mandate.⁵ Meanwhile, since 2010 the International Federation of Red Cross and Red Crescent Societies (IFRC) has established a new division in charge of promoting humanitarian diplomacy. Other organizations also use the term, or others that are very similar, such as ‘disaster diplomacy’ or ‘intervention diplomacy’.

It would seem that humanitarian diplomacy refers to the policies and practices of national and international agencies active in humanitarian aid work. The term is used not only by humanitarian organizations but also by national co-operation agencies and ministries (foreign affairs, defence, development, civil protection) comprising humanitarian aid departments to respond to domestic or international emergencies. Humanitarian diplomacy is relevant in both risk

1 Deborah Mancini-Griffoli and André Picot, *Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflicts*, Geneva, Centre for Humanitarian Dialogue, 2004, p. 12.

2 Christopher Lamb, ‘Humanitarian diplomacy’, 26 June 2008, available at: <http://www.ifrc.info/en/news-and-media/opinions-and-positions/speeches/2008/humanitarian-diplomacy> (last visited December 2011).

3 Larry Minear and Hazel Smith (eds), *Humanitarian Diplomacy: Practitioners and Their Craft*, Tokyo, United Nations Press, 2007.

4 See International Federation of Red Cross and Red Crescent Societies (IFRC), *Strategy 2020: Humanitarian Diplomacy Policy*, Nairobi, December 2009.

5 Marion Harroff-Tavel, ‘The humanitarian diplomacy of the International Committee of the Red Cross’, 1 January 2006, available at: <http://www.icrc.org/eng/assets/files/other/humanitarian-diplomacy-icrc.pdf> (last visited December 2011).

prevention and crisis management. It is not limited to the need to co-ordinate international humanitarian assistance but also operates at the national or local level to ensure, in an emergency situation, the concerted and efficient mobilization of the various relevant actors and their often scattered resources.

The definitions and perceived content of humanitarian diplomacy vary as widely as the number of organizations using the term and the humanitarian operations that they carry out. Humanitarian diplomacy is not yet a solidly established concept generally recognized by the international community: there is a big difference between conceiving the idea, using the term itself, and arriving at international recognition for its definition and agreement on how it should be conducted. The agencies that have taken the time to reflect about their own 'diplomatic practices' remain few and far between. The ICRC and Doctors Without Borders (Médecins sans Frontières, MSF) are the exception, but even they interpret the concept differently. Arriving at a universal definition will thus require consultation among agencies and organizations.

The present article will attempt to explore first the emerging definitions of humanitarian diplomacy, and then some legal dimensions related to the concept. A third section will examine the areas of action of humanitarian diplomacy both nationally and internationally. The article will then look at some of the most pressing challenges facing humanitarian diplomacy today.

Humanitarian organizations, as well as states and the private sector, could use humanitarian diplomacy as an instrument for raising awareness, negotiating, and mobilizing appropriate humanitarian aid in emergencies. Pooling the various practices related to humanitarian diplomacy while ensuring respect for local cultures and specific situations will open a path to the recognition of humanitarian diplomacy by teaching, training, and research institutions, and its subsequent validation at both conceptual and operational levels.

Definitions of the emerging concept of humanitarian diplomacy

In 2010–2011, when the IFRC set out to prepare a strategic concept on humanitarian diplomacy, it found that there were eighty-nine different definitions among the relevant agencies and in the grey and scientific literature. These definitions include points of convergence and differences, which will serve as a basis for delimiting the concept of humanitarian diplomacy.

From conventional diplomacy to humanitarian diplomacy

The evolution of diplomacy

The word 'diplomacy' derives from the ancient Greek word for documents that were rolled up and sealed to ensure their confidentiality. The Latin term *diplomatio* refers to official documents that conferred privileges on the bearer, who would have been acting in his capacity as a diplomatic intermediary and representative. Diplomacy

dates back to at least 3000 BC, especially in Asia Minor and the Far East, but did not flourish in western Europe until permanent embassies were established to facilitate relations among the Italian city-states of the Renaissance (in the fifteenth and sixteenth centuries). It peaked with the creation of nation-states between the eighteenth and twentieth centuries. The legal basis for diplomatic relations was set out in the Vienna Convention on Diplomatic Relations of 1961, which codified, *inter alia*, the rules governing diplomatic immunity and the privileges of embassies, consulates, and diplomatic staff charged with conducting state-to-state relations and with promoting national interests without recourse to war. The functions of classic diplomacy are: (i) to represent the state and to protect or promote its interests and those of its nationals; (ii) to collect, analyse, and report information on the host country; and (iii) to encourage cordial commercial and political relations and to negotiate agreements and treaties.⁶

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.⁷

Confidentiality in diplomacy has weakened since the decline of the superpowers and the bipolar world order, with the increase in the relative marginalization of the power of states in the face of the globalization of information and the private sector, and with the spread of new communication technologies that can strike at the very heart of diplomacy and intelligence (such as the WikiLeaks scandal in 2010–2011). Diplomacy is becoming increasingly fragmented: it is no longer primarily bilateral but also multilateral, no longer simply intergovernmental but also multi-institutional and multi-functional (multi-track diplomacy), and no longer exclusively the prerogative of ministries of foreign affairs, given the growing role played by other ministries and multiple private actors and non-state pressure groups. A new diplomatic language (global and sector diplomacy) is rapidly spreading around the globe.

International actors create new forms of networks of influence and fora to engage in informal discussions: this is called 'track two diplomacy'. This form of diplomacy can bring together politicians, religious and community leaders, business people, members of non-governmental organizations (NGOs), academics, parliamentarians, or retired civil servants. It allows the community members concerned to

6 For a review of classical and new tools of international diplomacy, see the website and various activities of the Diplo Foundation towards more inclusive and effective diplomacy, available at: <http://www.diplomacy.edu> (last visited 21 July 2012).

7 M. Harroff-Tavel, above note 5, p. 4.

explore possible solutions informally with the support of third persons having a certain level of expertise. Sometimes government representatives take part in their individual capacity, with official authorization; this is often referred to as 'track 1 1/2 diplomacy'. They act as informal intermediaries to facilitate discussions between members of civil society from different sides and viewpoints. Such new forms of diplomacy can contribute to improving mutual understanding, developing personal relations, and negotiating a consensus in a sheltered environment where there is no risk of losing face, should the efforts fail.

Defining humanitarian diplomacy

Diplomacy in all its forms is gradually winning against the use of force, since international conflicts have been declining markedly since 1945. Internal conflicts and disasters, in contrast, have been increasing steadily in number, frequency, and intensity. Humanitarian aid is predicted to double between 2000 and 2015, and expected to account for between 4% and 15% of the amounts budgeted for official development aid, which is equivalent to some 18 billion US dollars.⁸ The situation has prompted researchers and humanitarian practitioners alike to reflect on the typology of these new crises, the entities involved in them, and the terminology and practices being proposed or experimented with,⁹ including the practice of humanitarian diplomacy.

Humanitarian diplomacy is rooted in the history of humanitarian action going back to the nineteenth century, and draws its *raison d'être* from the efforts made by humanitarian aid workers internationally, but also nationally and locally, to be allowed access to victims at all times. However, unlike with traditional diplomacy and international negotiation, there is as yet no body of literature or specific manual dedicated to humanitarian diplomacy.

One can describe the term 'humanitarian diplomacy' through the following definition, as proposed in 2007:

The concept of humanitarian diplomacy encompasses the activities carried out by humanitarian organizations to obtain the space from political and military authorities within which to function with integrity. These activities comprise such efforts as arranging for the presence of humanitarian organizations in a given country, negotiating access to civilian populations in need of assistance and protection, monitoring assistance programmes, promoting respect for international law and norms, supporting indigenous individuals and institutions, and engaging in advocacy at a variety of levels in support of humanitarian objectives.¹⁰

8 IFRC, *World Disasters Report 2010: Focus on Urban Risk*, Imprimerie Chirat, Lyon, France, 2010. Human Security Report Project, *The Human Security Report 2009/2010: The Causes of Peace and the Shrinking Costs of War*, Oxford University Press, Oxford, 2011, p. 159. United Nations University and the Institute for Environment and Human Security, *World Risk Report, 2011*, Bonn, 2011.

9 The recently founded International Association of Humanitarian Studies has organized the first two World Conferences on Humanitarian Studies, in 2009 and 2011 respectively.

10 L. Minear and H. Smith, above note 3, Introduction, p. 1.

The above definition would indeed be more precise than the following attempts:

- ‘Humanitarian diplomacy is concerned with persuading decision-makers and opinion leaders to act, at all times, in the interests of vulnerable people, and with full respect for our fundamental principles.’¹¹
- ‘Humanitarian diplomacy is the use of international law and the humanitarian imperative as complimentary [*sic*] levers to facilitate the delivery of assistance or to promote the protection of civilians in a complex political emergency.’¹²

An example of an organization’s definition of humanitarian diplomacy is offered by the ICRC, which has made substantial efforts to define humanitarian diplomacy, bearing in mind its specific mandate:

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.¹³

The ICRC’s definition is narrower than those presented above, owing to the organization’s specific mandate, which often – but not always – requires its diplomacy to be confidential, and the fact that it carries out a wide range of highly specific actions.

Humanitarian diplomacy and traditional diplomacy

Humanitarian diplomacy is often defined with reference to the diplomacy of states. However, the two forms of diplomacy differ in more points than they have in common and, as we will discover below, it would seem that the scope of humanitarian diplomacy is not limited to international relations alone. Aspects that they have in common are the collection and analysis of information, relatively similar approaches to negotiation (seeking to arrive at a compromise, if not consensus with contacts and beneficiaries), and the status of immunity (diplomatic passports and *laissez-passer*, which are not, however, usually issued to NGOs carrying out

11 IFRC, above note 4, p. 25.

12 Jonathan Whitall, “It’s like talking to a brick wall”: humanitarian diplomacy in the occupied Palestinian territory’, in *Progress in Development Studies*, Vol. 9, No. 1, January 2009, p. 38.

13 M. Harroff-Tavel, above note 5, p. 5.

humanitarian work). Humanitarian diplomacy does not reject traditional bilateral or multilateral diplomacy. On the contrary, to be as efficient as possible, it has to be co-ordinated with conventional diplomacy in capital cities and in the field, without thereby becoming subordinate to the latter.

Humanitarian agencies also have a genuine interest in participating in 'track two diplomacy', which enables them to shape opinions on humanitarian matters before official negotiations take place. Informal diplomacy supplements rather than replaces intergovernmental fora, and helps humanitarian agencies to facilitate contact and dialogue that might be extremely difficult to establish otherwise.

Minear and Smith draw our attention not only to the common ground shared by conventional and humanitarian diplomacy but also to their substantial differences. Traditional diplomacy operates at the political level. It includes diplomats in charge of humanitarian assistance and it could be argued that they are responsible for part of the humanitarian diplomacy conducted around the world. Some conventional diplomats working in ministries of foreign affairs, development aid agencies, and even agencies specializing in security and defence are specialists in humanitarian aid work. The diplomatic function is governed by rights and obligations defined by custom and by international diplomatic and consular law. Violations of this law are extremely rare and can result in immediate bilateral sanctions and even the use of force. Diplomats shy away from taking any risks that might threaten the interest of the state that they represent. They never publicly admit mistakes, and uphold discretion and confidentiality at all times. They have a wide range of means at their disposal for expressing the dissatisfaction of the state that they are serving. The adoption of sanctions and the use of force signal the end of diplomacy.

Humanitarian organizations, on the other hand, do not have a specialized body of 'humanitarian diplomats' at their disposal. Even the Red Cross and Red Crescent National Societies do not have 'humanitarian diplomats' available to them. Furthermore, no well-established career or university training programmes in humanitarian diplomacy are available anywhere in the world. Humanitarian diplomacy is thus conducted by staff of humanitarian organizations who are not trained in diplomatic negotiations and who feel uncomfortable with the pompous title of 'humanitarian diplomats'. They do not operate in a well-established international legal regime, with the exception of international humanitarian law (IHL) and human rights and refugee law. Their immunity is not sacrosanct (with the exception of employees of organizations such as the ICRC and the IFRC) in the way that that of diplomats is. The mission of humanitarian diplomats is to gain access to victims in specific contexts. Usually the purely diplomatic share of their activities accounts for a small portion of their work, unless the situation calls for negotiations with local authorities or (armed or unarmed) opposition groups.

While humanitarian diplomacy is not practised on the specific request of beneficiaries, in certain crisis situations victims manage to make themselves heard at the national and/or international level. Humanitarian diplomacy is therefore often improvised, depending on the needs at any given moment. It does not claim to be

able to open all doors, unlike state-conducted diplomacy. It has no political pretensions whatsoever, but seeks humanitarian dialogue between the protagonists in a conflict or disaster.

Humanitarian diplomacy frequently takes risks, acknowledges errors made in assessing a situation or actions taken, and can choose to make use of the media. Humanitarian workers may at any moment find themselves being refused visas, *laissez-passer*, customs privileges, security, and protection in ways that are rarely experienced by traditional diplomats. Unlike their conventional counterparts, as a matter of principle humanitarian diplomats do not carry any national political messages and do not promote a particular model of society. Nevertheless, some organizations (especially faith-based ones) have their own specific values and/or a diffuse wish for change, which compound the already exogenous nature of international humanitarian work carried out by ‘foreigners’. Even if the principle of neutrality of the Red Cross and Red Crescent Movement does not necessarily translate into political inaction, some humanitarian aid agencies do not fully subscribe to it.

Often humanitarian aid as an element of states’ foreign policy is one instrument among many for working towards peace and promoting human rights. In that event, however, state humanitarian diplomacy differs from humanitarian diplomacy as conducted by humanitarian aid agencies in the way it becomes subordinate to political and security interests that may run contrary to the fundamental respect for the life and rights of victims. With the exception of some of the provisions in the Geneva Conventions, which benefit the ICRC¹⁴ or ‘any other impartial humanitarian organization’,¹⁵ states have never unconditionally committed to allowing humanitarian workers to carry out their activities.

Although diplomats and humanitarian aid workers can complement each other in times of crisis, the former can also block the latter if reasons of state prevail.

Priority areas of humanitarian diplomacy

Different organizations have identified different priorities for humanitarian diplomacy, and in very different socio-cultural contexts, depending on the geographical location of the crises. At the ICRC, for example, humanitarian diplomacy has precise objectives: providing protection and emergency relief (health and sanitation, food security, shelter, etc.), offering assistance to detainees, searching for the missing, re-establishing family links, and ensuring the safety of ICRC staff. The ICRC and some of the other major humanitarian agencies also contribute to efforts to negotiate and codify humanitarian norms and standards in national legislation and within the framework of international organizations such as the United Nations and the International Conference of the Red Cross and Red Crescent.

¹⁴ See, for example, Art. 126 of the Third Geneva Convention; Art. 76 and Art. 143 of the Fourth Geneva Convention.

¹⁵ See, for example, Arts. 9/9/9/10 of Geneva Conventions I to IV.

As part of its Strategy 2020, approved at the end of 2009, the IFRC carried out a large-scale survey on humanitarian diplomacy among the Red Cross and Red Crescent National Societies. Twelve priority areas of action for humanitarian diplomacy were identified by National Societies:¹⁶

1. Disaster reduction
2. Promoting Red Cross/Red Crescent auxiliary status
3. Preventing diseases and other public health challenges
4. Volunteer and youth promotion, protection, and recognition
5. Legal frameworks for disaster response (e.g. disaster law) and disaster relief and reduction management
6. Protecting the humanitarian space of the Red Cross/Red Crescent
7. Climate change adaptation
8. Food security
9. Addressing migration and human trafficking
10. Promoting non-violence
11. Addressing urbanization and its humanitarian consequences
12. Humanitarian sector reforms and cluster co-ordination.

It would be very useful if surveys of this kind were also carried out by the other major humanitarian organizations, as this would raise mutual awareness of (frequently convergent) practices in the same focus areas. Humanitarian diplomacy also includes advocacy and persuasion campaigns, as carried out, for example, by Oxfam on the issue of access to drugs to fight certain pandemics, or by MSF on 'humanitarian' interventions.¹⁷ Defining the area of action of humanitarian diplomacy can be a delicate and controversial matter, as recently demonstrated by the crisis in Libya. To be able to better anticipate and manage crises, it has even been suggested that a humanitarian policy is needed at the universal or United Nations level, wherein humanitarian diplomacy would be the lever for negotiation to facilitate the mobilization of human and other resources.

Levels of humanitarian diplomacy

Actions that can be qualified as falling within the realm of humanitarian diplomacy can be identified in both the co-operation of humanitarian agencies with national governments and international organizations, and in the humanitarian work carried out on a daily basis in the field. Therefore, both nationally and internationally, and sub-nationally and locally, there are several levels of contact and intermediation in humanitarian diplomacy.

16 IFRC, 23rd Session of the Governing Board, 13–15 April 2011.

17 J. L. Holzgrefe and Robert O. Keohane (eds), *Humanitarian Intervention: Ethical Legal and Political Dilemmas*, Cambridge, Cambridge University Press, 2003, pp. 175–204.

Humanitarian diplomacy at the international level

Some protagonists of humanitarian diplomacy claim that true humanitarian diplomacy is conducted only at high levels of representation and centralized decision-making, in national capitals and at the headquarters of international and regional organizations.

At the international level, a global architecture of governance for dealing with humanitarian crises is co-ordinated by the United Nations (Office for the Coordination of Humanitarian Affairs, OCHA). Participants include the main humanitarian organizations (Caritas, Red Cross and Red Crescent National Societies, MSF, Oxfam, World Vision, etc.) and the national development aid agencies, which generally comprise a disaster relief division. The major humanitarian organizations also have representative offices at the headquarters of the United Nations, the European Union, and other regional organizations. Some have permanent consultative status with the United Nations and take part in various sector competency clusters concerned with humanitarian affairs. At this level of national and international interaction, the relevant agencies engage in humanitarian diplomacy and second some of their staff on an ad hoc or long-term basis to serve as their representatives and conduct crisis negotiations.

Humanitarian diplomacy at the national and local level

At the national level, governments and parastatal agencies have at their disposal civil and military resources that can be mobilized in cases of emergency, domestically or abroad. The mobilization of these resources is frequently laid down in precise national security and emergency management plans,¹⁸ which include established procedures for mobilizing resources and co-ordination of the different actors to define areas of responsibility for delivering relief supplies. Traditional diplomacy is used if there is a request for assistance in the wake of a disaster with international implications, with the ministry of foreign affairs acting as the focal point for co-ordination. Humanitarian diplomacy will always be necessary, but especially in the event of domestic disasters (the ministry of the interior and civil protection forming the core of a mechanism that would, in practice, require negotiations between various public and private institutions and civil society to allow for rapid, effective action).

Since most crises have an international component in addition to the national and local one, co-ordination is required between the humanitarian diplomacy conducted in capital cities and that needed in the field to meet the needs of the victims. Co-ordination has not always produced the desired results, as illustrated recently by the natural disasters that struck Haiti and Pakistan, since it is frequently far removed from the real needs of the victims and operational response capacities on the ground. It further tends to marginalize and even ignore local

¹⁸ IFRC, *Legislative Issues in Disaster Management and Epidemic Response*, Humanitarian Diplomacy Guidance Note No 2, Geneva, December 2011.

operators, whose capacities, including the ability to absorb national and/or foreign aid, vary from country to country.

Humanitarian diplomacy at the intermediate level

Humanitarian diplomacy also has to become active at the intermediate level of relief mobilization to ensure that relief assistance is successfully delivered to the field, an issue that does not only apply to large countries with low levels of centralization. It may be that there is a weak or missing link between the different protagonists conducting humanitarian diplomacy, that is to say between the headquarters of humanitarian organizations, their regional (and occasionally national) delegations, and the staff deployed locally at the site of the crisis. Although operational systems clearly have to be centralized, decision-making processes cannot be top-down only. Humanitarian aid workers in the field are the only impartial sources of information. They constantly seek to enter into dialogue and negotiations with local authorities and opposition groups alike. The assessment of needs in the field and the subsequent mobilization and delivery of humanitarian aid require substantial humanitarian diplomacy.

Humanitarian diplomacy in the field

Most humanitarian aid workers negotiate in some way every day as they carry out their work to provide assistance and protection. However, few are aware of the fact that their work calls for skills and knowhow related to humanitarian diplomacy, and most are not yet familiar with this emerging term.¹⁹ One might therefore consider that the new concept of humanitarian diplomacy refers to routine negotiations for humanitarian purposes in the field, and can refer to the staff profiles and tools specific to each agency and type of humanitarian crisis.

One might also fear that, foreign humanitarian aid, which in some situations may – whether justifiably or not – be perceived as external intervention, occasionally relies on humanitarian diplomacy imposed by the great national and international stakeholders.²⁰ So far, few studies have been carried out to determine the existing or potential local capacities for negotiation, organization, and resilience (bottom-up humanitarian diplomacy) of decentralized authorities, NGOs (including those belonging to the opposition, whether armed or not), the private sector, social networks, local communities, and the media in the face of particular types of recurring natural disasters, pandemics, pollution, and other forms of crisis.²¹ Local actors can play a role when it comes to representing the needs and rights of

19 D. Mancini-Griffoli and A. Picot, above note 1.

20 See J. L. Holzgrefe and R. O. Keohane, above note 17.

21 See Adenrele Awotana (ed.), *Rebuilding Sustainable Communities for Children and their Families Disasters*, Cambridge Scholars Publishing, Newcastle, 2010. See also Julian Gonsalves and Priyanka Mohan (eds), *Strengthening Resilience in Post-disaster Situations*, Academic Foundation together with International Development Research Centre Canada, New Delhi, 2011. Justin Veuthey, 'Inequalities and

the victims and mobilizing resources that might meet these needs. However, community-level humanitarian diplomacy has not yet been documented, and those who practise it are often sceptical or unaware of the humanitarian-diplomacy decisions made at the national and international levels in order to come to their assistance.

In practice, most humanitarian aid workers use more or less informal humanitarian diplomacy in their dealings with communities affected by crises and co-operate with local actors in an attempt to resolve humanitarian problems in their day-to-day work. It is further worth noting that when crises occur in urban settings, such as the earthquakes in Haiti in 2010 or Japan in 2011, a different form of humanitarian diplomacy is practised and that the new means of communication speed up emergency workers' response on the ground. There are municipalities that push for new concepts of decentralized or non-centralized humanitarian diplomacy, and attempt to draw up crisis anticipation and management plans that are as close as possible to the populations that they administer. However, no concepts have been developed for municipal-level humanitarian diplomacy carried out in conjunction with the local private and public-private actors indispensable for absorbing the effects of crises and starting reconstruction.

Multi-functional and intercultural dimensions of humanitarian diplomacy

As observed above, humanitarian diplomacy cannot reasonably be considered a mere instrument used by humanitarian agencies for negotiation and the conduct of external relations, in the way in which traditional diplomacy handles the foreign relations of states. Doing so would mean forgetting that states and their decentralized bodies themselves conduct humanitarian policies (foreign affairs and internal and international security), as do the various civil society actors.

Humanitarian diplomacy therefore cannot be appropriated by any one single institutional actor but is multi-functional owing to the fact that it is used by different types of actors, whether official or not. It refers neither to a humanitarian diplomatic corps, nor to a clearly defined set of theories and professional practices. A growing and varied number of public and private agencies active in emergency management and their generalist or specialist staff, whether or not they are part of the traditional humanitarian sector, are required to negotiate the delivery of relief and reconstruction assistance in a wide range of situations.

Humanitarian diplomacy takes a variety of forms, depending on the specific cultural context and geographical location of the crisis setting. Although the obligation to protect and assist could be seen as a near-universal principle, common to all societies, its ethical, moral, and legal character can take various forms. Moreover, behaviour and the approach to dialogue and negotiations may vary

natural disasters: vulnerability and social capital', Masters thesis, Geneva, Graduate Institute of Development Studies, 2007.

significantly depending on the origins and nationality of the humanitarian workers, both in agency headquarters and in the field. Any attempt at providing a body of material of humanitarian diplomacy potentially suitable for teaching and training will have to take into account these intercultural dimensions and be supported by numerous case studies.²²

The legal dimensions of humanitarian diplomacy

If public international law defines the framework for traditional bilateral and multilateral diplomacy (in the Vienna Convention in particular), the practice of humanitarian diplomacy is supported by the legal framework of International Humanitarian Law (IHL) and human rights law. Some humanitarian organizations, and in particular the components of the International Movement of the Red Cross and Red Crescent, have been granted a special role and legitimacy to enter into dialogue with states and help advance the legal framework permitting access to, and the protection of, victims of conflicts or disasters. Moreover, in recent years, the gradual elaboration of regulations for international disaster relief has paved the way for a broadening of the legal framework and scope of humanitarian diplomacy.

Humanitarian diplomacy and international law

The foundations for the practice of humanitarian diplomacy lie in IHL as set out in the Geneva Conventions and their Additional Protocols. Addressing the full range of legal provisions relevant to humanitarian diplomacy would be beyond the scope of this article. Nevertheless, it is crucial to note that, under IHL, an impartial humanitarian organization has the right to offer its services to the Parties to a conflict.²³ This means that the Parties to a conflict cannot consider such offers as interference in their internal affairs. Acceptance of the legal framework for the implementation of IHL continues to grow, as illustrated by initiatives recently taken by the government of Switzerland and the 31st International Conference of the Red Cross and Red Crescent.²⁴

Humanitarian diplomacy then comes into play to persuade states to ask for or accept outside assistance, invite all the Parties to respect their obligation to

22 Fondation française de l'Ordre de Malte, 'Diplomatie humanitaire et gestion des crises internationales', Proceedings of the International Conference on Humanitarian Diplomacy held at UNESCO, 27–18 January 2011, Paris, pp. 189–194.

23 See, for example, Article 3 common to the four Geneva Conventions of 12 August 1949 or Article 70(1) of Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts of 8 June 1977 (Additional Protocol I).

24 See 'Strategy 2009–12 of the Swiss Federal Department of Foreign Affairs on the protection of civilians in armed conflict', available at: <http://www.eda.admin.ch/eda/en/home/topics/human/hum/proci.html> (last visited December 2011). See also 31st International Conference of the Red Cross and Red Crescent, Resolution '4-year action plan for the implementation of international humanitarian law', 31IC/11/R2, available at: <http://www.icrc.org/eng/assets/files/publications/icrc-002-1130.pdf> (last visited December 2011).

facilitate and protect humanitarian assistance, and prevent or denounce any unlawful actions that might seriously harm the civilian population.

International human rights law gives greater leeway to humanitarian diplomacy insofar as it complements IHL. Even if it does not expressly refer to humanitarian aid, human rights law nevertheless requires states to guarantee minimum economic, social, civil, and cultural rights for their citizens. The international community considers that these rights include basic access to food, housing, and health care, including in emergencies.

Humanitarian diplomacy and the international representation of the Red Cross and Red Crescent

In continuation of the relations that Henry Dunant established with the European governments and royal houses of his time, for the past 120 years the majority of the world's governments, together with the Red Cross and Red Crescent National Societies, the ICRC, and the IFRC, have attended an international conference held every four years. The conference represents humanitarian diplomacy at its finest, and over the years has made multiple contributions to the development of IHL.²⁵ The 31st International Conference was held in Geneva from 27 to 29 November 2011. The International Conferences are original in the sense that they bring together conventional diplomats as representatives of states and staff members in charge of humanitarian diplomacy at the ICRC, the IFRC, and the head offices of the National Societies. States, the ICRC, the IFRC, and National Societies take part in the deliberations and vote on an equal footing.²⁶ Politics is usually relegated to the corridors. Governments have always been represented in constant recognition of the auxiliary role, impartiality, and neutrality of the Red Cross and Red Crescent Movement. At a time when the participation and role of civil society are rising – such as during the process that led to the prohibition of anti-personnel landmines – the International Conference creates a unique synergy between diverging, and sometimes even opposing, interests. It is a form of high-level humanitarian diplomacy that can test the need for further international rules and/or recognize existing practices. It can also serve as a springboard for new ideas and regulations and prepare the ground for a full diplomatic conference of states, attended by traditional diplomats with the aim of examining new impulses for IHL, human rights law, disaster law, and other matters of humanitarian concern. The ICRC and the IFRC may be called upon to share their expertise or to help to explore new situations such as the 2011 Japanese earthquake, which, for example, was relevant to disaster law and nuclear security management.

25 On the significance of the International Conferences of the Red Cross and Red Crescent for the elaboration and development of IHL, including the Geneva Conventions and their Additional Protocols, see François Bugnion, 'The International Conference of the Red Cross and Red Crescent: challenges, key issues and achievements', in *International Review of the Red Cross*, Vol. 91, No. 876, 2009, pp. 688–689.

26 See Art. 9 of the Statutes of the International Red Cross and Red Crescent Movement (adopted by the 25th International Conference of the Red Cross at Geneva in 1986, amended in 1995 and 2006).

At the beginning of the 1990s, and following the ICRC, the League of Red Cross Societies (today, the IFRC) opened a representative office in New York. Its humanitarian diplomacy was crowned with success when it obtained UN General Assembly observer status in Resolution 49/2. This resolution is an example demonstrating that humanitarian diplomacy is no longer considered to consist merely in advocacy and persuasion carried out by state diplomacy on humanitarian priorities. This was confirmed by states in the adoption of the declaration 'Together for Humanity' at the 30th International Conference of the Red Cross and Red Crescent in 2007, and that success led directly to the preparation of the Strategy 2020 adopted by the IFRC at its General Assembly held in Nairobi in 2009. In this way, the IFRC obtained a measure of legitimacy to draft the initial outlines of its humanitarian diplomacy in 2010 and 2011, and to start putting its proposal to a debate during the 31st International Conference of the Red Cross and Red Crescent in 2011.²⁷

The achievements of humanitarian diplomacy as conducted by the Red Cross and Red Crescent Movement are evidence of the fact that dialogue between states and humanitarian organizations can lead to useful, relevant, standard-setting advances in new or existing areas of humanitarian action. However, universal approval of this dialogue and its recognition and validation by all humanitarian organizations are yet to come. The involvement of states in multilateral humanitarian diplomacy would seem to be the determining factor, provided that humanitarian organizations are capable of co-ordinating among themselves and of arriving at a common position.

Humanitarian diplomacy as an instrument of emerging disaster law

Disaster law (formerly, disaster reduction law) has been in formation since 2001, following a resolution adopted by the Council of Delegates of the International Red Cross and Red Crescent Movement.²⁸ The number of natural disasters has significantly increased during the last decade, as has the number of people affected.²⁹ It therefore seems essential to establish a legal and institutional framework that would ensure better co-ordination among the local, national, and international authorities having to manage disasters. Disaster law aims to facilitate and regulate disaster relief.³⁰ It intends to define international norms and standards to harmonize national disaster management regulations and practices, which may also prevent or slow down international disaster relief operations to be delivered locally. So far, more than seventy countries have adopted disaster legislation in one form or another at the national level, and sometimes also at the decentralized level.

27 IFRC, *Strengthening Disaster Laws*, Working Document, Geneva, August 2011. See also IFRC, above note 18; David Fisher, 'Domestic regulation of international humanitarian relief in disasters and armed conflict: a comparative analysis', in *International Review of the Red Cross*, Vol. 89, No. 866, 2007, pp. 345–372.

28 IFRC, 'About the Disaster Law programme', available at: <http://www.ifrc.org/en/what-we-do/idrl/about-idrl/> (last visited December 2011).

29 United Nations Development Programme (UNDP), *2009 Annual Report: Bureau for Crisis Prevention and Recovery*, United Nations, New York, 2009, p. 37.

30 IFRC, 'Law and legal issues in international disaster response: a desk study', Geneva, 2007, p. 21.

Even though it is not yet widely recognized, disaster law is increasingly being debated, especially since the major earthquake and subsequent nuclear disaster that struck Japan in March 2011. As Professor Hiroshi Higashiura noted during the Second World Conference on Humanitarian Studies held in Boston from 2 to 5 June 2011, in some Japanese prefectures the speed with which people received medical support was problematic.³¹ Foreign medical teams had to enter into long and difficult negotiations with prefecture authorities in order to gain access to affected populations. Even when a clear humanitarian assistance request is made by a government, there remain considerable problems with the delivery of aid. In particular, customs issues can be a major obstacle. In Indonesia, a study showed that 400 containers of relief goods were still in customs in January 2006, two years after the tsunami of December 2004.³²

Although some first steps towards the codification of disaster law were taken recently at the UN Law Commission in New York, it could take a number of years before the project is completed and adopted by governments.³³ Humanitarian diplomacy has a role to play in this process, as was demonstrated by the high-level discussions at the 31st International Conference of the Red Cross and Red Crescent in November 2011. Beyond codification, humanitarian diplomacy also has a role to play in the practical implementation of disaster law. Disaster law and disaster management plans and procedures involve a large number of national and international agencies, which have to be skilled at humanitarian diplomacy if they are to be able to mobilize the different types of institutions, human resources, funding, and logistics needed in an emergency.

In the event of a major disaster, hundreds of large and small NGOs from all over the world tend to rush to the site of the emergency to begin on-the-ground assistance. Many of them are new and have little or no previous humanitarian experience. This complicates international co-ordination and aid delivery effectiveness. To overcome this problem, some regional groupings, such as the Association of Southeast Asian Nations (ASEAN), have investigated the possibility of collaborating and working towards an ASEAN agreement on disaster law. Under this initiative, ASEAN member states would have to review their domestic disaster law systems in order to build a set of common rules and standards for foreign humanitarian intervention. To this end, they have initiated a new form of humanitarian diplomacy, both domestically and regionally.

Areas of action of humanitarian diplomacy

If we were to assume that humanitarian diplomacy is restricted to high-level international negotiations, this would imply that it could be conducted only by senior staff of humanitarian organizations represented at the United Nations and

31 Professor Hiroshi Higashiura is currently the Director of the Japanese Red Cross Society's research institute on international humanitarian issues in Tokyo.

32 IFRC, *Humanitarian Diplomacy, Part II*, Guidance Series, Geneva, December 2011.

33 *Ibid.*, p. 13.

the departments in national ministries in charge of humanitarian policy. The present article, however, prefers to opt for a broad definition of humanitarian diplomacy, encompassing different techniques beyond negotiations and adopting first and foremost a national scope of action. It includes, in the event of disasters and international crises, negotiations among several ministries and public or private agencies, in charge of a range of tasks related to the mobilization, co-ordination, and deployment of humanitarian response resources. All countries have in place national and decentralized plans for the management of domestic or international humanitarian crises. However, irrespective of the precision and rigour with which procedures are followed, there is invariably intense communication and negotiation between actors both upstream and downstream of decisions to take protection and relief action in the field.

Diplomacy involving advocacy and awareness-raising

Diplomacy involving advocacy and awareness-raising is directed at a wide range of national and international actors that are often far removed and unaware of the need for humanitarian assistance. For example, some Red Cross and Red Crescent National Societies have developed awareness-raising campaigns to inform members of parliament about IHL or disaster management regulations.³⁴ Moreover, in November 2011 the IFRC published a manual outlining its guidelines for a humanitarian diplomacy focused primarily on awareness-raising and advocacy, with a view to ensuring access to victims of crises at all times.³⁵

Efforts to raise awareness of the challenges encountered in humanitarian crises and of the appropriate responses must be addressed to both states and the different civil society actors. In an actual crisis, advocacy must take the place of awareness-raising, in order to exert the greatest possible pressure on the civil and military authorities and thus to make it possible to meet the needs of victims and relieve their suffering.

Humanitarian diplomacy and resource mobilization in emergencies

Even the most seasoned humanitarian agencies have to invest an enormous amount of time and effort into negotiating the mobilization, deployment, good management, and co-ordination of the resources needed to respond to emergencies. The multiplication of actors in hyper-mediatised major international crises makes this a delicate and sensitive job if the goal of ensuring the independence and transparency of humanitarian action (humanitarian action accountability) is to be achieved. Furthermore, resources are limited both nationally and internationally, and there is intense competition for access to them. The emergence of humanitarian diplomacy as a concept bears witness to a recent trend among governments, humanitarian

34 IFRC, above note 18.

35 IFRC, *Humanitarian Diplomacy, Part I: General Guidelines for the Practice of Humanitarian Diplomacy*, Guidance Series, Geneva, December 2011.

organizations, the private sector, and civil society to work harder before the outbreak of crises so as to ensure a more efficient operational response in the field and to improve post-crisis accountability.

Humanitarian diplomacy called upon to act on the international scene in times of crisis is joined by another form of humanitarian diplomacy based on the presence – or absence, depending on the country – of national emergency management plans, fund-raising regulations, and mobilization of logistics resources implemented and co-ordinated by a multitude of public security institutions carrying out various general or sectoral mandates.³⁶ In the event of an international crisis, these national institutions have to deploy the full range of humanitarian diplomacy tools to mobilize, co-ordinate, and deploy the national relief assistance best suited to the crisis situation, in synergy with partners in the international community working towards the same goal.

Negotiations conducted with a view to mobilizing national and international resources before humanitarian operations can take place are followed by repeated or continuous negotiations with the authorities, local communities, and all other actors directly or indirectly involved in a conflict or disaster. Negotiations that were successful in the sense that sufficient resources were mobilized for a humanitarian intervention can fall short if a second round of negotiations fails by not ensuring constant access to the victims and the right conditions for delivering aid.

A talent for mediation, for knowing when to apply pressure and when to hold back, and for patience and perseverance, plays a major role and can be acquired in the field and through experience but also through simulation exercises and training (in diplomacy, psychology, or intercultural sociology).³⁷ In addition, there is a need for specialist resource-management techniques to ensure the transparency of humanitarian assistance operations and to avoid the misappropriation of funds and material resources by local actors. Accusations of poor governance and corruption can rapidly harm the reputation of a humanitarian agency. In such situations, humanitarian diplomacy has to intervene and expertly handle the means of information and communication to preserve the integrity and independence of humanitarian actors in the eyes of states, private donors, and the wider public.

External relations and humanitarian coalitions

The global and regional reach of humanitarian organizations varies widely, ranging from representative offices in the capitals of the states and/or regions in which they are active to, in the case of the largest organizations, permanent consultative status

³⁶ IFRC and OCHA, *Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*, Pilot Version, Geneva and New York, November 2011.

³⁷ See, for example, IFRC, Certificate Program in Humanitarian Diplomacy (new), Red Cross Red Crescent Learning Program together with Diplo Foundation, <http://www.ifrc.org/learning> (last visited December 2011). ICRC and Swiss Foreign Ministry, *Humanitarian Access in Situations of Armed Conflict: Field Manual*, presented at the 31st International Conference of the Red Cross and Red Crescent, 27–29 November 2011, Geneva.

at the United Nations or other global or regional intergovernmental agencies. Their headquarters, in contrast, often do not have internal structures that clearly manage external relations (these are not to be confused with their communication and public relations services). It also happens that there is confusion or even rivalry between the general services, operations, external relations, communication, and public relations departments. Only the large organizations have legal services and standards, control, assessment, and ethics committees, which are increasingly called for by institutional donors (states, churches, businesses, foundations, etc.), the general public, and social media.

Emergency appeals, fund-raising and volunteer campaigns, staggered disbursement of financing, and the implementation of operational resources are governed by procedures that require employees well versed in diplomacy and the increasingly necessary humanitarian co-ordination among organizations and their international networks. This type of diplomacy is frequently politicized and exposed in the media of both donor nations and the countries receiving the humanitarian assistance. All these reasons demonstrate the importance of bringing resources and actors together.

The growing number of national coalitions and international platforms for collaboration between humanitarian organizations has given rise to new exchanges of dialogue and inter-institutional co-ordination. The objective of this new type of humanitarian diplomacy is also to become more effective at influencing governments and civil societies so as to better anticipate the risks of humanitarian crises and to have a greater say in how they are resolved.³⁸

Challenges to the implementation of humanitarian diplomacy

The following section presents a series of challenges for contemporary humanitarian diplomacy related to the environment in which humanitarian actors operate today.

The challenge of humanitarian access in times of internal conflicts

During the last decade, the world has witnessed a major increase in internal armed conflict. In contrast to international armed conflicts, which have become increasingly rare, the number of internal disputes has exploded in recent years (up by 25% in 2004–2008).³⁹ An important characteristic of these conflicts is the types of actors involved. As in Sierra Leone, or more recently Libya, today's conflicts tend to pit government forces against non-state armed groups and tend to involve an increasing number of international actors (as in Afghanistan and Iraq). Non-state

³⁸ An example of a national coalition is the Canadian Humanitarian Coalition, grouping Oxfam Canada, Oxfam Québec, Care, and Save the Children. The Tsunami Evaluation Coalition (TEC) platform was set up in London in 2005–2006 to enhance collaborations among major NGOs conducting recovery projects in the wake of the Indian Ocean tsunami.

³⁹ Human Security Centre, *The Human Security Report 2009/2010: The Causes of Peace and The Shrinking Costs of War*, Oxford University Press, Oxford, 2011, p. 159.

armed groups often seek ‘to overcome their military inferiority by employing strategies that flagrantly violate international law’.⁴⁰ For instance, as reported by Lisa Grande, 116 incidents involving looting or violence towards humanitarian staff by rebel militia and the Sudan People’s Liberation Army have severely jeopardized humanitarian operations in South Sudan.⁴¹ Nevertheless, to avoid generalizations it should be noted that not all non-state armed groups violate the law. Meanwhile, governments involved in conflicts do not necessarily respect the fundamental principles of IHL. These changes in the reality of today’s conflicts have brought uncertainty and unpredictability to the field. Consequently, humanitarian work on the ground has become even more complicated and dangerous.

Furthermore, since the beginning of the post-2001 ‘global fight against terrorism’, the perceptions by states of non-state armed groups (local and transnational ones) have been transforming. States have raised new obstacles to humanitarian agencies wishing to gain access to crisis areas and to reach territories where non-state groups are active. As some of these groups are classified as terrorist organizations, certain states have enacted legislations to criminalize any engagement with such groups, for fear of conferring legitimacy on them.⁴²

The only possible humanitarian diplomacy response is multidimensional negotiations to obtain access to civilians in areas controlled by armed actors on any of the sides to a conflict. In that context, it is worth remembering that IHL is not devoid of provisions specifically relating to non-international armed conflicts.⁴³ Adding new provisions on non-international armed conflicts should not be considered an appropriate solution to the problem of regulating such conflicts. As the ICRC’s President Jakob Kellenberger noted in 2010, it would be more appropriate to strengthen the existing legal framework and to improve compliance by the Parties to conflicts.⁴⁴

The challenge of the use of force to protect civilians

The difficulties faced by humanitarian organizations do not come only from parties directly involved in conflict. Confronted with the new reality of internal conflicts, it has become usual for the international community to intervene in places where human rights have been violated, paving the way for what is now considered the

40 Report of the Secretary-General on the Protection of Civilians in Armed Conflict, UN Doc. S/2010/579, 10 November 2010, p. 2.

41 See ‘South Sudan facing severe food shortages, UN agencies warn’, *The Guardian*, 29 September 2011, available at: <http://www.guardian.co.uk/global-development/2011/sep/29/south-sudan-facing-food-shortages> (last visited December 2011). Lisa Grande is the UN Deputy Resident and Humanitarian Coordinator for Southern Sudan.

42 See, for instance, Naz K. Modirzadeh, Dustin A. Lewis, and Claude Bruderlein, ‘Humanitarian engagement under counter-terrorism: a conflict of norms and the emerging policy landscape’, in *International Review of the Red Cross*, Vol. 93, No. 883, September 2011, pp. 623–647.

43 See the obligations spelled out in Art. 3 common to the four Geneva Conventions and Additional Protocol II, as well as the ICRC Customary Law study.

44 Jakob Kellenberger, ‘Strengthening legal protection for victims of armed conflicts: the ICRC study on the current state of international humanitarian law’, in *International Review of the Red Cross*, Vol. 92, No. 879, September 2010, p. 800.

Responsibility to Protect.⁴⁵ These interventions by the international community may be in the form of military assistance or of economic sanctions, as we have witnessed in Libya.

On 7 March 2011, the UN Security Council adopted Resolution 1973 on Libya. This resolution was the first concrete step taken by the international community since the beginning of the uprising against the Gadhafi regime. Apart from the immediate cease-fire requested by the Security Council, Resolution 1973 also established a no-fly zone, which was accompanied by different economic sanctions.⁴⁶ These sanctions reinforced those undertaken in Resolution 1970. Article 9 of Resolution 1970 states that 'all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya . . . of arms and related materiel of all types'.⁴⁷

Such sanctions are likely to amplify the difficulties faced in the field by humanitarian workers. In an interview in summer 2011, Boris Michel indicated that, although not incompatible with humanitarian principles, sanctions have contributed to shortages in the health sector and other vital services.⁴⁸ Under such circumstances, the concept of humanitarian diplomacy may require an even more necessary but highly delicate co-ordination between political and military decision-makers, and humanitarian staff in the field.

Humanitarian diplomacy is not only about gaining access to those affected by armed conflicts, but also about maintaining and assuring the effectiveness of this access. The Libyan 'humanitarian' intervention under a very rare UN Security Council resolution indicates that the universal organization itself may adopt certain decisions without anticipating their consequences on the respect of fundamental humanitarian principles.⁴⁹ Humanitarian diplomacy was created to fill the gaps, and may be used more frequently in the future under similar circumstances.

The challenge of engaging the private sector

Humanitarian actors need to create a new form of humanitarian diplomacy in order to interact with the corporate sector. This may include the negotiation of codes of conduct and volunteer commitments, disaster preparedness to avoid mismanagement and financial losses, and the building of public-private partnerships for delivering food security and livelihood security.

Humanitarian diplomacy has to take into account private entities, especially when they carry out local security or post-disaster management activities. Private security firms are gradually replacing civilian and military security forces in

45 J. L. Holzgrefe and R. O. Keohane, above note 16, pp. 175–204.

46 UN Security Council Resolution 1973, 17 March 2011, Art. 6.

47 UN Security Council Resolution 1970, 26 February 2011, Art. 9.

48 ICRC, 'Libya: humanitarian challenges six months on', Interview with Boris Michel, 8 August 2011, available at: <http://www.icrc.org/eng/resources/documents/interview/2011/libya-interview-2011-08-12.htm> (last visited December 2011). Boris Michel is the ICRC's head of operations for North and West Africa.

49 Bruno Pommier, 'The use of force to protect civilians and humanitarian actions: the case of Libya and beyond', in this edition.

many developing countries, but have more than once acted as new ‘mercenaries’ intervening in local and violent disturbances. They are almost entirely unprepared for humanitarian relief situations. Private entities play an increasing role in post-disaster management in sectors such as water and sanitation, shelter, health in emergencies, and food security. They sometimes compete with humanitarian organizations or duplicate their work instead of building public–private partnerships. Humanitarian diplomacy has to make them aware of their responsibilities. This could be facilitated by voluntary commitments to respect IHL and human rights, both civil and socio-economic.⁵⁰ However, the impact of voluntary corporate responsibility commitments – such as the code of conduct on ‘Voluntary Principles on Security and Human Rights’ adopted in 2000 by some petroleum and mining corporations – remains questionable. Since the adoption in 1999 of the United Nations Global Compact, some humanitarian agencies, together with a first group of leading transnational corporations, have made use of new public–private initiatives to obtain direct corporate support. The insurance and re-insurance corporate sector is a good example, as the direct and indirect costs of natural disasters have exploded in recent years, including in developed countries. Total losses suffered by the Japanese private sector after the 2011 tsunami and the financial impact of the exceptional floods in Thailand amounted to several dozen billion US dollars. Therefore, humanitarian diplomacy can encourage the corporate sector to play more than a charity role and to invest in disaster preparedness and management.⁵¹

The challenge of inter-institutional co-ordination of emergency aid

As became clear after the 2004 Indian Ocean tsunami and the major earthquake that struck Haiti in 2010, the architecture of the international humanitarian system faces a number of problems related to co-ordination among governments, humanitarian agencies, development aid NGOs, and the private sector. There are tensions between the need for inter-agency co-ordination to ensure the maximum rapidity, wide-scale delivery, and effective impact of humanitarian aid and the independence of each public or private foreign agency travelling to the site of an emergency to assist local humanitarian actors already present. Problems of co-ordination can lead to delays, duplication, or loss of information, which are ultimately detrimental to those in need.

Furthermore, governments are often slow in issuing an official statement requesting humanitarian assistance.⁵² When such statements are made, the lack of international, national, and local relief co-ordination may delay or hamper

50 See, for instance, the Montreux document on private military and security companies (PMSCs), which summarizes the legal framework that has a bearing on PMSCs in times of armed conflict, available at: <http://www.eda.admin.ch/psc>; and the more recent International Code of Conduct for Private Security Service Providers (ICoC), available at: <http://www.icoc-psp.org/> (both last visited December 2011).

51 World Economic Forum, *Global Risks 2010: A Global Risk Network Report*, a World Economic Forum Report in collaboration with CITI, MMC, Swiss Re, Wharton School Risk Centre and Zurich Financial Services, Geneva, January 2010.

52 *Ibid.*, p. 89.

the emergency aid process. The lack of crisis preparedness and the absence of a co-ordinated response is not limited to developing countries. Hurricane Katrina in the USA and the recent earthquake in Japan are obvious illustrations. There are many reasons why governments are reluctant to request relief assistance. The sensitive issue of sovereignty plays a role in many cases. Some governments do not want to acknowledge that they do not have the necessary resources to respond to the needs of their own citizens.⁵³

Another co-ordination challenge faces those humanitarian agencies that are increasingly having to interact with a wide spectrum of international and local, large and small, development NGOs, most of which have no post-crisis reconstruction experience and often create confusion and co-ordination problems on the sites of conflicts or disasters. Some of these NGOs are well funded but do not necessarily subscribe to any international humanitarian agenda. They merely seek to impose their own vision of society, be it religious or otherwise. As a result, humanitarian diplomacy is needed as a tool for facilitating closer collaboration among organizations sharing the same fundamental values and for cautiously negotiating selective partnerships with the private sector.

The challenge of an integrated approach

Humanitarian diplomacy can be thought of as an instrument to promote disaster preparedness, risk reduction and recovery, and peace and development. The concept of security has become much broader and no longer refers exclusively to military threats. As countries feel exposed to multiple threats (such as terrorism, pandemics, trafficking, migrations, and climate change), many governments consider that the only effective response is the integration of political, military, and humanitarian means. However, this integrated approach can undermine the independence of humanitarian action. Analysts have been critical of the so-called securitization of humanitarian aid and development assistance. The *de facto* association of humanitarian aid with Western security interests in fragile or failed states such as Afghanistan, Haiti, and Somalia has threatened the independence and impartiality of humanitarian aid and has resulted in considerable confusion among victims and aid recipients. In some cases, military and private security firms have even replaced humanitarian workers in the delivery of aid, without taking into account existing humanitarian programmes and without any understanding of the links between emergency relief and the reconstruction of local capacity for development.⁵⁴

The challenges (and opportunities) of the new information technologies

The information revolution and the rise of instant global communications have resulted in the media and public opinion lobbying both traditional diplomacy and

53 IFRC, above note 30, p. 13.

54 See, for instance, Fiona Terry, 'The International Committee of the Red Cross in Afghanistan: reasserting the neutrality of humanitarian action', in *International Review of the Red Cross*, Vol. 93, No. 881, March 2011, pp. 173–188.

humanitarian diplomacy for better accountability and transparency, even in situations in which confidentiality should preferably be upheld. A single event on the ground instantly diffused on the Internet may grab the attention of governments and disrupt a difficult humanitarian negotiation or the early stages of a relief operation.⁵⁵

From another viewpoint, humanitarian agencies tend more frequently to use opinion leaders to put direct or indirect pressure on states or non-governmental actors preventing access to the most vulnerable population groups. It is not surprising that the largest humanitarian agencies consider greater openness a necessity. They have made efforts to build their own public relations, and have done so in several languages. A new form of humanitarian diplomacy has emerged in which each field office has contacts with the local, regional, and even global media.

Finally, new technologies can also play a role in the professionalization of humanitarian action in general and humanitarian diplomacy in particular. For instance, some organizations have teamed up to develop virtual platforms to share experience and knowledge in humanitarian affairs; examples include the Tsunami Evaluation Coalition (TEC) established in London in 2006, and the common norms and standards for humanitarian operations, such as The Sphere standards.⁵⁶

The challenge of building human resources in the service of humanitarian diplomacy

The growing number and diversity of crises has resulted in new needs (and new terminology, some of which consists of simple, short-lived slogans, whereas other freshly coined terms designate new, concrete priorities). For example, humanitarian organizations have created posts for food security officers and, since the 2004 tsunami, officers in charge of post-crisis economic reconstruction (also called economic and livelihood recovery officers). In September 2010, the IFRC for the first time set up an entire division dedicated to humanitarian diplomacy.

The increase in the frequency, diversity, and intensity of crises requires greater levels of professionalism from humanitarian actors, who struggle to respond to needs with appropriate human resource policies and by developing training means that, even in the most established organizations, remain limited. Alliances and networks also attempt to help address the new demands for greater professionalism.⁵⁷

55 An example of the impact on humanitarian actors is WikiLeaks and, for instance, the release of confidential ICRC negotiations.

56 See, for instance, the Sphere Project: <http://www.sphereproject.org>; or the different contributions of ALNAP, available at: <http://www.alnap.org> (both last visited December 2011).

57 International Association for Humanitarian Studies (IAHS), Professionals in Humanitarian Assistance and Protection (PHAP), Network on Humanitarian Assistance-International Association of Universities (NOHA), Enhancing Learning and Research for Humanitarian Assistance (ELRHA), Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP). See also: ELRHA, *Professionalising the Humanitarian Sector: A Scoping Study*, Boston and London, 2011, available at: <http://www.elrha.org> (last visited December 2011); Geneva Center for Education and Research in

Humanitarian agencies are increasingly recruiting staff members of all nationalities to work both at their headquarters and in operational areas; in addition, local staff are recruited in the field. This globalization of the humanitarian workforce can be expected to result in a more multicultural approach to, and ways of practising, humanitarian diplomacy, which is indispensable given the diversity of the contexts and crisis locations. However, this positive trend also makes it necessary to strengthen individual and institutional humanitarian capacities to build a community of practice for humanitarian diplomacy while respecting the diversity of cultures and situations. Higher-education institutes and universities working together with professionals in humanitarian assistance can assist with this.⁵⁸

Whether at headquarters or in the field, humanitarian diplomacy calls for interpersonal skills and gifts that are not innate. Most humanitarian aid workers are specialized in operational, logistical, or technical tasks, and the emergency and insecurity inherent in crisis situations leave them little space to work on their, usually improvised, humanitarian diplomacy skills. Although there is as yet no formal training in humanitarian diplomacy available, several ideas have been put forward and are being tested:⁵⁹

- i. Diplomatic training combined with information on best practices in humanitarian action;
- ii. Documenting humanitarian diplomacy knowhow that is based on concrete experiences suitable for case studies;
- iii. Building the psychological and interpersonal skills of humanitarian workers as part of their training in intercultural negotiation, with a view to developing their capacities to engage in humanitarian diplomacy in various international crises and different regions of the world;
- iv. Mastering the appropriate communication tools and making selective use of the new social media.

Conclusion

This article has aimed to explore the outlines of the emerging concept of humanitarian diplomacy from both the theoretical and the operational perspectives in a way understandable to the layperson. Humanitarian diplomacy deserves the attention of both those who practise it and researchers working in the

Humanitarian Action, *Humanitarian Studies 2010: University Training and Education in Humanitarian Action*, Geneva, 2010.

58 See, for example, the pilot initiatives in disaster management training set up by particularly innovative educational institutions such as BRAC University, Bangladesh, and the All India Disaster Management Institute, India.

59 A pilot training programme in humanitarian diplomacy and advocacy has been tested by the Geneva-based Diplo Foundation together with the IFRC during the first semester of 2012.

field of humanitarian studies. This article has further attempted to clarify the definition and area of action of humanitarian diplomacy, even if these remain subject to interpretation and different prioritizations. The main defining characteristics of humanitarian diplomacy can therefore be summed up as follows:

- Its objectives are to persuade others to take measures to protect and/or assist the victims of conflict or disasters, and/or to obtain access to these groups to carry out these activities directly.
- Its instruments are negotiations, communication, and awareness-raising activities conducted from the headquarters of organizations and/or in the field.
- It can take place at different decision-making and geographical levels, both centralized and decentralized, and either internationally or at various sub-national levels (national capital, provinces, large municipalities, districts, small towns, etc.).
- Its beneficiaries are victims and any other vulnerable population groups affected by man-made or natural crises.
- It is conducted by a wide range of governmental, inter-state and private civil society actors, which can be specialized in humanitarian assistance or offer more general services related to a variety of risk prevention and crisis-management services.
- Depending on circumstances, humanitarian diplomacy is either discreet or makes use of the media, is informal or official, and operates from the centre to the periphery (from representatives in national or regional capitals or at the United Nations), but increasingly also in the field, where communities affected by crises are developing their capacities for information and organization. These communities practise their own form of humanitarian diplomacy by talking to the authorities, opposition groups, and both national and foreign humanitarian actors.
- Its legal basis can be found mainly in IHL, human rights, and emerging disaster law.

The question as to the level of the actors involved in humanitarian diplomacy remains unresolved. Some consider humanitarian diplomacy to be reserved to a very limited number of persons in charge of high-level international negotiations and external relations at the most senior level (ministries of foreign affairs and national security, United Nations and regional organizations, international humanitarian aid agencies). Others consider humanitarian diplomacy to be conducted by all actors in charge of negotiating the mobilization, deployment, co-ordination of and effective access of emergency relief.

As in the case in conventional diplomacy, if we were to examine the sum of the conceptual and practical components of humanitarian diplomacy, one could readily agree on a broad framework of its practice. Like all other forms of diplomacy, humanitarian diplomacy is multiform and multicultural: situations in the field, the approaches to negotiations, the groups of actors involved, and the applicable codes

of behaviour and instruments being used vary from culture to culture and thus cannot be standardized.⁶⁰

The 31st International Conference of the Red Cross and Red Crescent promoted a vision of humanitarian diplomacy focused mainly on advocacy and international disaster reduction law. It also prompted National Society and state representatives to consider humanitarian diplomacy as a tool for negotiating mobilization and more efficient and better co-ordinated deployment of protection and humanitarian relief resources. Over the next few years, humanitarian diplomacy may become enshrined in national and international disaster law, which will be required to fit in with national laws, regulations, plans and procedures pertaining to risk prevention and crisis management.

60 See Rama Mani and Thomas G. Weiss (eds), *Responsibility to Protect: Cultural Perspectives in the Global South*, Routledge, London, 2011. See also Michel Veuthey, 'Diplomatie humanitaire: préserver les chances de la diplomatie humanitaire au moment où elle est la plus nécessaire', in *La Revue Géopolitique*, 2 October 2011, available at: <http://www.diploweb.com/Diplomatique-humanitaire.html> (last visited December 2011).