

## SPANISH COOPERATION COUNCIL

# REPORT ON THE SPANISH STRATEGY FOR HUMANITARIAN DIPLOMACY 2022 - 2026

The Cooperation Council thanks the Directorate General of the United Nations, Human Rights and International Organizations of the Ministry of Foreign Affairs, European Union and Cooperation for sharing the Spanish Strategy for Humanitarian Diplomacy 2022 - 2026. After studying its content and listening to the Report of all the actors that form part of the Council, in use of the powers attributed to it by Royal Decree 2217/2004, of 26 November, which determines the capacity of the Cooperation Council to report on its own initiative, it issues the following Report.

### **I.- BACKGROUND**

1. The first document of the Humanitarian Diplomacy Strategy (HDS) was sent to the Cooperation Council on 7 September 2021 (a second draft dated 15 July 2021), allowing a period of 15 days for civil society representatives to react with proposals and comments. On 13 October, the United Nations DG of the MAUC appeared before the Council's Monitoring Committee to present the strategy, although the Cooperation Council did not have access at that time to a new draft containing the novelties of the new proposal. On 2 June 2022, the Cooperation Council receives the consolidated text of the HDS (version 23 May 2022), which is the basis for this Report.

2. The Humanitarian Diplomacy Strategy is a formal mandate of the Government's External Action Strategy 2021-2024 and responds, in turn, to a formal mandate from the Ministry of Foreign Affairs, European Union and Cooperation to strengthen humanitarian action that is deployed together with civil society and other multilateral bodies in international cooperation, through peacekeeping operations.

3. The Cooperation Council considers that the HDS comes at a very opportune time when the challenges it aims to address are more relevant than ever and the general trend of closing the humanitarian operational space and diverting resources to agendas other than humanitarian ones is more topical than ever.

4. The decision of the Cooperation Council, in the use of its powers, to submit the Spanish Strategy for Humanitarian Diplomacy 2022 - 2026 for analysis and Report only serves to underline the importance it attributes to HDS as a tool to reinforce the State's external action by strengthening the humanitarian perspective, as well as to provide the Humanitarian Action Strategy with the necessary support to make its implementation possible.

### **II.- ASSESSMENT OF THE STRATEGY**

#### **GENERAL CONDITIONS**

5. The Cooperation Council considers that, with this initiative, the government is giving innovative impetus to the necessary political and institutional commitment that Spain must assume to facilitate the effective implementation of humanitarian action, preserve the humanitarian teams that carry it out, and protect the lives and dignity of the people it serves.

6. The Cooperation Council appreciates the initiative and welcomes the fact that the draft strategy was subjected to a process of dialogue and participation among various social actors. The HDS includes the monitoring and reinforcement of different lines of action, which are very varied, although many of them are relevant and necessary. However, we perceive the risk of such a global approach blurring priorities. Therefore, the Council would like to make some comments that we hope will be useful in reinforcing the humanitarian nature of this strategy and its adjustment to the operational reality, in compliance with the principles and regulatory frameworks to which Spain has committed itself and whose respect will make it more applicable and effective.

7. The Cooperation Council considers that humanitarian action should not be subordinated in any case to other licit objectives, but other than humanitarian ones, such as the stabilization agenda, peace and security agendas, etc. Without in any way questioning agendas such as these, humanitarian action should not be seen as a means or instrument to achieve other objectives, but rather as an end in itself. It is therefore positive that the Strategy seeks to reinforce the implementation of the current Humanitarian Action Strategy, help to clearly delimit the areas of action, protect the humanitarian operational space, and reinforce coordination and coherence mechanisms between different policies and humanitarian policy. The Council insists on the need to focus this Strategy so that it contributes effectively to its application in critical contexts, providing it with objectives, guidelines and instructions, as well as the means to guarantee safe, quality and dignified access to humanitarian action for people who are entitled to this right.

8. The Cooperation Council welcomes the fact that the strategy reflects the main objectives of the Agenda for Humanity that emerged from the Istanbul Humanitarian Summit (2016) to which Spain subscribed, the HDS objectives being (i) to prevent conflicts and mediate to resolve them, collaborating in the promotion of a culture of peace and preserving the humanitarian space; (ii) to promote respect for the norms that protect us as Humanity, especially IHL and principled humanitarian action; and (iii) protecting people in situations of greatest vulnerability, leaving no one behind, which diplomacy is an appropriate tool to promote their reach, although the concept of "Humanitarian Diplomacy" would require a better definition to avoid it being subject to diverse interpretations and, at the same time, facilitate its operational applicability, scope of action and added value with respect to traditional diplomacy.

9. In this context, the Council considers that the Strategy should more clearly incorporate the HDS aspects:

- The first of these is to define the specific role that HDS reserves for non-state actors, in particular humanitarian NGOs, given their experience and added value in technical and operational aspects and in connection and dialogue with multiple actors, such as the private sector, academia and other social actors involved in human crises.
- The second relates to the lack of explicit recognition of the growing shrinking humanitarian space, especially in areas affected by violence and armed conflict, as well as the potential for positive peacebuilding impact of effective and principled humanitarian action.
- The third refers to the need for HDS to more strongly incorporate a feminist and gender equality approach, as well as inclusive language. Humanitarian diplomacy needs to incorporate the feminist turn that has been given to Spanish foreign policy in recent years.

The Feminist Foreign Policy Strategy must be included throughout the document in order to achieve this feminist ambition in the humanitarian sphere, but also to ensure the coherence of public policies.

## **SPECIFIC CONSIDERATIONS**

### **1. INTRODUCTION**

- The Cooperation Council regrets that the introductory chapter does not include some of the political commitments and normative frameworks that assist Spain in the development of this field, as well as a framework that not only justifies the need and opportunity of this strategy, but also guides its content in its subsequent chapters and phases. It also draws attention to the absence of an explanation of the ethical and political reasons for this strategy and, above all, of its dual usefulness for humanitarian action (both that carried out directly by the state and that carried out by humanitarian organizations, which on many occasions directly implement HA projects and are the point of direct contact with the populations they assist) and for Spanish and European external action.
- The Council highlights the need to accompany the economic investment made by some donor states with the political weight, human capital and diplomatic tools and channels to facilitate normative frameworks and, above all, their defence and effective application in contexts, with actors and in political processes that are difficult for humanitarian organizations to access.
- The Cooperation Council considers it appropriate to highlight the opportunity it offers for Spanish and European external action to equip itself with objectives, information and action mechanisms complementary to those of ordinary diplomacy in order to participate in crisis management and in a field, the humanitarian field, which generates more consensus than others and which enjoys greater acceptance by the parties involved in crises and broad support from public Report. In a way, this Strategy complements other tools such as Economic Diplomacy and Cultural Diplomacy, reinforcing an External Action with the potential for intervention in critical contexts, making it easier for a power such as Spain to participate by contributing added value.
- Finally, it should be noted that in this chapter a typo has been detected regarding the date of creation of the Humanitarian Action Office, which took place in 2007 instead of 2009 as stated in the text.

### **2. STRATEGIC OBJECTIVES AND LINES OF ACTION**

Objective 1. Prevent and resolve conflicts. This first objective focuses on one of the areas of the Agenda for Humanity, conflict reduction and peace promotion, which is considered relevant and ambitious.

- With regard to Axis 1 on preventive diplomacy, mediation and conflict resolution, it is necessary to mention the commitment to maintain coherence in the agenda of the integrated approach (or triple Nexus) between humanitarian action, peacebuilding and development cooperation policies.

- With respect to Axis 2 on peace and security operations and missions, it would be key to include an acknowledgement of the increasing difficulty of access by humanitarian actors to

people in need. Effective civil-military coordination based on symmetrical dialogue will be promoted, specifying the commitment to promote the clear delimitation of the areas of action between different actors and types of operations, so that humanitarian aid maintains its independence and specificity and that such coordination is framed within the European Consensus on Humanitarian Aid.

- In Axis 4 on the protection of humanitarian space, it is considered necessary to specify that the Strategy will seek both to promote and effectively apply regulatory frameworks that respect the principles and International Humanitarian Law, especially by promoting humanitarian exemptions in such a way that they do not harm the operational capacity of humanitarian actors, assuming the role of facilitating the reduction of administrative, logistical or financial obstacles that hinder humanitarian action.

- With regard to Axis 5 on counter-terrorism, the Council considers that it would be wiser to respect the wording and points included in the draft Humanitarian Strategy (HDS) of July 2021, incorporating the following modification in point 3: "Policy coherence in humanitarian action and counter-terrorism will be promoted in a way that does not undermine the provision of humanitarian aid and the complementarity between International Humanitarian Law (IHL) and legal frameworks, especially human rights, in accordance with the humanitarian exemptions provided for in EU Directive 2017/541 on combating terrorism."

This chapter should recover from the first draft a point of vital importance such as the commitment to promote safe and unconditional humanitarian access to populations, with special emphasis on the non-criminalization and non-stigmatization of humanitarian organizations for their contact with non-state armed groups, including those that are classified as terrorist groups; it should also emphasize the fact that aid should not be conditional on the affiliation and identity of populations in the face of increasingly common initiatives such as the requirement to identify and filter beneficiaries prior to assistance.

Promote respect for International Humanitarian Law. This second objective on the promotion of International Humanitarian Law rightly addresses the main challenges facing the humanitarian community; however, there is a lack of a focus on facilitating humanitarian access and protection of populations affected by violent crises, as well as the humanitarian action provided in them, either in a cross-cutting manner or as a specific line of action.

While all of the lines address the promotion of political and normative frameworks at the global level, it is proposed to expressly include a more operational and grounded approach to the accompaniment that the Strategy can facilitate as a tool in each of the priority contexts in which it is involved, specifying the specific plans and resources for each case. Under this heading, it would be appropriate to include a commitment to support and promote the French initiative to set up the post of Special Envoy of the UN Secretary General for Humanitarian Action.

- In Axis 7 on the fight against impunity and accountability, the inclusion of the commitment to support the work of the International Humanitarian Fact-Finding Commission (IHFFC) is very positive, but it would be important to specify this support in the promotion of its operability, as so far this mechanism has had little impact. Along these lines, it would be essential that Spain commits to ratifying the Statute of the International Criminal Court and approves the modification of its articles to include intentional starvation of civilian populations as a new case of war crime.

- In Axis 8 on respect for and protection of medical missions and basic health services, it is also very positive that this is an area that Spain has promoted with the approval of Security Council Resolution 2286. It is suggested that compensation mechanisms be introduced for the families of victims of assassinations, kidnappings or violent acts of Spanish personnel of humanitarian organizations registered in Spain.

It is also considered essential to specify the promotion of the application of measures to prevent and prosecute attacks against medical missions and basic health services, both at the global level and in contexts where Spain has an installed diplomatic capacity.

- In Axis 10 on hunger and conflict, the incorporation of this area, in which Spain has built up a position and reputation as a promoter of global food security since its involvement in the response to the 2008 global food crisis and the creation of the Global Fund for Food Security in 2010, is very positive. The adoption of UNSCR 2417 provides a political framework for addressing the use of hunger as a weapon of war where humanitarian diplomacy is considered to be one of the most effective and least negative impact-derived tools used so far.

It is considered necessary to specify Spain's commitment to actively participate in the groups of states supporting the resolution (Group of Friends of 2417), promoting the development of a framework of international political commitment that consolidates the validity, scope and fulfilment of Resolution 2417.

It is also considered essential to specify in the strategy the promotion of the application of measures to prevent and prosecute acts that attack food security in conflicts, both at the global level and in contexts where Spain has an established diplomatic capacity.

Objective 3. Protecting people in vulnerable situations, leaving no one behind

- Axis 11 on gender equality, diversity and the fight against sexual violence, it would be advisable to include in the last point, related to the fight against human trafficking, the commitment to the European Strategy to Combat Trafficking in Human Beings, as well as the commitment to promote the new European directive that improves on the commitment of the current 2011 directive.

### **III. IMPLEMENTATION OF THE STRATEGY**

In the third paragraph, when establishing Spain's commitment to put the different instruments of action at the service of this Strategy, the Council considers that it would be important to mention that, in addition to the central services and departments of the Ministry of Foreign Affairs and Cooperation, Spain's diplomatic missions should also be specifically included. This is essential in order to be able to effectively identify and implement bilateral or collective actions in the specific contexts in which the prioritized humanitarian challenges occur, to establish spaces for dialogue with the relevant states and organizations, and to incorporate the humanitarian diplomacy objectives corresponding to each geographical context of responsibility into the agenda of each mission.

Finally, in this chapter, the Council suggests that training in International Humanitarian Law for the personnel of peace operations and missions should include both military and civilian personnel.

#### **IV. MONITORING AND EVALUATION**

The Council, in agreement with other actors, considers it necessary to include in this chapter a commitment to define a precise Action Plan, which could be drawn up every two years, establishing, among other issues, the Strategy's objectives and priorities, the tools available to serve this plan, the results and products expected to be achieved, as well as the milestones for their attainment and the resources allocated for their implementation. A Plan that should cover the timeframe of the Strategy (2023-26), in order to make it contiguous to this Strategy, as well as to the Humanitarian Action Strategy. The Cooperation Council considers that the Annual Plan should be defined and approved within six months of the approval of the Humanitarian Diplomacy Strategy. It is also recommended that it be implemented swiftly in order to respond to the need to support the response to the various crises affecting the planet, especially in a year in which the scale and complexity of these crises are increasing due to the impact of Russia's invasion of Ukraine and the global food crisis.

On the other hand, the Cooperation Council considers that any strategy needs an evaluation and monitoring mechanism to review the degree of implementation, its results and to integrate measures to adapt it to the evolution of the challenges and to improve its impact. Such a strategy requires the participation of public (different ministerial departments) and private actors (international organizations, the Red Cross movement, humanitarian NGOs, academia, businesses and corporate foundations). To this end, it is considered necessary to establish a monitoring mechanism for the Humanitarian Diplomacy Strategy that is specifically oriented and focused on this task, with a clear, simple process that ensures the relevant participation of the different humanitarian actors, while at the same time being transparent. Two possible measures are proposed for this purpose:

1. The conversion of the Spanish Commission on International Humanitarian Law into a commission that expands its mandate to the monitoring of the measures included in this strategy, more complete and open to other actors than those included in the current commission, which is much more limited to the promotion of International Humanitarian Law, leaving out many of the lines of action proposed in the Strategy, as well as very relevant actors in its implementation and monitoring.
2. The creation of a new specific commission to address the content of this Strategy in all its dimensions.

#### **V. FINAL RECOMMENDATIONS**

Based on its assessment, the Cooperation Council makes the following recommendations:

- It is necessary to reinforce in its drafting the arguments of dual utility, both for the humanitarian sphere and for the external action of this strategy, its purpose, and to highlight the added value of the different non-state actors in its definition, implementation and monitoring.
- It is necessary to reformulate the chapter on the fight against terrorism (we suggest that the first version of the draft Humanitarian Diplomacy Strategy -HDS- be rewritten), focusing HDS on the promotion of humanitarian access, the protection of aid against its criminalization and subordination to other considerations, and the normative and practical reinforcement of humanitarian exceptions.

- It is necessary to reinforce the integrated approach to HDS in order to achieve greater coherence between humanitarian, development and peacebuilding and security policies, maintaining the specificity and independence of the HDS areas through dialogue and coordination between them and their actors in a symmetrical and respectful manner.
- It is appropriate to specifically call for a practical approach to HDS so that the approach to each of the proposed themes is aimed not only at establishing normative frameworks, but also at their effective implementation in theatres of humanitarian operations through effective involvement, the definition of plans and the provision of tools in critical priority contexts.
- HDS needs to develop a 2023-2026 Action Plan by December 2022 that sets out priorities, results, timelines, tools and resources to implement this strategy. A Plan that includes the active participation of non-state actors and in which the modification of the Spanish Commission on International Humanitarian Law or the creation of a specific ad hoc Commission is addressed.

END OF THE REPORT