REGIONAL CONFERENCE ON

HUMANITARIAN ACCESS AND NEGOTIATION IN ASIA

ICRC

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INTRODUCTION

Having reviewed the evolution of humanitarian action and means to address contemporary challenges in Asia at the "Refreshing Humanitarian Action" Conference in Jakarta in 2016, over 120 participants from 18 countries gathered in Jakarta on 8-9 March 2018 for the Regional Conference on Humanitarian Access and Negotiation in Asia organized in conjunction with the Centre of Competence on Humanitarian Negotiation (CCHN), Humanitarian Forum Indonesia (HFI) and Paramadina University.

The conference provided a unique space for participants to discuss challenges related to humanitarian negotiation. Organizations like the CCHN have sought to build a community of practice among frontline humanitarian negotiators to promote critical reflections, learning and informal peer exchanges, and this conference was the first of its kind to bring humanitarian professionals together with government and security force officials, politicians, religious leaders and representatives of non-state armed groups who are generally their counterparts in humanitarian negotiation- those they must convince to gain access to those in need. Together, the conference explored what constitutes effective humanitarian negotiation in Asia- including particular skill sets and best practices- and what more could be done to create the required collaborative environment to ensure that humanitarian access can be secured for the benefit of the most vulnerable.

Questions remain as to what extent successful humanitarian negotiations must in practice be based on humanitarian principles- such as independence, impartiality, neutrality, reciprocity-or on the interplay between the interests of relevant parties. Though parties to conflict have been characterized as wanting to achieve certain political, economic and military objectives, while humanitarian agencies protect and assist those in need , this dichotomy between interests and principles is not, of course, so clear cut. Parties to conflict have principles, just as humanitarian negotiators have interests. Moreover, humanitarian principles might not be universally shared or equally understood. Where negotiating counterparts have different frames of reference drawn from their own religious and cultural traditions, much might be lost in translation.

> "Humanitarian negotiations are characterized by: high stakes (often dealing with situations of life and death); contextual fluidity; multiple stakeholders with divergent interests and motivations, as well as power imbalances between negotiating partners; a complex set of risks including security, fiduciary, and reputational; competition for valued contacts and negotiation space; and cultural and language barriers."
>
> Claude Bruderlein, Director CCHN

The conference provided a privileged space for humanitarian practitioners and assorted stakeholders to share their perspectives on the challenges and dilemmas of humanitarian access and negotiation in Asia. In addition to input provided by humanitarian negotiation experts such as the CCHN, discussions benefitted from direct feedback from assembled government, armed group, community and religious leaders.

Participants considered various methods and approaches to humanitarian negotiation, including relational dimensions of interactions between parties based on trust, and transactional dimensions based on the creation of joint values and opportunities. They explored how these skills and best practices might be applied and adapted to different situations and cultural contexts, and attempted to draw out some of the unique social, political and cultural aspects of the humanitarian negotiation experience in Asia, the ultimate objective being to develop context-specific negotiation approaches which aim to reduce suspicions and misunderstandings and bridge cultural and religious divides.

Distinguished guests and speakers included H.E. Madam Retno Marsudi, the Indonesia Foreign Minister, as keynote speaker, Lt. Gen (Ret) Agus Wijojo, Chief of Territorial Affairs of the Indonesian National Armed Forces, Dr Baburam Bhattarai, former Maoist insurgent leader and Prime Minister of Nepal and Vongtep Arthakaivalvatee, Deputy Secretary General of ASEAN, as well as senior governmental and military figures from as far afield as Japan, Sri Lanka, Thailand and Iran. The humanitarian sector was represented by, among others, Dato Dr Faizal Perdaus, President of Mercy Malaysia, Dr Vinya Ariyaratne, General Secretary of Sarvodaya, Sri Lanka, and Mr Hong Tjhin of Buddha Tzu Chi, Indonesia, while religious leaders included Ven Samitha Thero, a senior Buddhist monk from Sri Lanka, Goswami Sushilji Maharaj, a venerated Hindu leader from India and Dr Khizir Hayat Khan, former Director of the Islamic Foundation in Bangladesh. The non-state armed

group perspective was provided by Mohaghar Iqbal, Chief Negotiator of the Moro Islamic Liberation Front (MILF), the Philippines, Nazar Muhammad Mutmaeen, former Head of the Islamic Emirate of Afghanistan (Taliban) Department of Information and Culture, Nur Djuli, former negotiator of GAM (the Free Aceh Movement), and Nasir Abbas, formerly a senior Jemaah Islamiyah operative and one of the most wanted jihadis in South-east Asia.

Over the course of the two-day event, a number of thought-provoking questions and themes emerged from the panel discussions, presentations and through interaction with the floor. This report attempts to capture the key points of those debates and to summarize the related findings and conclusions put forward by the participants.

BACKGROUND

> ### "Access and security negotiations are complex but critical elements to successful humanitarian action"
>
> **Boris Michel, ICRC Director of Operations for Asia**

The ability of humanitarian organizations to access people in need is becoming increasingly challenging worldwide. Whether responding to conflicts and natural disasters or carrying out longer-term health, rehabilitation and development programs, gaining the acceptance and cooperation of governments, opposition groups and communities divided along ethnic, religious or political/ ideological lines can often be difficult to achieve. Stakeholders need to be persuaded that humanitarian programs are beneficial, transparent and appropriate to the context.

Ideal conditions for aid efforts rarely prevail: access to vulnerable groups is frequently limited due to stakeholders' lack of understanding or unwillingness to support humanitarian programs or uphold core principles of humanitarian action. Despite these challenges, humanitarian actors must continue to operate and fulfil their missions without compromising their core principles. This can be a difficult task, particularly in complex, highly politicized environments and/or in the face of serious security threats. Indeed, in recent times, many organizations have been known to limit their operations due to understandable risk aversion.

In large parts of Asia, it has become an established norm for government authorities and humanitarian organizations to work together during times of large-scale disasters, and the growing number and capacity of Asian organisations has boosted cooperation between an array of international, regional and national humanitarian actors.

Promising developments include the signing of the ASEAN Agreement on Disaster Management and Emergency Response (AADMER) and the establishment of the ASEAN Coordinating Centre for Humanitarian Assistance (AHA) Centre as a regional coordinating and support body, as well as for the implementation of AADMER work programs. As discussed at the conference, ASEAN is also now seeking to move beyond reactive disaster response measures to promote a more holistic "culture of prevention"- ASEAN's new mantra- to tackle humanitarian issues beyond natural disasters more proactively. The ASEAN Deputy Secretary General explained that, while it was important to recognise and respect the norms of sovereign nations, there were issues that could be leveraged in the region through a new type of negotiation. Such shifts in the dynamics of humanitarian action in Asia, including increased civil-military coordination and the burgeoning role of the private sector, are putting Asia at the forefront of humanitarian collaboration and innovation.

While across the world humanitarian access constraints are often driven by insecurity and threats from assorted non-state armed groups, the dominant challenge in Asia nevertheless remains gaining acceptance by governments and engaging in a way that does not infringe upon strong regional norms of sovereignty, territorial integrity and non-interference. A political culture of either controlling, autocratic and semi-autocratic states or democratic assertiveness in Asia, coupled with the powerful role of the military which continues to play an important role in both society and politics, naturally impacts the perception of humanitarian assistance. State concerns must be taken into account particularly in highly tense, sensitive situations such as political conflict or insurgencies, with humanitarians needing to understand how authorities deal with real or perceived threats to their sovereignty or authority.

Similarly, the colonial and Cold War history has left many Asian states and the majority of their populations with a pervasive distrust of Western influence, and at times of the international humanitarian community. Even in the seemingly apolitical context of disaster relief, the relationship between the humanitarian sector, government authorities, ethnic and religious

nationalists and local communities remains fraught with tension and suspicions. While international organizations are frequently accused of promoting decadent western values or controversial human rights issues which undermine local cultures and religious traditions, and even of missionary activity, local NGOs and implementing partners are seen as guilty by association and widely suspected of corruption. Indeed, in many parts of Asia, the term "NGO" has negative, even defamatory connotations.

One area of persistent discomfort has been international and regional humanitarian intervention in subnational conflicts. Here, sovereignty concerns, perceived national security prerogatives and deep skepticism by local communities have clashed more obviously with humanitarian imperatives, resulting in minimal humanitarian access in contested areas of Myanmar, Sri Lanka, Democratic People's Republic of North Korea, and Afghanistan. Humanitarian organizations must explore how acceptance can be fostered for humanitarian action in the context of both natural disasters and conflict in a way that is sensitive to sovereignty concerns of governments and local communities who feel marginalized.

KEYNOTE SPEECH FROM INDONESIA'S MINISTER OF FOREIGN AFFAIRS

The conference opened with a keynote address from the Indonesian Minister of Foreign Affairs, H.E. Madam Retno Marsudi, whose remarks highlighted a number of key themes which would emerge in the course of the event. With Indonesia seeking to play a larger role in regional affairs, the Foreign Minister said that, in her view, humanitarian negotiation and securing access during humanitarian crises was the most critical yet most difficult aspect of humanitarian action.

Madam Retno stressed the importance of taking into account the "21st century Asian perspective", reminding the plenary that humanitarian emergency response in Asia is typically very different to that found in the Middle East and Africa. The Minister reminded the Conference that Asia has stronger state sovereignty and governmental structures compared to, for example, the numerous "fragile countries" in Africa. She also said the presence of regional blocs and entities (ASEAN, SAARC etc.) gave Asia an added advantage in disaster response compared to regions where such formalised cooperation does not yet exist.

"No single agency, no single government can resolve crises alone", she said, reflecting concerns from other participants throughout the event who highlighted their own experiences of seeing agencies and humanitarian actors working in "silos" or in competition with each other.

Madam Retno argued that humanitarian efforts required "respect for the sovereignty of the legitimate government," alluding to the fact that humanitarian action needs to have the full support and understanding of the authorities in order to be fluid and effective.

Indeed, the interplay between government authorities and humanitarian actors was a major focus of the discussions on the first day, and Madam Retno's comment preceded a number of debates about the complex dynamics and friction that can exist between States and humanitarian organisations, particularly in highly sensitive situations of conflict or communal tension.

Referring to her recent experience in mobilizing Indonesian humanitarian support for the Rakhine crisis, she emphasized the need for humanitarian actors to act fast and remain flexible without sidelining or sacrificing core humanitarian principles of humanity, impartiality, neutrality and independence, as well as the need to develop the humanitarian network in the region for mutual collaboration and support.

Madam Retno's final and most pressing point related to the issue of trust. To be effective, aid agencies "need to gain the confidence of the communities you are trying to help and those who may hinder or misunderstand attempts to do so".

"It is not easy to deal with certain leaders or conflicting parties," she acknowledged. "Sometimes flexibility becomes part of the success in gaining trust, confidence and securing humanitarian access and effective negotiation."

In what would emerge as a key discussion point throughout the conference, the Foreign Minister said there was a critical need for all stakeholders to work together during times of conflict and humanitarian emergencies. She also expressed deep and shared concerns about the growing security risks to frontline aid workers, adding that humanitarian negotiations require both "bravery and sensitivity".

PERCEPTION ISSUES: OVERCOMING MISTRUST AND SUSPICION

> **"The lack of trust between frontline humanitarian negotiators and their counterparts poses one of the greatest hurdles to negotiations. A lack of trust can lay the groundwork for the failure of negotiations"**
>
> **Centre of Competence on Humanitarian Negotiation (CCHN)**

Issues around trust, perception and credibility of humanitarian workers and organizations emerged as a dominant theme throughout the conference. Across the panels and group discussions, representatives from a wide variety of backgrounds including the humanitarian sector, the military and armed groups all gave real-life examples of the friction that can exist

between stakeholders around humanitarian access. How humanitarian organisations operate (or are perceived to operate) can affect trust with local communities. Public criticism that aid agencies are biased towards one side in a conflict, or a particular community during sectarian violence is common, as seen, for example, during the Rakhine crisis.

The "Government and Security Force Perspectives Panel" brought to the fore the concerns of military officers that NGOS /aid agencies could "bring more disorder than good", especially if an organisation refused to abide by the rules or coordination mechanisms established by the authorities. This point was acknowledged as a valid one and served as a reminder of the need for aid workers to respect state sovereignty, to play by the rules. One senior military officer envisaged ever closer international civil-military cooperation in the future, with military communication and logistics centres put at the disposal of humanitarian agencies.

Speakers cited examples illustrating the historical reluctance of many Asian governments to accept foreign assistance in times of crisis, but how trust and cooperation has evolved over assistance, was contrasted with the 2011 Fukushima disaster when Japan welcomed international organisations from the start. The massive international response to the 2005 earthquake and tsunami in Aceh, Indonesia- previously a combat zone and relatively sealed off from the outside world- was meanwhile cited as a turning point in the country's traditionally suspicious approach to international aid agencies, just as the international humanitarian response to Cyclone Nargis in Myanmar in 2008 contributed to a degree of opening up in the country.

The conference reflected that the modern media landscape of 24-hour television news, the internet and social media has both benefitted and undermined trust and confidence in humanitarian action. On the positive side, humanitarian agencies can now reach wider audiences and use these platforms to explain about their work and their intentions. Conversely, and more dangerously, the risk of viral disinformation, conspiracy theories and 'fake news' about aid agencies- for example that vaccines are a 'western conspiracy' or that aid agencies are proselytizing or involved in espionage- has increased significantly with the rise of social media, and this can be triggered or exploited by political and religious groups to further their own agendas. The proliferation of such claims can undermine public trust, compromise aid workers' safety and limit humanitarian access in certain areas.

Similarly, while state and non-state actors generally prefer to engage humanitarian actors in confidential bilateral negotiations, the use of social media can undermine this by increasing the risk of leaks or circulation of unhelpful speculation. This puts pressure on parties to be transparent and visible to the public, sometimes to the detriment of the negotiations themselves.

The proliferation of non-state armed groups and polarization across ethnic and religious divides presents a significant challenge. Indeed, the emergence of ever more radical jihadi factions has culminated in the formation of the Islamic State group which rejects even basic concepts of humanity. More amenable groups and communities meanwhile need to be convinced that humanitarian organisations are not implicated in recent "humanitarian interventions" in Afghanistan, Iraq and Libya, for example, and have no "vested interests", "hidden" or "western" agendas or involvement in proselytization. One former armed group member was blunt in his assessment when he said international aid agencies are still often seen as the "enemy opposition" with a western, Christian agenda. No consensus was reached as to how this perpetual perception problem could be overcome other than through consistent dialogue and trust-building initiatives in the target communities.

With aid agencies increasingly less able to access conflict zones or sensitive peripheries due to a combination of government restrictions and security threats from non-state armed groups, the most vulnerable rural populations feel abandoned, and often have little understanding, or a deep suspicion of aid organisations. Humanitarian workers forced to retreat to wealthier urban suburbs are perceived as living comfortable lives and lacking the commitment to fulfill their humanitarian mission. In Afghanistan, where the cultural gulf between urban and rural areas is compounded by severe disparity in educational opportunities, first-hand accounts from the field illustrated how the diminished credibility humanitarian organizations left them susceptible to scapegoating and attack.

Meanwhile, governments, politicians and non-state armed groups might examine whether the interests of their constituencies are best served by exaggerated restrictions on humanitarian access or exacerbating suspicions about the agenda of outside humanitarian organizations.

Trust also depends on reassuring stakeholders that humanitarian actors sufficiently understand the context, the local culture and the complex socio-political dynamics in which actors are entwined. Humanitarian actors must appreciate the political realities, security concerns and often severe pressures and constraints under which their counterparts must operate, for how can they have the confidence to negotiate or go out on a limb for those who fail to understand key issues, particularly when reputations and lives are at stake. One speaker from Mindanao, the southern Philippines, described the fraught situation during the Islamic State Group takeover of Marawi and heightened tensions between different communities where "everything is politics" and the idea of neutrality is "not in the language". Doing no harm is crucial.

Transparent and clear communication and, where possible, engagement with all sides or stakeholders in a crisis is important, but humanitarians must be vigilant and not allow themselves to be manipulated or instrumentalised, potentially distorting carefully balanced power relations.

Knowledge of the language and culture is crucial, and the identity of the negotiator is often more important than the content of the negotiation itself. Well-connected local experts can leverage long-cultivated personal networks and open doors that would remain forever closed to outsiders, while deep familiarity with the context gives them an instinctive understanding of highly complex problems (the result of more efficient unconscious mental processing) which outsiders rarely match. Increasingly, it is these experts and advisors who perform the alchemy of humanitarian negotiation, and one such speaker was scathing about the utility of general theorizing on negotiation methods given the overriding importance of knowledge of the context.

Similarly, one general pointed out that security forces were best engaged by their peers, the reason why some organizations hire ex-military personnel. Though humanitarian organisations must institutionalize relationships with key stakeholders, the crucial importance of developing personal relationships and rapport was a constant theme. This takes time, and is frequently disrupted due the staff turnover on both sides.

PARTNERSHIP

> "The only way to take care of the victims' needs is through closer collaboration among all stakeholders... for no single agency, no single government, can resolve this alone."
>
> **H.E. Retno Marsudi, Indonesian Foreign Minister**

As reflected in this, and the previous Jakarta conference on Refreshing Humanitarian Action in 2016, humanitarian organizations are increasingly cognizant of the need to collaborate with each other to properly coordinate their activities, lobby authorities and optimize the effectiveness of humanitarian action. Examples of humanitarian coalitions include Humanitarian Forum Indonesia, Asia Disaster Reduction & Response Network (ADRRN) and International Council of Voluntary Agencies (ICVA), which also lobby for the interests of local and faith-based humanitarian organizations at various humanitarian forums.

Working with local partners enables international agencies to better establish themselves in the context. In addition to benefitting from local networks and expertise, these partnerships appease government authorities reluctant to allow international agencies to operate entirely independently. Investing in capacity building for partners and other stakeholders, including counterparts in humanitarian negotiation, was cited as an example of a good and sustainable practice which would improve mutual trust and understanding between all concerned parties over time.

A number of participants highlighted the crucial role of the development sector. While much of the conference was dominated by discussions relating to conflict and emergency response, development agencies running long-term projects are typically very well-entrenched in their contexts and at the vanguard of trust-building with authorities and local communities. These pre-existing networks might pave the way to facilitate humanitarian access for other organizations, particularly during the emergency relief phase.

KNOWING THE CONTEXT: RESEARCH, MAPPING AND NETWORKING

Developing in-depth knowledge of the context can be the difference between success and failure. Many speakers reiterated the need for humanitarian organizations to carry out research and analysis on the contexts where they deploy, and not to assume that their humanitarian mission gives them a free pass, thereby stumbling into contexts they don't understand.

While humanitarian workers must not involve themselves in politics, a number a speakers reiterated that they must have an appreciation of the socio-political environment in which they operate, where historical tensions or grievances might not be immediately apparent. Failing to appreciate high-stakes economic factors implicating politicians and security force personnel, or the criminal dimension in sensitive peripheries is also a risk. One former rebel leader said that governments often tend to frame an insurgency as purely a security issue, and cautioned that humanitarian actors must make themselves aware of the underlying causes, political and socio-economic dimensions of a conflict in order to engage effectively.

Though emergency relief responses require organizations to mobilize rapidly, there was consensus that humanitarian organizations should ideally take time to establish themselves in a particular context and devote resources to context analysis and mapping, as well as the deployment and recruitment of staff whose essential task is to network, build trust and navigate the multi-layered political, religious, cultural and security dynamics in a given area. Outside aid workers suffering

> "All theory is meaningless unless you have deep contextual knowledge of the environment you are operating in."
>
> **Centre of Competence on Humanitarian Negotiation (CCHN)**

from a "knowledge deficit" in certain contexts was frequently cited by conference participants as a weakness of humanitarian efforts and a drawback to effective negotiation. Humanitarian actors were encouraged to open up lines of communication with multiple stakeholders, and explore how to better utilize digital media to reach out to those who might otherwise be inaccessible.

The essential ingredients of humanitarian negotiation were encapsulated in the "Naivasha Grid" presented at the beginning of the conference by the CCHN's Claude Bruderlien (see below). Developed through consultation with experienced frontline humanitarian negotiators, the grid illustrates that context analysis, mapping of networks of influence and position and interest analysis are crucial elements of the first "relational stage" of humanitarian negotiation, leading to the development of a tactical plan.
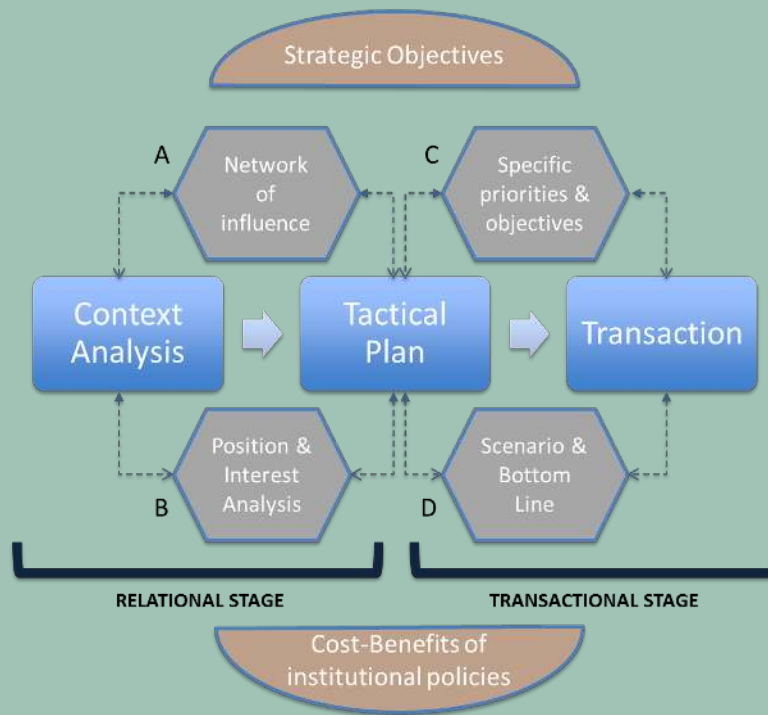
During large-scale or sudden-onset emergencies, it is common practice for outside aid organisations to "parachute" in staff who may have only have a rudimentary understanding of the context, and a number of participants questioned whether the rapid deployment of even experienced international aid workers with scant understanding of local sensitivities or the historical roots of a conflict might sometimes do more harm than good. Moreover, aid workers judged to lack local knowledge can be excluded from circles of trust with local staff or contacts. Sensitive or nuanced information might not be shared, especially if the local colleague or contact is in a precarious position themselves and unwilling to sacrifice his or her social capital for a lost cause.

The practicalities and extent to which outside aid workers could improve their knowledge of local contexts or anticipate every scenario was a point of debate. Is it realistic to expect career humanitarians to undertake detailed research or "cultural immersion" training when they are facing time pressures to respond in an emergency? Could obligatory pre-mission training be put in place to ensure aid workers did not stumble "blind" into sensitive and complex scenarios? Indeed, if an expatriate presence is deemed necessary, are there instances in which specialist 'country-experts' or consultants be considered over career humanitarians? The constant rotation and high turnover of staff in some international organisations also suggests knowledge and contacts can be eroded and lost quickly, despite investment of time and resources and the recruitment of longer-term local staff.

The conference heard that a number of gaps and weaknesses persist in networking strategies employed by humanitarian organizations. Having a 'blinkered' view of a context and thus only engaging with established contacts within government, the military or within mainstream opposition/rebel groups was cited as a key weakness that agencies should address. Religious leaders from the Muslim, Christian, Buddhist and Hindu communities made a number of insightful presentations and contributions, demonstrating the highly influential role religious leaders can play in facilitating humanitarian access

and distributions– as well as in securing the trust of communities and (in some cases) warring parties. A wide range of civil society and community leaders were similarly mentioned in the context of networking and building up solid 'mainstream' acceptance of humanitarian work.

Overall it was agreed that building trust with different parties takes time and should ideally be started before a crisis or emergency in order to improve the chances of successful negotiation and access in future. Local and faith-based organisations possess significant advantages in this regard, often combining extensive grassroots networks with fluid access to government officials and members of opposition groups. These factors, together with increasing restrictions on expatriate access in many contexts, have led to the "localization" of relief efforts across Asia- the deployment of exclusively local/national staff and INGO partnerships with local implementing partners in sensitive contexts. Meanwhile, international organizations have learned that a long-term presence in certain key contexts/hubs greatly facilitates subsequent humanitarian deployment, since they are better connected to influential networks, better understand the context and are more trusted by stakeholders.

The role of research and mapping of networks of influence was considered of crucial importance. One speaker from Mindanao added that in fast-evolving conflict situations such as the recent Marawi siege, considerable effort must also be made to keep mappings up-to-date. In a worst case scenario, time wasted in a sudden scramble to identity key contacts or pursuing out of date or 'dead' leads could have tragic consequences.

Ultimately, humanitarian negotiators must assess what is realistically possible, and how they might leverage support or adapt their operations and/or communications to the challenges at hand.

LEVERAGING CULTURAL CAPITAL IN ASIA

Asia has vast scale and cultural diversity. As such, regional approaches to negotiation are not always appropriate or effective. However, ASEAN is trying to foster a consistent approach to humanitarian engagement. There is of course no single "Asian way" to negotiate despite cultural similarities within and across certain regions. In this respect, the roles of regional leadership in brokering negotiations between states and the international humanitarian community perhaps has its limitations, though ASEAN stands out as a representative regional organization developing a united approach to humanitarian engagement.

Some Asian cultures are "high power distance" cultures, wherein hierarchies are formed based on factors such as age, gender, and education. Similarly, successful negotiations are perhaps more contingent upon relationship building, making the mapping and engaging networks of influence in the relational stage of humanitarian negotiation more important.

Humanitarian organisations have not traditionally devoted significant resources to developing empirically derived, culturally appropriate negotiating approaches. Yet, cultural dynamics can impact the success of humanitarian negotiations in Asian contexts, including recognizing the importance of relationships, social hierarchy, tribal and familial networks as well as adapting one's communication style and the need to show respect and ensure that counterparts save face.

Much of the discussion revolved around a variegated understanding of different "cultures", including the idea of moving from a culture of control to a culture of trust.

It was posited that successful humanitarian negotiation in Asia is generally a function of effective preliminary networking- building relationships first before addressing key issues- thereby avoiding the need to face off in what might perhaps be regarded as a "western-style" negotiation. Confrontation and/or situations of personal conflict are regarded as highly undesirable and embarrassing in many Asian contexts in which relationships tend by characterized by personal ties, mutual consensus and a non-confrontational approach. The "ASEAN Way" reveals the relative weight placed on informal, non-legalistic, and consensus-based diplomacy in the region, whether conducted with high-level government interlocutors or communities in the field. Hence, differences in the directness of communication, formality and attitude between parties can act as impediments to a successful negotiation outcome. Representatives from ASEAN reiterated the core principles of consensus and non-interference which underpin the organisation's approach to diplomacy, as well as the importance of non-confrontation. While acknowledging the cultural and political heterogeneity of Asian states, addressing the extent to which leveraging cultural capital determines the success of humanitarian negotiations across different Asian contexts is crucial.

More formal negotiations with government authorities for humanitarian access- sometimes implying that networking options have been exhausted- are frequently postponed by humanitarian organisations in order to avoid putting government officials on the spot and risking long-term bureaucratic blockages or additional restrictions on humanitarian access. Indeed, in the short-term at least, a lack of official clarity as to the exact limits of humanitarian action might be preferable to an executive order that completely locks humanitarian actors out. Though ways to negotiate with government bureaucracies and the informal networks that intersect them must be studied further, success is rarely achievable without the support of highly-networked local experts and go-betweens with intimate knowledge of how they function.

It was underscored that the lack of a "no" in a discussion does not necessarily mean "yes", and that styles of communication and negotiation were often more subtle and indirect, involving "reading between the lines", "reading the atmosphere" and non-verbal communication. One participant even stated that "sometimes silence is the best negotiation tactic." In line with these points, a number of speakers stressed the critical importance of a negotiator's ability to evaluate and anticipate their counterpart's cultural behaviors and preferences in determining the success of a humanitarian negotiation, a role most effectively played by local experts.

Humanitarian actors were recommended to have an open mind to different ways of seeing. Successful negotiations necessitate understanding alternative points of view, including cultural and religious factors, as well as an appreciation that certain terms and concepts might not be equally understood across linguistic and cultural boundaries. Humanitarians often tend look at operational contexts through a normative frame of reference which categorizes the status of people (combatants, non-combatants, etc.) and situations (international armed conflicts, non-international armed conflicts, etc.) in ways that might not resonate with negotiating counterparts on the ground. Terminologies and the framing of arguments might need to be modified to be equally comprehensible and acceptable to all parties.

While humanitarian negotiation is based on international, national and local norms and jurisdictions which set rules of engagement and expectations of humanitarian aid organisations, some of which are mandated by international law, these norms are frequently contested and misunderstood in Asia, particularly when perceived as a western imposition. This problem is compounded when humanitarian actors fail to properly analyze the political, cultural and religious dimensions of the contexts where they work, or explain themselves to key stakeholders.

Negotiators need to explore different frames of reference to find common ground and shared interests and objectives, as well as mutual appreciation of their respective obligations and constraints. The assumption on the one hand that western/internationally agreed moral and legal frameworks automatically underpin humanitarian action, or on the other that alien values are being imposed on societies from outside, can result in misunderstandings, resistance or blockages to access. Humanitarian negotiation in Asia often requires what in Indonesia is termed musyawarah "dialogue to reach consensus", and was generally characterised as a slow process, building up trust and consensus over time rather than demanding adherence to international rules and obligations.

THE ROLE OF FAITH-BASED ORGANIZATIONS (FBOs)

> "Local actors and faith-based organizations are playing an increasingly critical role on the frontlines of humanitarian crises. This conference provided an important opportunity for us to hear different perspectives about humanitarian negotiation and access and to strengthen our acceptance and security on the ground."
>
> **Tomy Hendrajati, Chairman of Executive Board of Humanitarian Forum Indonesia (HFI)**

Representing vast constituencies of religious adherents across Asia, religious charities have been assisting the needy for hundreds, if not thousands of years. Over the past few decades, their number and capacity has grown exponentially, channeling the spending power of Asia's burgeoning middle class. Indeed, these organizations represent both the past and future of humanitarian action.

The means by which Asia's expanding networks of faith-based humanitarian actors negotiate humanitarian access with government authorities, security forces and opposition groups was the focus of lengthy discussions on the second day. Faith-based charities can mobilize extensive grassroots networks and armies of volunteers, and typically enjoy privileged relationships with government officials, politicians, security forces and opposition groups, especially those of their co-religionists.

FBOs are also increasingly collaborating across the region through umbrella organizations such as Humanitarian Forum Indonesia (HFI) and the Muslim International NGOs Forum. HFI members include FBOs which bridge each other to different contexts- Muslim organizations have helped Christian organisations to deploy to Muslim-majority Aceh, for example, while Christian organisations have assisted Muslim organisations in Papua. Representatives of FBOs from Sri Lanka, Indonesia and Pakistan said that in order to build their capacities and avoid duplication, partnerships with international agencies were something to be further encouraged and explored.

While local FBOs are often deeply embedded in their societies, international FBOs face many of the same access challenges as other INGOs when deploying outside their home countries. Though many adhered to NIIHA (neutral, impartial and independent humanitarian action), including humanitarian wings of even violent jihadi organizations, some are subject to religious bias and face pressure from donors to earmark aid for co-religionists or specific populations.

A few participants questioned the impartiality of FBOs, while others suggested that partiality, or perceived partiality, might be an asset in instances where co-religionists form the majority of the target population. One representative of a leading FBO explained that anticipation of such suspicions made FBOs more conscious of the need to remain impartial. For example, the Buddha Tzu Chi Foundation, one of the first foreign organizations to achieve humanitarian access in Myanmar in the aftermath of Cyclone Nargis (when the UN and international NGOs were denied entry), has also been one of the most respected organisations in the Muslim and Christian-dominated southern Philippines.

One speaker relayed an anecdote familiar to many aid workers about the occasional need, when the distribution of aid becomes politicised, to assist communities who do not strictly require assistance in order to avoid the perception of bias. This was a timely reminder that the perception of impartiality (or indeed neutrality) was often more important than impartiality itself, and highlighted some of the uncomfortable dilemmas faced by aid agencies that have to strike a balance between delivering relief to those in need while at the same time managing perceptions, risks and pressures from communities, politicians and other parties.

THE ROLE OF RELIGIOUS LEADERS IN HUMANITARIAN NEGOTIATION

While religion has commonly been regarded by humanitarians as problematic- a cause of suffering rather than a means to alleviate it- the ICRC stressed the importance of dialogue with religious leaders during times of conflict or disaster. This is not because conflict is necessarily about religion, but because religious leaders are generally well-respected and command extensive networks with an array of stakeholders, as well as carrying out charitable works. As such, religious leaders are also expert negotiators and extremely effective vectors for channeling and facilitating humanitarian aid, securing the trust of communities and acting as a buffer between aid workers and warring parties. The fact that many religious leaders are involved in interfaith dialogue and peace-building efforts means that they are also well positioned to facilitate humanitarian negotiations and bridge political and ethno-religious divides.

Panelists nevertheless made the point that religion and nationalism have interacted in complex ways with political and economic factors to drive a number of subnational conflicts in Asia. In Myanmar and Sri Lanka, Buddhist nationalist narratives have fueled sectarian clashes with Muslims, while in Afghanistan, Pakistan, the Philippines and Indonesia, Islamists have waged both nationalist and jihadi struggles to establish Islamic states. While ethno-religious tensions may indeed contribute to conflict, however, religious leaders have the prestige and influence among communities and warring parties to help minimise the impact of conflict, reassert core religious principles and build bridges with rival communities to work towards peace and reconciliation.

In times of crisis, religious networks- whether grassroots networks of churches, mosques, temples and schools or high-level relations with government, security forces, politicians and opposition leaders- play a crucial role in facilitating humanitarian access and the distribution of relief. At the local level, religious leaders' intimate relations with key stakeholders mean they are often perceived as less partisan than outside humanitarian organisations without the means to navigate local networks. Religious figures can play a critical role in facilitating trust and communication between aid

workers and communities who may harbor suspicions of foreigners. A Buddhist monk at the conference told an anecdote from Sri Lanka, where a flood-affected local community was initially reluctant to accept help from international organisations fearing conversion. The monk was able to give his reassurances that this was not the case and access was easily granted.

These factors have made it an imperative for humanitarian actors to strengthen their own religious literacy and engage with religious influencers in order to gain legitimacy, trust and sustain access within local communities.

Given that humanitarian negotiations are based on humanitarian principles ultimately drawn from the world's religious traditions, the role of religious leaders in promoting these principles is also highly relevant. Much work has been done by the ICRC in collaboration with Islamic scholars to promote correspondences between International Humanitarian Law (IHL) and Islamic Jurisprudence, and similar projects and discussions are being pursued in collaboration with Buddhist, Hindu, Sikh and other religious scholars, the emphasis being on promoting debate and exploring common humanitarian principles that resonate with people from diverse communities. This focus on exploring convergences between humanitarian and religious principles evidently strikes to the core of what humanitarian negotiation is about, and highlights the importance of this work in finding common ground.

Given the post-colonial legacy in Asia, and that IHL and much of the current humanitarian architecture is often perceived as western- and therefore contentious- one participant from Iran said that more work needed to be done to gain the trust and understanding of communities who regulate their behavior in accordance with their religious, cultural or indigenous beliefs. Parallels and correspondences should be made between IHL/ humanitarian principles and local customs, he argued, adding that such an approach would foster greater understanding and mutual acceptance. Simply presenting IHL/ humanitarian principles without any cultural adaption, particularly in communities where understanding of international norms is low, could result in international aid organizations forever being perceived as having a western agenda and being not entirely trustworthy.

THE ROLE OF WOMEN IN HUMANITARIAN NEGOTIATION

A number of Asia's leading female humanitarian practitioners were amongst the participants at the conference. Women from Afghanistan, Iran, the Philippines and Indonesia provided important insights into the roles that woman can, and do play in humanitarian negotiation and conflict-resolution.

Many of Asia's community and faith-based organizations have sizeable female support bases, and in some cases official women's wings, and it became apparent in the debates that the power of women to mobilize and influence should not be underestimated. The world's largest Buddhist charity, Buddha Tzu Chi, was founded by Master Cheng Yen, a Buddhist nun, and a group of housewives in Taiwan, and its volunteer pool is still dominated by women- notably housewives- many of

whom deploy to frontline disaster zones such as the 2015 Nepal earthquake and Bangladesh/Myanmar border areas. When unable to access the general in charge of coordinating the earthquake relief effort in Nepal, Tzu Chi contacted his wife to resolve the issue. In Indonesia, the Disaster Management Center of the country's second-largest Muslim organization, Muhammadiyah, has Dr Rahmawati Hussein, a leading female practitioner, as its Vice Chair.

A number of female humanitarian practitioners and religious leaders, including Sister Brigitte Renyaan, who talked about her experiences on the frontlines of conflict in Indonesia's Maluku province, showed how women are already at the heart of communities when disaster strikes. Empowering women and enabling them to play an equal, if not leading role, in frontline humanitarian negotiation was highlighted as a crucial step forward in many Asian contexts.

The role of women in familial and tribal networks was also discussed in the context of engagement with non-state armed groups in the southern Philippines, most recently during the Islamic State (Maute group) takeover of Marawi. Women, in their roles as wives and mothers of armed fighters and/or security detainees, and increasingly as active combatants across the region, can be an important vector in humanitarian negotiation, allowing relatively safe and fluid communication with even radical or sensitive groups. Participants discussed the extent to which developing relationships with women in conflict-affected communities could help to reduce tension and build trust between humanitarian agencies and armed groups. Given that the protection of women and children is usually a shared humanitarian goal for all parties, this issue is frequently utilized to establish baseline trust and common ground. The crucial role of women as mothers and teachers to their children, and the transmission of humanitarian principles to future generations was also discussed.

NEUTRALITY AND NEGOTIATING WITH NON-STATE ARMED GROUPS

The presence of a number of former fighters and leading negotiators from the region's armed groups added a unique dimension to the conference. Past and present members of the Moro Islamic Liberation Front (MILF), Islamic Emirate of Afghanistan (Afghan Taliban), the Free Aceh Movement (GAM) and Jemaah Islamiyah were given the opportunity to share their experiences and perspectives on the humanitarian negotiation process.

With increasing ethnic and religious polarization, proliferation of armed groups and assorted radical networks, humanitarians must be aware of the dangers and governments' legitimate security concerns. Balancing the need to speak to all parties, including members of armed groups, with security and the goodwill of authorities remains a delicate balancing act which is not always possible to pull off, and the space for neutral, independent humanitarian action is shrinking fast. Faced with restrictions on access to conflict-affected areas and lack of access to non-state armed groups, contact with whom is rarely tolerated by authorities, humanitarian organizations might have to reduce their activities, compromise their principles and working procedures and/or explore innovative means to partner with local organizations and reach out to less sensitive intermediaries.

Misconceptions and deep-rooted suspicions of 'collaboration with the enemy side' were frequently cited as major risks for humanitarian agencies working in conflict zones or divided communities. From the standpoint of an opposition or armed group, dialogue between humanitarian organizations and authorities can erode trust and enhance risk, especially in contexts where government policies are perceived as oppressive or infringing on human rights. Whilst claiming to understand the dilemmas and practical constraints of humanitarian action in the field, one former fighter challenged "the morality of aid workers who work with governments which act with impunity."
Cooperation with the military- an increasingly common trend in disaster zones- was also cited as a reputational and security risk for aid organizations. Whilst it was agreed that in terms of practicalities civil-military cooperation was highly beneficial, humanitarian actors involved are generally perceived as taking sides, fatally undermining their neutrality and security.

Even in instances where humanitarian access is successfully achieved, this "positive outcome" can sometimes be soured by perceptions that access was granted only as a result of a deal with one party at the expense of another- thus eroding the desired perception of neutrality. This it was concluded is a difficult, perhaps impossible, dilemma to overcome. Such was the case with the Red Cross Movement's access to Rakhine during the recent crisis, when many assumed that it must somehow be compromising with the Myanmar authorities. Crucially, the CCHN reminded participants that "neutrality cannot simply be claimed" but has to be "recognized, perceived and understood on the ground".

The conference heard that gaining trust and security guarantees from armed groups continues to be a challenge for humanitarian organizations, particularly given armed groups' tendency to fragment into ever more radical factions. Armed group members urged humanitarian organizations to remain neutral and impartial, and argued that contact should be sustained whenever possible with regard to relevant aspects of humanitarian deployment, avoiding a 'stop-start' approach to relationships. Unfortunately, states have increasingly little tolerance for this, and humanitarian organizations are sometimes faced with legal ramifications should they persist.

Local staff and interlocutors can sometimes be highly exposed to pressure from governments and armed groups precisely because they are embedded in local communities, and this is one area where deployment of expatriate staff can sometimes be an advantage. Meanwhile, governments must evaluate whether an organization's contact with armed groups and utility as a humanitarian intermediary outweighs its potential to legitimize them.

In practice, given the security constraints and shrinking space for contact with armed groups, humanitarian organizations increasingly limit their ambitions and/or rely on proxies to maintain any channels to armed groups at all. This leads to a vicious cycle in which lack of contact translates into inadequate security guarantees for humanitarian organizations to deploy, thereby alienating armed groups and their constituencies and giving rise to perceptions that they have been abandoned by the international community. These perceptions are reinforced when humanitarian organizations continue to assist communities in government-controlled urban areas- in Afghanistan, for example, where it is almost impossible for humanitarian agencies to obtain security guarantees from metastasizing Taliban, IS and assorted militia groups.

Some pointed out that "western" concepts of neutrality and impartiality are understood in different ways by different parties. In some contexts, neutrality can be interpreted as weakness, lack of empathy and even as a sign of disloyalty, or partiality to sides which uphold the status quo. Such positions might, for example, be held by non-state armed groups or human rights activists who prefer denunciation to strict neutrality, which they regard as a cop out. Clearly, there are a number of dilemmas to which there are perhaps no perfect solutions, and which cut to the very core of contemporary humanitarian challenges.

The critical importance of understanding the context was again underlined in relation to non-state armed groups. If humanitarian negotiators fail to understand the root causes of the conflict or empathize to a degree with the grievances of armed groups and their constituencies- also necessitating a degree of personal rapport- then they are unlikely to win their trust. Having a grasp of the complexities of a conflict also demonstrates that humanitarian negotiators are competent, and less likely to make costly mistakes which might compromise the security of the group.

Given that non-state armed groups are generally less organised and more secretive than state security forces, humanitarian negotiators must make a special effort to understand their structure and doctrine if they are to engage effectively. This is particularly important in the case of decentralized groups whose disparate factions might disagree, such that group negotiators are subject to severe internal tensions. Mapping of the networks of influence around such groups is also of critical importance, particularly when direct contacts are no longer sustainable.

One ex jihadi fighter provided a fascinating insight into the perception of humanitarian action by some jihadi organizations, given that the term jihad has many shades of meaning: striving or struggling against one's evil inclinations, to convert unbelievers, towards the moral betterment of society, armed struggle against unbelievers or defensive warfare . Jihadi groups typically intervene when there is a perception that the Muslim population is being oppressed and are in need of means not only to survive but to defend themselves. As such, armed jihad against oppressors and the supply of weapons alongside relief assistance are regarded as legitimate humanitarian interventions, much as Western governments have framed their "humanitarian interventions" in Afghanistan, Iraq and Libya. When access of humanitarian organisations to conflict zones is restricted, such calls for violent action are reinforced. Osama Bin Laden, the late Al Qaeda leader, was one of the better known examples of a jihadi who also took on the mantle of humanitarian aid provider, as was the militant group KOMPAK which provided both humanitarian assistance and weapons to Indonesian Muslim communities in Maluku during the 1999-2001 sectarian conflicts.

INTERPLAY BETWEEN HUMANITARIAN NEGOTIATION AND POLITICAL MEDIATION

While aid organisations engage in humanitarian negotiations with representatives of governments and armed groups for access to conflict-affected communities, these same representatives often engage with each other in peace negotiations to seek political solutions, sometimes encompassing a humanitarian dimension. In this regard, the entangling of humanitarian and political agendas is commonplace across several Asian crises, and one session at the conference was devoted to the interplay between humanitarian negotiation and political mediation.

Participants discussed how humanitarian negotiations to secure assistance to vulnerable communities might ultimately create the space for subsequent peace negotiations, but that the potential blurring of lines between the two can have negative consequences for humanitarian organizations which rely on a perception of strict neutrality, impartiality and independence for their access and security. How, it was asked, can humanitarian actors distinguish humanitarian negotiation processes from political mediation/ peace and reconciliation initiatives? How can the politicisation of aid be avoided, or in the worst case scenario, mitigated? Since a few of the humanitarian organisations represented at the conference were also involved to some degree in peace mediation, such issues were particularly relevant.

A related point raised by a number of speakers concerned the potential blurring of lines between humanitarian negotiation and advocacy. Citing numerous historical and recent examples, participants said that humanitarian organisations should be careful not to pursue a "selfish issue or rights-led agenda" in other words: advocacy undiluted by local sensitivities, socio-cultural considerations and political realities. Indeed, many Asian stakeholders prefer to recast "rights" as duties, thereby emphasising the mutual obligations of individuals to their families and communities.

Whilst it is inevitable that aid agencies will have their own specific humanitarian mandates, it was argued that bilateral advocacy and denunciation approaches could sometimes create an atmosphere of tension and mistrust with the authorities, and undermine the collective effort of the humanitarian community. It was recommended that prior to humanitarian negotiations, aid agencies should work together to finesse the content and terms of the negotiations and to "create a favorable agenda", adapting and socialising certain concepts so that they do not alienate or provoke the mistrust of key stakeholders. A slower, more considered negotiation approach could, it was argued, lead to improved access and create a more favorable operational environment in the long-term.

With regard to practicalities, the development of mechanisms to ensure that all concerned stakeholders can better coordinate and share information was discussed. For example, the diplomatic corps needs to be better briefed on humanitarian access and negotiation issues.

Finally, the conference was also animated by questions about the advantages and disadvantages of working in democratic societies. While some thought that humanitarian action is better accepted and easier to execute in countries with more open and democratic systems of governance, a number of participants gave examples in which the introduction of a democratic system had caused hindrance to aid agencies or led to an escalation of conflict.

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i Rob Grace, "Humanitarian Negotiation: Key Challenges and Lessons in an Emerging Field". ATHA White Paper Series
ii Wikipedia

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