

## High-Level Meeting (HLM)

### Politicization of humanitarian action, humanitarian diplomacy and impact on IHL

7 December 2022

*New York*

#### *Co-chairs Summary*

The **high-level meeting** of the Good Humanitarian Donorship initiative was organized in New York on 7 December 2022. It was the first high-level face-to-face meeting for the group in three years and the third held under the Finland-Belgium co-chairpersonship. Building on the outcomes of the Expert-level Meeting (ELM) held on 3 November 2022, the HLM theme focused on humanitarian diplomacy and access and the relationship between humanitarian action, international humanitarian law (IHL) and politics. These topics were introduced by the co-chairs **Lauratuulia Lehtinen**, Humanitarian Director, Ministry for Foreign Affairs of Finland and **Erik De Maeyer**, Director Humanitarian Aid and Transition, Federal Public Service Foreign Affairs, Foreign Trade and Development Cooperation of Belgium. The keynote speakers were **Martin Griffiths**, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, whose intervention focused on humanitarian diplomacy, and **Naz Modirzadeh**, Professor in Practice and founding Director of the Harvard Law School Program of International Law and Armed Conflict, who spoke on politicization of aid through the example of counterterrorism measures and sanction and their impact on IHL. In their interventions, members welcomed the topic of the HLM and its importance and relevance in their work.

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#### *USG Martin Griffiths: Stepping Up Humanitarian Diplomacy*

The USG addressed the GHD members discussing **humanitarian diplomacy**, and different **challenges** related to reaching successes in humanitarian negotiations. He referred to his own experiences and the **roles of different actors**. He described OCHA's role and its **obligation in terms of access and negotiations**, especially with non-state armed groups. This also raised discussion around the **relationship humanitarian diplomacy and political interventions**.

The USG shared recent efforts in humanitarian diplomacy linked to access to Mariupol and the Black Sea grain deal, which proved to be successful negotiations. As is typical, the processes were also iterative and unplanned. The USG saw potential in strengthening these efforts, which OCHA has set up a **unit focusing on humanitarian diplomacy and access negotiations**.

The USG emphasised the importance of an **expert team** working together in all access negotiations. He also raised the **importance of localisation within access** both in terms of engaging national staff and affected people yet acknowledging the risks involved for them and the need to mitigate those risks. The **skills and different roles of multiple actors** were welcomed, including the work carried out by Geneva Call, Centre for Humanitarian Dialogue (HD) and the ICRC, as well as UNHCR that brings a protection focus to advocacy. OCHA's role was to ensure that there is an intention to access negotiation and, if necessary, to lead it. But who is engaged in terms of finding solutions depends on the context. The USG shared a practical example from Haiti, where various actors were engaged in different aspects of negotiations with gangs, depending on their background and skills. **Member states can, where relevant, also have a role in humanitarian diplomacy, and there is also need for money.**

While member states were widely supportive of plans to increase and institutionalise efforts in humanitarian diplomacy, they also considered their own work as well as the work of humanitarian actors and the lines needed to be drawn **between humanitarian diplomacy and political interventions** and noted that such engagements could at times be perceived as veering too political. The USG recognised the challenge and the need for caution and continuous cross-examination where interventions would lead them. He emphasised that the purpose of humanitarian diplomacy was always humanitarian, which was the reason that opposing sides of a conflict generally accepted to negotiate. He also contended that **humanitarian access could not always be negotiated** and drew from experiences where expert teams had collectively agreed that access negotiations were counterproductive and chose to cease them. The USG also called for strengthening IASC advocacy on humanitarian solidarity and diplomacy. While political actors have taken over ceasefire negotiations, he noted that humanitarian diplomacy for solutions is rare, but should be upfront in the humanitarian work.

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### *Naz Modirzadeh: Politicization is Not (Necessarily) a Bad Word: Elevating the Humanitarian Imperative*

Professor Modirzadeh, who has been working for the past decade on questions related to the intersections between counterterrorism (CT), international humanitarian law and the protection of civilians, asserted that it would be **important to rethink the relationship between humanitarianism and politics**. She found that the **humanitarian imperative is under historic pressure** and that **safeguarding and strengthening government-funded humanitarian action requires willingness to fight for and advance humanitarian values at the political level**.

Professor Modirzadeh contended that **there are increasing assertions that domestic and global security requires a holistic (whole of government or whole of UN) approach that elevates security above other values**. Ms. Modirzadeh observed that the response from government humanitarian bodies is often defensive and that those bodies seek to demonstrate that they can fit within security frameworks.

Ms. Modirzadeh commented that **CT and sanctions requirements had the potential to redefine aspects of what constituted legitimate humanitarian activities**. She described the humanitarian imperative as a peremptory requirement to undertake impartial humanitarian activities where needs are unaddressed. Yet, Ms. Modirzadeh claimed, a range of restrictions and obligations connected to security frameworks may undermine the humanitarian imperative.

She saw a **clash of values between the humanitarian imperative and certain countervailing security frameworks** which, she felt, ought to be understood as an alternative vision to the humanitarian imperative and addressed accordingly.

Professor Modirzadeh suggested steps for states to consider in emboldening political engagement in support of impartial humanitarianism including to (1) **establish or re-establish a state's humanitarian values** across relevant agencies; (2) **reject security-rooted calls to suppress needs-based aid** and protection and advocate for impartiality as a value; (3) **embrace, ground, and reconfigure "security"-centred concepts and policy frameworks in terms of strict respect for impartial humanitarian activities**; and (4) **confront constraints arising from other frameworks and address directly their political legitimacy**.

There was recognition from some member states that in an effort to deflect any engagement in politics, humanitarian actors all too rarely seize opportunities to share information about principled humanitarian work and values, something that had changed with the conversations around counterterrorism and sanctions

regimes. **Awareness raising about IHL was seen as a vital role for humanitarian donors, and the discourse of principled humanitarian action something that needed to be affirmed and upheld regularly.** Many pondered how to be better at it, more pedagogical, more strategic, and more capable of developing narratives intended for public engagement.

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### *Early warning discussion of the GHD*

In order to be better informed to address crises where they are emerging, and as per prior GHD practice, an opportunity was provided to members to share knowledge and needs under an agenda point for an early warning discussion. Early warning is seen as a process that would allow to alert donors of potential upcoming escalations and conflicts and related needs to be addressed urgently.

### *16 days campaign of action against GBV*

In light of the GHD theme back in the Spring, the HLM took the opportunity to mark the ongoing campaign “16 days of Activism against Gender-Based Violence” that started on 25 November on the International Day for the Elimination of Violence against Women, reminding of the importance of the work to counter and mitigate GBV in emergencies. Earlier in the year, the GHD provided a platform to discuss how humanitarian work could respond more to risk instead of purely needs and use the reverse burden of proof approach in addressing and preventing gender-based violence in emergencies. The co-chairs described how violence against women and girls is one of the most widespread, persistent and devastating human rights violations in our world today. UNFPA has estimated that 70% of all gender-based violence occurs in humanitarian or fragile settings.

Suggestions from members included encouragement to sign the Political Declaration on Conflict-Related Sexual Violence (CRSV) that was launched at the recent Conference on Preventing Sexual Violence in Conflict Initiative and acknowledgement to members who had already done so. The recent launching of the flagship project Safe from the Start ReVisioned to prevent and respond to GBV in emergencies was also noted.

### *New co-chairs: Estonia and United Kingdom*

Estonia and the United Kingdom were announced as new co-chairs for 2023-2025. The members welcomed the incoming co-chairs, who will present their priorities latest by the June 2023 HLM, where handover will take place.