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The Nexus between Relief and Diplomacy: The Impact of the International Committee of the Red Cross (ICRC) in Enhancing Humanitarian Diplomacy

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ABSTRACT

To interrogate the subject-matter: *The Nexus between Relief and Diplomacy: The Impact of the International Committee of the Red Cross (ICRC) in Enhancing Humanitarian Diplomacy*, the study began by first establishing a theoretical framework based on relevant theories, concepts and indices, including on what constitutes a State, its features, its inviolability, its legal standing in an international society of States, its role as a unit of analysis in the relations of nations and its pursuit of substantive goals in the comity of States as well as within multilateral institutions through its leverage of certain instruments and tools.

It narrowed these tools down to diplomacy, which was at the heart of the thesis and in this regard, recognized that traditional diplomacy had been the preserve of diplomats accredited to other States to inter-deal with them on behalf of their own States—an age long practice that had endured for over a century. It then advanced the view that today, diplomacy was no longer conducted by the State alone and that the International Organization (IO) had become a practitioner of the phenomenon as well.

Furthermore, the study posed a critical question: If a State conducted foreign policy through diplomacy (among other tools at its disposal), could an actor not possessing the status of a State (like the IO) also engage in diplomacy and play in the arena of States as if it was one of them? It cited the perspectives of various authorities both in favour of this position and against it. It then situated its case study (i.e. the International Committee of the Red Cross—ICRC), whose activities normally took place on the territory of States, within defined parameters (as an IO).

The study explained the character and status of the IO consistent with its mandate in the Geneva Conventions of 1949 and on the basis of which it entered into a Headquarters Agreement

with host States. It explained that its delegates enjoyed privileges and immunities based on the Vienna Diplomatic Convention of 1961. Consequently, it submitted that this status clearly distinguished it from other actors in the humanitarian domain that were mostly INGOs and NGOs.

To argue its thesis, the study obtained data provided by participant-observers and from the findings, established the following: How the case study defined humanitarian diplomacy; How it conducted it; With what additional tools; With whom it engaged (States and Multilateral organizations); In what contexts; To what ends; With what results. The enquiry established that the case study conducted humanitarian diplomacy over the period in focus (2007-2022) in the contexts selected and by that, gave expression to Articles 1, 9 and Common Article 3 of the four Geneva Conventions and the Statutes of the International Red Cross and Red Crescent Movement.

The study identified the origin of the practice of humanitarian diplomacy as 1864 and affirmed that the dynamism of humanitarian diplomacy was exemplified by how it embraced supporting tools to reinforce its conduct. While establishing that States also conducted humanitarian diplomacy, the study faulted how it was defined, which was too broad and academically unwieldy. In contrast, it submitted that humanitarian diplomacy is the process of representation, communication and negotiation undertaken by the case study with States party to the Geneva Conventions (and not with non-state entities).

In solving the research problem, the study identified areas in which its findings can enrich the phenomenon to include how it has generated newer didactic material, especially one that is rich in examples on the conduct of humanitarian diplomacy; how it has clarified the shape and form in which humanitarian diplomacy was conducted; as well as illustrated how this phenomenon helped the case study to achieve its humanitarian mission for the material and psychosocial benefit of persons affected by armed conflict and violence, consistent with the provisions of the Geneva Convention.

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LIST OF ABBREVIATIONS

CSO-Civil Society Organizations

EU-European Union

IFRC-International Federation of Red Cross and Red Crescent Universities

IAC-International Armed Conflict.

ICRC-International Committee of the Red Cross

IHL-International Humanitarian Law

INGO-International Non-Governmental Organization

IO-International Organization

LoAC-Laws of Armed Conflict

MNC-Multinational Corporation

NGO-Non-Governmental Organization

NIAC-Non-International Armed Conflict

NSAG-Non-State Armed Group

PoW-Prisoner of War

TİKA-Turkish Cooperation and Coordination Agency

USIP-United States Institute of Peace

WEF-World Economic Forum

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Conducting research for this dissertation was both tasking and enjoyable for me simultaneously. It was so because I had always wanted to explore the subject matter, particularly given the fact that I engaged in it extensively during my posting to various countries. I am therefore grateful to God Almighty who not only made it possible by granting me good health and a sound mind, but also provided me with a very conducive environment for reflection and writing.

In view of a paucity of textual data on how humanitarian diplomacy was conducted by actors in the humanitarian domain, I had to rely on participant-observers for my research. I am therefore grateful to have benefited from the willingness and cooperation of some of my senior colleagues, my contemporaries, and others whom I worked with, as well as others who worked in multilateral organizations, for sharing their thoughts, perspectives, and their experiences. They played an important role in making it possible for me to have not just a rich source of information to draw from, but against which to test existing theories, my own experiences, views, and perspectives.

My family greatly supported my efforts too. My daughters, ‘Seun, ‘Sayo and ‘Sola accommodated my wife Toyin and I while I drafted the dissertation and did everything possible to ensure our comfort and enhance my concentration. I owe them a debt of gratitude.

My supervisor, Professor Salvatore Fava helped set the scope and framework and provided guidance and supervision that enabled me to conduct the research and produce the thesis. I thank him immensely for this.

Indeed, it is my hope that this research effort will stimulate further intellectual enquiry into the subject matter and that organizations engaged in its conduct will also encourage more research and publication to help expand the store of textual data available on the subject.

KEY WORDS

African Union. Assistance. Cooperation. Convergence. Diplomacy. Foreign Policy. General Assembly. Geneva Conventions. Humanitarian. Humanitarian Diplomacy. International Committee of the Red Cross. International Humanitarian Law. International Organization. International Relations. Prevention. Protection. Relief. State. Strategic Anchoring. Techplomacy. United Nations. Vienna Diplomatic Convention.

CHAPTER ONE| INTRODUCTION

1.1 Background of the Study

Today, the international system is underscored by a weakening of the unipolar order. Multilateralism is re-emerging and there is a resurgence of international armed conflicts too, contrary to the previous situation when non-international armed conflicts prevailed. Urban warfare today enhances a perennial, fragile, international economic order. In spite of this seemingly chaotic international system, the International Organization (IO) is expected to function effectively and seamlessly and achieve results notwithstanding the identified dynamics.

While challenges such as the ones identified above had always dominated the international arena, it should be noted that for centuries, the modern State has engaged in the practice of diplomacy, typified by the exchange of ambassadors who inter-deal with one another on behalf of their respective sovereigns in times of peace. These ambassadors seek to forge convergence when the interest(s) of their State or sovereign collided with that of another, when confidence in inter-State relations was eroded or when States with such contradictory interests required neutral, third-party intervention to resolve or to bring them back together. Diplomacy is therefore an essential practice in international relations and has remained so till date.

Given the length of time that diplomacy has existed and has been recognized as a key tool of engagement in ensuring smooth inter-State relations, it has come to be seen as a practice engaged in by States alone. It may however come as a surprise to many that IOs also undertake an aspect of diplomacy. Indeed, those of them who carry out relief operations oftentimes do not do so in a vacuum but are able to carry out this function usually by leveraging extensive contacts and goodwill especially in an environment affected by armed conflict or violence, to guarantee access and security both for their personnel and for the relief materials that they convey. They also sometimes leverage diplomacy

to ensure the safety of the civilian population that they seek to protect should this come under direct threat from the activities of the parties to the conflict.

Such contacts are often with the political authorities, security forces, community leaders, armed opposition groups etc., each of whom may be requested to bring its influence to bear in the area it controls for the relief mission to go ahead so that the critical needs of the most vulnerable amongst the affected population can be met.

Where the organization conducting the relief operation is unable to gain access to the designated area because local actors or parties to the conflict deny it entry, or where it is restricted and overwhelmed by other challenges in the field, it may institute a tool of diplomacy which the International Committee of the Red Cross (ICRC)—one of the major IOs active in the humanitarian space—describes as *humanitarian diplomacy*.

While traditional diplomacy largely takes place in the full glare of the public and is often the subject of intense debate and analysis, it will be fairly accurate to suggest that other aspects of diplomacy have usually not benefitted from the intensity that is the hallmark of this type of diplomatic engagement, nor the visibility and popularity that it enjoys.

Embarking on this exercise makes it imperative to clearly define some other concepts that will have a bearing on it: that of the ‘*State*’ and of ‘*International Relations*.’ According to the Late Obafemi Awolowo, the *State* is "a legal phenomenon" with features of territory and population, as well as possessing a constitution and a government. It possesses the means of coercion with which to effect compliance with its authority, is recognised by other States, functions in the international system and possesses the status of a legal person which invests it with such a capacity that it cannot be dismembered.¹

The concept of the *inviolability* of the State is addressed by Knutsen in his assertion that the 'internal sovereignty' of the State is equally inviolable and that "...the State was not merely territorial in nature—its territory was circumscribed by a boundary which was impenetrable in principle, defended by military might in practice and justified in law." ² Each State thus enjoyed "legal standing as a juridically equal actor in a larger, international society of States."³

While Jack Donnelly affirms that "a State acts as a rational autonomous actor in pursuit of its own self-interest with a primary goal to maintain and ensure its own sovereignty and survival," ⁴

Olu Agbi suggests that the State advances and defends its interests relative to other States through well-articulated objectives which he describes as its "substantive goals." The pursuit of these goals is articulated in its "foreign policy" and there are several instruments available to the State with which to achieve those goals. ⁵ Some of these instruments are the *Head of State* the *Minister of Foreign Affairs* *Diplomacy* *Economic Pressure* *Military action*, etc.

"International" (inter-national) relations on the other hand, was first coined as a term by Jeremy Bentham to describe what he defined as *the relations of nations* in his 1789 publication titled *Principles of Morals and Legislation*. Torbjorn L. Knutsen was to illuminate this concept further by submitting that, as intended by Bentham, the term explains the interaction among and between States, as well as State-based actors across State boundaries (although what he meant by 'State-based' actors was not elaborated upon).⁶

He also suggested that the term in question is similar, but different in meaning, to 'international politics,' but since the latter is not within the purview of this study, we shall refrain from further pursuing discussion on that concept. What is important for our purpose though is Knutsen's assertion that those two terms are interlinked, and it is often difficult to determine where one ends and the other begins.

1.2 Statement of the Problem

If *diplomacy* is one of the instruments through which States undertake foreign policy, and if the State is the unit of analysis in international relations, then how does an actor that is distinct from the State and the multinational entity foster its global relief operations through engaging in diplomacy (as one of the tools at its disposal)? How does doing so enhance its relief operations especially when one considers that specifically, humanitarian diplomacy, as a tool, is hardly recognised, usually ignored, yet is a veritable feature of the engagement of IOs with States in bilateral and multilateral settings ? These questions form the core of the problem to be interrogated by the study.

For quite a long time in international relations, the dominant thinking had been that the State is the 'unit of analysis' since it is the main actor in that realm of interaction within the comity of States. It is fitting to quote Knutsen again, as he has sufficiently elaborated on the subject matter in question, especially in his affirmation that "as the nature of States has evolved over the years, so has the nature of international relations." He submits that "where 'States' or 'nations' do not exist, it is difficult to identify macro-political affairs that deserve to be denoted as "international relations." ⁷

The identification of these instruments presupposes that there will be certain platforms for leveraging any one or all of them. Following the practice by States of exchanging Ambassadors, who, acting as emissaries, transmitted messages between States in the early days of international relations, platforms for leveraging this tool over the years have expanded from diplomacy by conference, to the 'Concert' of Europe, and to sub-regional, regional and global summits of Heads of State and Governments, as well as several bilateral and multilateral fora, etc.

From the foregoing, a major question that arises is: if diplomacy is one of the instruments through which States undertake foreign policy, can an actor not possessing the status of a State (like the ICRC) engage in diplomacy? If yes, what brand of diplomacy can it engage in? How can the

conduct of this diplomacy strengthen its humanitarian intervention? How has it enhanced such brand of diplomacy by its conduct?

This study will shortly shed light on the questions raised at the top of this section by examining the humanitarian community's concept of *diplomacy* and why organizations in that space engage in it. Before doing so however, it hereby wishes to acknowledge that one of the proponents of *humanitarian diplomacy* is the ICRC, which incidentally, also happens to be the oldest humanitarian organisation in the world. Established on 17th February 1863, its experience over the decades and formulation of the ⁸ *seven fundamental principles* for humanitarian action have greatly influenced the working modality of every other organisation undertaking humanitarian intervention today.

We can glean who the ICRC is from its public documents, where it describes itself as “...an impartial, neutral and independent organization, whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.” ⁹

With regard to its status, the ICRC has an international legal personality and further clarifies this profile as being that of a “...unique institution, distinct from non-governmental organisations (NGOs), with a functional international legal personality by virtue of which it has rights and obligations.” ¹⁰ Its peculiar character is underscored by the fact that, though it enjoys privileges and immunities (diplomatic status) in the territory of most of the States where it operates, the institution had, paradoxically, been founded by private initiative.

Marion Harroff-Tavel, a renowned authority on the ICRC, its mandate, functions, and legal status, explains that “...it is an association governed by Articles 66 ff of the Swiss Civil Code. Its headquarters are in Geneva, and it maintains a privileged relationship with Switzerland, but the duties it performs are international. In addition, the ICRC’s humanitarian policy is independent of that of

Switzerland, and it takes care not to intervene in Swiss foreign policy. To delimit that independence and set a framework for their relations, on 19 March 1993 the ICRC and the Swiss Federal Council took the unusual step of signing a headquarters agreement, or an instrument of international public law." ¹¹

There is hardly any IO with the exact status and character of the ICRC, which has a unique personality and has been in existence for well over a century and a half. Without any doubt, this clarification and explanation clearly show that: (1) The ICRC is not a State and (2) It has a distinct personality.

Having discussed some important concepts and key theories and having examined some perspectives that have some import for the issues in focus, it behoves this study to state that humanitarian diplomacy as relevant in this discourse, is different from how some practitioners and academics view it.

Larry Minear for example, describes humanitarian diplomacy as encompassing "...the activities carried out by humanitarian organizations to obtain the space from political and military authorities within which to function with integrity." He apparently does not agree that an IO can undertake diplomacy as exemplified in his assertion that "humanitarian diplomacy involves activities carried out by humanitarian institutions and personnel, as distinct from diplomacy exercised by traditional diplomats, even in support of humanitarian activities." ¹²

As shall be seen in this study, his characterization of activities carried out by humanitarian organizations "to obtain space..." within which to operate as 'humanitarian diplomacy' differs markedly from that of this study and that of its case study because his description evidently did not take cognizance of the full range of actual diplomatic engagement undertaken by the ICRC. ¹³

Paradoxically, he goes on to quote Ambassador Lakhdar Brahimi as saying that "diplomacy is a specialized function carried out by a special category of personnel. The duties and obligations of

official diplomats and the conduct of their functions are clearly framed by international law and custom.”¹⁴ The latter part of that sentence confirms the perspective of this study because some of the diplomatic engagements of the ICRC are expressly derived from international law i.e. the Geneva Conventions of 1949.

On her part, Hafize Zehra Kavak is close to the mark when she says “humanitarian diplomacy seeks to create avenues to persuade decision makers and opinion leaders to act, at all times, in the interests of vulnerable people and with full respect for fundamental humanitarian principles.”¹⁵ The only modification to her definition that I can make here is to affirm that humanitarian diplomacy actually seeks to directly persuade States as well (and not just ‘decision makers’) to act favorably such as by drafting, formulating, signing, acceding or endorsing international legislation or policy that can better protect persons affected by issues of adverse humanitarian concern (especially armed conflict). This is the underpinning philosophy behind humanitarian diplomacy and is underscored by an act that took place over a century and a half ago.

Regarding the said act, I submit that the process initiated, led and successfully concluded by Henry Dunant (the founder of the ICRC, after witnessing the horrific aftermath of the Battle of Solferino on June 24, 1859), to have the customs of war codified (as the laws of war), assisted by his friends (General Henri Dufour and Drs. Louis Appia and Theodore Maunoir) would, in the context of this study, rank as the origin of humanitarian diplomacy. This in my view is because they successfully engaged and persuaded the comity of States to not only enshrine these rules, but to sign and ratify them.¹⁶ That made the first Geneva Conventions of 1864 a veritable outcome of humanitarian diplomacy and a worthy piece of international legislation. During this study, I shall further elaborate on how the ICRC has continued to play similar roles.

1.3 Research Objective/Aim

The objective of the research is to show the nexus between relief operations and diplomacy and to document and explain how humanitarian diplomacy enhances the global humanitarian relief operations of an IO—in this case, the ICRC, which will be the case study (being a renowned IO, established in 1863 and with a chequered history as a custodian of a critical piece of international legislation i.e. International Humanitarian Law—IHL). This study will seek to demonstrate that an actor not possessing the status of a State (or a multinational entity) can be a unit of analysis in international relations by virtue of its engagement in humanitarian diplomacy.

1.3.1 Specific Objectives

For the purpose of this study, the researcher shall select and focus on the following contexts (out of several others) in which humanitarian diplomacy was leveraged by the ICRC. They span ICRC missions in four continents as follows: Africa—Seven States; Asia—Three States; Europe—One State and the Middle East—Four States.

In some of the contexts in its African delegations, humanitarian diplomacy was leveraged by the ICRC to resolve a variety of operational challenges in favor of civilians affected by situations of adverse humanitarian concern in armed conflict environments. This included being part of the process of influencing States in one sub-region in Africa to restrict the recruitment of children into military forces (based on the negative impact on child combatants by the Liberian and Sierra Leonean conflicts) and facilitating the domestication process of 2 international treaties that can better protect the civilian population in the event of armed conflict in another State.

Others include demonstrating how the case study played its role as a neutral intermediary in contexts that included Africa, consistent with the provisions of the Statutes of the International Red Cross and Red Crescent Movement and the provisions of the four Geneva Conventions, for the benefit

of the civilian population and those no longer participating in hostilities. By so doing, the case study gave vent to the First, Second, Third and Fourth Geneva Conventions and other relevant international treaties.

Upon invitation for a diplomatic engagement, providing clarification on the legal classification of a developing situation under international humanitarian law to a host State in Africa onto whose territory a military unit from another country engaged in conflict with an armed group had defected to enable the non-belligerent State to resolve the matter consistent with the relevant provisions of Geneva Conventions; and acting as an Observer in the peace negotiations brokered and hosted by an African State to facilitate negotiation between another State from another part of the continent with an armed group operating on its territory in opposition to its authority and sovereignty.

Still on the African context, the case study leveraged humanitarian diplomacy to influence States to sustain funding for a State that was newly emerging from an armed conflict so as not to undermine the fragile peace; engaged in humanitarian diplomacy with a European State to persuade it to sustain funding the training of military officers of this same African State on international humanitarian law to better protect its civilian population if conflict broke out again; engaged with the a Regional Economic Community (REC) in Africa to provide humanitarian injects into, and assess its observance of humanitarian law in the first ever simulated multidimensional peace operations exercise in the sub-region (to impress upon military forces from its member-States to ensure better protection for their civilian population in the event of armed conflict).

With regards to its humanitarian diplomacy engagement with multilateral entities, focus will mainly be on the work of the case study in its capacity as a Permanent Observer, in addition to being requested to give periodic briefings either to the entity or to diplomats accredited to it on the humanitarian situation globally or in specific contexts. This naturally covered the advocacy

dimension to the work of the case study and those issues on which it sought to influence policy or resolutions in favor of protected persons and towards strengthening adherence to the provisions of the Geneva Conventions. It also provided support (including technical support where requested) to States or Committees working on drafting or reviewing certain treaties that could best protect the civilian population (consistent with the III and IV Geneva Conventions in particular) in the event of an armed conflict (such as the Arms Trade Treaty-ATT).

On its humanitarian diplomacy engagement in the Asian context, the case study became a partner with an influential Policy Forum held by an influential State for the inaugural and early editions and actively leveraged humanitarian diplomacy to situate its humanitarian mandate and activities in the consciousness of all participating diplomats, government officials, military leaders and entities—including regional communities, economic or military blocs, etc. from all over the world.

It also partnered with a major State in Asia to convene seminars on peacekeeping addressing contemporary challenges relating to the protection of civilians and to which all the major troop contributing countries were always invited. Humanitarian diplomacy in this context was also leveraged by the case study to present to key State entities and the security establishment, emerging challenges that new technologies of modern warfare could pose to provisions of the Geneva Conventions to protect the civilian population and how to overcome those difficulties.

Humanitarian diplomacy in some Middle East contexts enabled the case study to facilitate the return of an elderly refugee who had fled his country and had been separated for over a decade from his wife and children to return to see them by engaging with the authorities of three concerned States to facilitate this transfer. By leveraging humanitarian diplomacy with some States in the region then serving on a technical group of a multilateral institution, the case study was also able to persuade them to affirm the applicability of IHL to cyberwarfare, thereby ensuring that State parties had an

obligation to respect civilians and items indispensable to their survival when deploying cyber-attacks within the context of an armed conflict. An international armed conflict between two States and the need to evacuate trapped civilians required the case study to engage humanitarian diplomacy with all concerned parties towards ensuring the evacuation of students from another State that were trapped in one of the provinces under attack.

Finally, at the level of its headquarters, the case study instituted a review and evaluation of *strategic anchoring*, a process internal to it and which is related to humanitarian diplomacy, with a view to making it fit for the contemporary challenges confronting its operations in States it identified as having *global and regional* influence. The outcomes from all these contexts and indeed of that reflection process helps to set the overall objectives of this study and will be discussed extensively in chapters 5 and 6 of this study.

1.4 Research Questions

The research questions for the study are : What is humanitarian diplomacy? Can an actor not having the status of a State engage in diplomacy and play in the arena of States as if it was one of them ? What specific examples of the humanitarian diplomacy of the case study can be identified, in what contexts, to what ends and with what results ?

(Other related questions will include the following : What is ‘international relations?’ Who are the actors in the international arena for whom international relations are a standard practice? What is ‘diplomacy?’ When was the International Committee of the Red Cross (ICRC) formed? What is the status of the ICRC? What constitutes the mandate of the ICRC? What is the role of the international community in authorizing that mandate? What are the Geneva Conventions? What is the Hague Convention? In what contexts does the ICRC function? How does the ICRC go about fulfilling that mandate? How does the ICRC conduct humanitarian diplomacy? What is strategic

anchoring? How does it underscore humanitarian diplomacy? What challenges confronted the ICRC as it sought to conduct humanitarian diplomacy? How did conducting humanitarian diplomacy enhance its relief operations and in what contexts? How does not having the status of a State affect the capacity of the ICRC to inter-deal with State actors? How has its leveraging humanitarian diplomacy enriched diplomacy generally? What recommendations can be made to enhance the conduct of humanitarian diplomacy) ?

1.5 Significance of the Study

Upon completion, the study will contribute to our understanding of the expanding scope of contemporary international relations by highlighting the growing importance, relevance and impact of humanitarian diplomacy in enhancing humanitarian relief operations globally. This significance is underscored by the fact that IOs (such as the International Committee of the Red Cross –ICRC; the International Organisation of Migration—IOM; the United Nations High Commissioner for Refugees—UNHCR; the United Nations Office of the High Commissioner for Human Rights—OHCHR; the United Nations Children’s Fund—UNICEF; to mention but some), play a crucial role in providing relief or driving development for millions of people in critical contexts around the world and in services broadly categorised as either *development* or *humanitarian*. They often do so in cooperation with States or State entities.

The procedure for engaging in these tasks oftentimes include diplomatic engagement, while some of these IOs are accommodated on multilateral bodies where they enjoy the status of *permanent observers*, further investing them with a role to play within the comity of States.

Furthermore, the significance of the study for the international domain can also be gleaned in the global budget of these IOs, as, for example in 2023, what was required to address the humanitarian needs of 248 million persons (as captured within the Global Humanitarian Overview-GHO) was put at USD55.5 billion (less staff costs, logistics, administration, etc.).

As a corollary of, and peripheral to the study, its outcome may have relevance for debate as to whether the IO sufficiently qualifies to be regarded as a ‘unit of analysis’ in international relations, alongside the State and the multinational entity.

1.6 Scope Of Study

The study will cover the period 2007 to 2022 and focus on operations of the case study in some of its delegations in Africa, Asia, Europe (its headquarters) and the Middle East. Due to the confidential nature of some key aspects of the work of the organization and the obligation on the part of the institution and its staff to abide by this, the specific States that will form the coverage areas will not be mentioned by name. However, the scope chosen is a generous mix of what the institution refers to as an *operational delegation* (i.e. a context where an active armed conflict or situation of violence is going on) and regional delegation (i.e. a context where there is no armed conflict or situation of violence) and should provide a representative outcome that can help to draw reliable conclusions for this study.

1.7 Organisation of the Study

The study will be organized into six chapters and will incorporate appendices and bibliography sections as well. The chapters will be structured in a way that facilitates a logical flow of the thesis and help to create a seamless interface between each of them.

Chapter 1 will therefore introduce the topic by identifying a summary of the research problem, as well as the research and specific objectives, an affirmation of the significance of the study, a brief expose of some divergent perspectives on conceptual framework related to the problem, status and relevance of the case study, contexts within which the problem will be situated and examined and the research questions to be interrogated.

Chapter 2 will focus on an overview of the research question and purpose of the literature review as well as methods to determine and select the literature. It will undertake an extensive review

of the literature as it relates to the State, international relations and tools for its conduct; how it relates to the relevance of international organizations and their functioning within the international arena, as well as the different definitions of the diplomatic tool under review and what the consulted literature provides on the role and mandate of the case study and its impact on the research. The chapter will link the outcome of the analysis with the significance of the research.

Chapter 3 will explain the research methodology adopted as well as the design, data collection methods, how participants were selected for the study, how data was recorded, managed, analyzed and applied. It will entail steps taken to ensure the validity and authenticity of the results and minimize errors/close gaps and conformity with ethical best practices.

In Chapter 4, the findings of the study will be presented, analyzed and interpreted, including a summation of the results obtained, the importance of the findings and how these are linked to the research question and its theoretical foundation.

Chapter 5 will examine the research questions posed, dissect and explain the results obtained in a sequential manner, discuss their import and link them to relevant literature. It will identify the main conclusions obtained and their inherent limitations, make recommendations, as well as identify possible areas of further research.

In Chapter 6, the researcher will provide a concise outcome of major findings of the research, examine what they imply, suggest new contributions to the field of study and make recommendations for future intellectual enquiry in the same domain. The chapter will end with a reflection on the research process.

This sequence of the study as outlined in the chapterization will ensure that each chapter is a smooth interface with the previous one. This will help to develop the narrative, core elements and content of the research.

End Notes

1. As submitted by Mr. Obafemi Awolowo at the hearing of the Nigerian Presidential Election Tribunal, Lagos, 1979.
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CHAPTER TWO| REVIEW OF RELATED LITERATURE

2.0 Introduction

The topic of this study viz. “*The Nexus between Relief and Diplomacy: The Impact of the International Committee of the Red Cross (ICRC) in Enhancing Humanitarian Diplomacy*” captures the intention of the researcher to show the link between relief operations and diplomacy and how the International Organization (IO) that he has chosen as the case study i.e. the ICRC, has been able to strengthen humanitarian diplomacy by applying it to further its relief operations towards mitigating the suffering of populations affected by armed conflict—whether this be within the context of an international armed conflict (IAC) or a non-international armed conflict (NIAC). The scope of the study will cover the period 2007 to 2022.

This topic presupposes that the IO undertakes diplomacy in the normal conduct of its relief mission and identifies the type of diplomacy that is practiced (humanitarian diplomacy). It recognizes that this brand of diplomacy is not as popular as what the researcher describes as ‘traditional diplomacy’ i.e. the art of inter-dealing between States in the international system in peacetime which is undertaken on their behalf by diplomats accredited to other countries within the provisions of the Vienna Convention, but argues that some IOs, such as the ICRC, with its delegates posted to many countries especially those experiencing armed conflict, also undertakes diplomacy.

The work of these delegates is emblematic of the fact that humanitarian relief operations oftentimes do not take place in a vacuum but are made possible and successful first by leveraging extensive contacts and goodwill (to guarantee access and security) for the delegates of the IO and its equipment especially in an environment affected by armed conflict or violence.

Such contacts are often with States on whose territory the armed conflict is taking place (NIAC) or States that are engaged in armed conflict with other States (IAC). It may also include contacts with security forces and armed opposition groups. This literature review is thus an evaluation of existing literature that have an import for the thesis of this study and is divided into themes.

2.1 Overview of the State, international relations and tools through which they inter-deal in peace time.

Key to this study is our understanding of the concept of the “State” because, for centuries, the modern State has engaged in the practice of diplomacy with a view to advancing or defending the substantive goals that it has articulated, and which constitute its foreign policy objectives within the international arena and consistent with the provisions of the Vienna Convention on Diplomatic Relations (1961). It is also important because our case study carries out its functions within the confines of State entities.

This study agrees with the definition of Torbjorn Knutsen (1997), an erudite Norwegian scholar, when he defined the modern State as “...an internationally recognized unit, controlled by some kind of government that exercises control over a distinct territory and the group of people that live on it.”¹

In similar vein, the definition of the State by Obafemi Awolowo (1979), a notable Nigerian lawyer, statesman and politician, is equally relevant here when he submits that the State is "a legal phenomenon" with features of territory and population, as well as possessing a constitution and a government. It has at its disposal the means of coercion with which to effect compliance with its authority, is recognised by other States, functions in the international system and possesses the status of a legal person which invests it with such a capacity that it cannot be dismembered.²

Knutsen affirms that a State therefore “possesses four key characteristics: (1) a territory (2) a people that inhabit the territory (3) political institutions that maintain some measure of order and are (4) recognized by other States.” He submits that the fourth feature is a peculiar Western one in that it endows each State with legal standing as a juridically equal actor in a larger, international society of

States.³ Here, this study notes that while this may be a tradition introduced by the West, it has become a standard feature in the international system in which States are accorded recognition by other States before such entities can become acceptable members of the international system (as was accorded to the Republic of South Sudan upon its formal separation from The Sudan in 2011).

Knutsen also addresses the notion of the *inviolability* of the State in his assertion that the 'internal sovereignty' of the State is equally inviolable and that "...the State was not merely territorial in nature—its territory was circumscribed by a boundary which was impenetrable in principle, defended by military might in practice and justified in law." Each State thus enjoyed "legal standing as a juridically equal actor in a larger, international society of States."⁴

To ensure the relevance and survivability of the State, Jack Donnelly affirms that "a State acts as a rational autonomous actor in pursuit of its own self-interest with a primary goal to maintain and ensure its own sovereignty and survival,"⁵

The context in which the State acts in the way that Donnelly has described above is in the international society of States and this inter-dealing between them brings up the concept of *International Relations*, a term that Jeremy Bentham is acknowledged to have first coined to describe what he defined as *the relations of nations* in his 1789 publication titled: *Principles of Morals and Legislation*. Torbjorn L. Knutsen further expounded on this concept by submitting that, as intended by Bentham, the term explains the interaction among and between States, as well as State-based actors across State boundaries (although what he meant by 'State-based' actors was not elaborated upon).⁶

He also suggested that the term in question is similar, but different in meaning, to 'international politics,' but what is important for our purpose though is Knutsen's assertion that those two terms are interwoven and that it is often difficult to determine where one ends and the other begins.

Olu Agbi (1982) suggests that the State advances and defends its interests relative to other States through well-articulated objectives which he describes as its "substantive goals." The pursuit of these

goals is articulated in its "foreign policy" which the State seeks to achieve and is an aggregation of the short, medium and long-term interests of that State.⁷ According to Agbi, and this study has no reason to disagree, the ability of a State to achieve its foreign policy objectives will depend on the quality and quantity of resources available to it and these resources are those that constitute the instruments for carrying out its foreign policy.

He ranks *diplomacy* as the first, describing it as the political instrument that is a process of representation and negotiation through which the said State will inter-deal in times of peace. Agbi lists the instruments of the diplomatic process to include the Head of State and his or her cabinet, especially his or her Ministry of Foreign Affairs (which gives general direction in foreign affairs); the Head of Government (who formulates foreign policy within national objectives or national interest of the State); the Foreign Minister who, together with his Ministry, apprises government of the options available to it and recommends which one to adopt. He or she also represents his or her country in the international arena at bilateral or multilateral fora.⁸

Diplomats are the arrowhead of diplomatic engagement as typified by the exchange of ambassadors who inter-deal with one another on behalf of their respective sovereigns in times of peace. These ambassadors seek to forge convergence when the interest(s) of their State or sovereign collided with that of another, when confidence in inter-State relations was eroded or when States with such contradictory interests required neutral, third-party intervention to resolve or to bring them back together. Diplomacy is therefore an essential practice in international relations and has remained so till date.

2.2 Overview of the International Organization and its relevance as a player in the international domain.

How does one describe an international organization (IO)? An exhaustive and most fitting definition suitable for the purposes of this study is contained in a publication of a most respected Washington-based institution, the United States Institute of Peace (USIP). This definition says that International Organizations “...are established by treaties that provide legal status...are subjects of international law and are capable of entering into agreements among themselves and with member states.”⁹

While the USIP definition cites the United Nations (UN) with 191 member-States as the most prominent example of an IO, it goes on to state that “universal membership distinguishes international organizations from similar institutions that are open only to member states from a particular region. Examples of regional organizations include the European Union, the African Union, and the Organization of American States. These organizations are established by treaties among their members, enjoy international legal status, and can enter into agreements. There are still other organizations composed of member states that are based on particular criteria, such as historic association (the Commonwealth of Nations), economic development (the Organization for Security and Co-operation in Europe), and religion (Organization of the Islamic Conference).”¹⁰

The USIP definition also includes what it describes as “a unique organization, the International Committee of the Red Cross (ICRC),” affirming that “ICRC is headquartered in Switzerland... and staffed largely by Swiss nationals, but it has international legal status as a result of its responsibilities under the Geneva Conventions.”¹¹ (We will return to examining publications stating the role, mandate and functions of the ICRC being our case study in a subsequent section of this review).

Having established what an IO is and recognized that the ICRC, our case study, is also described as having the status of an IO, one admits that the length of time that diplomacy has existed and has been

recognized as a key tool of engagement in ensuring smooth inter-State relations, may have caused the view that it is a practice engaged in only by States to circulate widely. Costas Constantinou (2013) however argues persuasively that traditional diplomacy as currently practiced not only lacks “humanism,” but that several decades of his experience working in the field of Diplomatic Studies “has challenged the idea that diplomacy is the special preserve of the state, the foreign ministry and their authorized agents.”¹²

He goes further to submit that “this opening up to nonstate actors constitutes an important development that is increasingly recognized by the discipline of International Relations (IR), and, ironically, by the very actors whose diplomatic uniqueness was proclaimed ex cathedra. The State-centric definition provided an extremely limiting understanding of diplomacy that has had tremendous implications on how scholars and practitioners viewed their field. It framed the issue of what to know in diplomacy as well as how to study and practice it. It framed the issue of where to look for exemplars and insights. It even framed the issue of why one ought to be educated or trained in diplomacy. Humanist concerns with regard to diplomacy mattered to conventional scholars only to the extent these affected national policy and interest.”¹³

Although Constantinou’s goal of ‘humanizing’ diplomacy is to ensure that practitioners “...familiarize themselves with the wide spectrum of human relations, escape the dominant perspective, and thus connect to diplomacy not merely as passive observers or public servants but as active humans,” his position that the opening up of diplomacy to non-State actors has been recognized by both International Relations as a discipline and by the very diplomatic actors who wanted the space restricted, sufficiently endorses the position of this researcher that humanitarian diplomacy is fast becoming an established concept and is actively undertaken by an IO like the ICRC.

Speaking on the dynamics of 21st century international relations in an interview with *Five Books*, Anne-Marie Slaughter (2025), in what seemingly underscores Constantinou’s position on

‘humanizing diplomacy,’ opined that “in the 21st century, States are still important, but they interact through their component parts—government agency to government agency, lawmaker to lawmaker, municipal government to municipal government.” She argued that “States can be taken apart and combined and recombined with lots of social actors like non-governmental organizations or corporations or foundations or universities. We’ve moved from a world where the international system has a limited number of players to a networks world in which there’s an infinite number of combinations.”¹⁴

Professor Slaughter’s thesis resonates with aspects of Constantinou’s argument on diplomacy having gone beyond an undertaking that was the sole preserve of what this researcher will stipulatively refer to as traditional diplomats and supports this researcher’s position and indeed his thesis that IOs of the status of the ICRC now regularly conduct diplomacy.

The Professor further made two profound observations which have an import for this study. In the first, she alluded to the tenure of Secretary of State Hillary Clinton, during which she said Mrs. Clinton “embraced government-to-society diplomacy and society-to-society diplomacy, which basically means connecting governments with people and connecting people with people...” The erudite Professor went on to submit that: “When you start focusing on people rather than states, you start focusing on all the complexities of their interactions, you think about how to build networks and you think about how to relate to different segments of society, like women and young people and entrepreneurs and scientists. It’s really a different vision of diplomacy.”¹⁵

Indeed, this vision of diplomacy that she referenced is in a way emblematic of the way diplomacy has evolved. That evolution sees the conduct of what this researcher might describe as *indirect diplomacy*, typified by the subtle influence over regular diplomatic practice by emerging key actors, like multinational corporations (MNCs). These have become major players in the international system as well and wield tremendous influence in international relations, especially by expanding the

frontiers of globalization, deciding where to infuse direct foreign investment, thereby possessing the capacity through both, to influence the direction and flow of the foreign policy of States and the diplomacy that underpins it in ways considered unprecedented than ever before.

Nowhere is this influence much more noticeable than during the proceedings and interactions at the annual meeting of the World Economic Forum (WEF) held in Davos, Switzerland and attended by government leaders and private sector titans (often being the most visible attendees). Though WEF, being a private Think Tank, describes itself on its published public platform as seeking to “shape global, regional and industry agendas...” many will likely agree that it has since graduated to providing a veritable, formal platform for the MNC to exert influence on States almost as if they were also players in the realm of diplomacy.¹⁶

In his interesting article, *United by Difference: Diplomacy as a thin Culture*, Ole Jacob Sending (2011) makes a commendable effort to show that contrary to what the globalists have attempted to portray, globalization has not led to the demise or transformation of diplomacy. It is indeed preposterous for anyone to claim that diplomacy is dead but the significance of this article for our purpose is the debatable thesis it advances that representation, communication and negotiation—tasks emblematic of diplomatic engagement, can only be performed by diplomats.¹⁷

Indeed, his position runs counter to that of Constantinou in the sense that it confers on diplomats the peculiar skills and privilege to undertake these tasks. Perhaps to state his position beyond doubt, he describes diplomacy as being “...characterized by a "thin" culture in that it places a premium on communication and the management of friction in the absence of shared values.”¹⁸

Conversely, he suggests that “Humanitarian actors, by contrast, share a "thick" culture in that what constitutes humanitarian action is defined by a set of substantive values that underwrites their claim to the representation of groups in whose name they act.” He substantiates this position by further submitting that humanitarian actors do not represent territorial units (whose existence is given) like

traditional diplomats do. He cements his argument with the position that “Humanitarianism is constituted by a set of substantive values whose existence is constitutive of humanitarianism as a social practice. Diplomacy, by contrast, is constituted by a set of procedural values that reflect the defining feature of the object that diplomats represent, namely sovereign, territorial units whose interests may differ.”¹⁹

By affirming that “we gain more in terms of understanding diplomacy and its evolution over time by seeking to unearth some of its core features than by drawing up a list of “typical” diplomatic tasks such as representation, communication, and negotiation,” Ole Sending’s paper ignores some of the core functions of the ICRC within the context of humanitarian diplomacy which will be explained in this study and suggest that his understanding of the status and the full range of undertakings that the posting of ICRC delegates to mission areas entail can be more comprehensive.

Furthermore, his position is weakened by the depth of the comment of Ambassador Jeremy Greenstock (2018), former UK Ambassador to the UN and former UK Special Representative for Iraq, who, in reviewing the quintessential 1917 book on diplomacy, “Satow’s Diplomatic Practice,” described diplomacy *inter alia* as: “an extremely interesting account of how diplomacy works and what its machinery does,” which contains “...some fascinating glimpses into what actually goes on in embassies, in international organizations, in governments when it comes to international relations.”

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Ambassador Greenstock’s didactic comment firmly frames the conduct of international relations within the day-to-day functions of embassies, international organizations and governments, giving a lie to the position that diplomacy, a tool of international relations, is the sole preserve of diplomats (as we know them). The net effect of the Ambassador’s comment is, IOs like the ICRC do conduct diplomacy as well, in affirmation of the focus of this study.

Returning to Ole Sending's paper, this researcher surmises that what it is referring to by the term "humanitarian actors" is usually a group of civil society actors who undertake a variety of humanitarian tasks and not an IO with the status and orientation of the ICRC. Indeed, one of the major drawbacks for some scholars and commentators who have challenged the notion that an IO can and does engage in diplomacy is their tendency to lump the organizations in the humanitarian sector together and contend that they cannot engage in this space because they are not diplomats.

This is not only wrong, but it is quite misleading. As has been established by the definition of the IO above and as will be explained in detail in subsequent section, the case study that is chosen for this research, the ICRC, does not have the status of an INGO nor is it an NGO. Evidently and in practical terms, most of the humanitarian actors who function in the mission area while being intensely specialized in their work, do not have the same status as the ICRC.

They do incredibly well, given the circumstances in which they operate but the truism is that they do not have the recognition that the ICRC has, as the mandate it enjoys was granted to it under international law (again as the USIP definition cited above explains). As a participant observer, the access I or any of my colleagues doing similar work had in the field to the State and its agents was not the same that my counterparts from other non-IO organizations had.

Perhaps nowhere is this difference in status more apparent than in the relationship that the ICRC has with the armed opposition that operates on the territory of a State (again, this shall be explained soon through a review of relevant publications). Given the acrimony and distrust that often characterizes the relationship between the State and the armed opposition in such environments and given also that there are persons adversely affected by the armed conflict on both the territories controlled by the State and the armed opposition, the ICRC, in a bid to provide relief to both respective populations, nevertheless is given access to both areas. The State authorities may not be pleased by the fact that

ICRC delegates are visiting ‘rebel-held territory,’ but recognize that they have an obligation under the Geneva Conventions not to hinder or undermine the work or the access of the ICRC in or to those areas. Other organizations often do not enjoy this type of access.

This researcher therefore argues that the notion that only the State undertakes diplomacy is debatable, especially in the face of the points adduced above, and because the IO is also a veritable player within the international system and does undertake diplomacy.

2.3 Divergent definitions of ‘humanitarian diplomacy’ and the relevant perspective for this study

Perhaps the point to start looking at the different definitions of *humanitarian diplomacy* and narrowing these down to the specific perspective for this study, is by examining the two views presented by Philippe Re’gnier (2011) of humanitarian organisations regarding how they see the concept of humanitarian diplomacy. According to him, one view holds that humanitarian diplomacy focuses on “maximizing support for operations and programs and building the partnerships necessary if humanitarian objectives are to be achieved.”²¹ The second view is rather simplistic and comes across as an observation, suggesting that “It would seem that humanitarian diplomacy refers to the policies and practices of national and international agencies active in humanitarian aid work.”²²

On his part, Larry Minear (2007) describes humanitarian diplomacy as encompassing “...the activities carried out by humanitarian organizations to obtain the space from political and military authorities within which to function with integrity.” He apparently does not agree that an IO can undertake diplomacy as exemplified in his assertion that “humanitarian diplomacy involves activities carried out by humanitarian institutions and personnel, as distinct from diplomacy exercised by traditional diplomats, even in support of humanitarian activities.”²³

As shall be seen in this study, his characterization of activities carried out by humanitarian organizations “to obtain space...” within which to operate as ‘humanitarian diplomacy’ differs markedly from that of this study and that of its case study because his description evidently does not take cognizance of the full range of actual diplomatic engagement undertaken by the ICRC.²⁴

Paradoxically, he goes on to quote Ambassador Lakhdar Brahimi as saying that “diplomacy is a specialized function carried out by a special category of personnel. The duties and obligations of official diplomats and the conduct of their functions are clearly framed by international law and custom.”²⁵ The latter part of that sentence actually confirms the perspective of this study because some of the diplomatic engagements of the ICRC are expressly derived from international law i.e. the Geneva Conventions of 1949.

In addition to the perspectives presented above, there are also those given from the standpoint of the State. Indeed, a seminal work by two scholars bring a different perspective to the discourse. In the main, they advance the view that humanitarian diplomacy for a State essentially refers to the policy that informs how the State leverages this phenomenon “as a significant tool in the conduct of foreign affairs.”²⁶ It might also be about how a State provides support for humanitarian action/agencies and how that State inter-deals with other States to formulate action in response to issues of humanitarian concern in its bilateral engagement or within multilateral fora.

More specifically, the paper by Magdalena Ratajczak and Natalia Bros (2023) submit that “Humanitarian diplomacy in Switzerland is recognized through activities in three main areas: • Protection of civilian populations – aimed at ensuring the security and full respect of the rights of civilians and persons hors de combat. • Multilateral peacebuilding – aimed at achieving the sustainable peace goals of the 2030 Agenda • Humanitarian disarmament – aimed at ensuring the prohibition of the use of weapons banned by international treaties, the proper management of conventional weapons and ammunition, and humanitarian demining. • Climate change and

environmental degradation – aimed at safeguarding human security in addressing the adverse effects of climate change and environmental degradation.”²⁷

For Sweden, the authors aver that “...its humanitarian diplomacy is mainly focused on general concept of human rights, promoting disarmament, protecting small countries, promoting the principles of justice based on international law, creating international law and instruments ensuring its respect, participation in international peace-keeping operations, mediation, limiting conflicts and tensions between states or other entities in dispute, sustainable development, agreement on climate change. One of the mechanisms of humanitarian diplomacy is an ambitious development policy and guarantees of providing development aid to countries in need. The starting point for Sweden’s overall development policy is poverty reduction by promoting sustainable and equitable development, human rights, democracy and a strong civil society.”²⁸

Kaan Devecioglu’s (2024) paper describes humanitarian diplomacy in a way that aligns with the perspective of Magdalena Ratajczak and Natalia Bros but contradict the way this study views the tool. In his paper, Devecioglu affirms that “...the strengthening and restructuring of institutions such as the Turkish Cooperation and Coordination Agency (TİKA) allowed Türkiye to conduct its humanitarian aid and development cooperation policies more systematically and effectively. The activities in Somalia, in particular, stand out as one of the most notable examples of Türkiye’s humanitarian diplomacy. Türkiye’s humanitarian diplomacy approach is not limited to economic aid alone but also includes the development of cultural, educational, and political relations. The country has been active in many sectors of Africa, such as building schools, hospitals, and infrastructure projects.”²⁹

From Devecioglu’s perspective, humanitarian diplomacy means development aid and goes beyond that to include cultural, educational and political relations. In fact, he goes on to cite the Ottoman

Empire's conquest of thirteen African countries in the 15th Century—from Morocco to Somalia—as constituting the “historical basis”³⁰ for Turkey's humanitarian diplomacy strategy (page 138). It can be seen therefore that he uses the term “humanitarian diplomacy” loosely, perhaps, for want of a better description. In doing so however, he gives a wrong impression of what humanitarian diplomacy actually means, at least from the standpoint of this study and given the experience of the researcher as a participant- observer.

The paper by Magdalena Ratajczak and Natalia Bros earlier referenced, sees Swiss humanitarian diplomacy as encompassing the protection of civilian populations, multilateral peacebuilding, humanitarian disarmament, climate change and environmental degradation, while Swedish humanitarian diplomacy “...is mainly focused on general concept of human rights, promoting disarmament, protecting small countries, promoting the principles of justice based on international law, creating international law and instruments ensuring its respect, participation in international peace-keeping operations, mediation, limiting conflicts and tensions between states or other entities in dispute, sustainable development, agreement on climate change.” They also cite an ambitious development policy with guarantees of providing development aid to countries in need as “one of the mechanisms of humanitarian diplomacy,” informing us that “the starting point for Sweden's overall development policy is poverty reduction by promoting sustainable and equitable development, human rights, democracy and a strong civil society.”³¹

From the foregoing and in the opinion of this researcher, this categorization of humanitarian diplomacy is very broad, for, while peacebuilding, conflict resolution, provision of development aid, support for the SDGs, climate change, etc. may form part of the substantive goals that both the Swiss and Swedish governments wish to pursue as part of their respective foreign policies, they should at best be subsumed within the conduct of traditional diplomacy. Describing them as humanitarian diplomacy gives the term a completely different meaning from what this study intends or espouses.

Indeed, the authors also tended to equate *soft power* projection by the three States studied, with humanitarian diplomacy. Admittedly, while soft power projection by a State might strengthen humanitarian diplomacy, this researcher considers it an aspect of traditional diplomacy, rather than a function of a State's conduct of humanitarian diplomacy (which has more specific goals and oftentimes is reciprocal diplomatic action to a process originally initiated by an IO like the ICRC).

In the opinion of this researcher and from his experience as a participant-observer, Hafize Zehra Kavak is close to the mark when she says that “humanitarian diplomacy seeks to create avenues to persuade decision makers and opinion leaders to act, at all times, in the interests of vulnerable people and with full respect for fundamental humanitarian principles.”³²

The only modification to his definition that this researcher can make here is to affirm that humanitarian diplomacy actually seeks to directly persuade States (a more fitting definition than ‘decision makers’) to act favourably such as (in addition to the examples cited by Hafize) by drafting, formulating, signing, acceding or endorsing international legislation or policy that can better protect persons affected by issues of adverse humanitarian concern (especially armed conflict). This is the underpinning philosophy behind humanitarian diplomacy and is underscored by an act that took place over a century and a half ago.

Regarding the said act, this researcher submits that the process initiated, led and successfully concluded by Henry Dunant (1959) the founder of the ICRC, after witnessing the horrific aftermath of the Battle of Solferino on June 24, 1859, to have the customs of war codified (as the Laws of War) can be considered, in the context of this study, as the very first act in humanitarian diplomacy globally. He was assisted in the process by his friends: General Henri Dufour and Drs. Louis Appia and Theodore Maunoir. This is because they successfully engaged and persuaded the comity of States to not only enshrine these rules, but to sign and ratify them.³³ That made the First Geneva Conventions of 1864 a veritable and logical outcome of humanitarian diplomacy and a worthy piece of

international legislation. This study will further elaborate on how the ICRC has continued to play similar roles and especially by conducting diplomacy.

Philippe Re'gnier defines humanitarian diplomacy from the point of view of the ICRC by saying that it "...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."³⁴

From all the perspectives examined in this section of the review, it is useful for this researcher to distill the most fitting definition of humanitarian diplomacy consistent with the objective of this study. It can be defined as: The engagement of the ICRC with the diplomatic representation of States party to the Geneva Conventions (or their agents) either on their territory or abroad, through representation, communication and negotiation with a view to gaining access to persons affected by situations of adverse humanitarian concern; forging convergence where both parties disagree on resolutions, policy or action that (in the opinion of the ICRC) can harm populations affected by armed conflict or violence or, by proactively engaging with the States party to dissuade them from (acting alone or in concert with other States) initiating, resolving or acting in ways which could cause them to detract from their obligations and the guarantees given to protected persons under the Geneva Conventions and other related or applicable international treaties or customs. It may also refer to the process of representation, communication and negotiation initiated by the ICRC to persuade States party to sign, accede (become party to) or ratify either these Conventions in part or in full or related international treaties towards ensuring better protection for the civilian population in the event of an armed conflict.

2.4 Overview of the role, mandate, and functions of the ICRC as the case study

It is very important to affirm here that unlike other humanitarian organizations, the ICRC enters into a Headquarters Agreement with the State on whose territory it operates or intends to operate, this being the same type of agreement entered into by States with the host State when establishing diplomatic representation on the latter's territory. The work of the ICRC occurs within the context of an armed conflict situation between two or more States or within the territory of a State when that State is engaged by a Non-State Armed Group (NSAG), or during armed violence or situations of internal disturbances and tensions. Its work continues in the aftermath of such conflicts as well. The international system has experienced several bouts of these phenomena especially when diplomatic relations between States break down and armed conflict is initiated, consistent with the submission by the popular Prussian war strategist, Carl von Clausewitz that "war is a continuation of politics by other means."³⁵

A review of the role, mandate and activities of the ICRC will naturally feature such phrases as *humanitarian aid*, *emergency relief* and *humanitarian action*, to mention but some. It is perhaps therefore necessary to start by trying to see how some literature explain these terms. The definitions provided below are not exhaustive, but they provide a clear idea as to what the use of these phrases mean.

Humanitarian aid is described as "...a form of assistance designed to save lives and alleviate suffering during and after crises, such as floods, famine or conflicts," while emergency relief is considered "the immediate survival assistance to the victims of crisis and violent conflict." Humanitarian action on the other hand "comprises assistance, protection and advocacy in response to humanitarian needs resulting from natural hazards, armed conflict or other causes, or emergency response preparedness. It aims to save lives and reduce suffering in the short term, and in such a way as to preserve people's

dignity and open the way to recovery and durable solutions to displacement. Humanitarian action is based on the premise that human suffering should be prevented and alleviated wherever it happens (referred to as the ‘humanitarian imperative’).”³⁶ It should be stressed that relief operations are usually initiated at short notice in response to a major humanitarian disaster or crisis and are not expected to exceed about a year.

One of the proponents of *humanitarian diplomacy* is the ICRC, which incidentally, also happens to be the oldest humanitarian organisation in the world. It was established on 17th February 1863 and its experience over the decades and formulation of the³⁷ *seven fundamental principles* for humanitarian action have greatly influenced the working modality of every other organisation undertaking humanitarian action today.

From its public documents, the ICRC describes itself as “...an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence and to provide them with assistance. The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles.”

With regard to its status, the ICRC has an international legal personality and further clarifies that it is “...a unique institution, distinct from non-governmental organisations (NGOs), with a functional international legal personality by virtue of which it has rights and obligations.”³⁸ Its peculiar character is underscored by the fact that, contrary to many other organisations enjoying diplomatic status in the territory of most of the States where they operate, the institution had been founded by private initiative.

Marion Harroff-Tavel, a renowned authority on the ICRC, its mandate, functions and legal status, explains that “...it is an association governed by Articles 66 ff of the Swiss Civil Code. Its headquarters are in Geneva, and it maintains a privileged relationship with Switzerland, but the duties

it performs are international. In addition, the ICRC's humanitarian policy is independent of that of Switzerland, and it takes care not to intervene in Swiss foreign policy. To delimit that independence and set a framework for their relations, on 19 March 1993 the ICRC and the Swiss Federal Council took the unusual step of signing a headquarters agreement, or an instrument of international public law."³⁹

Without any doubt, this clarification and explanation clearly show that:

(1) The ICRC is not a State

(2) It has a distinct personality.

Indeed, if we make a recourse to Harroff-Tavel's submission still, we shall see that the organization does engage in some diplomatic activity on the basis of the Geneva Conventions (International Humanitarian Law or Laws of Armed Conflict), which define its relationship with these States (as well as its functions too). Outlining its relationship with those States, the author argues *inter alia*, that "acting on the basis of international humanitarian law, which regulates the conduct of hostilities and protects certain categories of people (the wounded, the sick, the shipwrecked, prisoners of war and civilians), it deploys its humanitarian activities in the armed conflicts that break out in every part of the world."⁴⁰

"The ICRC was at the origin of humanitarian law, helps to develop and construe it, and endeavours to ensure compliance by the parties to conflicts. The States party to the 1949 Geneva Conventions, for their part, have entrusted the ICRC with specific tasks under humanitarian law, namely, to visit prisoners of war and to establish a central tracing agency on prisoners of war and civilian internees. They recognise that the ICRC is an 'impartial humanitarian body' and a neutral intermediary and maintain close ties with it, via the Ministries of Foreign Affairs, Defence and Justice *inter alia*."⁴¹

Among others, Articles 1, 9 and Common Article 3 of the four Geneva Conventions allow the ICRC to act in times of armed conflict and to provide humanitarian relief and protection to persons affected by it. The Conventions also entrust the ICRC with acting as *a neutral intermediary* during armed conflicts and the work of the IO in facilitating the return of PoWs after hostilities have ended or as may be requested by parties to the conflict is emblematic of this role.⁴² The said Geneva Conventions were first adopted in 1864 but revised, updated, and subsumed in the Geneva Conventions of 1949. It is believed that the experiences of States in the armed conflicts that occurred after the Battle of Solferino of 1859 including the 1st and 2nd World Wars, were factored into strengthening protection for the category of persons covered by the law in the revised edition adopted in 1949.

It is pertinent to state that the Geneva Conventions are also known as International Humanitarian Law (IHL) or the Laws of Armed Conflict (LoAC). Basically, this body of international law contains four main Conventions viz The First Geneva Convention for the Amelioration of the Conditions of the Wounded and Sick on the Battlefield; The Second Geneva Conventions for the Amelioration of the Conditions of the Wounded, Sick and Shipwrecked at Sea; The Third Geneva Conventions for the Protection of Prisoners of War and the Fourth Geneva Conventions for the Protection of Civilians. Each of these Conventions clearly spell out the legal protection and guarantees afforded the category of persons listed in them, the obligations required of the parties in whose power they are and the actions required of the powers to ensure compliance by its agents and actions to take should violations of the law occur. (We shall further discuss these Conventions in Chapter 5).⁴³

The Conventions also provide for the protection of certain places, such as sites containing dangerous forces (dams, chemical plants, nuclear stations, etc.), Civil Defence installations, etc. while the Additional Protocols (of 1977) to the Geneva Conventions provide a comprehensive clarification on the provisions of the Conventions to NIAC.

As a participant-observer, this researcher disseminated and/or conducted training on these Conventions to organized armed forces, security forces, militia groups, NSAG, etc. in over fifteen

countries in war and at peace in Africa, Asia and the Middle East between 2000 and 2022. He also extended this same engagement to diplomats of the Foreign Ministries of some of the countries, top civil service personnel and peacekeeping forces posted to the mission areas where he served as part of the obligations imposed on the ICRC by the Conventions to assist States party to the Geneva Conventions to spread knowledge of the law far and wide.

An ICRC publication on its work within the domain of *Protection*⁴⁴ explains what the IO does in this space. Essentially, its work includes visiting prisoners of war (PoWs) to register and document them, see to it that they are held in hygienic conditions, hold confidential dialogue with them to ensure that they are not being subjected to torture, or hazardous occupation, while also ensuring that summary executions do not take place in the facility where they are held and that they can communicate with their families through the Red Cross Messaging system.

Essentially, such visits aim to ensure that the power holding the PoW complies with its obligations under the Conventions. Where systematic violations are observed in the detention facility, the ICRC engages with the detaining power in a confidential dialogue to seek an end to them and the penal sanctions on the perpetrators. The ICRC also extends protection to the civilian population, seeking to re-unite separated families (when the conditions permit) and facilitating communication between separated families and their loved ones. The IO equally ensures that the fate of persons who went missing because of the armed conflict is clarified.

Another important activity conducted by the ICRC is referred to as *Assistance*⁴⁵ and encompasses the entire range of activities undertaken by the IO to ensure that persons affected by armed conflict can be supported to resume part of their economic life. It includes efforts to support the re-start of agricultural activity including livestock farming, ensuring physical well-being by providing water and sanitation services, returning health infrastructure and services in the areas to operations, etc.

Under its *Prevention*⁴⁶ activities, the IO takes measures to promote knowledge of IHL and other related treaties to ensure that those participating in hostilities respect the law and ensures safety for protected persons and items indispensable to their survival. It also includes efforts to promote accession, ratification and domestication of such international treaties that can better protect the civilian population in the event of an armed conflict. Such treaties include (but are not limited to) the Ottawa Convention on banning the manufacture, stockpiling, distribution and use of anti-personnel (AP) mines; the Oslo Convention banning the use of Cluster Munitions; the treaty on Certain Conventional Weapons (CCW); the Kampala Convention on Internally Displaced Persons (IDPs); the Biological Weapons Convention and the Chemical Weapons Convention; the Convention banning the use of Blinding Laser Weapons, etc.

The activities and programmes undertaken by the ICRC to strengthen the work of National Red Cross and/or Red Crescent Societies in each of its mission area are grouped under the label *Cooperation*.⁴⁷

The United Nations General Assembly Resolution 45/6 adopted on October 16, 1990, granted *Observer Status* to the International Committee of the Red Cross (ICRC).⁴⁸ The first five paragraphs of this resolution (as listed below) further help to clarify the status of the IO and clearly underscore its capacity to play in the diplomatic arena of States (as if it were one of them) for the purposes of fulfilling its mandate:

1. The International Committee of the Red Cross (ICRC) is an independent humanitarian institution that was founded at Geneva, Switzerland, in 1863. In conformity with the mandate conferred on it by the international community of States through universally ratified international treaties, ICRC acts as a neutral intermediary to provide protection and assistance to the victims of international and non-international armed conflicts.⁴⁹

2. The four Geneva Conventions of 12 August 1949 for the protection of war victims, to which 166 States are party, and their two Additional Protocols of 1977 explicitly establish the role of the ICRC

as a neutral and impartial humanitarian intermediary. The treaties of international humanitarian law thus assign duties to ICRC that are similar to those of a Protecting Power responsible for safeguarding the interests of a State at war, in that ICRC may act as a substitute for the Protecting Power within the meaning of the 1949 Geneva Conventions and 1977 Additional Protocol I.

Moreover, the International Committee of the Red Cross has the same right of access as a Protecting Power to prisoners of war (the Third Geneva Convention) and civilians covered by the Geneva Convention relative to the Protection of Civilian Persons in Time of War (the Fourth Geneva Convention). In addition to these specific tasks ICRC, as a neutral institution, has a right of initiative deriving from a provision common to the four Geneva Conventions that entitles it to make any proposal it deems to be in the interest of the victims of the conflict.⁵⁰

3. The Statutes of the International Red Cross and Red Crescent Movement, as adopted by the International Conference of the Red Cross and Red Crescent, in which the States parties to the Geneva Conventions take part, require ICRC to spread knowledge and increase understanding of international humanitarian law and promote the development thereof. The Statutes also provide that ICRC shall uphold and make known the Movements fundamental principles, namely, humanity, impartiality, neutrality, independence, voluntary service, unity and universality.⁵¹

4. It was at the initiative of ICRC that the original Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field was adopted by Governments in 1864. Ever since, ICRC has endeavoured to develop international humanitarian law to keep pace with the evolution of conflicts.⁵²

5. To fulfil the mandate conferred on it by international humanitarian law, the resolutions of the International Conference of the Red Cross and Red Crescent and the Statutes of the Movement, ICRC has concluded with many States headquarters agreements governing the status of its delegations and

their staff. In the course of its work, ICRC has concluded other agreements with States and intergovernmental organizations.⁵³

David Forsythe examines the argument made by some that ‘ICRC activities have become so broad and sprawling that it has lost its status as an expert actor on the laws of war (both legal development and implementation), along with protection of political prisoners.’ (This researcher uses the liberty of his knowledge as a participant-observer to stress that the ICRC does not ‘protect’ political prisoners but prisoners of war and security detainees who are deprived of their freedom because of an armed conflict or a situation of violence).⁵⁴

Nonetheless, he proceeds to reminding this school of thought that decisions on interpreting the mandate of the ICRC is the sole responsibility of the ICRC Governing Board (above which no other superintending authority exists) and it has been doing so since the 1930s. Apparently, the said argument on its mandate was made by this school due to what it perceived as the encroachment of the ICRC into development assistance—way beyond its humanitarian mission, but Forsythe defends the institution by reminding the proponents of that school that such ‘encroachment’ was occasioned by the reality of protracted conflicts and that in any case, it has generally been limited in scope and has not discernible across several ICRC missions.⁵⁵

Marion Harroff-Tavel’s excellent article contained in the *International Review of the Red Cross* (2014), presents a detailed chronicle of the efforts of the ICRC to promote IHL on the one hand and prod States to comply with their obligations under the law. It provides information on the work of the ICRC in this regard from 1864 (when the First Geneva Convention was adopted) up to the present time when globalization has become the order of the day with its attendant dynamics in international relations and radical changes in military and information technology.

2.5 Conclusion

In this literature review, the researcher, in undertaking an evaluation of existing literature that have an import for the thesis of this study, delved into the concepts of the State, its inviolability, the concept of international relations, explored what substantive goals mean, as well as foreign policy and diplomacy, and viewed all of these through the lens of various scholars, diplomats and subject-matter experts.

The study underscored the submission of many that diplomacy is the foremost tool for States to inter-deal in times of peace in their interaction among themselves within the comity of States, that diplomats are the arrowheads of this relations between nations (*inter-national* relations) but also highlighted the position of key diplomats and scholars to buttress the fact that traditional diplomats are no longer the sole players in the diplomatic space since IOs also now engage and undertake diplomacy.

The review also dissected the conceptual definition of the IO and its role or non-role in international diplomacy from the standpoint of several authors, situating the case study (i.e. the ICRC) within the legal parameters of an IO to establish its credential as having the right status to serve as the case study. It examined the perspectives of some leading authorities who successfully established that many actors who do not have the status of a State now engage in some form of diplomacy, including the MNCs. The review identified a possible flaw in the submission of the school that affirmed that only traditional diplomats undertook diplomacy by advancing the view that some commentators lumped the ICRC together with civil society groups that carry out humanitarian work without bothering to examine its status (which clearly confirms that it is an IO and not an INGO or an NGO).

It became important as well for the review to examine the various definitions of ‘humanitarian diplomacy’ by different authors and practitioners in the humanitarian space, including the ICRC, leading the researcher to also advance his own definition of the term for the purposes of the study.

Literature on the role, mandate and functions of the ICRC was reviewed to establish that it has been tasked by the international community to carry out certain specific functions which clearly can only be done through engaging with the diplomatic and other related organs of the State and that its work generally takes place within the context of an armed conflict situation occurring between two or more States or within the territory of a State (when that State is engaged by a NSAG) or in the course of armed violence during situations of tensions. Here, it was established that, unlike other humanitarian organizations, the ICRC enters into a Headquarters Agreement with the State on whose territory it operates or intends to operate, just like a State that is establishing diplomatic representation on the territory of a host State also does.

Some particular areas of controversy that were identified and addressed were: who engages in diplomacy, what humanitarian diplomacy is, what an IO is and the status it has under international law and where our case study is within this matrix. These were all ventilated in the review and overall, this section has provided the conceptual and theoretical framework for advancing the study in ways which help apply the ideas distilled therefrom to continuing the exploration of the role of the IO in international diplomacy.

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CHAPTER THREE| DATA AND METHODOLOGY

3.1 Research Design

This study seeks to interrogate how the ICRC has been able to enhance humanitarian diplomacy by leveraging it to advance its humanitarian mission within the period 2007 to 2022. While relying on relevant literature (papers, monographs, blogs, video conference, books, etc.) to provide a theoretical framework, help define concepts and expose ideas that provide a philosophical basis for the research, as well as help to situate it within context in the academic space, the study relied more on participant observation as the most suitable source for providing the bulk of the data required to answer the research question and establish its thesis.

As a methodological choice, participant observation is the most appropriate for this study and for the data it requires because, there are not enough literature on humanitarian diplomacy (as explained in preceding chapters) yet, because it is still an evolving concept. Furthermore, in the few publications available, there is no clear unanimity as to what constitutes humanitarian diplomacy or, of those that engage or can engage in it. Therefore, relying on participants who have contributed to reflecting, conceptualizing, defining and implementing humanitarian diplomacy in the field offers a more reliable source of data for the research, for defining what it means and for establishing the thesis.

Deriving from the above, this researcher considers it important to explain the term *participant-observer* within the context of this study. While this form of research is significantly employed in studies within the fields of sociology and social anthropology and despite the reference to it as constituting *subjective sociology*, it finds relevance for this study because it is the process by which the researcher seeks to understand the subject being studied from the point of view of those who engage in it due to the limitations cited above (in the second paragraph of this section). Just like in sociology, this researcher (as a former delegate of the ICRC, the case study), functioned in the world of those who conducted humanitarian diplomacy, experienced events in the very form in which this

case study experienced or engaged in them and draws conclusions that can help answer the research question.

Conversely, other ICRC delegates, some of whom are still engaged with the organization and some others having retired, were approached to answer the questions drawn up for this study. These are also participant observers because of the nature of their engagement with the case study and for the same reasons the researcher explained of himself and his association with the IO, which is, to elicit their practical experiences and ideas as a complement to what has been obtained from textual data and to answer the research question beyond the realm of theory.

However, a small group of participant observers that were approached belonged outside of the case study, being from a State, Multilateral bodies and the military of a State. The reason for including them in the research is to benefit from their perspectives regarding how they define humanitarian diplomacy and to record their perception of what the impact of the humanitarian diplomacy of the case study is from the perspective of the interaction of the case study with the institutions these respondents represent.

However, this researcher considered this approach the best, not only for the reasons already adduced, but also in conformity with the argument of the erudite sociology scholar of the Interactionist School, George Herbert Mead (“Mind, Self and Society,” 1933), who submitted that the participant observer exhibits “empathy” which equips the researcher with the ability to understand, in the case of this particular research, how the institution being studied conducted and experienced the phenomenon under review.

This methodology is suitable for the research question because it facilitates informed reflection, the benefit of experience, the generation of new ideas, expansion of knowledge and a deeper understanding of how the ICRC has been able to enhance the conduct of humanitarian diplomacy. In effect, this study will be founded on an analysis of relevant theoretical frameworks,

empirical studies, concepts and ideas and practical experiences, drawing upon disciplines such as international relations, diplomatic history, political science and humanitarian studies.

3.2 Participants-Observer Selection and Sampling

The sampling process was carefully determined to ensure that it includes persons with various levels of experience covering ICRC field operational missions, non- field operational missions, mixed field experiences, those respondents with experience working at the ICRC headquarters and one respondent working for a large National Red Cross Society. Of necessity, they were delegates and staff who had undertaken humanitarian diplomacy during their work and were sufficiently well-apprieved of what it meant, how it was conducted, the challenges it encountered and its successful impact.

The sampling also included respondents who possessed considerable experience leading ICRC delegations. It must be stated that overall, a majority of the respondents had experience covering 10 years and above working with the organization. These were so distributed to ensure that the feedback obtained was as representative as can be obtained: gender, cognate experience, job description and field of posting. Furthermore, all these respondents participated in conceptualizing, planning, implementing or reviewing the leveraging of humanitarian diplomacy so they were in a position to address the questions posed.

Three respondents who interacted very well with ICRC delegates during the leveraging of humanitarian diplomacy by the latter were approached to provide feedback on their own experiences being on the ‘receiving’ end of this process. They were persons who had worked with a multilateral organization, a State and in the military of a State.

3.3 Data Collection Methods

As previously stated, the study relied on a review of textual data covering fields relevant to the research question such as international relations, diplomatic history and political science, with a view to extracting theories, concepts and ideas to provide the philosophical basis for the enquiry for which the most information was sourced was derived from qualitative data. Questions posed for the qualitative data collection were based on specific enquiries such as:

How can humanitarian diplomacy be described? What is the status of the ICRC? What constitutes the mandate of the ICRC? What is the role of the international community in authorizing that mandate? What are the Geneva Conventions? In what contexts does the ICRC function? How does not having the status of a State affect the capacity of the ICRC to inter-deal with State actors as if it were one of them?

Other questions to which responses were obtained were: How does the ICRC fulfil its mandate? How does the ICRC conduct humanitarian diplomacy? What is strategic anchoring? How does strategic anchoring underscore humanitarian diplomacy? What challenges does the ICRC encounter in conducting humanitarian diplomacy? What specific examples of its humanitarian diplomacy can be identified, in what contexts and to what ends? How has leveraging humanitarian diplomacy enriched diplomacy generally and humanitarian diplomacy in particular? What recommendations can be made to enhance the conduct of humanitarian diplomacy? In the course of engaging the respondents to get answers and benefit from their perspectives, these follow up questions emerged: From your experience, how was humanitarian diplomacy used to facilitate the humanitarian mission of the ICRC? In what other ways was humanitarian diplomacy leveraged that you recall and can share?

It must also be mentioned that while answering these questions, some respondents, directly or in passing, provided responses that raised associated concepts, ideas and terminologies that underpinned the research question itself. Thus, *ICRC Delegates*, *Strategic Anchoring*, *Convergence*, *Accession to Treaties*, *Techplomacy*, *Observer Status*, and *Neutral Intermediary* became adjuncts that can further help to illuminate the enquiry. Issues of procedures that are followed in the conduct of diplomacy, specifically related to privileges and immunities were also broached. Some former diplomats who served with the AU and the UN were asked to give their assessment of the impact of the conduct of the humanitarian diplomacy of the case study.

As it became important to get perspectives on the International Red Cross and Red Crescent Movement in the course of the research (of which the IO is the founding organization), specific questions were thus posed to obtain clarity on the humanitarian diplomacy of the International Federation of the Red Cross and Red Crescent Societies (IFRC), a sister organization to the IO, within the research period (2007-2022).

In this wise, the researcher enquired as to know of: How National Red Cross and Red Crescent Societies (individually known as “National Society”) contributed to various aspects of the humanitarian diplomacy of the IO; In what ways the humanitarian diplomacy of the IFRC and the ICRC were similar and different; What influence National Societies had in helping the ICRC to enhance its humanitarian diplomacy with their own States? Whether National Societies played any role in the review of the Geneva Conventions?

Lastly, the researcher also sought to find out whether, during the establishment of new National Red Cross or Red Crescent Societies (e.g. South Sudan and Bhutan), the ICRC’s humanitarian diplomacy contributed towards achieving this especially in:

- (1) Enactment of domestic legislation creating this NS/adoption of an emblem?

(2) Fostering the recognition of these new NS within the International Red Cross and Red Crescent Movement?

Participant-observation provided information on the experiences of those surveyed on the concept and practice of humanitarian diplomacy, the challenges of implementing it, as well as on its impact and how it can be enhanced. As a result of their busy schedules, engagement with respondents was largely through oral interviews that were recorded and then later transcribed. A small section of the respondents provided answers to the questions posed to them in writing. All these responses were then analyzed and then extracted for use in developing the study.

The choice of qualitative content ensured that the researcher obtained information based on practical field experience and this facilitated a systematic approach to examining academic theories, concepts and ideas ventilated in books, articles, journals, seminars, online publications/reports, blogs, video podcasts (of an intellectual import), classroom lectures, etc. and helped to identify key themes and patterns that governed or influenced the dynamics in the field of interest.

3.4 Data Analysis Techniques

The researcher read through all the outcomes of the qualitative data as transcribed from interviews and the written responses to the research questions. This ensured that he could understand the answers, perspectives and salient points being made. The process of studying and digesting the answers provided to the research questions enabled the researcher to sift and collate the emerging ideas and their capacity to shape the thematic basis for the analysis of the data.

Thereafter, the researcher was able to identify those aspects of the data that signified important reflections, concepts and ideas and labelled them accordingly, noting those that reinforced the

orientation of the research, those that challenged certain assumptions and those that provided more clarity.

In organizing the outcomes of the data review, six key themes emerged relevant to what they portend for the research and the linkages between them. These were:

1. Definition of the Concept (i.e. humanitarian diplomacy).
2. Recognition of / Engagement with the IO by States/Multilateral Bodies
3. Impact of Concept on the IO's Humanitarian Missions.
4. Impact of the IO's Conduct of Concept on the Humanitarian Policy of States.
5. Impact of the IO's Conduct of Concept on Implementation of IHL-related Treaties by States.
6. Challenges encountered/How the Concept was enhanced through its leveraging by the IO.

All the perspectives of the respondents on their understanding of what humanitarian diplomacy means are grouped under Theme 1.

The views of the respondents on whether the IO was formally recognized by States and Multilateral bodies and if these therefore engaged with the said case study on the strength of that recognition are grouped under Theme 2.

The assessment of the respondents on how impactful the leveraging of humanitarian diplomacy on the humanitarian missions of the case study was, is under Theme 3.

How the respondents viewed the impact of the concept as applied to the humanitarian policy of States party to the Geneva Conventions are collated under Theme 4.

The views of the respondents on the leveraging of humanitarian diplomacy to drive the implementation of treaties that reinforced the Geneva Conventions by the case study are grouped under Theme 5.

The views of the respondents on the challenges encountered and how value was added to humanitarian diplomacy through its practice by the case study are grouped under Theme 6.

For clarity, it should be stated that perspectives in relation to certain questions had already been obtained through consulting textual data and are reflected in Chapters 1 and 2 of this study. These data provided an expose of the various reflections and responses that scholars, diplomats and humanitarian practitioners gave in response to the theoretical and philosophical basis of the research question. An analysis of the interviews with participant-observers on the other hand generated data on the specifics of how humanitarian diplomacy was conducted by the case study, in what contexts, to what intent, with what challenges as well as the impact of that enterprise and how this enhanced its conduct.

3.5 Ethical Considerations

All the respondents were encouraged to participate in the survey with firm assurances from the researcher that, consistent with the policy and principles of the ICRC, they were not required to divulge any confidential information. This also applied to respondents who were non-ICRC staff. Additionally, assurances were given that their participation would be anonymous and voluntary.

The respondents were informed and assured that the data to be distilled from the information they provided will be used only for the purposes for which it was collected, which was to help determine the extent to which the ICRC practiced humanitarian diplomacy and how by so doing, it

was able to enhance this tool. The data would also not be transferred nor shared with any other party. Responsible research practices were also ensured by acknowledging all sources of quoted text using the appropriate formats.

3.6 Limitations/Gaps and Mitigation

Generally speaking, one key drawback of the *participant observation approach* is that the researcher is said not to be able to distance himself or herself (remain detached) from the subject(s) being researched, thereby directly or indirectly influencing what the respondents say in response to the questions asked or by projecting his or her personal or methodological viewpoints, preferences or values into the process or, affecting the way those they engage with respond to their questions or body language.

The respondents engaged were mostly delegates of the ICRC but three of them had retired, while the others are still working with the organization. The ICRC has very strict confidentiality rules which bind its delegates whether serving or retired. In effect, even though no confidential information was required for this study to elicit the right information/data, the existence of these rules nevertheless could have inhibited some respondents from volunteering much information or even caused some to avoid participating.

The sample size of the respondents chosen was also quite small, although they were the right mix. The hectic schedule of humanitarian workers and the tense atmosphere in which a majority of them work (including in armed conflict environments) where security and personal safety are paramount objectives often makes their participation in surveys, focus group exercises etc. a non-priority issue thereby robbing a study such as this of an otherwise rich store of information.

One notable challenge encountered during the engagement with respondents was that some of them who had earlier promised to participate refused to respond when follow-ups were made by the researcher. While they did not generally give any reasons, some who volunteered feedback said that they had scheduling difficulties for the interview. Efforts to fix other dates and time for the interview failed.

It must be stated that the researcher had himself been an ICRC Delegate and risen to a senior management position as a Deputy Head of Regional Delegation and while this afforded him a wide insight into the issues being interrogated and researched, it also could influence his interpretation of the outcome of the enquiry.

In the future, the subject researched could benefit from a widening of the respondents to include staff of perhaps other humanitarian organizations (and not only one IO as done in this instance). Their responses to questions such as: what humanitarian diplomacy is, whether an organization not having the status of a State can engage in diplomacy and play in their arena as if it were one of them and how the leveraging of privileges and immunities as provided for in the Vienna Convention applies to them and how this facilitates or does not facilitate their engagement with host-States and its agents etc. could birth other perspectives on how humanitarian diplomacy drives the conduct of their humanitarian mission.

While this is something to reflect upon, it must be stressed that the personality and status of the ICRC, the IO in this particular study, is quite peculiar, as no other organization has that same exact character, and this should be factored into the conduct of any further research. Nevertheless, by including the staff of other organizations and broadening the scope and depth of the research, we might benefit from other illuminating and insightful dimensions to a research study comparable to this one.

CHAPTER FOUR| CONTENTS AND RESULTS

4.1 Overview

The focus of this case study is to interrogate how an IO like the ICRC has been able to enhance humanitarian diplomacy by leveraging it to advance its humanitarian mission within the period 2007 to 2022. In this chapter, data obtained are systematically organized into six main thematic areas that provide an understanding of the perspectives of participants.

The research enquiry that shepherded the investigations was driven by such specific questions as: What is humanitarian diplomacy? Can an actor that does not have the status of a State engage in diplomacy and play in the arena of States as if it was one of them? What specific examples of its humanitarian diplomacy can be identified, in what contexts, to what ends and with what results?

Other important questions include the following : What is *international relations*? Who are the actors in the international arena for whom international relations are a standard practice? What is ‘diplomacy?’ When was the International Committee of the Red Cross (ICRC) formed? What is the status of the ICRC? What constitutes the mandate of the ICRC? What is the role of the international community in authorizing that mandate? What are the Geneva Conventions? What is the Hague Convention? In what contexts does the ICRC function?

Others are : How does the ICRC go about fulfilling that mandate? How does the ICRC exercise humanitarian diplomacy? What is strategic anchoring ? How does it underscore humanitarian diplomacy? What challenges does the ICRC encounter in seeking to conduct humanitarian diplomacy How did conducting humanitarian diplomacy enhance its relief operations and in what contexts? How does not having the status of a State affect the capacity of the ICRC to inter-deal with State actors? How has its leveraging humanitarian diplomacy enriched diplomacy

generally? What recommendations can be made to enhance the conduct of humanitarian diplomacy)
?

While engaging the respondents, it became necessary in some cases, to develop follow-up questions to clarify the answers being given or to help situate them properly within context. They were: How do you define Strategic Anchoring? What is Techplomacy? What was required of the ICRC as an organization with an "Observer Status" in a multilateral organization? How did Humanitarian Diplomacy facilitate the work of the ICRC in a multilateral organization? How did the ICRC push important humanitarian issues through these multilateral organizations? What challenges did the ICRC face while exercising its Observer Status in multilateral organizations? How (if any) did the ICRC undertake its Observer Status in individual missions with host States? Do you think that ICRC Delegates fully understood diplomatic practice and nuances?

Additionally, respondents were asked to answer these questions: How do you think that ICRC Delegates can be better prepared for their missions towards strengthening the humanitarian diplomacy of the ICRC? As a diplomat that worked with a multilateral institution, how would you assess the conduct of humanitarian diplomacy by the case study in respect of your organization? How was humanitarian diplomacy leveraged to redress violations of IHL in the field? How was humanitarian diplomacy leveraged with States to facilitate accession to the Geneva Conventions? From your experience, how was humanitarian diplomacy used to facilitate the humanitarian mission of the case study? In what other ways was humanitarian diplomacy leveraged that you recall and can share?

The answers to these questions have been important in a general sense, for an understanding of the dynamics driving humanitarian diplomacy and have been critical to shaping the study towards answering the overall research question.

4.2 Purpose of Presenting Results

These results are presented with a view to re-affirming the scope of coverage for the study (2007—2022), the parameters adopted by the researcher and to communicate the findings of the research conducted for the study. They are also to provide clarity as to the outcome of the study and how these are connected to the research questions that formed the basis of the enquiry, including how they link to the thesis. The facts discovered during the investigation, including where they aligned or digressed with the opinion of the researcher, established theories, concepts, ideas and acknowledged views of subject matter experts are presented and the data analysis process is explained.

4.3 Data Analysis

The findings of this research are a true reflection of the outcome of the oral interviews conducted with respondents for the purpose of obtaining data required to generate findings for the study and arrive at the right conclusion.

Furthermore, all the respondents had participated in one way or another in conceptualizing, planning, implementing or reviewing the leveraging of humanitarian diplomacy and so were able to address the questions posed from the perspective of participant-observers.

These findings were based on interviews conducted with those designated as participant observers. The respondents engaged in the sampling process were carefully selected. They had mostly served as delegates, diplomats and staff of the case study and of two key multilateral bodies. This was with a view to ensuring that these persons possessed various levels of experience and expertise that would yield the desired data.

The said findings may be relevant to the extent that research endeavors focusing on a similar topic and context are further explored, or when an enquiry similar to the question this study sought to answer is being undertaken.

The data collection process involved focusing on all ramifications and taking steps to ensure that they were as representative as could be possible. In this wise, the respondents chosen for the participant observation were diverse, as they had served with the case study in various missions across Africa, Asia, Europe, Latin America and the Middle East. Others were diplomats who had served with multilateral organizations and in the National Red Cross space. The integrity of the data collection process and the data itself are therefore guaranteed.

To further ensure the comprehensive nature of the data, the researcher took steps to widen the experience portfolio of the respondents to include persons that had headed delegations of the case study (including both males and females), assuring that the cognate experience of the respondents varied by ensuring that it comprised of those with 10-20 years' experience and those with 20-35 years' experience. These were so distributed to ensure that the feedback obtained was representative and covered gender, cognate experience, job description and diverse field of postings.

The data collected was sifted through an identification of patterns, thematic orientation and concepts and was then analyzed by the researcher. Some of the outcomes, especially those that, in the opinion of the researcher, required further checking or clarification, were raised as feedback with the concerned participants to ensure that the interpretation ascribed to them was accurate and valid. Some other data were also discussed with other participant-observers who had more seniority to ensure their accuracy in fact, context and conformity with the *modus operandi* of the case study (without identifying who had said what, where and when).

The conceptual framework that served as the philosophical basis of the study was developed from the perspectives, thoughts, reflections and comments of academics, diplomats and humanitarian practitioners and these were leveraged to cross validate the perspectives of the participant observers who formed the main source of the data collected.

The reliability of the analytical process leveraged in conducting this research was therefore consistent and can be relied upon if a compatible enquiry would be repeated. Though the researcher had stated upfront that some of the outcomes of the research did not align with his own perspective, especially the conceptual definition that formed the basis of the enquiry, the findings are not solely determined by the interpretation of the researcher and can therefore be considered as objective.

4.4 Findings

Before presenting the findings, it is important to establish that the data acquired during the enquiry were divided into six broad themes for the purpose of articulating the results. The said themes are as follows:

- Definition of the Concept (i.e. humanitarian diplomacy).
- Recognition of / Engagement with the IO by States/Multilateral Bodies
- Impact of Concept on the IO's Humanitarian Missions.
- Impact of the IO's Conduct of Concept on the Humanitarian Policy of States.
- Impact of the IO's Conduct of Concept on Implementation of IHL-related Treaties by States.
- Challenges/How the Concept was enhanced through its leveraging by the IO.

A summary of outcomes that are grouped within these themes is as follows:

Theme 1: The perspectives of the respondents on their understanding of what *humanitarian diplomacy* means.

Theme 2: The views of the respondents on the extent of formal recognition accorded the case study by States and Multilateral bodies and the extent of bilateral engagements by them with the case study.

Theme 3: The opinions of respondents on the impact that conducting humanitarian diplomacy by the IO had on its humanitarian missions.

Theme 4: How the respondents viewed the impact of the concept as applied to the humanitarian policy of some States that are party to the Geneva Conventions.

Theme 5: The views of the respondents on the leveraging of humanitarian diplomacy by the case study to drive the implementation of treaties that reinforce the Geneva Conventions.

Theme 6: The views of the respondents on the challenges encountered and on how value was added to humanitarian diplomacy through its practice by the case study.

On what respondents thought about the scope of *humanitarian diplomacy*, in Theme 1, their views were that its conduct must necessarily involve engagement (representation, communication and negotiation) with States and non-State entities. This position conforms with those expressed by several of the authors, diplomats and humanitarian practitioners as captured in Chapter 2 of this study.

The unanimity of the respondents regarding what this concept means does not however align with how this researcher defines the concept for the purpose of this study (which essentially sees the concept as undertaken only with State entities—or their agents—being signatories to the Geneva Conventions).

A few of the respondents broached the concept of *strategic anchoring* which they affirmed had always been an internal tool by the case study to facilitate its humanitarian diplomacy and was described by them as strengthening humanitarian diplomacy in influencing key stakeholders to protect civilians in armed conflict, to abide by IHL and to respect and support principled humanitarian action.

One respondent identified *convergence* as a process of determining on what issues (substantive goals) the case study sought to engage a host State or multilateral body in its humanitarian diplomacy. He explained that *convergence* is the process of gaining an understanding of those humanitarian issues that were of importance to the ICRC and on which the host State was also interested (meaning the interest of both parties *converged*). This was usually arrived at after conducting an in-house, brainstorming exercise and once identified, those issues would then form the basis of engagement (i.e. *representation, communication, and negotiation*) and with relevant organs of that State by that delegation.

To illustrate how this works, he said that out of a plethora of humanitarian issues, the host State might have a policy of supporting demining operations in post-conflict environments. Arriving at this after the convergence exercise, the case study would then seek to engage with that State to build synergy for its work of protecting civilians affected by a proliferation of anti-personnel mines in their locality or even in another context in which the ICRC was operational or even outside of the territory of the host State. (Where the latter was the case, convergence underscored *strategic anchoring*, thereby further strengthening its humanitarian diplomacy).

A respondent also broached another tool that he affirmed was linked to humanitarian diplomacy as practiced by the case study. Described as *techplomacy*, he said that “it is a bi-directional vehicle that helps translate the experience of affected people and of the ICRC and other humanitarian

actors into legal, policy and diplomatic language and activities to influence States, tech companies and other actors involved in the digital transformation process.”

The respondent went on to explain that the goal of techplomacy, as a tool that reinforces humanitarian diplomacy, is “to bring the fruits of these engagements and conversations into the organization to help inform and shape the definition and effective delivery of its own strategies for protection, assistance, communication, fundraising, cybersecurity, procurement, partnerships and digital governance.”

All the respondents indicated that they understood the work of the case study and how it functioned, clearly suggesting that there was no ambiguity about its status, its mandate and the responsibilities delegated to it under the Geneva Conventions.

Regarding Theme 2, the respondents were united in their view that the IO was fully accepted by States and Multilateral bodies as a bona fide player in the international system and that not being a State did not inhibit the IO from playing its role or engaging with States or multilateral institutions as if it were one of them.

One respondent underscored this by citing an example of the engagement of the case study with a multilateral organization. He explained that its status had no effect on its engagement because States within that multilateral body recognized the diplomatic status of the ICRC and its added value and accorded the organization respect and courtesy because it had a *Headquarters Agreement* with the State hosting the headquarters of the multilateral body and also that it had an *Observer Status* with that same body based on a *Partnership Agreement* it had signed with the multilateral organization.

A respondent also mentioned an example of the recognition and full acceptance by States and Multilateral bodies of the case study as one of their own in the conduct of diplomacy by citing an experience in which he was involved and in which troops from a belligerent State engaged in armed conflict on its own territory against a NSAG had abandoned their position and entered the territory of a non-belligerent State. The case study was promptly invited by the latter to give advice on the right course of diplomatic action to take consistent with the Geneva Conventions and to which the case study responded, leading to the situation in which all the parties elected to resolve the encroachment through bilateral diplomatic channels leading to the repatriation of those troops.

Another respondent, answering questions under this theme, said that the case study regularly engaged with States in the conduct of its humanitarian diplomacy to facilitate its humanitarian mission and cited an instance in which the case study was contacted by students from one continent who were studying in one of the provinces of a State in another continent in the early stages of an unfolding international armed conflict between that State and another State.

These students were aware of the IO's mandate of re-uniting families separated by armed conflict and wanted it to evacuate them to their respective States as they perceived that it would be a lot easier for the IO to do so than for their own government. In response, the case study thus engaged with all concerned States (the ones at war and those from where the students originated) and was able to facilitate their repatriation.

One respondent, answering a question under this theme, explained that one State had experienced a high level of violence in the late 2000's that significantly affected the fabric of its society and generated mutual animosity and distrust between the authorities and the population on the one hand and between the population themselves on the other. During this engagement, the authorities explained to the case study that they were having difficulties identifying some dead bodies

that had been recovered during the violence due to the state of decomposition in which they had been found.

To illustrate his response, the respondent explained that the Geneva Conventions stipulate that deceased persons must be properly identified and given dignified burial. Article 3 common to those Conventions applied in this scenario. The case study then made an offer to help that State in identifying the deceased persons and this was accepted, leading to the case study dispatching its team of forensic experts to help in identifying most of the deceased and ultimately bringing closure to the families (who did not doubt the outcome of the identification process because of the neutrality and independence of the ICRC).

On Theme 3, the aggregate views of the respondents indicated that they believed that the case study applied humanitarian diplomacy to help fulfil its mandate whenever the situation warranted it i.e. in armed conflict situations.

Furthermore, the perspectives of the respondents highlighted how the conduct of humanitarian diplomacy contributed to influencing States to respect their obligations under the Conventions, pressurized parties to a conflict (over whom they have influence) to respect the Conventions (such as by complying with ceasefires to enhance humanitarian intervention, facilitating safer access for humanitarian missions, etc.) or accepted the IO to act as a *neutral intermediary*.

A respondent said that the case study often took steps to prepare its delegates for applying humanitarian diplomacy in carrying out their respective humanitarian missions (where relevant) by mentioning the example of what was done in one of the delegations of the case study. According to him, orientation sessions were conducted for delegates and some key staff on diplomacy, where two key concepts: *Crisis* and *Conflict* were introduced and discussed (relying on the book *Conflict, Crisis and Instability* authored by Brecher and Wilkenfeld, 1989). He affirmed that these concepts were its

focus because they typified the two phenomena which characterized the environments in which the ICRC worked.

This respondent said he cited this example to show that the conduct of humanitarian diplomacy by the case study was always scientific, methodical and logical and not something done on the spur of the moment. The conduct of the orientation session also depicted the intellectual depth of the delegates available to the institution with which it conducted its humanitarian diplomacy.

Some of the respondents engaged, by their expressed understanding of ‘humanitarian diplomacy’ (as encompassing all humanitarian initiatives of the ICRC with all parties and actors of influence), mentioned that the IO also conducted some of its humanitarian mission as a *neutral intermediary* and agreed that this role fell squarely within the scope of its humanitarian diplomacy.

No specific examples could be cited in this regard because some respondents explained that States often undertook this diplomatic engagement behind the scenes (except for the facilitation by the IO, of the exchange of PoWs or detainees between parties to a conflict that was undertaken in public) and it was therefore difficult to measure success or link its achievement to the direct act of the humanitarian diplomacy of the case study. Furthermore, they asserted that this aspect of the questioning fell within issues regarded as confidential on which they therefore would not be able to comment publicly.

In another example (of how the case study applied humanitarian diplomacy to help fulfil its mandate), one respondent explained that a refugee from one continent who had fled from armed conflict in his country to another continent and had consequently not seen his family for close to two decades was flown to re-unite with them in a third country where they were domiciled through the humanitarian diplomacy conducted by the case study with at least two other States and the involvement of one Red Cross Society. The concerned States issued travelling documents to facilitate the refugee’s trip and granted transit privileges to him en-route as requested by the case study.

Another example cited by a respondent related to one State that was just recovering from a NIAC during which there were several alleged violations. The case study was invited by the authorities (based on its offer to support the implementation of the Geneva Conventions as mandated by States party) to contribute to proposing measures that would re-orientate the military and help prevent violations in the future.

Over the course of bilateral engagements with the authorities and following several sessions between the experts of the case study and those of the government, the authorities went ahead to establish a special directorate on human rights and IHL with support of the case study to re-train the security forces and change their behavior (consistent with the humanitarian mission of the case study to help States spread knowledge of the law far and wide).

There were several responses from the oral interviews on how the conduct of humanitarian diplomacy impacted the humanitarian policy of States within Theme 4. One respondent asserted that partners within the International Red Cross and Red Crescent Societies, in this case, the National Societies, acted as “critical enablers” of the ICRC’s humanitarian diplomacy by leveraging their proximity to governments to advance the IO’s conduct in this space (with their respective States).

An outcome of the interviews also confirmed that humanitarian diplomacy was leveraged for resource mobilization from States by the IO in order to facilitate its humanitarian mission. A few of the respondents suggested that the case study engaged National Red Cross and Red Crescent Societies in its resource mobilization drive with the respective States to which each of these National Societies belonged.

One respondent affirmed that National Red Cross and Red Societies leveraged their governments’ positions on regional bodies (e.g., the AU, EU, ASEAN, OAS) to advocate for humanitarian policies that aligned with the ICRC’s global agenda (i.e. substantive humanitarian goals

driving its humanitarian diplomacy) and enhanced national positioning on crucial humanitarian topics at international diplomatic gatherings like the UN and the International Conference of the Red Cross and Red Crescent Societies.

A respondent specifically identified the Office of the ICRC President, the Head of the Resource Mobilization Unit and focal persons for humanitarian diplomacy based in some important delegations of the IO around the world as key players in influencing the major donor States to provide some 80% of the budget of the IO. The outcome of the oral interviews also indicated that the humanitarian diplomacy of the IO has so far not succeeded in diversifying reliance away from its traditional donors for resources.

A respondent said that National Red Cross and Red Crescent Societies had, on some important occasions, acted to strengthen the ICRC's ability to influence state behavior and enhance protection and assistance for vulnerable populations.

Two respondents mentioned two different impacts under this theme: extending an invitation to the IO to attend an annual forum with direct access to retired and serving African leaders because of its humanitarian diplomacy within a multilateral body and how this diplomacy opened access to meaningful dialogue for the IO with a very important State in Asia where such engagement had previously been lacking.

By leveraging humanitarian diplomacy, the case study was also able to clarify the treaty obligations of every State party in engagements with a multilateral body and provided a clear articulation of the policy options for them or implementation imperatives incumbent upon them, including in one major incident when the armed forces of a belligerent State entered the territory of a non-belligerent State (cited in Theme 2 as well).

Responses received in the oral interviews on the impact of the humanitarian diplomacy of the IO on States towards implementing those international treaties that reinforce the Geneva Conventions as grouped under Theme 5. They revealed that, although the Geneva Conventions (IHL/Laws of Armed Conflict) kick in during armed conflicts and protect certain persons, objects and places, one of the objectives of the humanitarian diplomacy of the case study was leveraging it to influence States yet to become party or yet to domesticate certain treaties to do so.

Such treaties include the Hague Conventions (which regulate the conduct of warfare), the Blinding Laser Weapons Treaty (included as Protocol IV to the CCW Treaty and bans the use and transfer of laser weapons meant to cause permanent blindness to unenhanced vision), Biological Weapons and Toxins Convention (which prohibits the development, production, stockpiling and use of biological and toxin weapons), the Chemical Weapons Convention (which prohibits the development, production, stockpiling and use of chemical weapons), the Convention on Certain Conventional Weapons—CCW, which prohibits or restricts the use of certain conventional weapons considered excessively injurious or whose effects are indiscriminate) and the Ottawa Anti-Personnel Mine Ban Treaty (which proscribes the stockpiling, production and transfer of anti-personnel landmines).

One respondent said that National Red Cross and Red Crescent Societies usually supported the humanitarian diplomacy of the IO for ratification and implementation of the Geneva Conventions and the treaties mentioned above through their membership of each State's National Commission on International Humanitarian Law (NACOI), including by drafting and updating legislation covering all the four Conventions. He also mentioned that these Societies encouraged the active participation of their governments in the period under review, in ICRC-led discussions on international treaties, and review conferences where updates to the Geneva Conventions and IHL were discussed.

The oral interviews also revealed the efforts of the IO in facilitating accession to the Geneva Conventions by a State and the facilitation by the case study of the conduct of technical sessions towards domestication of a string of treaties by another State as examples of the impact of its humanitarian diplomacy in this regard.

On Theme 6, some respondents addressed challenges confronting the humanitarian diplomacy of the case study on the one hand, and the actions which added enhanced this concept on the other. One of the challenges cited related to the perception by some diplomats in multilateral fora and in the service of some States that the case study represented western interests and that such perception might have slowed down the impact of the humanitarian diplomacy of the IO in such contexts (although they did not provide concrete evidence to support this assertion).

Another respondent who undertook humanitarian diplomacy on behalf of the IO with a multilateral body gave a response to the effect that the focus of the IO's humanitarian diplomacy was sometimes not broad enough to gift it with the required latitude to be flexible, citing an example of how what was leveraged from this person's experience was essentially concentrated on promoting the Geneva Conventions (IHL) among member-States, while, at the same time, there was an armed conflict in a region covered by the same multilateral body.

The respondent went on to say that the IO could not at the time properly conceptualize how it could engage on that phenomenon. (Much later, the case study was able to propose and enter an MoU with the multilateral body to expand the scope of its humanitarian diplomacy engagement to include protection issues).

One respondent said that the COVID-19 pandemic imposed a different reality in its aftermath, altering the way things were done hitherto and particularly impacting the humanitarian community as well. It hit the economies of traditional donors such that many could no longer fund the humanitarian diplomacy of their States or humanitarian organizations as much as they previously did and that this also affected resource mobilization by the case study. This has had adverse impact on funding humanitarian missions and all programs associated with them.

Another respondent opined that diplomats in multilateral organizations that were engaged with the IO, despite understanding the role, mandate and functions of the case study, sometimes did not expand their horizons to see what benefits the IO could bring to their populations in conflict-areas. They tended to focus more on their ‘traditional’ partners without fully recognizing that each IO had its area of specialty and came with services or programs that could have immense positive impact for such populations at that material time.

Another challenge that was cited concerned the frequent posting of delegates by the IO. The respondent who gave this answer argued that winning the trust of States or parties to an armed conflict usually took a long time and that by posting its delegates on missions over an 18-month period was too brief for such delegates to be able to effectively undertake humanitarian diplomacy because they get posted out of the context just when trust was being built with the parties. She acknowledged that while delegates had the option of extending their missions in some cases, given the peculiar challenges that marked the working environment of the IO, some delegates preferred rotating elsewhere after those 18 months, leaving a new delegate to re-start the process all over again, with mixed results.

On how, by engaging in humanitarian diplomacy, the IO has contributed to enhancing the tool, respondents who answered the question provided a variety of responses. Many of these focused

on the engagement that the IO had with multilateral bodies although certain examples of its engagement with States were referenced as well.

Some respondents explained that humanitarian diplomacy promoted accession to international treaties related to the Geneva Conventions and that the humanitarian agenda that the IO advanced with some multilateral bodies became a fixed aspect of their own humanitarian policy afterwards (e.g. Protection of Civilians), while some or aspects of that agenda were captured in resolutions passed to that effect towards enhancing the protection of civilians in conflict areas. Consequently, through the humanitarian diplomacy of the case study among other efforts, the protection of civilians has now become a permanent feature of the mandate of UN and regional peacekeeping forces.

One respondent, answering a question specifically on how humanitarian diplomacy was enhanced through its conduct by the case study, cited the invitations periodically extended to the IO to observe the humanitarian component of military training colleges, multidimensional peacekeeping or combat exercises by States, during which delegates of the ICRC commented on the overall performance of the military forces with regard to the extent to which they complied or failed to comply with the provisions of the Geneva Conventions/Laws of Armed Conflict and recommended steps that could be taken to ensure compliance in future exercises and during actual hostilities (through trainings, seminars and exercises).

In this wise, he mentioned one particular example of the IO writing the humanitarian inject of a peacekeeping exercise of a regional economic community (REC) in Africa and also acceding to the request of the Planning Element of that exercise to send one of its delegates to be a part of the Exercise Control Cell in order for this delegate to carry out the functions explained above. He averred that inviting the IO to such sensitive military trainings was an affirmation of the recognition of States of

the role it is tasked with by the comity of States, its special character and status amongst IOs, as well as a confirmation of how its practice of humanitarian diplomacy had been enhanced and recognized.

Another respondent cited the unique situation in which the IO engaged with a Think Tank which possessed significant influence in an Asian context as part of its humanitarian diplomacy. The said Think Tank was affiliated to the host State and this relationship later resulted in the IO being invited as a partner to a major State Policy Dialogue by sponsoring a panel and having a keynote speaker at the event. According to her, this annual event attracted key influencers from around the world such as Heads of State and Governments, State officials, diplomats, senior military commanders and officers, Track II personalities, prominent Think Tanks, etc.

She further added that these persons could help advocate for humanitarian causes too and that engagement considerably helped raise the profile of the IO, giving it a platform to share its views, mission, humanitarian expertise/knowledge and to make a case for its relevance to that State and other stakeholders. It ultimately helped clarify areas that had been hazy to the authorities of that host State (which had therefore influenced its hitherto non-cooperative posture towards the case study). This eventually helped the IO to strengthen its presence and further its mission in the region.

A respondent opined that *Techplomacy* is a tool deployed by the IO to drive humanitarian diplomacy and defined it as a bi-directional vehicle that helps translate the experience of affected people and of the case study and other humanitarian actors into legal, policy and diplomatic language and activities to influence States, tech companies and other actors of the digital transformation process. He submitted that this tool positions the IO as a global thought leader in technologies (for humanitarian purposes) exemplified by the recent adoption of a resolution on this at the 34th International ICT Conference.

One respondent cited what he described as the activities by National Red Cross and Red Crescent Societies in support of the humanitarian diplomacy of the case study which enhanced collaboration between the IO with the IFRC, UN agencies, and regional organizations to amplify such diplomatic efforts in favor of those affected by armed conflicts. In this regard he cited the conduct of sensitization sessions by some of these Societies on IHL-related treaties, especially the Oslo Convention which banned the use of Cluster Munitions as a relevant example.

The general opinion amongst the respondents was that the case study enhanced its humanitarian diplomacy tool over the years in focus (2007—2022) to strengthen its humanitarian mission in favor of persons affected by armed conflicts, violence and other adverse situations of humanitarian concern.

4.5 Limitations

It is instructive to state that certain challenges confronted the efforts of the researcher while obtaining, collating, and analyzing data for this study. One major challenge was the confidentiality obligation required of delegates of the case study in keeping matters deemed confidential out of the public view. This obligation is permanent and is binding on delegates even after they no longer work with the case study. In effect, this researcher believed that this obligation could have denied the research of vital experiences that the respondents could have shared to illustrate or underscore the data collected.

Given the peculiarity of the study, its focus and the paucity of documented information available on it, compared to say, traditional diplomacy (which has been in existence much longer and a part of bilateral relations and international summit meetings, as well as being the subject of many books and media discourses for well over a century), it became necessary to rely on current and

former delegates of the case study for data from their vantage position as participant-observers to fill this gap. It must therefore be acknowledged that the possibility that the prejudices of a majority of those interviewed could have influenced their responses to the questions.

While the time span for the research study was sufficient, some potential respondents found it difficult to participate in the data collection because of scheduling difficulties, given their very busy agenda, thereby denying the research of their invaluable contribution.

Finally, it must also be mentioned that the character of the case study is unique, being a private Swiss organization, possessing diplomatic status, having a Headquarters Agreement with its host States and enjoying Observer Status with key multilateral bodies. There being no international organization with this same exact character suggests that even if the respondents were drawn from a wider spectrum of IOs, the responses of those not belonging to the case study may not truly constitute relevant data for this research.

4.6 Conclusion

The study set out to interrogate how an IO like the ICRC has been able to enhance humanitarian diplomacy by leveraging it to advance its humanitarian mission within the period 2007 to 2022. Data collection and analysis was crucial in helping this study to achieve the stated research aim. In effect and as this chapter has revealed, a field study was undertaken relying largely on participant observers with whom oral interviews were conducted to obtain the said data. Specific and general questions were developed by the researcher and these (and follow up questions that emerged therefrom) shaped the enquiry and kept the investigations within the scope of the research.

Systematically organized into six main thematic areas, for ease of analysis and interpretation, the data helped ensure that the study gained an understanding of the perspectives of participants on the main enquiry and revealed additional relevant dimensions to the research, especially some other key tools (*strategic anchoring, convergence, techplomacy*, etc.) that the case study utilized internally to drive its humanitarian diplomacy approaches.

Some key highlights of this chapter are as follows:

Data obtained confirmed that all respondents held the view that the definition of humanitarian diplomacy related to all acts of representation, communication and negotiation by the case study with all State and non-State entities towards ameliorating the conditions of persons affected by armed conflict and violence (this unified view did not align with that of the researcher).

The respondents did not harbor any ambiguity about the status, mandate and the responsibilities delegated to the case study under the Geneva Conventions as they considered these quite clear and recognizable by all States.

The data also confirmed that the case study is a bona fide player in the international system, an acceptable actor in that domain who played in it as if it were part of the comity of States and its multilateral institutions because it had been so accepted by these States and Multilateral entities.

Most of the respondents cited various relevant examples of how, where and when the case study had conducted humanitarian diplomacy with a view to validating the opinion, although the researcher believed that it was possible that many important data that could have further strengthened the thesis were not volunteered by the respondents due to the strong (but understandable) confidential

policy of the case study which remains binding on them even after they would have retired (or left its employment).

In at least one delegation, data provided by a respondent illustrated how the case study prepared its delegates to undertake diplomacy in the course of their work, denoting the fact that leveraging this phenomenon by its field missions was not done on a whim but was a carefully thought out, scientific and logical process and that it was undertaken within a defined framework.

The perspectives of the participant observers were cross validated against the perspectives, thoughts, reflections and comments of experts in the field of diplomacy which formed the conceptual framework that served as the philosophical basis of the study. The reliability of the analytical process leveraged in conducting this research is therefore consistent and can be relied upon if a compatible enquiry would be repeated. This is further strengthened by the fact that the findings were not solely determined by the interpretation of the researcher and can therefore be considered as objective.

Deriving from the data obtained and its analysis, the obvious conclusion is that the case study conducted and enhanced its humanitarian diplomacy tool over the years in focus (2007—2022) to strengthen its humanitarian mission in favor of persons affected by situations of adverse humanitarian concern.

CHAPTER FIVE| DISCUSSION

5.1 Overview

This chapter interprets the results obtained from the data acquired during the research phase based on oral interviews conducted with respondents who were participant-observers and necessarily subject-matter experts, given their peculiar experiences as serving or retired staff of the case study or diplomats who had been on the ‘receiving end’ of its humanitarian diplomacy engagement. The findings are interpreted by juxtaposing them against other related views, theories or perceptions and juxtaposing them against similar practices.

Where the researcher’s position contrasted with or contradicted the outcome of the data or the positions taken by the authorities cited, indications to that effect were clearly established and explained. Finally, the conclusions arrived at were discussed and situated within context, while the researcher offered his recommendations which he considered likely to be useful in the conduct of future research on the subject or on related themes.

5.2 Interpretation of the results

Oral interviews were conducted with a view to obtaining data for the study which seeks to show the link between relief operations and diplomacy and how the International Organization (IO) chosen as the case study i.e. the ICRC, has been able to strengthen humanitarian diplomacy by applying it to further its humanitarian operations. This is with a view to mitigating the suffering of populations affected by armed conflict, be it an international armed conflict (IAC) or a non-international armed conflict (NIAC) and covering the period 2007 to 2022.

Furthermore, the study recognizes that the type of diplomacy practiced by the IO has not been as popular as that which the researcher describes as ‘traditional diplomacy’ i.e. the art of inter-dealing

between States in the international system in peacetime, which is undertaken on their behalf by diplomats accredited to other States within the provisions of the Vienna Convention. The researcher argues that some IOs, such as the ICRC, with its delegates posted to many countries especially those experiencing armed conflict, also conducts diplomacy.

Since the case study carried out its humanitarian activities on the territory of States and since what constitutes a State was not in dispute, respondents were not asked about it. However, the data obtained affirmed that the humanitarian diplomacy of the case study was carried out with States (amongst others) and so it became important to recall the description of what constitutes a State as defined by Torbjorn Knutsen¹ and Obafemi Awolowo² and which remained valid for the purpose of the study.

It is however important for this thesis to reassert certain features of the State because these are key indicators for our understanding the interpretation of the data obtained where it has resonance for the relationship between the case study and the State. As therefore enunciated in Chapter 2, the notion of the *inviolability* of the State is firm, as argued by Torbjorn Knutsen, when he submitted that the 'internal sovereignty' of the State is inviolable because "...the State was not merely territorial in nature—its territory was circumscribed by a boundary which was impenetrable in principle, defended by military might in practice and justified in law." Each State thus enjoyed "legal standing as a juridically equal actor in a larger, international society of States."³

In like manner and to ensure the relevance and survivability of the State, Jack Donnelly's assertion that "a State acts as a rational autonomous actor in pursuit of its own self-interest with a primary goal to maintain and ensure its own sovereignty and survival,"⁴ strengthens our understanding of the State and its characteristics and helps to illuminate this study.

The State acts within the international society of States (as Donnelly affirmed) and this inter-dealing amongst them brings up the concept of *International Relations*, a term coined by Jeremy Bentham (1789). Knutsen submits that the term explains the interaction among and between States, as well as State-based actors across State boundaries.⁵

A reference to State boundaries also brings up the question of sovereignty over a State's geopolitical area and in this wise, this researcher underscores a common truism that, in pursuing its substantive goals within the international arena, the State might have to surrender some of its sovereignty, typified by when it joins multilateral organizations like the AU, EU UN, etc.

It may also grant concessions that might seemingly impinge on aspects of that sovereignty when it signs or becomes party to certain international treaties, as, for example, over one or some of the four notions of State sovereignty viz. its territory, population, authority and recognition.⁶ Within this context therefore, a State might be under the obligation to give an IO unfettered access to some or all parts of its territorial space for the purposes of facilitating the work or mission of that IO.

The case study therefore enjoys such privileges of access from the State, based on the obligations imposed on every State by virtue of being a signatory to the Geneva Conventions of 1949.⁷ To give vent to enjoying this privilege, the case study enters into a *Headquarters Agreement* with the State and gains diplomatic status thereby. Its mission in that particular State is designated as a "Delegation," its head of mission is designated as a "Head of Delegation," its expatriate staff are designated as "Delegates," and this category of staff enjoy Privileges and Immunities, while its official vehicles are given diplomatic license plates.

Before proceeding with discussing the findings, it is important for this researcher to re-affirm the provisions of the Geneva Conventions because they constitute the basis upon which the findings of the study can be understood, especially as they relate to the status of the case study, its character, its functions and its relationship with States. It is also important to state that all 162 States that make

up the international community have ratified the Conventions, thereby strengthening the mandate given to the case study.

The Conventions have four main provisions and two Additional Protocols. These are: The Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea; the Convention Relative to the Treatment of Prisoners of War; the Convention Relative to the Protection of Civilian Persons in Time of War.

For the avoidance of doubt, the case study (i.e. the International Committee of the Red Cross (ICRC)) is specifically mentioned in the Geneva Conventions within the provisions of Article 3 common to all the four Conventions and Article 9 of the Third Geneva Convention. Furthermore, it is mentioned in the Fourth Geneva Convention and other provisions regarding the delivery of its humanitarian activities during armed conflicts.

The import of this for our study is that for Article 3 common to all the four Conventions and Article 9 of the Third Convention, the ICRC is considered as an “impartial organization” which is granted the right to offer its services to the Parties to the conflict.

As for the provisions of the Fourth Convention which protects civilians (non-combatants) during armed conflict, the case study’s role is significant towards facilitating the protection of civilians and providing them with assistance, ensuring that family members can communicate with their loved ones, as well as conducting tracing activities of missing persons and reuniting them with their families as soon as conditions permit.

The case study is also given recognition by the Conventions to act in armed conflict situations and exercise the right to access prisoners of war and others protected persons and offer neutral humanitarian services.

When it visits places of detention, the case study registers those detained to ensure that they cannot be made to disappear, ensures that the places of detention are hygienic to prevent the outbreak of diseases and engages in dialogue with each prisoner or detainee privately to ascertain their detention conditions and other issues relative to their safety and psychosocial well-being. It also ensures that prisoners or detainees held there are not subjected to hazardous occupation. Should it discover any systematic violations of the provisions of the Third Geneva Conventions in these places of detention, it will engage in a confidential dialogue with the detaining authorities to ensure that such violations are stopped and that the authorities take steps to make the violators to face the appropriate penal sanctions.

Common Article 3 is so described because it is the same provision in each of the four Conventions and it is very important for helping the case study to fulfil its mandate in armed conflicts that are not of an international character. It establishes the minimum benchmark for protecting civilians and strengthens the hand of the case study to offer its services to the parties in the conflict.

The Additional Protocol II (of 1977) on the other hand provides a more comprehensive framework for safeguarding persons affected by a NIAC and explains how the Conventions apply in such a context. It positions the case study to also act as a neutral intermediary.

The Geneva Conventions invest the case study as the “guardian” of IHL, a role that requires it to ensure that the principles of the law are upheld by parties to a conflict and requires the case study to provide assistance to those affected by armed conflict, be they of an international, or non-international character.

For emphasis and as explained in Chapter 4, six broad themes were created by the researcher for the purpose of articulating the research data and summarizing the outcomes which were grouped as follows:

Theme 1: The perspectives of the respondents on their understanding of what humanitarian diplomacy means; *Theme 2:* The views of the respondents on the extent of formal recognition accorded the case study by States and Multilateral bodies and the extent of bilateral engagements by them with the case study; *Theme 3:* The opinions of respondents on the impact that conducting humanitarian diplomacy by the IO has on its humanitarian missions; *Theme 4:* How the respondents viewed the impact of the concept as applied to the humanitarian policy of some States that are party to the Geneva Conventions; *Theme 5:* The views of the respondents on the leveraging of humanitarian diplomacy by the case study to drive the implementation of treaties that reinforce the Geneva Conventions; *Theme 6:* The views of the respondents on the challenges encountered and on how value was added to humanitarian diplomacy through its practice by the case study.

The views expressed by respondents reflected unanimity that the case study carried out its humanitarian diplomacy with others who were not necessarily State entities (and not just with States). This reference to stakeholders refers to the totality of the engagement of the case study with a wide range of actors who could facilitate its humanitarian work on the ground. This invites clarification as to who these *stakeholders* are. Such a description includes community leaders, religious leaders, civil society organizations (CSOs) and indeed all groups that can influence the success of its humanitarian mission (excluding the security forces and NSAG).

For clarity, CSOs are broadly defined by Shift and Forvis Mazars LLP (2017) as “Non-State, not-for-profit, voluntary entities formed by people in the social sphere that are separate from the State and the market. CSOs represent a wide range of interests and ties. They can include community-based organizations as well as non-governmental organizations (NGOs). In the context of the UN Guiding Principles Reporting Framework, CSOs do not include business or for-profit associations.”⁸

It is important to state here that a significant number of those actors who undertake humanitarian relief operations during emergencies fall into one or more of the categories listed in the above-mentioned definition, being either NGOs or International Non-Governmental Organizations (INGOs). They do not enter into headquarters agreements with host States, their staff do not enjoy privileges and immunities, and their vehicles are not given diplomatic license plates.

This clarification is made without any prejudices to the often, excellent work carried out by these actors in favor of affected populations and usually at great risk to their own lives. It has been made only to the extent that it illustrates the dichotomy between them and the case study and for purposes of affirming the type of status that the case study has been invested with by the relevant international treaty.

While the position of the respondents aligns chiefly with the views of Philippe Re'gnier,⁹ Larry Minear,¹⁰ and even the ICRC's own position on it, as expressed by Marion Harrof-Tavel,¹¹ it however conflicts with that of this researcher, who does not subscribe to such a broad view of what humanitarian diplomacy is and with whom it is practiced. As submitted earlier, this researcher's definition of humanitarian diplomacy is:

“The engagement of the ICRC with the diplomatic representation of States party to the Geneva Conventions (or their agents) either on their territory or abroad, through representation, communication and negotiation with a view to gaining access to persons affected by situations of adverse humanitarian concern; forging convergence where both parties disagree on resolutions, policy or action that (in the opinion of the ICRC) can harm populations affected by armed conflict or violence or, by proactively engaging with the States party to dissuade them from (acting alone or in concert with other States) in initiating, resolving or acting in ways which could cause them to detract from their obligations and the guarantees given to protected persons under the Geneva Conventions

and other related or applicable international treaties or customs. It may also refer to the process of representation, communication and negotiation initiated by the ICRC to persuade States party to sign, accede (become party to) or ratify either these Conventions in part or in full or related international treaties towards ensuring better protection for the civilian population in the event of an armed conflict.”

This definition contradicts the position of some who argue that diplomacy can only be undertaken by States, a position also challenged by Costas Constantinou¹² when he argued that the State-centric definition provided an extremely limiting understanding of diplomacy that has had tremendous implications on how scholars and practitioners viewed their field. It also reflects aspects of the definition given by Hafize Zehra Kavak, when she submitted that “humanitarian diplomacy seeks to create avenues to persuade decision makers... to act, at all times, in the interests of vulnerable people and with full respect for fundamental humanitarian principles.”¹³

Furthermore, the researcher’s own definition is strengthened by the view of Ambassador Lakhdar Brahimi that “diplomacy is a specialized function carried out by a special category of personnel. The duties and obligations of official diplomats and the conduct of their functions are clearly framed by international law and custom”¹⁴ since humanitarian diplomacy undertaken by delegates of the IO is predicated on the fulfilment of its mandate as framed by the Geneva Conventions.

Finally, the definition of the researcher is doubly strengthened by the opinion of Ambassador Jeremy Greenstock,¹⁵ when, in the course of his review of the quintessential 1917 book on diplomacy, “Satow’s Diplomatic Practice,” did not only describe the book as: “an extremely interesting account of how diplomacy works and what its machinery does,” but went on to say that it contains “...some fascinating glimpses into what actually goes on in embassies, in international organizations, in

governments when it comes to international relations.”¹⁶ thus affirming beyond reasonable doubt that IOs engage in diplomacy and play in the arena of States as if they were part of them.

A pending question which must be answered at this point relates to how this study would categorize the engagement of the IO with those entities that do not have the status of a State, since the study asserts that such an engagement, within the scope of its definition of the concept, does not qualify as humanitarian diplomacy.

Consistent with his line of thought and in contradiction to the position of the respondents, this researcher argues that when the IO engaged with non-State actors (CSOs, community-based organizations, track II individuals, academics, NSAG, etc), such engagement may not be defined or categorized as *humanitarian diplomacy*. This is because none of those entities had the status of a State, therefore, could not be 'bona fide' players in the international arena. These entities or individuals had no headquarters agreement with the IO nor were they party to the Geneva Conventions (even though NSAGs were bound by Article 3 of its provisions applicable on the territory of the State in which they engaged in hostilities).¹⁷

The researcher wishes to strengthen this thesis by citing traditions that were observed during ceasefire negotiations or peace talks organized or sponsored by third party States or multilateral bodies and at which NSAGs were participating. At such fora, those non-State entities were not formally addressed with State titles nor accorded any diplomatic recognition, even though their relevance or influence on the positive resolution of the conflict at hand were never in doubt.

When the IO engaged with these non-State entities therefore, such engagement was credible and effective as far as it helped to further its humanitarian agenda. In the opinion of this researcher, it can be categorized as strategic engagement at best (if it involved the topmost echelon of such entities), or *advocacy* in the least (when undertaken with actors of influence in the context in which the mission was taking place).

To further illustrate this position, it must be stressed that such strategic engagements or acts of advocacy took place all the time even between traditional diplomats and stakeholders in their mission areas but would not necessarily be described as *diplomacy*. To illustrate this argument, the researcher will now simulate a scenario in which a diplomat accredited to the UN and who, on her way to the session of the General Assembly (UNGA), got entangled in a terrible traffic jam. To overcome it, she had to engage with law enforcement officials to request some exemption to enable her to navigate her car away from the congested area through another route (against on-coming traffic and under escort from the police) so as to meet up with the UNGA session and make her presentation. She would not describe that engagement with law enforcement officers as a conduct of diplomacy, even though it was critical to helping her undertake her mission in her place of accreditation at that moment in time.

If we therefore accept what diplomacy is, then we must accept how it is undertaken, by whom, with whom and within what framework. The philosophical basis of this thesis rests squarely on the fact that diplomacy is one of the tools for inter-dealing between States and indeed, as this researcher has advanced, the IO, who, not being a State, nevertheless has been invested with certain powers under international law as submitted by Harroff-Tavel by saying that "...The States party to the 1949 Geneva Conventions, for their part, have entrusted the ICRC with specific tasks under humanitarian law...They recognise that the ICRC is an 'impartial humanitarian body' and a neutral intermediary and maintain close ties with it, via the Ministries of Foreign Affairs, Defence and Justice *inter alia*"¹⁸that enables it to function within an arena involving the comity of States.

Having been so established, as well as the IO having been accorded all the associated privileges and immunities, the researcher submits that the process that was initiated, led and successfully concluded by Henry Dunant the founder of the ICRC, after witnessing the horrific aftermath of the Battle of Solferino (June 24, 1859) when he had the customs of war codified (as the Laws of War) can be considered, in the context of this study, as the origin of humanitarian diplomacy.

He was assisted in the process by his friends: General Henri Dufour and Drs. Louis Appia and Theodore Maunoir. This is because they successfully engaged and persuaded the comity of States to not only enshrine these rules, but to sign and ratify them¹⁹ That made the First Geneva Conventions of 1864 a veritable and logical outcome of humanitarian diplomacy and a worthy piece of international legislation.

How did the case study practice humanitarian diplomacy? Was it systematic or not?

The data obtained suggested that the conduct of humanitarian diplomacy by the IO was a systematic undertaking and largely led by the Office of the ICRC President, while the Office of the Director-General also played an important role. However, delegations, in translating the broad vision of the humanitarian diplomacy of the institution to their contexts, also had the latitude to configure it to suit peculiar orientations in the field as long as it aligned with the overall strategic humanitarian ambitions of the IO.

In this wise, the study showed that steps were taken by one delegation to prepare delegates and key staff for understanding what the concept meant, how to apply it and to what ends. This involved conducting an orientation session for the participants, clarifying what *crisis* and *conflict* meant (amongst others) for the work of the IO, linking its mandate to humanitarian diplomacy, explaining what diplomacy was and how it was undertaken and situating relevant aspects of the mandate of the IO within the conversation as well as identifying entry points that the case study could explore in the machinery of the host State for the respective humanitarian theme it wanted to pursue.

However, data obtained also suggested that the conduct of such orientation session for delegates and key staff was not uniform across delegations and this led to suggestions being offered to the effect that the case study ought to ensure that all its delegates are exposed to such training, even if in the form of a crash programme. Those to serve as Heads of Delegation or Deputy Heads of

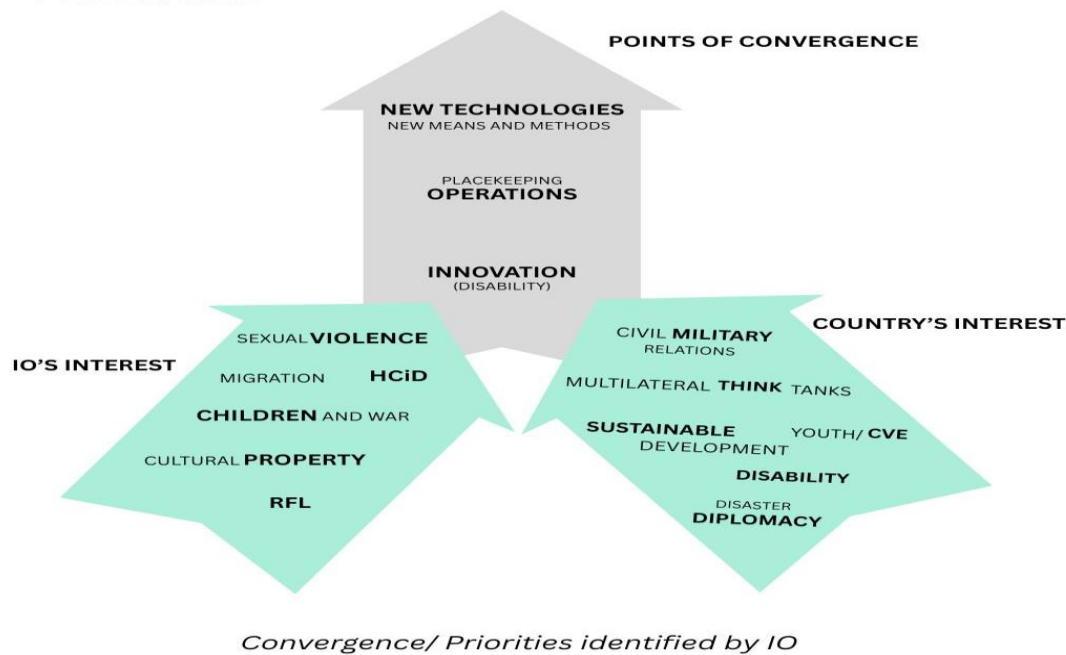
Delegation were particularly recommended to participate to widen the scope of coverage across all its global delegations towards strengthening the conduct of the IOs humanitarian diplomacy.

On the strength of this suggestion, this researcher recommends that some modules of the said orientation session could cover provisions of the Vienna Convention on Diplomatic Relations²⁰ that are relevant for international organizations, such as Article 3, Article 7 and sections of the Convention on Privileges and Immunities, Inviolability of Premises, Freedom of Movement, Diplomatic Etiquette, etc.

The humanitarian diplomacy of the IO was supported by such other concepts as *strategic anchoring*— a tool leveraged by the IO to influence key States that possess *global or regional influence* to support efforts made by the IO to protect civilians affected by armed conflict, to get parties engaged in hostilities to abide by IHL, to strengthen legal and normative frameworks that enhance IHL and to generally respect and support principled humanitarian action. It was also leveraged to influence the humanitarian policy of States. Concrete examples were not cited because the use of this tool was often subtle such that States being engaged might not have even realized it.

Cited as a key driver of the humanitarian diplomacy of the IO in the data obtained was the conduct of periodic *convergence* exercises. This was a process of determining those issues (substantive goals) the case study sought to engage on with the host State for its humanitarian diplomacy approaches. It was undertaken by the delegates and key staff whose files involved humanitarian diplomacy and they brainstormed and agreed on those humanitarian issues on which the interests of the IO and those of the host State converged.

CONVERGENCE/ PRIORITIES



A graph indicating the outcome of a typical convergence exercise

Through this process, they also determined what outcomes they wanted to achieve and proceeded to communicating and engaging with critical levers of the State on these issues. In the execution of the goals of this exercise, the delegation might invite its leaders at the strategic level from its headquarters to lead diplomatic discussions with the strategic level of the host State or proceed with such engagement with its own leadership if deemed appropriate.

In one delegation, convergence led to dislodging bottlenecks in the relations between the IO and the host State, resulting in the upgrading of relations up to a significant level of engagement between the IO and principal organs of that State. This led to State support for a landmark project of the IO on the development of assistive devices for persons with disability in armed conflict contexts and rural parts of the world. In another context, convergence led to the IO being able to influence the position of a State on policy, with the latter agreeing to affirm the applicability of the Geneva

Conventions to new forms of warfare (cyberwarfare and the use of lethal autonomous weapons) in high level discussions convened at a multilateral forum.

The data also revealed that the conduct of humanitarian diplomacy by the IO was not static, as attested to by how it embraced and reshaped a new tool to drive this process in a rapidly evolving space like tech. Acknowledging the challenges that innovation in the tech space could harbor for the successful delivery of humanitarian assistance, the IO latched up to *techplomacy*, a type of diplomacy pioneered by the Danish Government in 2017 to manage what it said were “three interlinked trends in foreign policy.”²¹ This can simply be described as leveraging diplomatic relations and dialogue based on the experience of affected people, the ICRC and other humanitarian actors and “translating this into legal, policy and diplomatic language and activities to influence States and other actors involved in the digital transformation process.”²²

According to the data, the goal of techplomacy, as a tool that reinforces humanitarian diplomacy, is “to bring the fruits of these engagements and conversations into the organization to help inform and shape the definition and effective delivery of its own strategies for protection, assistance, communication, fundraising, cybersecurity, procurement, partnerships and digital governance.”²³

Two key achievements have already been recorded in the application of humanitarian techplomacy by the IO. These were the adoption of a Policy on *Dual Use AI in Armed Conflict* at the 34th International ICT Conference and the adoption of an AI Policy by the IO in 2024, designed to influence other efforts at developing an ethical and responsible approach to the use of AI in the humanitarian sector.²⁴

Overall, the study revealed that the conduct of humanitarian diplomacy by the case study was always scientific, methodical and logical and not something done on the spur of the moment. The study has herein identified how convergence, strategic anchoring and techplomacy as additional tools, strengthened the conduct of humanitarian diplomacy by the IO, while also affirming that the conduct of the orientation session for delegates depicted the intellectual depth available to the institution with which it conducted its humanitarian diplomacy.

From the data, we can conclude that the respondents (including those that had worked with multilateral institutions), demonstrated an understanding of the role, mandate and functions of the IO consistent with the relevant provisions of the Geneva Conventions. They also fully understood its status and other responsibilities it has that were usually not well publicized either because of the confidential nature of these tasks or how they were carried out by the IO (such as representation and confidential dialogue by the IO with State authorities on alleged violations of IHL by forces under their command, its reports on the conditions of detention of either POWs or security detainees, aspects of its work as a neutral intermediary, etc.).

Regarding issues listed within *Theme 2*, the data obtained indicated that the IO was fully accepted by States and Multilateral bodies as a bona fide player in the international system. The respondents were also persuaded that despite not having the status of a State, the IO was not inhibited from playing its role or engaging with States or multilateral institutions as if it were one of them.

This recognition is underlined by the submission of Haffoff-Tavel to the effect that "...The States party to the 1949 Geneva Conventions, for their part, have entrusted the ICRC with specific tasks under humanitarian law...They recognise that the ICRC is an 'impartial humanitarian body' and a neutral intermediary and maintain close ties with it, via the Ministries of Foreign Affairs, Defence and Justice *inter alia*." ²⁵

Some examples were cited to illustrate this, as was revealed by one respondent who had worked in the IO's delegation to a multilateral institution. That institution recognized the diplomatic status of the IO and its added value, underscored by the subsisting legal instruments it had entered into with the State hosting the multilateral body as well as its Partnership Agreement with the said body. These formed a basis for the working arrangement.

In fact, data collected on this revealed that the IO was not just an "Observer" on this multilateral organization but also had a dual role as a "Partner." To underscore the strength of this relationship, the IO was accorded the latitude to identify and advance, for the attention of the multilateral body, challenges that required humanitarian intervention; continue to sensitize the multilateral body of its mandate, role and functions (apparently due to the high turnover of diplomats working there and those accredited to it), while also helping that body and all its affiliates to gain a good understanding of the humanitarian situation and of the Geneva Conventions.²⁶

More specifically and to actualize this role, the IO first identified the States with influence (diplomatic clout and able to provide resources) within the multilateral body and while engaging with all States, nevertheless forged a closer rapport with those States it had so identified. It then went on to also determine those humanitarian themes or *substantive goals* on which it had *convergence* with the multilateral institution. Given the time under reference according to the data sourced, these themes were as follows:

Protection of Civilians: (Consistent with the Fourth Geneva Convention). It must be stressed that the impact of the IO's positioning on this theme and sustaining dialogue on it over a lengthy course of time, has been the fact that today, the protection of civilians has become the core mandate of peacekeeping missions deployed by multilateral bodies (included as part of the *right to protect-R2P*).²⁷

Arms Control: (Consistent with the Fourth Geneva Convention but relevant to all the other three Conventions). The IO also engaged on this theme and sustained dialogue on it. At the time it was doing so, the Arms Trade Treaty (ATT) was relatively just gaining ground, having come into force on December 24, 2014. The IO ensured that this humanitarian issue featured regularly in its engagement with the multilateral body given the negative impact of the proliferation of small arms and light weapons as well as the negative impact of cluster munitions and anti-personnel mines on the civilian population (the latter two weapons nonetheless have separate treaties addressing their scourge).²⁸

Assistance to the conflict-affected affected: (Consistent with the Fourth Geneva Convention). The IO is required by the Conventions to ameliorate the conditions of persons affected by armed conflict and pursued this theme as part of its humanitarian diplomacy with the multilateral body.²⁹

Consequences of illegal Migration and Forced Displacement: While not expressly provided for in the Conventions, this theme has resonance for the Fourth Geneva Convention because armed conflict normally forced a significant number of the civilian population to be displaced.³⁰

The IO's Delegation to the multilateral body also engaged in Track II Diplomacy, by frequently taking advantage of its accreditation to the multilateral body to seek out and engage with past Presidents, Prime Ministers and Ambassadors as well. It nurtured a relationship with them which helped to reinforce its humanitarian diplomacy work with the multilateral body itself.

The level of trust and confidence the IO enjoyed with States was also demonstrated by data that revealed how it had been invited by a host State to give it advice on what course of action to take when troops from one of its neighboring States which had been engaged in an armed conflict with a NSAG on its own territory, abandoned their positions and fled into the host State.

At the onset of this seeming crisis, the host State wanted the IO to advise it on how to resolve the problem according to the Geneva Conventions but also wanted the issue kept confidential (so as not to cause panic amongst its own population). It trusted the IO sufficiently enough to reveal details of the problem, knowing that the confidentiality of the matter would be maintained by the IO.

The case study responded affirmatively to the request, leading to the issue of this encroachment being resolved by both States through bilateral diplomatic channels. That action conformed to the definition of the IO by the USIP when it says that “...it has international legal status as a result of its responsibilities under the Geneva Conventions”³¹ and fully demonstrated the high level of trust and confidence typically reposed in the IO by States.

The actions of the IO as cited above were consistent with Articles 1, 9 and Common Article 3 of the four Geneva Conventions which allow the ICRC to act in times of armed conflict and to provide humanitarian relief and protection to persons affected by it.³²

Did the IO leverage humanitarian diplomacy to facilitate its humanitarian mission? Data obtained confirmed that it did, and two key examples will shed light on instances when this was done. In the first one, the IO engaged with three States—two that were in one continent and engaged in an IAC against each other and one in another continent—to pursue the evacuation of students from the latter who had become trapped on the territory of one of the States in the initial beginning of the conflict. The students had contacted the IO to request that it evacuated them, being aware of the IO’s mandate of re-uniting families separated by armed conflict (consistent with the Fourth Geneva Conventions).

In response, the case study engaged in intense diplomatic consultations with all concerned States (the ones at war and those from where the students originated) to obtain the required guarantees

and was able to facilitate their safe evacuation. This syncs perfectly with the definition of *humanitarian diplomacy* advanced by Hafize Zehra Kavak when she says that “humanitarian diplomacy seeks to create avenues to persuade decision makers and opinion leaders to act, at all times, in the interests of vulnerable people and with full respect for fundamental humanitarian principles.”³³

Another data obtained revealed how, by helping to identify the bodies of certain deceased citizens who could not be identified by a State that had suffered severe inter-ethnic violence, the IO leveraged humanitarian diplomacy to facilitate its humanitarian mission. In this case, the authorities had initially rejected any help from international organizations, as it apparently did not believe that they would not exacerbate the tense situation in the country.

By engaging with the critical levers of that State and demonstrating its neutrality and impartiality in the process as well, the IO was eventually informed by the authorities of the difficulties they had in identifying some dead bodies that had been recovered during the violence due to the state of decomposition in which they had been found.

It must be affirmed that the Geneva Conventions stipulate that deceased persons must be properly identified and given dignified burial. Article 3 common to those Conventions applied in this scenario (because it was not an IAC).³⁴ The IO thus dispatched its team of forensic experts to help in identifying most of the deceased and ultimately bringing closure to the affected families.

One of the drawbacks in its engagement with the IO according to the same data was that some diplomats in the multilateral body had the perception that the IO was representing “western interests” and therefore developed a wait-and-see attitude in relations with the IO. Against such backdrop and indeed recognizing similar reservations that may not even be expressed openly, this study acknowledges that it sometimes took time for delegates of the IO to build trust with functionaries of States and multilateral bodies. However, once trust was generated, the level of confidence placed in the IO was usually high. Any perceived breach in transparency and neutrality by either party could

significantly impugn bilateral relations and hinder or thwart humanitarian action in favor of vulnerable populations.

Data also revealed that the IO played the role of an Observer even in host States and not just within multilateral settings. Here it is important to explain that this related to its being invited to participate in important meetings, sessions, talks, etc. As a rule of thumb, the IO, in accepting to “participate,” often immediately established its terms for such involvement to the convening authority. Here, the word *participate* is put in inverted commas because the IO lets the inviting authority know in no uncertain terms that it would be doing so in the capacity of an “Observer.”

The data obtained revealed that the reason for this was to ensure that the organization did not compromise its status as a *neutral, independent and impartial* organization and to be truly seen as being so by the parties. When participating therefore, the IO generally refrained from commenting during the proceedings (unless it was asked to clarify any issue relating to the provisions of applicable sections of the Geneva Conventions—to enable participants gain clarity—or its role or non-role in any proposed action).

This researcher, while engaged by the IO had sat through peace meetings, sessions convened to discuss Disarmament, Demobilization and Reintegration (DDR) of ex-combatants, meetings to enhance respect for IHL (in the aftermath of an armed conflict), etc. As an *Observer*, such meetings enabled the IO to be updated on new information or any other information that could reinforce what it had already gained regarding the situation on the ground (in a conflict area) and how this could impact its humanitarian work (positively or negatively).

The unique opportunity to act as an *Observer* at these meetings also enabled the IO to network with key players engaging in the talks, especially those who could influence the humanitarian

situation on the ground, such as political figures, senior military officers, commanders of armed group(s), etc. Of key interest to the IO were always issues of access to populations affected by the fighting and measures to ensure their safety and protection consistent with the Fourth Geneva Convention.

The case study also used the platform that such interactions offered to reinforce, through bilateral engagements as well on its sidelines, the need for all parties engaged in hostilities to respect IHL and cause the law to be respected by all its fighting forces, underscoring their obligations to uphold all the provisions of the Conventions. Such talks were also an opportunity for the IO to raise issues of security of its personnel, facilities and equipment, again, in bilateral engagements on its sidelines, with key participants and actors taking part in those talks.

It must however be stated here that from the experience of this researcher, the work of the IO was sometimes impeded by a slow response to its requests for meetings, or for access to certain geographic locations or even to obtain feedback on issues of humanitarian concern that it had raised during official meetings. There were also times when an authorization (issued to the IO upon its own request) to proceed to providing humanitarian assistance to a particular area was delayed because a field commander held up the IOs convoy.

These were considered as challenges in the normal engagement process as it was always difficult to categorically determine that any one or all of these developments (where they occurred together) was a deliberate policy. Notable is the fact that they sometimes occurred even with authorities with whom the IO considered that it had a good relationship.

Data collected within *Theme 3*, indicated that the case study applied humanitarian diplomacy to help fulfil its mandate whenever the situation warranted it i.e. in armed conflict situations. The said

data also portrayed how the conduct of humanitarian diplomacy contributed to influencing States to respect their obligations under the Conventions, pressurized parties to a conflict (over whom they have influence) to respect the Conventions (such as by complying with ceasefires in order to enhance humanitarian intervention, facilitating safer access for humanitarian missions, repatriating prisoners or detainees in their custody, etc.) or accepted the IO to act as a *neutral intermediary*.

We also know that delegates of the IO were prepared through an orientation session conducted in at least one of its delegations on what humanitarian diplomacy meant, how and when to apply it and to what intents and purposes, as explained while discussing data obtained under *Theme 1*. We could also glean from the data that the delegates available to the IO for undertaking this diplomacy had intellectual depth and that their conduct of this phenomenon was scientific, methodical and logical and not something done on the spur of the moment.

Data showed how, in applying humanitarian diplomacy to help fulfil its mandate, the IO was able to facilitate the visit of a refugee from another continent to which he had fled in order to escape civil war in his own country, to see his family located in another part of the world. He had not seen them for close to two decades. The IO's humanitarian diplomacy was conducted with at least two other States and the involvement of one Red Cross Society. The concerned States issued travelling documents to facilitate the refugee's trip and granted transit as requested by the case study. This action of the IO conformed fully with the role conferred on it by the provisions of the Fourth Geneva Convention.

Another data obtained from respondents indicated how the IO, in the conduct of its humanitarian diplomacy with a State in the aftermath of a NIAC, was invited by the authorities (based on its offer to support the implementation of the Geneva Conventions as mandated by States party) to contribute to proposing measures that would re-orientate the military and help prevent violations

in the future. The outcome of the bilateral engagements with the authorities and several sessions between the experts of the case study and those of the government, was the establishment of a specialized organ of that State on human rights and IHL to re-train the security forces and change their behavior.

The process that led to this achievement was not smooth sailing and had several delays and seeming lack of interest. Nonetheless, the IO persevered and followed through. While this was a classic activity of the IO in many contexts, it could not have ultimately succeeded without the State party and its agents ultimately accepting to treat it with utmost seriousness and investing appropriate resources in its implementation.

The two examples cited above underscore how the conduct of humanitarian diplomacy gave expression to Articles 1, 9 and Common Article 3 of the four Geneva Conventions which allowed the ICRC to act in times of armed conflict and to provide humanitarian relief and protection to persons affected by it.³⁵

With reference to the role of the IO as a neutral intermediary, data obtained did not contain specific examples since States usually undertook this diplomatic engagement behind the scenes and besides, respondents who addressed the question on it believed that it fell within issues considered as confidential and on which they would not comment. Nevertheless, it is incumbent on this researcher to explain how the IO played this role. We will therefore make a recourse to a major research effort that chronicled the conduct of the IO in this regard.

In a well-researched article-cum-compilation of the neutral intermediary role of the IO by Cedric Cotter (2022), the researcher informs that the IO plays this role as granted by the provisions of Article 5.3 of the Statutes of the International Red Cross and Red Crescent Movement which expressly states that: “*The International Committee may take any humanitarian initiative which*

*comes within its role as a specifically neutral and independent institution and intermediary and may consider any question requiring examination by such an institution.”*³⁶

According to Cotter, in leveraging the provision of this statute therefore, the IO “temporarily becomes a specifically neutral and independent intermediary when it acts as a third party between two or several parties in dispute, with their agreement and in order to facilitate the resolution of all or some aspects of the dispute and/or the implementation of a settlement agreement.”³⁷

He argued further that the IO had not always explored the full range of that role as provided for in the statutes but that does not fall within the scope of this study and so that aspect will not be explored. What is important for our purpose is that the IO was able to fulfil its role as a neutral intermediary even if it meant leveraging only a limited aspect of the statutes in that regard.

To obtain examples not offered by the respondents in their data therefore, the researcher is compelled to revert to Cotter, who filled this gap by providing aspects of his very elaborate research by providing examples of the conduct of the role of neutral intermediary by the vase study in practical terms. In doing so, it is instructive to affirm that his study was split into two and addressed how the case study played this role in the past and how it plays it today.

It also discusses the situations and issues where the IO played this role of neutral intermediary as exemplified by some examples that he gave. He acknowledged that the examples chosen were extracted from the Annual Report of the case study but does not encompass all the situations and actions that the case study took in playing the said role. He also issued a caveat, to the effect that what his report detailed should not be taken as being a comprehensive view of the complexity of the work of the case study as a neutral intermediary.

Cotter then establishes the mandate relied upon by the case study to act in the role, which he says is granted by Article 5.3 of the Statutes of the International Red Cross and Red Crescent Movement: “The International Committee may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution and intermediary and may consider any question requiring examination by such an institution.”

To fully understand the position of Cotter, it is important to reproduce aspects of that report here, including the years outside of the scope of this study due to the historical context they offer as well as the demonstration of how the role has evolved through the years:

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From the creation of the Movement to the 2nd World War: The ICRC playing a role as a neutral intermediary is almost as old as the organization itself. At its inception, the Committee and its five founding members acted as an intermediary between States to ratify the 1864 Geneva Convention or between national societies to develop the Movement.

During the Franco-Prussian war of 1870-71, the ICRC set up the Basel Agency to exchange information on prisoners between the belligerents. This agency does not only constitute the first tracing activity ever; it is also likely the first occasion where the ICRC was directly employed as an intermediary in conflict settings. A few years after the conflict, Gustave Moynier, the ICRC’s second President, wrote that the Basel Agency had fulfilled its mandate and served as an intermediary between belligerents and neutral countries, ensuring the equal and fair distribution of relief to wounded soldiers from both sides.

At that time, Henry Dunant had already been dismissed by the ICRC and left Geneva. While in Paris, he nonetheless promoted the Geneva Convention to the French Government during Paris’ siege. He also remained very active after the French defeat and during the famous “Paris Commune”,

when a revolutionary government ruled the city from 18 March to 28 May 1871. He acted as an intermediary between the government of Versailles and the generals of the insurgents.

During the First World War, the ICRC conducted several activities as a neutral intermediary. For instance, it transmitted many complaints from belligerents to others about alleged violations of the law: the bombing of medical installations, the sinking of hospital ships, illegal internment of sanitary personnel, etc. It also used its right of initiative. If the Committee's proposal to implement truces to recover the bodies on the battlefield was unsuccessful, the ICRC and Switzerland convinced the belligerents to repatriate severely sick and wounded prisoners and intern them in Switzerland. Resulting from months of arduous negotiations between the French and the German, with the Swiss and the ICRC serving as neutral intermediaries, the 1918 Bern agreements constituted the culmination of these innovative initiatives.

During the Italo-Ethiopian war, the ICRC delegates acted as neutral contacts between the numerous National Red Cross Societies operating in Ethiopia. The ICRC played a role in the evacuation and repatriation of civilians, including thousands of children, during the Spanish Civil War. It also established a neutralized zone in Madrid.

At the Second World War outbreak, the ICRC carried out or proposed many activities as a neutral intermediary. For instance, it used its right of initiative and proposed its services to all belligerents to repatriate wounded and sick prisoners of war or their internment in neutral countries. In 1941, despite the agreement of both Germany and Great Britain, repatriations of prisoners through the Channel generally failed. As of 1942, the ICRC's role between Great Britain and Italy was more successful. The ICRC was active at the end of the conflict, when "surrendered enemy personnel" in hands of the American forces were waiting for their repatriation. The ICRC also participated in the evacuation of civilians in several contexts, for instance, during the famine in Greece. Eventually, one could notice its role as a neutral intermediary for the supply of Channel Islands.

The Cold War: The Cold War and its world polarization constituted a challenge for the ICRC. Accusing the organization of being Western, the communist bloc rejected the ICRC's role as a neutral intermediary and neutral organization. For instance, during the Korean war, the ICRC could not access prisoners held by North Korea. It could only participate in the repatriations of prisoners from both sides in April and May 1953, during the hostilities. The ICRC failed during the Indochina war and during the Vietnam war, when it unsuccessfully tried to be recognized as a neutral intermediary and get access to American prisoners held by North Vietnamese authorities. During the Sino-Indian conflict of 1962-1963, this role was requested by one of the parties to the conflict but denied by the other.

One of its few actions in Central and Eastern Europe, in Hungary in 1956, did not really involve activities as a neutral intermediary. But from 1960 to 1972, at the request of the Federal Republic of Germany, the ICRC acted as a neutral intermediary between Western Germany and countries that had no diplomatic relations with the Germans, including Poland and Hungary, for the financial compensation of victims of pseudo-medical experiments by the Nazis.

Nevertheless, there were many other successes, even in the context of the Cold War. For instance, the ICRC was present in the independence war in Indonesia as soon as 1945, following a request from the Dutch and the support of the Indonesians. In 1946, it acted as a neutral intermediary for the evacuation of 38'000 civilians, mainly Dutch citizens. In 1947, it played a similar role in the evacuation of thousands of Chinese citizens. During the first Indo-Pakistani conflict of 1947, the ICRC could visit detainees on both sides and act as a neutral intermediary for tracing activities and the evacuation of around 5'000 civilians in Cashmere. These activities resumed during the 1965 and 1971 conflicts.

The Cuban Missile Crisis of October and November 1962 was, no bad pun, one of the hottest moments of the Cold War. Many argue that the world had never been so close to a nuclear conflict

after the USA discovered the Soviets were installing missiles launching bases in Cuba. President Kennedy imposed a “quarantine” (a naval blockade) to prevent further missiles from reaching Cuba. Even though it later pretended the request came from the UN, the ICRC discretely offered its service to the UN general secretary, the USA, and the USSR to find a peaceful solution. It proposed that delegates could inspect Soviets boats navigating from and to the Caribbean to ensure they were not carrying weapons.

Eventually, the USA and the USSR reached an agreement before the ICRC could organize such an activity. Nevertheless, even though the crisis was eventually solved without the ICRC’s involvement, “The superpowers eventually found their way to a peaceful outcome, but the fact remained that when the world sought a body guaranteeing neutrality and impartiality – in this case in order to inspect the cargo of ships – it was to the ICRC that the world had turned.”

Moreover, this crisis triggered the creation of a new doctrine to be used in similar circumstances. “It was agreed that the ICRC would be ready in the future to lend its good offices only on condition:

- that peace was threatened by the danger of nuclear war
- that the United Nations declared itself unable to intervene
- that the ICRC was called upon to lend its support to an efficient mission within the scope of the Red Cross principles
- and that all parties concerned gave their approval to the intervention under the ICRC’s conditions.”

In Yemen, in 1963-1964, the ICRC served as a neutral intermediary between the various parties to the conflict, including sponsoring countries such as Egypt and Saudi Arabia. It visited detainees on both sides and contributed to repatriations of prisoners, for example, Egyptian soldiers detained in Saudi Arabia. In 1965, the ICRC negotiated a truce to evacuate the wounded between the

parties to the non-international conflict in the Dominican Republic. The truce triggered further talks that led the conflict to an end.

In early 1979, the ICRC acted as a neutral intermediary between the parties to the Sino-Vietnamese war. It visited prisoners of war on both sides and contributed to their repatriation^[24]. In Northern Ireland, in 1981, the ICRC manifested its readiness to act as a humanitarian intermediary between the detainees and the detaining authorities. During the Soviet-Afghan war, the ICRC and the Swiss Confederation acted as neutral intermediaries for the internment in Switzerland of a few Soviet soldiers held by the Afghan opposition.

Israel, Occupied Territories and Neighboring Countries: As soon as March 1947, the ICRC aimed at establishing a delegation in the region. Acting as a neutral intermediary, it played an essential role during the first Israeli-Arab war of 1948. For instance, it acted for the repatriation of wounded prisoners or the transfer of civilians during the hostilities; and during the post-conflict repatriations in 1949. It also took under the protection of the emblem various medical infrastructures and, thanks to its acceptance to both parties, protected sanitary convoys or the evacuation of wounded across the frontline. Moreover, the ICRC established safe areas, also protected by the emblem, to save the lives of non-combatants.

In the conflicts that followed, the ICRC continued to play a recurrent, though challenging, intermediary role between Israel and Arabic countries. During the Suez crisis (1956-1957), the ICRC organized the repatriation of wounded Egyptian soldiers in November 1956 and, in 1957, the repatriation of prisoners in Israeli and Egyptian hands. In 1967, following the Six-Day War, acting as a neutral intermediary, the ICRC repatriated 5'500 prisoners of war and 1'000 civilians. At the end of the 1973 Arab-Israeli War, 9'000 prisoners were repatriated under its auspices. During the Israeli

intervention in Lebanon (1982-1985), the ICRC repatriated groups of released prisoners. It also acted for the return of mortal remains in 1967 and 1973.

The ICRC played and continues to play an essential role as a neutral intermediary to re-establish family links in the region, for example, by transferring Red Cross messages across demarcation lines, by transferring people for humanitarian reasons, including for family reunification (the marriages in occupied Golan being the most famous examples). Most of these activities continue nowadays.

Eventually, the ICRC acted about hostage-taking and plane hijackings. Among several examples, the ICRC accepted to act as a neutral intermediary between a Palestinian commando and Israeli authorities following the hijack of a Sabena plane from Vienna to Tel Aviv until the unexpected intervention of Israeli special forces. These events led to the establishment of a doctrine related to hostage-takings. The ICRC has played a crucial role in Israel and occupied territories over the past decades.

The Iran-Iraq; Iraq-Kuwait Wars: The ICRC's role during the Iran-Iraq war (1980-1988) is already quite well-known. Among its numerous activities, it acted as a neutral intermediary. By the end of the conflict, less than 1'000 Iranian and 1'343 Iraqi prisoners had been repatriated. The main repatriations took place two years after the end of the war. From 17 August to 17 September 1990, more than 75'000 prisoners (37'861 Iranian and 40'960 Iraqi) were repatriated. More than 4'000 others were repatriated end of 1990 and in 1991. Repatriation operations continued until the early 2000s. Similar operations took place at the end of the Iraq-Kuwait war, with the repatriation of 70'000 Iraqi and 6'000 Kuwaiti in less than two months.

Moreover, work on missing people allowed the ICRC to act as a neutral intermediary between these various states. A first commission tripartite for the Iraq-Kuwait conflict was created in 1993. In

2008, following years of discussions, the ICRC, Iran, and Iraq signed an agreement for a tripartite commission related to the 1980-1988 conflict. These activities continue and are still systematically mentioned in the ICRC annual reports.

The 1990s: In 1990, the ICRC largely facilitated the conclusion and implementation of an agreement between the parties to the conflict in Sri Lanka to neutralize Jaffna hospital. The Balkans endured several armed conflicts throughout the nineties. The ICRC played a significant role in these conflicts, including a neutral intermediary. For instance, in 1991, the parties to the conflict in Croatia mandated the ICRC to release prisoners and invited the organization to be part of a tripartite commission. End of 1991, the ICRC convinced the parties to the Serbo-Croatian conflict to neutralize Osijek hospital under its auspices. This agreement was extended in April 1992, even though incidents studded its implementation. The ICRC is also mentioned in the Dayton agreement regarding the work on missing persons.

In 1992, the ICRC opened delegations and offices in Armenia, Azerbaijan and Georgia. In the following years, while it was initially difficult to make the ICRC's neutrality understood, the organization could quickly set up some activities as an intermediary, for instance, the recovery of mortal remains or the simultaneous release of prisoners and hostages. Some of these activities are still being carried out by the ICRC in these countries.

In 1994, in Mexico, Chiapas region, the ICRC acted as a neutral intermediary and facilitated the dialogue between the authorities and the Zapatista Army of National Liberation (EZLN), for instance, by transporting the EZLN delegates to the place of negotiation.

In 1996, the ICRC played a significant role during the hostage crisis of the Japanese embassy in Lima (December 1996-April 1997). It assisted the hostages, contributed to the reestablishment of

family links (9'000 red cross messages were exchanged), and eventually took a pivotal role in the negotiations between the hostage-takers and the authorities.

The same year, in East Timor, following clashes, ICRC delegates went to the scene and acted as neutral between the authorities and civilians. At the request of both the government of Sierra Leone and the Revolutionary United Front, The ICRC transported under the protection of the Red Cross emblem representatives engaged in the peace negotiations taking place in Côte d'Ivoire[39]. The current or recent ICRC's activities in Colombia as a neutral intermediary already started during the nineties. The organization contributed to the release of prisoners or hostages and facilitated dialogue and peace negotiations.

In Afghanistan, in November 1996, at the request of the parties to the conflict, the ICRC acted as a neutral intermediary between the Taliban and Commander Massoud's forces and repatriated the mortal remains of several dozen of fallen combatants. In 1999, following talks between parties to the conflict and upon their request, the ICRC contributed to the simultaneous release of detainees from both sides.

The ICRC as a Neutral Intermediary in the 21st Century—Main Figures: The ICRC annual reports from 2010 to 2019 contain 283 individual occurrences of neutral intermediary activities. One must keep in mind that these figures do not reflect reality. First, they only mention publicly acknowledged activities and do not include activities that have not been publicized. Second, editorial choices are not always consistent. For instance, the work carried out by the ICRC for the missing of the Falkland war only appeared once over the past ten years. However, it is a prolonged and ongoing activity. Parallely, similar work related to the missing of the Iran-Iraq and Iraq-Kuwait wars is mentioned every year. Therefore, the following figures are not exhaustive. Nevertheless, though incomplete, the annual reports help understand how the ICRC acts as a neutral intermediary in contemporary armed conflicts and other situations of violence.

Some contexts appear every year. These occurrences are linked either with protracted conflicts and crises or with activities related to past armed conflicts. For instance, the ICRC's role as a neutral intermediary between Armenia and Azerbaijan, between Georgia proper, Abkhazia and South-Ossetia, in Colombia, Israel and the Occupied Territories, or Iraq is systematically mentioned in the annual reports. Parallely, the data show that the ICRC can sometimes act as a neutral intermediary shortly after the outbreak of a conflict. It happened at the outbreak of the conflicts in Yemen, Libya, and to some extent Syria in 2011, Ukraine in 2014, etc. These cases illustrate the ICRC's ability to engage with parties to armed conflicts quickly.

Over the past ten years, the ICRC has acted as a neutral intermediary between two states in 133 occurrences. The figure is slightly higher when it acts between a state and a non-state actor, with 144 occurrences. We only found two examples where only non-state actors were involved, while 4 occurrences were either undefined or involving several types of actors.

While most contemporary armed conflicts are non-international, many activities between states might look surprising. Some long-term activities, such as the work on missing people, constitute the continuation of past armed conflicts. They illustrate the ICRC's relevance in highly politicized settings, disputed territories, and other frozen conflicts. It can be a neutral intermediary between states, *de facto* authorities, or non-state actors in occupied territories.

The annual reports do not always indicate who requested the presence of the ICRC, especially when activities appear every year, and we did not retrospectively systematically check the information in the ICRC archives. Nevertheless, it is certain that in 44 cases, the ICRC used its right of initiative and proposed its services to the parties to a conflict. 37 requests directly came from the parties to the conflict. We eventually found one example where the request came from third parties.

Facilitation of General Negotiations and Support to the Peace Process: Eventually, it happens that thanks to its status and acceptance by parties to a conflict, the ICRC can provide support to negotiations between the belligerents or even peace processes. In Uganda, in 2013, with the ICRC acting as an intermediary, representatives of previously disputing communities engaged in dialogue and cultivated agricultural land together, easing tensions and enabling the safe movement of people. In Afghanistan, it also used its contacts and credibility to facilitate the work of others with purely humanitarian aims, such as medical NGOs, several times.

These negotiations sometimes aim at achieving peace between parties to a conflict. Colombia constitutes an excellent example. Over the past years, the ICRC has contributed to the peace talks between the government and the National Liberation Army (ELN), or between the government and the Fuerza Alternativa Revolucionaria del Común (FARC). For example, in 2017, it ensured safe passage for ELN representatives to and from Ecuador, where negotiations were taking place.

By carrying out other activities, for instance, those in connection with the search for missing people, the ICRC backed the implementation of the 2016 Peace Agreement between the government and the political successor of the FARC, the Fuerza Alternativa Revolucionaria del Común.

Conclusion: The ICRC has acted as a neutral intermediary worldwide for more than 150 years in most of the conflicts where it has been or is still active. This long and rich history gives the organization a unique experience and legitimacy.

These activities cover the full spectrum of the ICRC's mandate and mission statement. They constitute one of the outcomes of its humanitarian diplomacy. They contribute to the protection and dignity of people affected by armed conflicts and other situations of violence. They also contribute to assist them.

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This researcher submits that the rich background provided by Cotter, as cited above, is essential to this study because it not only explains the legal basis behind the mandate of the case study to undertake its role as a neutral intermediary and explain in practice what playing that role entails, but also clearly demonstrate how the said role has evolved, the challenges encountered by the case study while playing it and the affirmation of its character and status, clearly depicting it as different from most of those organizations that play in the humanitarian space.

As to what is of immediate relevance to this study, Cotter's extensive work clearly offer some key pieces of information to the effect that the ICRC acted as a neutral intermediary in 35 contexts all over the world and specifically showed 82 instances when the IO acted as a neutral intermediary between 2016 and 2020.

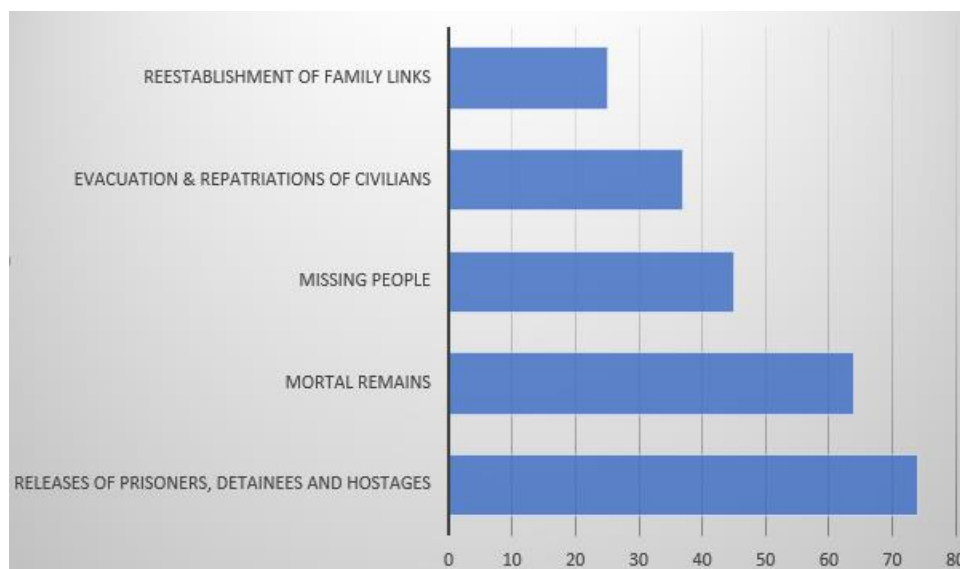
Now, we can recall some of the basic statistics in Cotter's study to affirm that, for the period covering the scope of this study, the IO, acting as a neutral intermediary, facilitated the following:

- Colombia: the release of at least 1,800 persons held by NSAGs.
- Afghanistan (2016): The burial of 1,355 deceased civilians and combatants by relatives due to the "essential role" the IO played between the warring parties.
- Chibok, Nigeria (2016): The return of 21 kidnapped girls; Chibok, Nigeria (2017).
- Yemen/Saudi Arabia (2020): Repatriation of 1,000 detainees of the Yemeni conflict.
- Handover of 82 kidnapped girls; Baku, Azerbaijan (2021): 182 search and retrieval for mortal remains.³⁸

Furthermore, Cotter explained that for the Chibok girls, the IO advised the authorities on how to undertake the reintegration of the girls into society. While in the Yemen/Saudi Arabia situation, the IO sustained several months of negotiation before an agreement was reached between the parties to enable it successfully organize and carry out the repatriations.

The researcher wishes to emphasize the fact that, in playing its role as a neutral intermediary, the IO merely offered to support the parties to have a meaningful negotiation but was not directly involved in those negotiations. It may have striven to ensure that such negotiations did not break down and that humanitarian considerations far outweighed any thought of strategic or other military advantages that may have accrued to any of the parties. The success of its work therefore would have been dependent on what the parties wanted it to undertake as a neutral intermediary, the extent to which the parties wished to cooperate with it and their collective determination to ensure the success of the endeavor.

The researcher cited the study not only to provide data to illustrate the role of the IO as a neutral intermediary but also to show that this activity was contingent upon the mandate given to the case study by States, that it was undertaken by engaging with States (involved in the conflict or on whose territory the activity occurred) and that it represented the conduct of humanitarian diplomacy.



On *Theme 4* (how the conduct of humanitarian diplomacy by the IO impacted the humanitarian policy of States), it is instructive to first affirm that States regularly undertook humanitarian diplomacy, as explained by Magdalena Ratajczak and Natalia Bros³⁹ and by Kaan Devecioglu.⁴⁰

Magdalena Ratajczak and Natalia Bros, while analyzing what they described as the “humanitarian diplomacy” of Switzerland and Sweden, had explained that it covered protection of the civilian population, multilateral peacebuilding/peacekeeping, humanitarian disarmament,⁴¹ climate change and environmental degradation, general concept of human rights, protecting small countries, promoting the principles of justice, creating international law and instruments ensuring its respect, mediation and sustainable development.⁴² Devecioglu on his part, exploring Turkey’s “humanitarian diplomacy” had listed its focus as development of cultural, educational and political relations, building schools, hospitals and infrastructure projects.⁴³

However, the point of digression between these academics and this researcher relates to the point at which their definition of “humanitarian diplomacy” came across as evidently way too broad and intellectually unwieldy. As argued in Chapter 2, most of the goals listed by these authors actually fall within the scope of traditional diplomacy, with the capacity, if well implemented, to boost the soft power of a State. Admittedly, while soft power projection by a State might strengthen humanitarian diplomacy, this researcher considers it an aspect of traditional diplomacy, rather than a function of a State’s conduct of humanitarian diplomacy.

Additionally, the humanitarian policy of States will be strengthened by the existence of a national humanitarian body on their territory and the data obtained concretely defined the impact of the humanitarian diplomacy of the case study with respect to the creation, formalization and

recognition of two new National Red Cross Societies viz. the South Sudan Red Cross Society and the Bhutan Red Cross Society.

The data affirmed that the humanitarian diplomacy of the IO had as its substantive goals, helping these new National Societies gain legal recognition, adopt an emblem, and integrate into the International Red Cross and Red Crescent Movement. To achieve these objectives, it engaged closely with the authorities of the two States to ensure that the new bodies became well established, legally protected and fully operational, so as to enhance the humanitarian response capabilities in their respective countries.

In particular, the case study provided expert guidance to States and their Parliaments in drafting and passing legislation that formally established both Red Cross Societies (Red Cross/Red Crescent Societies are usually established by an Act of Parliament). It had briefed the respective States and their Parliaments about the adoption and legal protection of the Red Cross, Red Crescent, or Red Crystal emblem. Both States in these cases, opted to adopt the Red Cross (which also meant that the military medical services of their respective armed forces would use the same emblem that was adopted for the National Red Cross Society to indicate their personnel and their ambulances) and would comply with International Humanitarian Law (IHL) as well as avoid misuse of the adopted emblem.⁴⁴

These National Red Cross Societies are auxiliaries to the public authorities but must maintain their independence and the IO also offered to mediate and define this relationship within domestic law going forward. Following their establishment, the case study helped to ensure that they were duly recognized within the International Red Cross and Red Crescent Movement and obtained the memberships of the International Federation of Red Cross and Red Crescent Societies (IFRC), which is crucial for accessing humanitarian resources, funding, and international partnerships.

Consistent with data obtained, the researcher now proceeds to discussing other successful outcomes under this theme. One related to the invitation extended to one of the Observer Missions of the case study to attend an annual forum with direct access to retired and serving political leaders on one continent. The platform of those retired political leaders was a veritable forum for representatives of the case study to meet informally with these influential personalities and leverage that engagement as a possible relay whenever required for strengthening its engagement with the multilateral body. This outcome was due to the success of the conduct of its humanitarian diplomacy with that body, although there was no indication that such opportunity has continued to be leveraged after the end of mission of the respondent.

Another outcome was on how the humanitarian diplomacy of the IO opened access to meaningful dialogue for the case study with a very important State where such engagement had previously been lacking. The said State had previously obstructed all access to its principal organs and downgraded relations with the case study. Though slow but methodical, the IO was able to reverse this lack of direct engagement over a period of some two and half years of continuous diplomatic engagement after conducting a convergence exercise and putting a strong team together to implement it.

Through its humanitarian diplomacy, the case study was also able to clarify the treaty obligations of every State party in engagements with a multilateral body and provided a clear articulation of the policy options for them or implementation imperatives incumbent upon them, including in one major incident when the armed forces of a belligerent State entered the territory of a non-belligerent State (cited in *Theme 2* as well).

Another important aspect of data obtained included what one respondent described as “critical enablers,” these being National Red Cross and Red Crescent Societies in their role as facilitators of humanitarian diplomacy by the case study by leveraging their proximity to their own governments to advance its conduct in this space. It should be stressed that this role came into play when the IO sought to mobilize resources to facilitate its humanitarian mission by engaging National Red Cross and Red Crescent Societies to influence the respective States to which each of these National Societies belonged. The data did not give any specific information as to how (or what other resources) much National Societies had enabled the IO to mobilize within the period of study, even though in its public documents, the IO affirmed that 80% of its resources were mobilized from States party to the Geneva Conventions.⁴⁵

The use of the phrase “critical enablers” could however be apt in explaining the impact of National Societies in strengthening the ability of the case study to influence state behavior and enhance protection and assistance for vulnerable populations through respect for the Geneva Conventions, especially its domestication within national law. This is because they are members of the National IHL Committee of States, whose task is to support the implementation of this body of law within the territory of the State. It needs to be stated that national legal advisors of these Societies play crucial roles in shepherding the work of these Committees and providing valuable legal clarifications as and when required.

The researcher recalls from his own experience (having provided technical support to this file during his service with the case study) that the work of these national legal advisors as a major support to the humanitarian diplomacy of the case study is important and can best be appreciated if we understood the composition of these Committees and how they function. To begin with, they are often established by either the Minister of Justice or by the Attorney General of the State and are the major

instrument through which the State articulates its obligations under the Geneva Conventions and goes ahead to fulfil these.

Therefore, the said Committees are inter-Ministerial, meaning that they are composed of several Ministries, usually including the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Defense, the Ministry of the Interior, the Armed Forces (usually represented by the Office of the Judge Advocate-General), Academia, the National Red Cross or Red Crescent Society and other relevant stakeholders who, in the opinion of the convening authority, has a role to play regarding the focus of the Committee.

Where the State is required to sign or to accede to an international treaty capable of strengthening the Geneva Conventions, this Committee would work to ensure that it happens. Once the State became party to such piece of international legislation, this same Committee would work to ensure its ratification and promotion so that relevant agencies of government and the population are made aware of their obligations regarding it. Where a treaty is to be domesticated, the Committee will engage with Parliament to ensure that the entire legislative process is implemented and the domestication is done accordingly.

This often involved the convening of a stakeholders' forum to which all persons, agencies, businesses, etc. that may be affected by the treaty about to be domesticated are invited in order for them to be informed of the new law and to determine if its domestication would have any adverse effect on them, their community, their businesses, etc. The Clerk of Parliament is usually a part of the convening of this stakeholders' meeting to give it legitimacy and assurance of official parliamentary engagement and recognition. The outcome of this meeting is recorded and filed as part of the Parliamentary process.

The national legal advisor of the National Red Cross Society, is in a very good position to offer additional technical support to the work of the Committee, inject dynamism into it, especially by ensuring that it meets regularly and strengthen the leadership of its Chairperson to ensure that its members take their work on it seriously and are not inhibited by other assignments or tasks given to them in the normal course of their work in their respective government functions.

By so doing, he reinforces the humanitarian diplomacy of the case study regarding the said process (even though the case study often participated in the meetings of the National Committee upon invitation but as an Observer). The Committee also engaged in keeping an oversight, in conjunction with the National Red Cross or Red Crescent Society, in ensuring that the emblem adopted for use by that State (whether a Red Cross, Red Crescent or Red Crystal) is not abused and is respected throughout the country.

Data sourced further showed that National Red Cross and Red Societies leveraged their governments' positions on regional bodies (e.g., the AU, EU, ASEAN, OAS) to advocate for humanitarian policies consistent with the ICRC's global agenda (i.e. substantive humanitarian goals driving its humanitarian diplomacy) and enhanced national positioning on crucial humanitarian topics at international diplomatic gatherings like the UN.

Data obtained did not however disclose specific goals or tasks that were achieved and by which National Society. The researcher would therefore limit their roles here to lobbying their State delegations to take positions that aligned with those of the case study and that enhanced protection for persons affected by armed conflicts and violence (in the absence of any such clear-cut deliverables).

With respect to the humanitarian diplomacy of the case study in strengthening the international legal regimes that regulate the conduct of States and their agents in the conduct of armed conflict, National Societies did play important roles to support this process especially in advocacy towards ensuring the ban on weapons which cause unnecessary suffering and superfluous injury, such as the Blinding Laser Weapon, Anti-Personnel Mines and Cluster Munitions to mention but a few. They also continued to undertake sensitization campaigns to their citizens (alone or in conjunction with the National Committee on the Implementation of IHL and the case study) on the danger of these weapons on a yearly basis. This activity was a clear alignment with the humanitarian diplomacy goals of the case study.

On influencing deliberations of the International Conference of the Red Cross and Red Crescent Societies (as the highest decision-making organ of the International Red Cross and Red Crescent Movement which meets every four years), National Red Cross Societies had played important roles over the years in a general sense, to ensure that deliberations and decisions of this body enhanced the range of protection offered by the Geneva Conventions.

Data obtained within **Theme 5** also helped our understanding of how the humanitarian diplomacy of the IO contributed to the ability of some States to implement those international treaties that reinforce the Geneva Conventions. Professor Anne-Marie Slaughter's brilliant submission (2025) that "in the 21st century, States are still very important but...We've moved from a world where the international system has a limited number of players to a networks world in which there's an infinite number of combinations"⁴⁶ finds expression in the conduct of humanitarian diplomacy of the IO within the focus of this theme.

They revealed that although the Geneva Conventions (IHL/Laws of Armed Conflict) often kicked in during armed conflicts and protected certain persons, objects and places, the IO's

humanitarian diplomacy usually facilitated the implementation of such treaties as the Hague Conventions (which regulate the conduct of warfare), the Blinding Laser Weapons Treaty (included as Protocol IV to the CCW Treaty and bans the use and transfer of laser weapons meant to cause permanent blindness to unenhanced vision), the Biological Weapons and Toxins Convention (which prohibits the development, production, stockpiling and use of biological and toxin weapons) and the Chemical Weapons Convention (which prohibits the development, production, stockpiling and use of chemical weapons).

Others are the Convention on Certain Conventional Weapons—CCW, which prohibits or restricts the use of certain conventional weapons considered excessively injurious or whose effects are indiscriminate), the Ottawa Anti-Personnel Mine Ban Treaty (which proscribes the stockpiling, production and transfer of anti-personnel landmines) and the Convention on Cluster Munitions (often referred to as the Oslo Convention (which proscribes the stockpiling, production and transfer of cluster munitions). Another related international piece of legislation is the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa otherwise known as the Kampala IDP Convention (promoted by the humanitarian diplomacy of the case study within its African delegations).

The researcher recalls from his experience that one of the major challenges before the humanitarian diplomacy of the case study in this respect was often the position of many States outside of the Euro-Atlantic region that they did not possess most of the weapons which these treaties have banned or regulated and so it was often not a priority for them to initiate the processes of signing or becoming party to the treaties and when that finally happened, going on from there to start the process of domesticating them.

These arguments often set the stage for a process of representation, communication and negotiation, usually undertaken through the National IHL Committee or directly with the Ministries of Foreign Affairs, Defense or Justice (or all three at the same simultaneously). While the position of these States did have merit, the views often advanced by this researcher during his service with the case study to persuade State representatives and which often underpinned the communication and negotiation process between them and the case study was that it was in their interest to become party to the treaties, as that would ensure that they safeguarded their population from the negative effects of such weapons should there be an armed conflict.

Furthermore, for a State that had signed and domesticated the Ottawa Mine Ban Convention for example, it meant that no one could start manufacturing, stockpiling or even distributing such a banned weapon on its territory, endangering its populations. Should that State unfortunately also get caught up in an armed conflict, it would be illegal for any parties to the conflict to deploy the said weapons within its territory.

Additionally, by becoming party to such protective treaties, the State would be regarded positively in a good light as a responsible actor in the international system. The researcher admits that while usually a very slow process of engagement, these views so advanced with State representatives often succeeded in influencing a rethink and a shift of position by States.

To underscore the significance of these treaties, it must be stressed that the provisions of the First and Second Geneva Conventions prohibit the use of weapons which cause unnecessary suffering and superfluous injury. It is against this background that the salient role of the case study in deploying its humanitarian diplomacy towards ensuring that the Blinding Laser Weapon Treaty is signed and ratified by States, as its continued use would not only violate these provisions but would also inflict permanent blindness on combatants and indeed non-combatants as well. Ditto for the use of Biological Weapons and Toxins, as using them during armed conflict would fall below the threshold of these Conventions.

While the CCW Convention does not expressly ban weapons within its coverage, it imposes limitations on how they can be used to bring it within the limits of the provision of the Conventions referenced. The Ottawa Convention and the Oslo Cluster Munitions Convention have been proven to offer no military utility, especially given their often unregulated and unmapped wide usage, as they keep killing and maiming the civilian population even when the armed conflict during which they were buried or deployed have long ended.

The Hague Conventions (1899 and 1907) are a critical part of the laws of war and impose specific responsibilities on military forces towards ensuring that the conduct of armed conflict comply with international law.

These treaties therefore reinforce the Geneva Conventions, hence the interest of the case study to ensure that States not only become party to them, but also that they go ahead to ratify them, forms a cardinal part of its humanitarian diplomacy.

In one specific example and through its humanitarian diplomacy in one State, the IO facilitated and provided legal advice for the convening of the Consultation Process for domesticating both the Cluster Munitions Convention and the Biological Weapons and Toxin Convention (the latter was later passed into law by the Parliament of that State as the Toxin Chemicals Prohibition and Control Act). In another example, the IO provided technical expertise to support the Ministry of Justice of another State to help the State accede to the Geneva Conventions within a set time frame.⁴⁷

To hasten this, the IO provided model Geneva Convention legislation and other useful documents and technical support, including arranging training for some of the staff of the Ministry to enhance their skills. The State thus became party to the Geneva Conventions and successfully domesticated it within its national laws in 2012. The success of these processes demonstrated the recognition that States gave to the IO, its ability to engage successfully with them in the diplomatic space and the depth of its technical expertise.

The case study also conducted its humanitarian diplomacy with a regional economic community (REC) essentially concentrated on promoting the Geneva Conventions (IHL) among its member-States. While individual delegations of the IO engaged bilaterally with each member-State, the assemblage of these States within the REC offered the IO an added platform through which it engaged with all the States for the purpose of reinforcing its diplomacy through *strategic anchoring* in favor of the actions of those individual delegations in this regard.

Through this engagement and by reinforcing other laudable initiatives (one of which was promoted by a Euro-Atlantic State), towards the protection of the civilian population as provided for in the IV Geneva Conventions, the REC adopted a Declaration on War-Affected Children in April 2000 (which formally outlawed the recruitment of children into the armed forces of member-States).⁴⁸

At this juncture, it is pertinent to state that data obtained for the study did not address what this researcher considers as one important tool (external to those within the institution like *strategic anchoring* and *techplomacy*) for conducting the humanitarian diplomacy of the case study. The media was a strategic enabler for leveraging that diplomacy and this researcher can rely on his experience when engaged as a delegate of the case study to affirm this and to demonstrate its importance hereunder.

To begin with, this researcher, in his interaction with journalists, often joked that there were sixteen, and not fifteen members of the UN Security Council (UNSC) and that the sixteenth member was the media. He often said this because the media could singlehandedly change the agenda of the UNSC, or influence what was being discussed there through its reportage, especially where these concerned persons caught up in adverse humanitarian environments in armed conflict or in natural disasters.

In effect, the joke was actually a reflection of reality, as we have seen many times. Whenever there was a high-profile conflict, i.e. when an armed conflict dominated the news endlessly, it would naturally find its way onto the agenda of the UNSC. That was the power of the media. Many States, multilateral entities and IOs understood this quite well and so cultivated the media robustly as it could be a critical enabler of their ardent programmes and activities. The media therefore had to be engaged appropriately and leveraged responsibly.

This was what the case study did. It recognized the power of the media and engaged with it in ways that were mutually beneficial to the case study and media organizations. It was recognized for instance that while ‘high profile conflicts’ would naturally attract media coverage and dominate the news, thereby activating appropriate responses and therefore enabled the case study to push for respect for IHL and protection of the civilians caught up in such conflicts, the opposite was the case for ‘forgotten conflicts.’

These were conflicts that had been relegated from frontal news coverage because they were not given attention by the media or simply because everyone had gotten tired of them. Yet, within these so-called forgotten conflicts were civilians that had been made hapless by other dire humanitarian conditions that it had spawned and thereby denied the rights accorded them by the Fourth Geneva Conventions. The media would thus be cultivated in this context to help re-focus regional or global attention on the plight of the population and elicit appropriate response from States and other relevant bodies.

Another example that this researcher would like to cite relates to the humanitarian diplomacy of the case study in support of protecting civilians from continued exposure to weapons which cause unnecessary suffering and superfluous injury and that kept on maiming them long after the conflict might have been over. Therefore, in the advocacy launched to have cluster munitions banned, the case study contributed greatly to the process that resulted in the signing of the CCM (Convention on Cluster Munitions) by States through advocating for the development and universal application of the

Convention. The case study was also an Observer in the Diplomatic Conference that drafted the treaty and once it was signed in 2008, the case study proceeded to promoting adherence to the Convention and urging States to not only sign but also to ratify it.

In all of these, the case study leveraged on the media for awareness generation, sensitization and eliciting commitment, using its field experience as a credible actor in the humanitarian space to authenticate the goals of the Convention. The media—domestic in many countries, regional across various parts of the world and global networks—formed a strong chain that strengthened the public communication and public diplomacy of the organization in all these respects (*public diplomacy* here is used to refer to the transmission of information through the mass media to communicate specifically with States).

Journalists also covered armed conflict, either as embedded journalists with the armed forces of any of the parties to the conflict, or as independent reporters who made their way to the conflict area themselves. The Fourth Geneva Convention provide protection to journalists because they are classified *civilians* and therefore non-combatants. However, the Convention also clearly states the obligations required of any journalist wishing to go to a conflict area to report on the armed conflict, listing the registration and identification procedures that such a journalist would be required to comply with.

It is doubtful if many journalists were aware of these provisions and so the case study in the time that this researcher served as one of its delegates, often organized sensitization or orientation sessions for the media in every one of its delegations to apprise them of not just those requirements, but of IHL and of the nature of the evolving armed conflict environment today. It also included a presentation on the ICRC, its role and mandate and its functions. Such sessions were also conducted for final year Media of Journalism students in tertiary institutions, and they often proved immensely beneficial to the participants (as gleaned from the feedback exercise conducted at the end of each session).

By being made aware of IHL, journalists could report when they spotted violations and help transmit such through their reportage, to policy makers who would be expected to take the required action. They could also highlight the humanitarian conditions of the civilians caught up in the fighting, thereby triggering a greater humanitarian response or advocating for the support of humanitarian organizations working in those contexts.

In the case of the evacuation of students caught up in the IAC that took place between two States that is cited in Chapter 5, it is interesting to recall that those students contacted the case study through the social media. They sent an SOS through one of the social media handles of the case study to explain their plight and even sent videos that depicted their living conditions. In this wise, we can see the impact of the media, in this case, not even through any reportage by journalists, but by persons affected by armed conflict contacting a humanitarian organization that they knew was mandated by international law to come to their rescue.

This researcher has elected to add these examples to explain how the media was a critical enabler of the humanitarian diplomacy of the case study in the period within the scope of this research and to show how persons affected by armed conflict leveraged the same media to trigger intervention that ultimately saved their lives. Indeed, there are so many examples of affected populations using the media to reach the case study, underscoring the changing nature of public communications, which has continued to evolve, including by how modern media platforms now enable what this researcher would refer to as ‘public interaction.’

Such interaction ensured that the case study not only communicated with its publics, but that it could interact with them and receive feedback on its programmes and activities. In this case that was referenced, it also received an SOS and acted on it consistent with the mandate given to it under the Geneva Conventions. While there were always sensitive issues and information that the case study could not ventilate in public through these media, the fact remained that the media was (and remains)

a reliable ally of the case study in its humanitarian mission and particularly in leveraging humanitarian diplomacy to facilitate the attainment of that mission.

What were the limitations to the conduct of humanitarian diplomacy? From the data obtained, the only major drawback on the conduct of the humanitarian diplomacy of the case study related to the perception of certain diplomats in some States and multilateral bodies that the case study was a *western institution*. This translated to the view that it represented western interests. Of course, such perception was wrong, and this researcher can attest to it not being correct, having served as a delegate of the case study in numerous States.

Beyond that, the researcher considers this a fitting juncture at which to rely on his own experiences with the case study to pinpoint some of what he considers to be limitations to the conduct of humanitarian diplomacy by the case study within the time frame of this research. To begin with, those with whom the case study engaged during its humanitarian diplomacy were diplomats, senior government officials, those in the armed and security forces, persons engaged through Track II processes, etc. (generally referred to as *interlocutors*).

During such engagements, a key feature of the interaction was often that it was a slow process. Indeed, diplomacy is hardly fast moving, as time would be needed to meet, interact, build confidence, engage and negotiate. Each of these phases of the process (perhaps except for the initial meeting of a new interlocutor which could be remarkable, especially if the personalities of both persons meeting for the first time clicked at that very initial moment) took a life of its own.

The presentation of issues that necessitated the diplomatic engagement itself might have to be done in phases, especially if these were very sensitive matters that required testing the waters to determine if the timing was right to raise them or not. There was also the reality that the other party might have other priorities at the very moment in which the case study was initiating the dialogue and therefore would not be investing enough attention span to the matter presented.

Sometimes, the official with whom the matter was initially broached would not be the right person to take a decision on it or to decide on how to move with it, thus creating another round of delays. We saw this whenever issues related to signing or ratifying weapons treaties were broached with the interlocutors. The Ministry of Justice might have been the first port of call, only for the case study to be referred to the Ministry of Defense, from where another referral might be made, directing the case study to the Ministry of the Interior. Such cross referencing might occur over several months!

Furthermore, the interlocutors with whom certain issues could be broached often travelled a lot, especially if they were domiciled within the Ministry of Foreign Affairs. That generated delays of monumental proportion. Sometimes, when such a diplomat, recognizing the need to move fast on the file and not wanting to delay the process initiated by the case study, might hand over the matter to another official who would then become reluctant to take a decision without the input of the one who had delegated the matter to him or her.

In some cases (and this might come across as rather surprising), the interlocutor might not understand the mandate of the case study, even if he or she was in an elite government system like the Ministry of Foreign Affairs, which is the reference Ministry of the case study given its diplomatic status. In fact, in some cases, certain interlocutors had erroneously equated IHL with Human Rights and given the sensitivity of many State officials to human rights issues, they would suddenly become evasive, thereby delaying the process, until an official that was better enlightened either chanced upon the matter or is reached by the case study and thus intervened to re-start the process.

There were also instances when the interlocutor being engaged would not have had the authority to act on the matter but would not say so and consequently trigger a round of endless delays. One might also add to this the issue of cultural nuances as a drawback to the conduct of humanitarian diplomacy. To explain this, the researcher will cite as example, a situation in a certain context where the culture did not encourage people to say 'no' to visitors. This was taken into their work as

diplomats and when the case study presented matters on which it wanted an engagement, the other party simply said yes please, go ahead.

When formal discussions were then held and agreements reached, the same affirmation was given by the other party, indicating that all was fine. When matters got to the point at which agreements had to be signed, only then was it realized that no agreement had actually been reached at all. This cultural practice which forbade denying visitors their request, took a long time to understand but once that understanding was made clear, things got a lot better in subsequent bilateral diplomatic interaction.

On limitations to the humanitarian diplomacy process around what we referred to as new technologies of warfare, based on aspects of the mandate given to the case study and with the intention to generate awareness around how the changes in weapons technology could impact civilians and erode aspects of the protection they enjoyed under the Fourth Geneva Conventions, the issue of knowing exactly whom to engage with in one very important context came up again and took quite a long time to resolve.

Once that bridge was crossed, the concerns on how to ensure that States factored human control into the loop in the deployment of lethal autonomous weapons (i.e. robotic warfare in short) and the likely impact of leveraging cyber-attacks within the context of an armed conflict (known as *cyberwarfare*) with its attendant issue of how it could negatively impact objectives that were of *dual use* (examples here being power stations or hospitals that served both civilians and the military) were broached with the concerned officials. A great delay followed, which was not unusual when dealing with such a file but when no progress was being made after a lengthy period, it was resolved to leverage Track II to broach the issues. This yielded positive results and a re-engagement with the appropriate State officials was revived.

In this example, the lessons-learned revealed that three key factors had progressively delayed that humanitarian diplomacy outreach viz. inability to immediately identify exactly who to engage with, a possible lack of interest by those reached and lack of expertise on such a technically advanced matter. These three factors could equally apply to any matter being advanced with a State within the context of humanitarian diplomacy and should be anticipated.

Humanitarian diplomacy became frustrating when there were delays to a persistent push for a ceasefire to enable humanitarian assistance to reach vulnerable populations who no longer had any food, water or medicines. This happened when a consensus could not be reached to bring such a ceasefire into effect or when the parties to the conflict failed to reach such an understanding between themselves. In such a situation, it was not unusual for families of the affected persons to pile pressure on the IO directly and through social media without understanding that such humanitarian operations could simply not be embarked upon without the consent of the parties to the conflict.

Where the humanitarian diplomacy of the case study had excellent reciprocity and the IO was given the latitude to conduct its humanitarian mission, one found out that other factors could act to slow or halt the process altogether. For example, in a context wracked by a massive earthquake, the case study led the process of trying to extricate victims who had passed away in a mountainous region. However, that process was extensively and unduly prolonged by the recurrence of avalanches which hindered flights by the helicopters detailed for the mission. The families of these deceased persons continued to understandably bombard the phone lines, social media handles and email address of the case study, asking to know why the evacuation could not take place. This was a classic case of nature conspiring to thwart the success of humanitarian diplomacy!

These practical experiences needed to be elevated here to underscore the limitations to the conduct of humanitarian diplomacy, otherwise the impression might be given that the leveraging of this tool simply meant smooth sailing for the humanitarian mission of the case study. Like everything in life, there are advantages and challenges. Tin all of these contexts, the beauty of humanitarian

diplomacy however was that it ensured continuous dialogue and for as long as the case study was continuously interacting with the parties engaged in hostilities or those States or multilateral bodies that could influence such parties, the higher the chances that its work in favor of those affected by armed conflict would always have a higher chance of progressing and of succeeding.

As can be seen from the analyses in this chapter, the conduct and success of the humanitarian diplomacy of the case study robustly contradicts the debatable thesis of Ole Jacob Sending (2011) that diplomacy can only be performed by (traditional) diplomats.⁴⁹ It also weakens his thesis that IO's cannot undertake diplomacy.⁵⁰ His submission is rigid and does not factor in the dynamics in international relations that have birthed a new actor in the international arena that is actively engaging in the process of representation, communication and negotiation with both State actors and multilateral bodies, a reality better described by Professor Slaughter as "... a different vision of diplomacy."⁵¹

5.3 Main Conclusions

The findings arrived at in this study are critical to our understanding the link between relief and diplomacy by interrogating how the case study was able to enhance humanitarian diplomacy by leveraging it to achieve its humanitarian mission within the period 2007-2022. This chapter has therefore analysed and discussed the outcome of the data obtained while seeking to answer the research question and now proceed with identifying the main conclusions.

The philosophical basis of the study was affirmed based on concepts and theories of the State, its characteristics, features, and the tools with which it advances its substantive interests relative to

other States either bilaterally or within the context of a multilateral setting. This was not contested by the data obtained, while the status of an IO and the question as to whether an actor not possessing the status of a State could inter-deal with them and play in their arena as if it were one of them was therefore answered in the affirmative and in favour of the case study.

The study showed that this position was in contradistinction to the position of certain scholars that the case study could not undertake diplomacy, while the reasons as to why these scholars likely arrived at such a conclusion were given, even if it was wrong. Thus, the study opined that by having delegates in many States where it had humanitarian missions, the case study conducted diplomacy with those States and on their territory by virtue of its international mandate, character, and status.

Another important conclusion affirmed that the case study undertook its humanitarian diplomacy with States and non-State entities i.e. community leaders, religious leaders, civil society organizations (CSOs) and indeed all groups that could influence the success of the humanitarian mission (excluding the security forces and NSAG) of the case study. This view is critical to the research enquiry but however differed markedly from the perspective of the researcher who defined humanitarian diplomacy to be a process of representation, communication and negotiation engaged in between the case study with States party to the Geneva Conventions (and not with non-state entities). The researcher's perspective on this is backed by the views of such experienced diplomats like Ambassadors Lakhdar Brahimi and Jeremy Greenstock, as well as the opinion of erudite Professor Anne-Mary Slaughter and the researcher, Hafize Zehra Kavak.

A conclusion that is of salient import for the entire humanitarian diplomacy discourse concerns the identification by the researcher, that the origin of the practice of humanitarian diplomacy dated back to 1864, when Henry Dunant (the founder of the ICRC), successfully engaged with the

State system to have the customs of war codified (as the Geneva Conventions or the Laws of War), which led to the First Geneva Conventions of 1864 being signed and ratified by States.

The study established that the conduct of humanitarian diplomacy by the case study was dynamic and not static and was founded on a methodical and logical process, rather than a process initiated or deployed on the spur of the moment. Its originating source was identified to be at the headquarters of the ICRC, but its application was flexible enough to allow its delegations in the field to translate the broad vision of the humanitarian diplomacy of the institution to their contexts and configured it to suit peculiar orientations.

A core finding related to the realization that not all delegates and key staff of the case study were aware of the full import of the character and status of the organization and so it was recommended that the case study provides regular training on relevant aspects of the Vienna Convention on Diplomatic Relations (1961) for those to serve as Heads of Delegation or Deputy Heads of Delegation in particular (where all key personnel cannot be covered) to widen the scope of coverage across the eighty global delegations towards strengthening the conduct of the IOs humanitarian diplomacy.

The study also emphasized that the dynamism of humanitarian diplomacy was exemplified in how it embraced new tools like techplomacy to reinforce its conduct, through which it leveraged diplomatic relations and dialogue based on the experience of affected people, the ICRC and other humanitarian actors and translated these into a legal and policy framework to influence the policy of States involved in the digital transformation process.

The study showed how the conduct of humanitarian diplomacy gave expression to Articles 1, 9 and Common Article 3 of the four Geneva Conventions which allowed the case study to act in times of armed conflict and to provide humanitarian relief and protection to persons affected by it. This

phenomenon helped fulfil its mandate whenever the situation warranted it and by so doing, was a subtle diplomatic pressure on States to uphold their obligations under the Conventions.

The study revealed how, in practical terms, the case study engaged in humanitarian diplomacy with a multilateral organization, dissecting its function as an Observer and Partner to a multilateral organization. It also revealed that some of the substantive goals it promoted in its diplomatic engagement with this multilateral body became part of important resolutions and in some cases, a basis for a core mandate of its peacekeeping mission.

By showing how the case study undertook one of its very important and sometimes, very visible roles as a neutral intermediary, (during which it temporarily became a specifically neutral and independent intermediary as a third party between two or several parties in dispute) we could conclude that the extent to which it succeeded was contingent upon the specific tasks the parties in dispute requested of it, the extent to which these parties cooperated with it and that in deploying such a role, the conduct of humanitarian diplomacy was revealed in graphic terms.

Any doubt as to whether States undertook humanitarian diplomacy was laid to rest by the study which affirmed that they did but how some States defined the concept revealed the lack of a unified view of what it meant even amongst States. On his part, the researcher considered their perspectives as way too broad and intellectually unwieldy, falling more within the realm of traditional diplomacy than mainstream humanitarian diplomacy.

Other examples of how the case study engaged with States on various issues and in a variety of contexts in its humanitarian diplomacy and within the framework of its mandate as provided for by the Geneva Conventions were clearly articulated with various examples. These included how the IO was given an invitation to attend an annual forum with direct access to retired and serving political leaders with significant influence in one continent, as well as being given access to meaningful

dialogue with a very important State where such engagement had previously been lacking was also revealed.

The evacuation of students from a State engaged in armed conflict with another State, the facilitation of a visit by a refugee to see his family separated from him by armed conflict for two decades were also some of the examples given to underscore the successful conduct of humanitarian diplomacy by the case study with the States that were relevant for the attainment of those objectives.

The ability to regularly help clarify the treaty obligations of every State party in engagements with a multilateral body, including in one major incident when the armed forces of a belligerent State entered the territory of a non-belligerent State, thereby causing major military and diplomatic incidents that were resolved by the engagement of the case study with the relevant parties were emblematic of the positive impact of the humanitarian diplomacy of the case study.

The study equally showed how internal humanitarian action by States was strengthened by the humanitarian policy of the case study specifically aimed at helping to establish a national humanitarian body on their territory that served as an auxiliary to public authorities in the provision of humanitarian services, this being a National Red Cross or Red Crescent Society.

Interestingly and paradoxically, these Societies contributed to strengthening the humanitarian diplomacy of the case study by leveraging their proximity to governments to advance its conduct in this space (with their respective States), including in favor of resource mobilization by the case study. How they also influenced the behavior of their respective States and enhanced protection and assistance for vulnerable populations by facilitating respect for the Geneva Conventions was highlighted.

The impact of an enabler that was external to the case study though not indispensable to it, was also discussed. The media, as that enabler, became an indispensable partner for the case study in leveraging its humanitarian diplomacy while the impact of social media in facilitating public interaction between the case study and some of its assigned publics was also adduced.

Indeed, the conduct and success of the humanitarian diplomacy of the IO as demonstrated by this study affirmed the emergence of a new diplomatic reality in this century, presents a different vision of the phenomenon and substantially undermines the thesis that diplomacy can only be performed by (traditional) diplomats.

5.4 Recommendations for future research

There is the need to expand knowledge on the theme of this study because it is still an evolving concept, even if it is already acknowledged and is increasingly becoming the focus of academic discourse and enlightened conversations amongst diplomats and humanitarian practitioners.

To generate more material that can deepen informed discourse therefore, more research needs to be undertaken to expand the frontiers of knowledge and documented information available on it. For any future research to serve its purpose however, it must be acknowledged that humanitarian practitioners, especially with IOs like the case study, are usually unwilling to speak on the core aspects of their work which they consider confidential, but which can nevertheless significantly underscore the importance and relevance of humanitarian diplomacy as a vital part of the new diplomacy.

This is the only way that we can begin to minimize the current paucity of documented information available on the subject (compared to say, traditional diplomacy) to generate the right amount of information that young scholars would need for them to interrogate this space and consider focusing on it. Having said that, there are many ways of getting data from such undertakings without compromising confidentiality and any future researcher will have to find creative ways of obtaining such data.

Furthermore, any new research must factor in enough time to enable the researcher to conduct a more in-depth enquiry on the subject matter (unless he or she is a humanitarian practitioner). While this particular study has been done over a few months, the research was possible over that timeframe because the researcher himself was a former delegate of the case study and relied on twenty years of work across three continents and in a variety of missions to be able to generate the foundational basis and orientation that guided the research.

Allied to the above is the necessity for any future research to also make allowance for field travels over the designated mission contexts in which humanitarian diplomacy is conducted to be able to comprehend the nuances of the phenomenon, the ways in which is played and the impact it made. Here, it must be understood that humanitarian diplomacy as practiced in the capitals of major powers or of States with global or regional influence may be completely different from how this diplomacy is conducted in a conflict area or in a context where the case study may not possess much leverage.

Another key point that would be useful for any future research will be the acknowledgement that diplomacy is generally becoming transactional today and it will be useful to explore how this will affect (or not affect) the conduct of humanitarian diplomacy by a case study that often does not have the resources to ‘barter’ towards the attainment of its substantive goal(s). Specifically put, an IO deliberately programmed to deliver on a purely humanitarian agenda will not engage in offering something to get something in return. Will this count with diplomats on the receiving end of its engagement whose orientation has been entirely structured to getting something back in a *win-win* engagement scenario that is often the hallmark of the said transactional dimension to diplomacy?

Any future research must also recognize and prepare to overcome the delays that may arise due to the series of authorizations that may be required from their superiors by those practitioners genuinely interested in offering their insight for the research.

Allied to the above is the fact that the humanitarian space is quite tightly guarded, simply because organizations do not want to give information that, even if non-confidential, might be misused or misconstrued in such ways as to ultimately jeopardize access to affected populations should authorities with the power to grant such access consider that what has been published by a researcher was injurious to their cause or reputation. Adequate steps including adherence to ethical norms and global best practices in research must therefore be strictly adhered to.

Finally, as stated elsewhere in this study, the character of the case study is unique. It is markedly differently even from those organizations that may be ordinarily considered similar to it. It is after all, a private Swiss organization, possessing diplomatic status, having a Headquarters Agreement with its host States and enjoying Observer Status with key multilateral bodies.

There being no international organization with this same exact character suggests that even if the respondents were from a wider spectrum of IOs, the responses to questions posed to those would-be respondents not belonging to the case study may not truly constitute relevant data for this research.

This is important for any future research because many researchers who have published on the role of humanitarian organizations in the conduct of diplomacy have willy-nilly lumped every one of them together as if they all had the same character and the same status. The net effect of this has been that their interpretations and conclusions had not always been entirely correct.

End Notes

1. Knutsen, TL, *The development of International Relations* contained in the Encyclopedia of Life Support Systems, UNESCO, Vol.1 1997.
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CHAPTER SIX| CONCLUSION

6.1 Summary

This study set out to explore the nexus between relief operations and diplomacy by interrogating how an IO like the ICRC has been able to enhance humanitarian diplomacy by conducting it while carrying out its mandate as derived from the Geneva Conventions of 1949.

To undertake this enquiry, it first established a theoretical framework based on relevant concepts, such as the concept of the State and the conduct of International Relations. It identified the instruments of conducting these relations between States, such as the Head of State and his or her relevant cabinet members and narrowed down the tools available to them for such enterprise to Diplomacy—which is at the heart of the thesis. In this regard, it recognized that traditional diplomacy has been the preserve of diplomats accredited to other States to inter-deal with them on behalf of their own States. It affirmed that this process of inter-dealing among States had been an age long practice that has endured for over a century, making it well known, constantly discussed, the basis of media reportage and the focus of regular academic enquiry.

The study noted that in the 21st century and given the length of time that diplomacy has existed and has been recognized as a key tool of engagement in ensuring smooth inter-State relations, it has come to be seen as a practice engaged in by States alone. It however advanced the view that today, diplomacy is no longer conducted only by the State and that the IO has gradually become a practitioner of the phenomenon as well. This is against the backdrop of a world underscored by a weak unipolar order, a gradual return to multilateralism, resurging international armed conflicts largely fought in urban settings and a perennial, fragile, international economic order.

The study situated the case study within the group of IOs and established that the case study is considered as an IO within legally defined parameters, as well as explaining what its status and character are in order to distinguish it from other actors in the humanitarian domain that are essentially

INGOs or NGOs. The source of the mandate of the case study was also established, this being an international treaty and on the basis of which the case study enjoyed diplomatic status and its delegates, privileges and immunities on the territory of the host States where it operated.

To argue its thesis, the study obtained data provided by participant-observers, most of whom had worked with the case study and some of whom did not. It aggregated the data obtained and classified them into six different themes for ease of analysis. From the findings, the study was able to establish the following: How the case study defined humanitarian diplomacy; How it conducted it; With what additional tools; With whom it engaged (States and Multilateral organizations); In what contexts; To what ends; With what results.

The study established the peculiar status of an IO and the question as to whether an actor not possessing the status of a State could inter-deal with them and play in their arena as if it were one of them was answered in the affirmative and in favour of the case study.

The study also proceeded to establishing the fact that the conduct of humanitarian diplomacy by the case study gave expression to Articles 1, 9 and Common Article 3 of the four Geneva Conventions which allowed the case study to act in times of armed conflict and to provide humanitarian relief and protection to persons affected by it. Additionally, its conduct of humanitarian diplomacy was also undertaken based on the Statutes of the International Red Cross and Red Crescent Movement, while its relationship with States and Multilateral entities in this regard was within the provision of aspects of the Vienna Convention on Diplomatic Relations (1961) relevant to IOs.

The study located the origin of the practice of humanitarian diplomacy in 1864, when Henry Dunant (the founder of the ICRC), successfully engaged with the State system to have the customs of war codified (as the Geneva Conventions or the Laws of War). This led to the First Geneva Conventions of 1864 being signed and ratified by States. The study also emphasized that the

dynamism of humanitarian diplomacy was exemplified in how it embraced supporting tools like *Strategic Anchoring* and *Techplomacy* as well as structured reflection processes like *Convergence Exercises* to assure its effective implementation.

While data obtained from the research affirmed that the case study undertook its humanitarian diplomacy with States and non-State entities i.e. community leaders, religious leaders, civil society organizations (CSOs) and indeed all groups that could influence the success of the humanitarian mission of the case study, the study however disagreed with such a broad categorization and rather defined humanitarian diplomacy, for its purpose, to be a process of representation, communication and negotiation undertaken by the case study with States party to the Geneva Conventions (and not with non-state entities), affirming that this perspective is critical to the foundational basis and the shaping of the thesis.

In establishing the fact that States do conduct humanitarian diplomacy as well, the study however faulted how this concept was defined by those cited in the study, whose perspectives of the phenomenon it considered way too broad and academically unwieldy.

6.2 Contributions to the field

In answering the key questions that underpinned this research, the study encountered an array of definitions by different academics and humanitarian practitioners as to what constitutes *humanitarian diplomacy*. While accepting that States undertook humanitarian diplomacy, it showed the disparity in the perspectives of the three States that it cited as to what this type of diplomacy meant (considered way too broad and too academically unwieldy by the researcher) and what it represented in order to establish the fact beyond any doubt that there is as yet no unanimity among States on what this phenomenon really meant and how it should be defined (from their

perspective as States). This could rank as a salient contribution to the discourse on humanitarian diplomacy.

Regarding how the phenomenon was described in the humanitarian space, the study disagreed with the broad definition given to the phenomenon by academics and practitioners, which recognized it as an endeavor by an IO with all the stakeholders that could help facilitate its humanitarian mission. Believing that a *purist* approach to such a definition was required to make it consistent with the nuances and conduct of traditional diplomacy, the study offered its own perspective to the effect. In summary, it described humanitarian diplomacy as the process of representation, communication and negotiation undertaken by the case study with States party to the Geneva Conventions for furthering its humanitarian mission in favor of persons affected by armed conflict and other situations of violence.

What has been contributed here is therefore a new definition of this phenomenon, in which the study limited its perspective to an engagement with State actors by the case study because it believed that a definition for such a specialized tool as diplomacy cannot but be consistent with the legal basis of the mandate of the case study. The definition also distinguished the case study from those other humanitarian organizations within the same space where it operated that do not share its character, status and the international mandate that authorized its work.

For emphasis and as has been advanced in other sections of this dissertation, the mandate that governed (and still governs) the operation of the case study was a product of an international treaty: the Geneva Conventions of 12 August 1949, for the protection of war victims and to which 166 States are party, as well as their Additional Protocols of 1977. They invest the case study with its role as a neutral and impartial humanitarian intermediary, essentially assigning to it, what one expert described as duties that were akin to the ones of a Protecting Power tasked with safeguarding the interests of a State at war. This is because the case study may substitute a Protecting Power within the context of the said 1949 Geneva Conventions and the 1977 Additional Protocol I.

That being said, it must also be emphasized that no other entity in the humanitarian space today has this same mandate, as argued heretofore in this dissertation, which is further underscored by the fact that the case study has the exact same rights of access as a Protecting Power to prisoners of war, consistent with the provisions of the Third Geneva Convention and to civilians as also provided for in the Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War. The case study also has a right of initiative based on a provision common to all four Conventions to make any proposal it considers to be in the interest of persons affected by armed conflict.

The significance of this contribution is that the study has reinforced the legal basis upon which the work of the case study rests and which is usually lost on many researchers and contributors to this field of study and may partly account for them suggesting that the case study was no different from INGOs and NGOs working in the humanitarian space and therefore arrive at the erroneous conclusion that it was not qualified to engage with States through the conduct of diplomacy.

Debunking such position also gains expression in the fact that it was at the initiative of the case study that the original Geneva Convention for the Amelioration of the Condition of the Wounded in Armies in the Field was adopted by States in 1864. This marked the origin of the practice of humanitarian diplomacy (even if it is only becoming more popular over a century later).

Indeed, allied to this is the fact that the case study is empowered (by the Statutes of the International Red Cross and Red Crescent Movement as adopted by the International Conference of the Red Cross and Red Crescent in which States are active participants) to increase understanding of IHL and promote its development and to promote the fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality which underpin the humanitarian mission of the Movement worldwide.

The study established that the conduct of the humanitarian diplomacy of the case study was dynamic as exemplified by how it embraced supporting tools (techplomacy, strategic anchoring, etc.) to reinforce its conduct. It affirmed too that the process by which the case study conducted this diplomacy showed that it had a structure, at the apex of which was the President of the institution and from where the strategic orientation of the substantive goals of its humanitarian diplomacy were determined. Its implementation cascaded down to its field delegations where the heads of those delegations had the latitude to reconfigure those goals to fit the peculiar environment but nevertheless kept them within the confines of the broad strategic vision articulated at headquarters.

To answer the question as to with whom the case study conducted its diplomacy, the study showed that it was undertaken with States in Africa, Asia, Europe and the Middle East and with multilateral bodies. It drew from practical examples as related by respondents who had served with the case study, the International Red Cross and Red Crescent Movement and with multilateral bodies to substantiate this.

In this wise, another contribution of the dissertation is the affirmation that the case study was accepted by States and multilateral bodies to engage with them as if it were one of them and this was exemplified in the signing of Headquarters Agreements with each one, reinforced in some cases by the additional signing of Partnership Agreements.

The case study then leveraged humanitarian diplomacy in several of the identified contexts and to achieve a myriad of set goals. These included deploying it to unblock access to the strategic decision-making level of a State in Asia and facilitate the advancing of its humanitarian agenda; facilitated the return of a refugee who had fled the Middle East for over two decades to enable him reunite with his family after engaging with at least three States to achieve this, while it also deployed it with States engaged in an IAC to enable it to safely evacuate students from another region that were trapped in the conflict.

Additionally, it provided critical assistance to help identify previously unidentifiable deceased persons following the success of its confidential dialogue with a State wracked by internal violence. It provided technical advice based on the provisions of the Geneva Conventions to enable a non-belligerent State resolve issues of encroachment on its territory after armed forces from a neighboring State crossed onto its territory. It also provided technical assistance within its humanitarian diplomacy with a State that enabled the latter accede to the Geneva Conventions within a set time frame.

Specific to leveraging its humanitarian diplomacy in its capacity as an Observer, the study showed how the case study was able to use this tool to advance humanitarian issues on the margins of Peace Talks and particularly exemplified how some of the humanitarian agenda it advanced with a multilateral body advanced concerns on the protection of civilians and resulted in the inclusion of the right to protect (R2P) in the mandate of the peacekeeping missions of that multilateral body.

The study recognized from the onset that the confidential nature of the work of the case study would impact the data it sought to obtain in certain respects and would also restrict the type of information that even the researcher would be able to publish. To overcome this challenge with a view to demonstrating the impact of the humanitarian diplomacy of the case study in the performance of its role as a neutral intermediary, the study reverted to the already published seminal work of another researcher to illustrate how comprehensive its humanitarian diplomacy had been in this respect. This relates to the repatriation of prisoners of war, detainees and persons abducted against their will in armed conflict environments. The essence of this was to show how the role of the case study as a neutral intermediary formed a critical component of its humanitarian diplomacy with States.

Another contribution of this study is that it has taken humanitarian diplomacy beyond the realm of theory by providing rich, practical examples of its conduct in contexts in Africa, Asia and the Middle East. Most of the available textual data on the subject do not have any definitive examples of how this diplomacy was practiced in the field but only provide generalized examples and a

definition of what it meant. This contribution is quite uncommon in the existing textual data on the subject matter.

The study has also contributed to expanding the academic resource currently available on the subject and will hopefully contribute to attracting new scholars to the subject of humanitarian diplomacy, causing it to be more closely studied.

In all, the study has succeeded, to a reasonable degree, in answering the questions it set at the start: What is humanitarian diplomacy? Can an actor that does not possess the status of a State engage in diplomacy and play in the arena of States as if it was one of them? What specific examples of its humanitarian diplomacy can be identified, in what contexts, to what ends and with what results?

It is safe to say that humanitarian diplomacy has been enhanced by the way the case study has conducted it, including by setting the tone in 1864 as the originator of the phenomenon and by preparing its delegates to leverage it in its mission areas across virtually all continents, as well as by ensuring that it remains dynamic and able to accommodate newer tools that can strengthen and make it more relevant and impactful.

6.3 Reflections on the research process

Undertaking this study in a field in which there wasn't much textual data presented its own challenges. Of course, this meant that there were not too many academic resources that could enrich reflections, there wasn't enough data that could be sourced in the absence of that and the researcher also did not have than many resources against which he could benchmark his research findings, especially from the point of view of practitioners of humanitarian diplomacy. While acquiring data on the case study during the conduct of oral interviews, the confidentiality obligation under which delegates of the case study are required to keep matters deemed confidential out of the public view also most probably affected the quality of data sourced in certain respects.

This was because, while no overly confidential information was required from them by the data collection process, the interpretation of what was considered confidential varied from person to person and led to some of them not even wanting to volunteer any information at all. This was quite strange for the researcher to experience, having also served with the case study because he considered that there was probably no better time to share some relevant information especially on the working modalities of the case study and its principles, than in the period that the research was conducted, in which the humanitarian community had seen more of its personnel killed and organizations in that sector subjected to what is probably the greatest threat they had ever faced in over 150 years of principled and recorded humanitarian action.

Conversely, as there were participant-observers unwilling to shed light on aspects of the conduct of humanitarian diplomacy and its conduct and impact, so were there current and former personnel of the case study who fully understood the boundaries, respondent to questions, declined to answer others but generally helped the process, from their vantage positions as participant-observers, to fill this gap. The period within which the researcher determined to conclude the data collection process also imposed its own peculiar reality, resulting in some potential respondents finding it difficult to participate in the process due to scheduling difficulties.

While most of the respondents and indeed this researcher (who also functioned in the same humanitarian sector) had tremendous knowledge of the subject-matter, it must be accepted that they also harboured institutional prejudices which could have influenced their responses to the questions and maybe slant the answers in a specific way. This would suggest that the scope of participant-observer engagement could have been wider, but doing so would also mean that the peculiar characteristics of the case study might be compromised since no other IO shares its exact same character and status.

Overall, this researcher will conclude that the benefits of complying with research ethics and research best practices has ensured that this study achieved its aim and that its outcome can be relied upon in informing future academic effort with the same scope and vision.

Finally, the paucity of academic resource was an opportunity for the researcher to contribute his own efforts to the pioneering work of generating newer didactic material, especially one that is rich in practical examples, on the conduct of humanitarian diplomacy, the shape and form in which it was conducted, and the impact it had on helping to achieve the humanitarian mission of the case study for the material and psychosocial benefit of persons affected by armed conflict and violence consistent with the provisions of the Geneva Conventions.

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APPENDICES

Breakdown of Respondent Population:

- Non-case study personnel 6.5%
- Affiliated to the Movement to which the case study belonged-3.25
- Case study personnel 90.25%

The respondents engaged in the sampling process were carefully selected to ensure that these persons possessed various levels of experience that would enrich the research.

To abide by best practices, the participation of all the respondents was anonymous.

Some 93.5% of the respondents served with the case study in various missions in 5 continents/subcontinent.

Another 6.5% of the respondents did not work with the case study but were diplomats who served with multilateral organizations with whom the case study engaged.

Another 3.25% of the respondents served in the International Movement to which the case study also belonged.

All of these respondents served in field operational missions, including those with multilateral organizations and the International Movement.

Those with field operational missions constituted 64.28% of respondents.

Those with non- field operational missions constituted 57.14% of respondents.

Personnel with mixed field experiences constituted 85.71% of respondents.

Those respondents with experience, having worked at the headquarters of the case study constituted 21.42%.

Of these groups, respondents with experience heading field delegations were 35.71%.

The cognate experiences of the respondents varied: those with 10-20 years' experience were 71.42% of respondents.

Those with 20-35 years' experience were 57.14% of respondents.

The respondents engaged were so distributed to ensure that the feedback obtained was as representative as can be gained and accounted for gender, cognate experience, job description and field of postings.

Furthermore, all of these respondents participated in one way or another in conceptualizing, planning, implementing or reviewing the leveraging of humanitarian diplomacy in the course of their missions which enabled them to address questions posed from the perspective of participant-observers.

The engagement with respondents within the context of the six thematic areas created was as follows:

Definition of the Concept (i.e. humanitarian diplomacy).

A 100% participation was obtained from respondents in addressing questions warehoused within this theme. Respondents were able to substantiate all their comments with various examples, demonstrated an understanding of concepts around the theme and existing definitions on the concept. All of these respondents agreed to a definition that contradicted what the study set for its thesis.

Recognition of / Engagement with the IO by States/Multilateral Bodies.

A 100% participation was also garnered from respondents to questions warehoused within this theme. They demonstrated a very clear understanding of the role of the case study relative to the actors engaged with and were able to provide a concise and detailed framework of the said engagements, the partnership and Observer roles and the delineation of the substantive goals that the case study sought to achieve. About 15.3% of the respondents were exceptionally detailed in their answers, providing the background to the engagement, relationship between the case study and the States/Multilateral entities engaged, expectations from the latter, the role of similar organizations as the case study with these same actors and how those influenced the expectations of the entities engaged with, the challenges in the relations, how these were overcome or mitigated, the results achieved and the impact of these lessons for recalibrating the humanitarian diplomacy of the case study.

Impact of Concept on the IO's Humanitarian Missions.

Some 70% participation to questions warehoused within this theme was obtained from respondents. Again, an extensive range of answers laced with examples from the field were provided to illustrate how the case study deployed humanitarian diplomacy to facilitate its humanitarian mission with varying outcomes, largely favorable but with significant activities and / or programmes not realizable or unfolded rather slowly.

Impact of the IO's Conduct of Concept on the Humanitarian Policy of States.

About 50% participation to questions warehoused within this theme was obtained from respondents (because not many delegates engaged directly with States). The main outcome from the feedback was that the extent to which success could be measured by delegates who initiated the humanitarian diplomacy approaches was difficult due to the turnover of delegates. The result of many humanitarian diplomacy efforts initiated by some delegates were not attained before the end of mission of the initiators and would either be continued by their successors or those newly posted colleagues would have to re-start the process. This explained the challenge in clearly articulating the impact but this was mitigated by the respondents who served with multilateral organizations with whom the case study engaged as these were able to provide a good feedback on the success attained from the point of view of the organizations that they served with.

Impact of the IO's Conduct of Concept on Implementation of IHL-related Treaties by States.

A 100% participation was obtained from respondents in addressing questions warehoused within this theme. One of the key outcomes was that this aspect of the humanitarian diplomacy of the case study was gradual but nevertheless attained incremental progress because it was often sustained and had the ownership of key stakeholders that were mobilized such as the National IHL Committee of the State, the Ministries of Defense, Foreign Affairs and Justice, Law Faculties of the Universities (supported by the case study to teach International Humanitarian Law often as part of Public International Law), the National Red Cross or Red Crescent Society of the State and the Armed Forces. There was also strong technical support for delegations by the headquarters of the case study based on well-mapped out working modality for the engagements with these stakeholders.

Challenges/How the Concept was enhanced by the IO's Conduct.

A 100% participation was obtained from respondents in addressing questions warehoused within this theme and from which the researcher was able to articulate how the case study has not only become the main reference for humanitarian diplomacy but has also been able to enhance its conduct as part of its humanitarian mission.