

Humanitarian diplomacy in action: a possible way to provide fundamental humanitarian support for migrants and refugees in no man's land between Hungary and Serbia

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INTRODUCTION

By the end of 2015, the number of migrants passing through Hungary exceeded 400,000¹; in 2016 this number further increased by another 100,000². Although Hungary (a so-called transit country) is just one of the ad hoc stations on the route of the people arriving from the Middle East and Asia, the Hungarian Charity Service of the Order of Malta regarded it as its key-priority task to rush to the aid of people in need in this historic situation that had escalated to global proportions. Based on a deep humanitarian commitment, the Hungarian charity paid close attention to the everyday life of the crowds passing through our country, preparing for the arrival of people in need with healthcare and hygienic care, food and clothing. In 2015, the charity was present for a period of several months, frequently around the clock, and when needed, the assistants and volunteers of the Hungarian Charity Service of the Order of Malta played an active part outside our borders, in Croatia, Serbia, and Slovenia as well.

Joining the international processes, the Hungarian relief organization took part in the Carpathian Basin relief efforts from the very beginning, investing substantial material and human resources into accomplishing their task. Their work, however, did not progress within formal frames, but rather outside the official state institutions – far from the reception centres and refugee camps, in wheat fields in the middle of nowhere, or else, in inhabited areas, at railway stations, bus stops, on city outskirts and in downtown areas. Among all these, one of

¹ For more detail, see the Hungarian Office of Immigration and Nationality bulletin, available from: http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=177&Itemid=1232&lang=hu [Accessed: 2 November 2017]

² Hungarian National Police data's – only in Hungarian (Országos Rendőrfőkapitányság Határrendészeti helyzetkép 2016. I-IX.) Source: http://www.police.hu/sites/default/files/hatarrendeszet_hk_2016_09.pdf [Accessed: 2 November 2017]

the most outstanding professional achievements was the work the Hungarian Charity Service of the Order of Malta did in the so-called no man's lands located between country borders. In these territories, the organisation's assistants faced legal obstacles as a result of the ambiguous limitations of the rules and circumstances. It was not clear what laws apply to the assistants. Another additional difficulty: because there had never been a comparable situation in the last 20 years in the locations explained below the authorities were not prepared for creating legal possibilities for the aid.

The present article pays special regard to:

- Creating the opportunity to provide humanitarian assistance along and between the Hungarian and Serbian border
- Providing humanitarian aid, being present and active on the so-called no man's land
- Portrays the initial problems the aid organisation's assistants had to confront, and how the leaders tried to tackle the obstacles that were making the job impossible
- Describes the way the Hungarian Charity Service of the Order of Malta got the chance to do relief work in Serbia as the only Hungarian organisation with a permit within legally accepted frames
- Portrays the job (and role) of humanitarian diplomacy, the means applied, and the proper practices. It gives a detailed account of the documents and directives that were helpful, offered a base of reference or guideline to attain their goals. It also touches briefly on the subject of valid Serbian and Hungarian law.

The paper below describes the legal and human difficulties that the Hungarian Charity Service of the Order of Malta had to tackle in order to ensure that the most vital humanitarian aid reached its destination and the people in need had access to it.

The unique feature of the process presented in the following is that its final phase followed the International Federation of Red Cross and Red Crescent Societies (IFRC) methods and principles exactly, down to its elements and details, the ideas that were put into words and theoretical materials that were made accessible for everyone. Thus, this document proves the practicability of the statements that were made, in writing and orally, and also their potential success within a humanitarian diplomatic effort of key importance. This paper, however not only records these things that have become historic facts and situations, but also analyses the processes, striving to assemble the humanitarian sources and references that are relevant to this endeavour.

STRUGGLES AND PERSPECTIVES

At present, Europe is facing the most difficult migration crisis of the post-World War II era; in the last fifty years, there was not a single migration crisis as bad as the present one. Finding the right answers based on the vital requirements and unconditional nature of humanity, and at the same time in the correct relation to reality, taking into account the

realistic needs of the participants, is a difficult task for the continent as a whole, as well as for the individual countries. At the same time, parallel crises occur, such as ongoing episodes of the Middle Eastern crisis or the decades-long Sub-Saharan African drama, expanding almost as far as the whole continent. (It is worth noting that our organisation is playing an active, groundbreaking role in both of these regions.) And then, we have not mentioned the economic, social, political and societal difficulties that further deepen the already strong discord. Currently, very few places are characterized by permanent peace. The conflicts listed above would be “sufficient” on their own to cause crises with deep, global effects, but they have combined and led to our present-day migration crisis –as we can attest from the decades-long field experiences of the Hungarian Charity Service of the Order of Malta.

During the summer of 2015, crowds of people looking for a safer or better future appeared in different regions of Hungary, seemingly without any forewarning, although some European countries – mainly in the Mediterranean region, first of all Italy – have been struggling for years to cope with the recurring waves of migration crisis. Within the course of a few days, the immediate and wider surroundings of Budapest’s Western and Eastern railway stations filled up with people from the Middle East, Asia, and Sub-Saharan Africa, the mere sight of whom must have been a novel experience for many, and rather alien to eyes used to the relatively homogeneous population of the otherwise typically metropolitan Budapest. There are no Arab, African, or Asian quarters here, the ethnic composition is relatively “simple”. Humanitarian and social workers don’t often meet clients arriving from cultural milieus other than the “usual one”, unlike in other European cities where this kind of diversity is an everyday phenomenon. Thus, for the majority of the participants of the Hungarian care infrastructure, it was not just unexpected but entirely new. Most of them had little experience regarding meeting the “aliens”, so finding the proper way to help was not self-evident. Let’s just consider the diversity resulting from language, cultural, and religious differences. Of course, we could say a human is a human, but behind this absolute truth can lurk more complex subjective reactions. We relate to everything in many different ways. So for example, one cannot expect the voluntary assistants to display dedication similar to that of full-time colleagues, just as it isn’t evident that the employees take care of this special service with pleasure and professional expertise. And there is no bad intention whatsoever on the part of helpers if they don’t know what religious traditions they have to respect when taking care of a female or male Muslim person in need (or if they are uncertain about the risk of potential infection). There are some who represent the principle of full inclusion, whereas others are for total closing and defence. There are some who, based on an ideological or philanthropic commitment, stand on the side of unconditional help and openness, while others would want to keep their distance as a result of their fear of the unknown. There are many aspects, and the majority of these are understandable and “legitimate” points of view, at their own place value – even if they happen to be mutually incompatible.

Thus, there were difficulties that were not caused just by the language when the Hungarian Charity Service of the Order of Malta undertook a daily presence at several locations of the capital to help the people in transit. It was not the lack of good intentions that caused a dilemma or eventual delay, when the organisation was looking for the proper form of

charitable presence. The most difficult question was how to use the finite capacities at their disposal. How should they regroup their capabilities in the interest of the new aim while at the same time maintaining the undisturbed continuity and quality of the traditional, institutional daily services for the whole year? Further questions emerged concerning the points requiring charity-based answers, as well as which ones are more in need of a state-based intervention. So where is the “person in need”, where should “caritas” appear, that voice of love arising from Christian charity? After all, the work of an NGO always has a complementary character: it constitutes something above and beyond the central (care) system. The legal environment influencing their work – what they can do and what they can’t – was not clear, either. This was something they frequently had to face in the case of the migrants who were taken to hospital for the purpose of more long-term healthcare, although the aid stemming from humanitarian love always transcends the law’s conceptual framework. In the very beginning, these and similar professional dilemmas were the ones the Hungarian charities assistants had to face.

In the previous lines, we reviewed and briefly described the background and context of the humanitarian relief aid to be introduced in the following text. This can be regarded as a base to start from the point of view of the Hungarian Charity Service of the Order of Malta, with the relief aid that is relevant to our subject matter fitting into it later.

TERMINOLOGICAL DELIMITATION

Offering aid is never easy in an atmosphere saturated with political content, where different terms are mixed – frequently intentionally. Thus, before proceeding with our train of thought, let’s try to clarify the terminology, offering the reader additional knowledge to help understanding.

It might seem to be a secondary issue, but the precise application of more or less consensus-based terms is all the more important if we want to pursue a quality debate. In such a debate, there is no room for sloppiness and faulty terminology, which can lead to misunderstandings and mistaken conclusions. The political undertone of the words we use is, by the way, not an exclusively Hungarian phenomenon: it can be observed in the context of the English language, as well. Thus, if the speaker uses the expression “*migrant crisis*”, they may sound anti-immigrant and right-wing, someone who cultivates the principle of partial or complete closure. The expression “*refugee issue*” on the other hand, is rather suggestive of a leftist-liberal, unquestionably “pro-migrant” attitude – whatever that might mean. The author of the present paper, however, uses the generic term “*migrant*” to refer to every person whose application for a refugee status has not yet been officially filed. This includes those who are fleeing persecution or other military conflicts, the people arriving from the Middle East as well as from Sub-Saharan Africa. Furthermore, we apply this expression to those who left their homes for economic or other reasons, in the hope of a better future, independently of whether they would be recognized later as refugees or not.

Thus, it is the word “*migrant*” that expresses the most generic content, referring to every person who left their country out of personal choice or as a result of a different force, every person who leaves for another country with the purpose of continuing their life there. The term is cold and impersonal, but has the capacity to let us use the terminology in the widest sense, if the status of the given persons is unknown or not yet determined. Based on the Hungarian Immigration and Asylum Office,³ the charity service uses the Hungarian terminology, although it is important to learn the Anglo-Saxon terms, as well; with the guiding documents⁴ offering a good chance to do so.

Therefore, it is obvious that in this colourful linguistic area, the single terms have different contents, with many of them – especially in the system and atmosphere of international relations – carrying a message value regarding their users. So, after clarifying, limiting, and applying these terms in the present article, let’s turn to the detailed analysis of our subject.

LEGAL FRAMEWORKS DETERMINING THE ACTIVITIES – LEADING THEORETICAL ASPECTS

Now we will briefly present only the most relevant of the leading theoretical aspects. Since the activities described here were carried out in an international legal environment (in border strips, that is, in the so-called no man’s land), it is worth giving an overview of the sources of law basically determining the activities and the legal frameworks regulating them.

Our goal is not a deeper analysis of the legal provisions; they are mentioned only as legal delimitation of our subject. It is furthermore important to take this legal environment as a starting point, because later on, this provided us with a basis of reference with regard to our humanitarian diplomatic attempts, when the participants of the whole process negotiated with decision makers, i.e. they tried to reach their goals. Therefore the following served us quasi as starting point for reaching these goals.

The Hungarian Charity Service of the Order of Malta is a registered non-governmental organisation, the relief organisation of the Sovereign Order of Malta in Hungary. Its activities in Hungary are subject to the provisions of the Civil Code⁵ and the Act on Civil Society Organisations⁶. Concerning the legal environment, its activities are determined by the basic documents of its parent entity, the Sovereign Order of Malta (SMOM and its Constitutional Charter and Code, as well as other directive documents), the bilateral agreements concluded

³ Applying and referring to the terminology of Hungarian Immigration and Asylum Office (BÁH) (<http://bevendorlas.hu>).

⁴ IOM, Glossary on Migration, International Migration Law Series No. 25, 2011 Source electronic copy only, available from: <https://publications.iom.int/books/international-migration-law-ndeg25-glossary-migration> [Accessed: 2 November 2017]

⁵ See Hungarian Decision: Act V of 2013 on the Civil Code

⁶ See Hungarian Decision: Act 175 of 2011 on the Right of Association, Non-profit Status, and the Operation and Funding of Civil Society Organisations.

between the SMOM and the Government of Hungary, the fundamental documents and principles of the Catholic Church, and last but not least by international law and other international law agreements signed also by Hungary.

AGREEMENT BETWEEN HUNGARY AND THE SOVEREIGN ORDER OF MALTA

As it is a Hungarian organisation, we have to cite in first place the *Act CXL of 2010* on the promulgation of the Cooperation Agreement between the Government of Hungary and the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta.⁷ This legal act promulgated on the 7th of December 2010 serves as a framework in principle for the cooperation between the Hungarian Government and the Sovereign Order of Malta and its relief organisation, the Hungarian Charity Service of the Order of Malta. It considers “the traditionally excellent relations between the Government of the Republic of Hungary and the Sovereign Order of Malta”, and recalls “the fundamental political changes taking place in 1989 in Hungary” and “the twentieth anniversary of the foundation of the Hungarian Maltese Charity Services Association”. Article 2 states: “The objective of the present agreement is to set up the general framework and guidelines for the future cooperation between the Contracting Parties in the field of social, health or humanitarian services and of international development...” Article 3 states: “Subject to their means and possibilities, the Contracting Parties will support and implement measures intended to facilitate, develop and diversify their social, humanitarian, health and international development cooperation, as well as steps aimed at the expansion of such activities to related fields.” Article 4 continues as follows: “... may carry out all activities concerning education, cultural and social development, health care, disaster relief, sport, and the protection of children and youth that are not reserved by effect of national legislation exclusively for the Hungarian State, its state organs or institutions. Within the framework of these activities, the appointed organization may establish and maintain services and institutions and carry out projects.”

HUNGARIAN LEGISLATION ON REFUGEES

In Hungary the status of refugees, their provisioning, their rights and obligations in general are specified in the following legal provisions:

- Act LXXX of 2007 on Asylum consolidated with the Government Decree 301/2007. (XI. 9.) on its implementation
- Act I of 2007 on entry and stay of persons who are entitled to the rights of free movement and residence, consolidated with Government Decree 113/2007. (V. 24.) on its implementation
- Act II of 2007 on the Entry and Stay of Third-Country Nationals, consolidated with Government Decree 114/2007. (V. 24.) on its implementation

⁷ Decision between Hungary and the Sovereign Order of Malta. Available from: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1000140.TV. See also: <http://www.parlament.hu/irom39/01670/01670.pdf>. resp. Nr. 184 *Magyar Közlöny*: <http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/mk10184.pdf>. [Accessed: 2 November 2017]
http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1000140.TV. [Accessed: 2 November 2017]

ACTION PLAN ON MIGRATION IN SERBIA

In Serbia migration activities on the territory of the country are monitored by the Ministry of Labour, Employment, Veteran and Social Affairs⁸. According to a non-official action plan forwarded to the Hungarian Charity Service of the Order of Malta (we are not authorized to disclose it⁹) the Ministry will implement its actions until mid-2017 according to the following lines, that express the concepts of the country and have information value. Through its communication we are not infringing the rule of non-disclosure of confidential information:

Basis for Planning - Presumptions:

- Number of illegal entries in the Republic of Serbia will be significantly reduced
- Exit from the Republic of Serbia at the level of 30 people a day by a legal entry in Hungary, without significant illegal entries, which is assessed to be 20-30 a day.
- Largest number of people still insists on leaving Serbia to desired countries as their final destination.

To provide adequate support to migrants on the territory of the Republic of Serbia, but also to preserve public order and peace and safety of the citizens, the main actions are the following:

- Provision of emergency assistance for migrants
- Provision of protection to people in need, including the provision of international protection for people who have applied for and meet the requirements in line with the Law on Asylum
- Provision of conditions for reception and care of migrants
- Cooperation with local communities in order to maintain the level of tolerance towards the migrants which, in the previous period, was a good example for all the countries on the route
- Safety of the state border and fight against human smuggling

CERTAIN ASPECTS OF INTERNATIONAL LAW

International law and more specifically International Humanitarian Law¹⁰ was a starting point for the humanitarian actors of this action that served as a basis of reference for their negotiation processes. It has to be admitted that in the target area concerned, that is, in Hungary and in Serbia, there is no general knowledge about humanitarian international law among the decision makers and the NGO actors which would allow it to be referred to as a commonly known and accepted basis.¹¹

⁸ See: http://www.kirs.gov.rs/docs/aktuelno/20160119_newsletter_sr.pdf [Accessed: 2 November 2017]

⁹ Periodic Report July-September 2016 Right to Asylum in the Republic of Serbia (electronic copy only) Available from: <http://www.bgcentar.org.rs/bgcentar/eng-lat/wp-content/uploads/2016/10/ENG-FINAL-1.pdf> [Accessed: 2 November 2017]

¹⁰ Alexander Orakhelashvili, 2008

¹¹ The Chapter VII is available from: <http://www.un.org/en/sections/un-charter/chapter-vii/index.html> [Accessed: 2 November 2017]

“International humanitarian law is a set of rules which seek, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the law of war or the law of armed conflict”¹², as it is stated by the International Committee of the Red Cross (ICRC). Although some actors – especially the international humanitarian cluster – agree that international law applies to everybody, experiences in the countries and with organisations presented in this report show that in general it is considered among them that international law is binding only for those who signed the documents and expressed their consent also in terms of law. That complicated the situation, when the participating actors of the action tried to refer to this law as a common basis of reference.

Now some aspects of international law that affected and determined the presented process will be stressed. Our goal is not to analyse them in a deeper way but only to note the most important statements concerning the issue. The participants of the humanitarian diplomatic actions emphasised the following legal aspects:

- Geneva Conventions on Protection of Victims of War of 1949 and their Additional Protocols I and II of 1977
- Weapons limitation treaties:
 - o 1980 CCW (Conventional Weapons Limitations)
 - o 1997 Ottawa (Anti-Personnel Mines)
 - o 2008 CCM (Cluster Munition)
- Other related treaties

International humanitarian law was a frequent basis of reference during negotiations, with the following application “areas” stressed by the participants of the actions:

- War, International armed conflict, Occupation:
 - o State vs. state, state vs. national liberation movement
- Non-international armed conflict
 - o State vs. dissidents, dissidents vs. dissidents

Nevertheless the participants also faced the following issues during negotiations:

- Different scope of legal rules
- Who decides upon application?
- Blurred threshold
- Fourth-generation warfare (4GW), low intensity conflicts, open-source insurgency

As well as the following challenges:

- Non-state actors as subjects of armed violence
- Blurring of civilian/combatant distinction:
 - o Intentional abuse
 - o Non-direct participation

¹² What is International Humanitarian Law, ICRC raises the question. Source: https://www.icrc.org/eng/assets/files/other/what_is_ihl.pdf [Accessed: 2 November 2017]

It is also worth citing the Hungarian Act XC concerning International Development Cooperation and International Humanitarian Aid¹³, adopted on 15th December 2014, which also determines the participation of Hungarian NGOs in the complex system of international relief. Documents of other international organisations, such as the Universal Declaration of Human Rights,¹⁴ the European Convention on Human Rights,¹⁵ documents of the United Nations High Commissioner for Refugees (UNHCR), standards of the UNO and the EU¹⁶ and other relevant documents – which we do not wish to discuss here – contain similarly important basic elements.

Below, we examine international legal frameworks and references that were the most relevant with regard to our subject in the following terms:

- they served as reference for formulating the goals of the actors
- they served as reference during their humanitarian diplomatic negotiations
- they were helpful with regard to international practices, examples

When the border barrier (border fence) was completed in the south, the Hungarian Charity Service of the Order of Malta had already been working in large territories in Hungary and along the southern border as well. From the summer of 2015, the Hungarian Maltese provided services at about 15 locations with the participation of almost 500 volunteers and 100 full-time employees in total. In Budapest, Győr, Hegyeshalom, in the region of Körmend-Pinkamindszent, at Letenye, Zákány, Barcs, Mohács, Magyarbóly, in the Croatian towns of Opatovac and Tovarnik, and in the neighbourhood of Sid and Horgos in Serbia, as well as Rőszke and Mórahalom – thus covering a significant part of the country, all the locations where people in need required any kind of treatment with regard to migration. The mobile units and territorial groups and employees constantly frequented the country's most remote locations, as well as territories outside the borders, in order to get the proper form of help to its destination. The work lasted day and night for months. The following numbers reveal a lot about our presence: we distributed close to 50,000 sandwiches and bakery products, 36,000 half-litre bottles of mineral water, 9,200 bandages, 3,400 pairs of socks, 8,300 pain killer pills, 2,600 diapers, 80,000 muesli bars, 2,300 packages of infant formula, and 600 litres of hot tea daily.¹⁷

HUMANITARIAN DIPLOMACY IN ACTION

ORDER OF MALTA RESOURCES

¹³ Official Journal of the Republic of Hungary (*Magyar Közlöny* 183. szám) Available in Hungarian from: <http://www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK14183.pdf>, [Accessed: 2 November 2017]

¹⁴ Source: <http://www.un.org/en/universal-declaration-human-rights/> [Accessed: 2 November 2017]

¹⁵ Source: http://www.echr.coe.int/Documents/Convention_ENG.pdf and in Hungarian http://www.echr.coe.int/Documents/Convention_HUN.pdf [Accessed: 2 November 2017]

¹⁶ For more details, see: <http://www.unhcr-centraleurope.org/en/resources/legal-documents/unhcr-handbooks-recommendations-and-guidelines.html>

¹⁷ Solyári D. Győri L., 2016

The concept of humanitarian diplomacy includes representation, advocacy, negotiations, the establishment, fostering and expansion of partnerships, communication, conclusion of different agreements and other elements intended to establish and strengthen relations, and – as a humanitarian actor – represent and assert the interests of vulnerable and needy groups. This process is running on different levels and its delimitation, its instruments and the applied methods are not yet clearly defined. The task was not new for the Hungarian Charity Service of the Order of Malta. Its parent entity, the Sovereign Order of Malta has bilateral diplomatic relations with 106 countries and the European Union,¹⁸ permanent observer missions at the United Nations, it concluded Cooperation Agreements with over 50 countries with regard to humanitarian goals. It plays an important role in the theoretical founding and practical application of humanitarian diplomacy. During their almost 1000-year-history their activities were closely linked with the role of the Catholic Church played in international relations¹⁹, since the Catholic Church achieved important results during mankind's history in the field of dialogue between different Parties and States. The Catholic Church played an important role in creating the concept and instruments of diplomacy. Its importance and its results are sometimes underestimated²⁰. At the same time it is undoubted that modern-day organisations have enriched this field with essential elements.

Based on modern day processes, the Sovereign Order of Malta (and its Hungarian relief service) in the past years several times set out its concepts on humanitarian diplomacy, among others at the following important international forums:

- In 2011 the Order of Malta organised a conference in the headquarters of UNESCO with the title Humanitarian Diplomacy and International Crisis Management, the outcomes of which were later published in the form of a handbook.
- In 2015 it organised a symposium in the framework of the World Humanitarian Summit held in Istanbul, thus initiating dialogue on the role played by faith-based organisations in humanitarian diplomacy.²¹ The relevant document is also available.
- The Order of Malta published a handbook on the principles of humanitarian diplomacy²² detailing the main experiences and recommendations from its 1000-year-history, as an addition to the principles established by modern-day organisations.

Regarding our subject, the principles and good practices of humanitarian diplomacy established by the IFRC are of primary importance.²³ The action described in this report was

¹⁸ Vienna Convention on Diplomatic Relations (1961) Available from: http://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf [Accessed: 2 November 2017]

¹⁹ Troy Jodok, 2014

²⁰ Troy Jodok, 2008

²¹ See: <https://consultations.worldhumanitariansummit.org/node/502313> [Accessed: 2 November 2017]

²² *Diplomatic Handbook of the Sovereign Military Hospitaller Order of St. John of Jerusalem of Rhodes and of Malta*, Rome (Grand Magistry), 2014.

also developed according to the Humanitarian Diplomacy Policy of the IFRC. The final phase of the process presented followed particularly the guidelines of the IFRC, the statements formulated therein and the theoretical documents made available to everyone. This already historic fact and situation will not only be noted here but the processes will also be analysed. We undertook to compile relevant humanitarian sources and references with regard to this action meeting scholarly requirements.

APPLIED PRACTICES

The Hungarian Charity Service of the Order of Malta engaged in a dialogue with representatives of the Serbian government in summer 2016 with a view to conclude a bilateral agreement to reach humanitarian goals. They proposed a cooperation agreement to be able to help and support Serbian processes with regard to care for the migrants within the country – in the first place on the territory of the Serbian-Hungarian border, but also in deeper parts of the country, both in formal and informal areas.

We will examine the instruments applied, the processes and results in an individual form, in accordance with the recommendation of the IFRC²⁴ as follows:

I. So-called silent diplomacy (negotiation with decision makers, institute leaders and politicians)

From spring 2016 the Hungarian Charity Service of the Order of Malta initiated background discussions with Hungarian and Serbian politicians, with state and NGO actors in order to get to know the development of the processes, the government's intent and the possibilities. They tried to develop a neutral role as a link. Helping vulnerable and needy groups was declared as a single aim, without any political and other intentions. As it was expressed by the organisation: "We have a mission, not a standpoint." As a result of the process, we managed to meet several decision makers who were able to transmit this message to the appropriate places. This could also be considered as a kind of "sensitization" (awareness-raising) period. At the same time the conclusion of a cooperation agreement was initiated, and as a reaction different levels of openness were experienced.

II. Linking and coordination between actors, inter-professional communication

²³ IFRC Humanitarian Diplomacy Policy (Practicing humanitarian diplomacy: an introduction Humanitarian diplomacy guidance), available from: http://www.ifrc.org/Global/Governance/Policies/Humanitarian_Diplomacy_Policy.pdf [Accessed: 2 November 2017]

²⁴ See IFRC Strategy 2020 1228904 12/2012 E, available from: <http://www.ifrc.org/Global/Publications/general/strategy-2020.pdf> [Accessed: 2 November 2017]

The Hungarian Charity Service of the Order of Malta initiated dialogues between the Hungarian and the Serbian Parties. It tried to help, to mediate dialogue between the actors engaged in preparation and decision making, thus playing the role of a neutral bridge.

III. Writing articles and papers

The collaborators of the organisation drafted articles and reports in Hungarian and English, attempting to draw public attention to humanitarian aspects.

IV. Using media and public opinion

Collaborators of the organisation released a stream of reports, photos, short video clips on their own web interfaces and on the websites of their partners, as well as in social media channels. They appeared on television and radio, where they tried to draw public attention to the issue, and tried to intensify their ongoing negotiations – to intensify them without eliminating or undermining, or having a delaying or alarming effect. For this reason the tone and the manner of expression were always very important. They were intended to focus always on humanitarian issues and never to be offensive or simplifying.

V. Campaigns and open presentations, awareness raising

Public meeting forums with the local population, debates and round-table discussions were an important part of our work, with the same content and in accordance with the previous point. These campaigns were aimed at public opinion, and the organisation attached great significance to them.

The target groups of the presentations and the discussions were very different, among others:

- university faculty members, academic communities (leaders of research programmes)
- for-profit companies, sponsors
- health care institutions
- NGOs
- think-tank organisations
- municipal administrations
- international organisations from Hungary and from Serbia
- influential public figures

VI. MoUs and cooperation agreements with relevant parties in Hungary and abroad

All the previous points were aimed at our most important common goal – the conclusion of a cooperation agreement with the Serbian party, to which a separate chapter is dedicated.

RESULTS – GAP FILLER SERVICES

RESULTS 1. A UNIQUE COOPERATION AGREEMENT BETWEEN THE HUNGARIAN CHARITY AND THE SERBIAN GOVERNMENT

So, the aim of the process presented above is to start out from experiences on the ground, confirm them with research and analytical methods so that the Hungarian Charity Service of the Order of Malta can give a response to the humanitarian crisis that has emerged by using the instruments of humanitarian diplomacy. The action and the process took place on the territory of two sovereign states. The situation is complicated by the fact that a Hungarian NGO negotiated with a Serbian state entity (Ministry of Labour, Employment, Veteran and Social Affairs), moreover one of the organisations belongs to an EU member state, while the other is not a member state of the EU. That complicated the process of legal preparation, because such cases are rare, and the legal experts of the Serbian party had to be circumspect.

The matter of the cooperation agreement was that the Hungarian NGO would provide additional help in the first place in the Hungarian-Serbian border area (no man's land, in Hungarian 'határnyiladék'), but also outside it, deeper in the territory of Serbia, aimed at improving the care for those travelling through the country.

The cooperation agreement was amended by the legal experts of the Serbian party, it was approved by the parties and signed solemnly by the representatives of both parties – and all this was achieved by a single Hungarian organisation. As a result, the work could be started and the humanitarian workers of the Hungarian relief organisation could work under regular legal conditions in the territory of Serbia, i.e. they were allowed to appear on the territory of Serbia with their humanitarian additional services. As a result of the Agreement the Hungarian Charity Service of the Order of Malta has been able to work in the Reception Centre of Subotica (near the infamous brick factory and moorland/wetlands). Since January of 2017 (after the signing of the Agreement and preparation of the service) the Hungarian relief service has been delivering supplementary food and beverage in the Subotica Reception Centre, providing basic medical care. Teachers, social workers and educationalists have been visiting the children in the 'camp' and organizing special learning and integration program for them. Conflict-resolution is also important – especially for them who went through such a misery than those people. Psychologists and mental-hygiene professionals from the side of the Hungarian NGO have been also visiting women and children and organizing special gatherings for the people who are in need. The Hungarian Charity Service of the Order of Malta, in accordance with the daily routine of the Reception Centre and the Serbian Red Cross, has been providing this supplementary service every week from Friday to Sunday due to the lack of official Serbian service during weekends and public holidays. As the off days are also important and precious for the Hungarian volunteers and professionals the provided service is not only supplementary but gap filler indeed.

Apart from the service in the Reception Centre, Our mobile units and territorial groups and employees constantly frequented the country's most remote locations, as well as territories outside the borders, in order to get the proper form of help to its destination. The work lasted day and night for months. The following numbers reveal a lot about our presence: almost 50,000 sandwiches and bakery products, 36,000 half-a-litre mineral waters, 9,200 bandages, 3,400 pairs of socks, 8,300 pain killer pills, 2,600 diapers, 80,000 muesli bars, 2,300 packages of infant formula and daily 600 litres of warm tea were distributed. Now, we will show the relevant events in the form of a chart, highlighting the most decisive ones. Maltese doctors and helpers visited all the locations where migrant families gathered in great numbers, to treat those in need. They provided their service from the Mobile Doctor's Office. This microbus (mobile vehicle) – due to its mobility – proved to be an ideal tool to search for people scattered over a large territory. This was the place where the Maltese doctors were on duty, tending to the more complicated cases in its space specially designed for healthcare, while others were roaming the square, the streets and subways, to search for medical cases.

Without this agreement this supplementary and gap filler service would not have been possible.

RESULTS 2. EVALUATING AND ANALYSING THE DATA

Information is a key point; it is essential for providing adequate help. As the Hungarian Charity Service of the Order of Malta stated: "Help may be given only in the right way". However appropriate help must be based on authentic and up-to-date information. The organisation drew on experiences from direct and indirect sources, as follows.

Indirect sources with authentic, doubtful and not at all reliable information:

- News, publicly available reports
 - o News, declarations, press releases, government communications. It was important to follow the latest news, since this common issue is frequently dealt with by journalists who sometimes provide some added value to the activities of the relief organisation. Of course, this had to be considered with some reservation. The government communications were similarly – if not more – important for the collaborators of the organisation to be able to define the direction of the higher level processes.
- Publicly available statistical data, reports
 - o Official and public reports of the UN, WHO, UNICEF, UNHCR, IOM, IFRC/ICRC, EU and other organisations – with particular regard to statistical data, information about movements and locations, particularly the reports of Frontex, UNHCR, the Hungarian Police and the Refugees Office.
- Reports not publicly available
 - o Referring to the previous point, not publicly available data, reports, information transmitted to the Hungarian relief organisation.

- Not public dialogues
 - o Information gained throughout the humanitarian diplomacy process helped a great deal in planning the processes. This was also very confidential information.
- Rumours, information from other sources (especially from ground-work)

Direct sources with information that could be considered secure in every case:

- Working diaries kept by the collaborators of the Hungarian Charity Service of the Order of Malta on the ground daily (with general and medical details)
- project progress report made by the organisation, as well as the monitoring and evaluation (M&E)²⁵ document
- interviews made on the ground by the relief organisation

COLLECTING DATA: QUESTIONNAIRE AND INTERVIEWS

In the following we would like to highlight two interviews among many, which were made by workers of the relief organisation with migrants as direct sources with a view to getting to know more exactly the conditions on the ground or the unknown background and environment (previous journey, experiences, problems) of the persons concerned.

The interviews were conducted anonymously, using only the first names of the persons interviewed. We asked standard questions, typically concerning the reasons and the conditions of leaving the country of origin, concerning the previous journey, experiences along the way and the problems encountered. The questions were short, readily understandable and concise, since not everybody could speak English well enough to be able to have a sophisticated conversation. The relief organisation had interpreters for Arabic, Farsi and Pashto, but they were not always present at the interviews. In the following we will highlight short parts of two interviews, where there was a native interpreter present and an exact picture could be formed. We did not check, evaluate or question the answers.

We have to note that these interviews serve only as illustration for our subject, since the basic issue, the situation between the border lines was clear also without these individual stories. The first interview was made with a Syrian migrant, who was by his own account 43 years old. His home was bombarded, and his life and the lives of his wife and of his five children were de facto threatened, they became homeless. He had been a merchant before. They left with his saved money, they no longer had any belongings. They had spent a longer time in the refugee camp in Idomeni, Greece (4 weeks), where they were cared for by volunteers and the workers of relief organisations, they received clothes and food and everything that was necessary. They did not report any atrocities experienced during their journey. They had reached the Serbian-Hungarian border (Tompa) two days before our

²⁵ IFRC M&E Guide, available from <http://www.ifrc.org/global/publications/monitoring/ifrc-me-guide-8-2011.pdf> [Accessed: 2 November 2017]

interview. They counted on being allowed by the authorities to enter Hungary because of the children (Note: 1-2 days later they disappeared from the waiting area, presumably they really did get into the Hungarian refugee system). They had no serious need or lack, since they had recuperated themselves relatively well in the Idomeni camp and they were provided with everything. They received food from Hungarian authorities every day (Note: the Hungarian authorities sent out food every day even to the territory of Serbia), and occasionally from the Red Cross in Serbia. They did not receive any health care, occasionally the Serbian MSF visited them. Their major problem was the lack of hygiene facilities, and when it rained, everything they had was soaked, the health of the children and of his wife was in danger, because the small tents were soaked by heavier rains.

The second interview was made with a single Afghan man outside the transit zone in Röszke. By his own account he was 21 years old, he also came from the refugee camp in Idomeni, where according to him their needs were met by the camp workers. He expressed his concern that the Hungarian authorities would allow families with children to enter the transit zone first, while probably he would have to wait longer, since he was a single traveller. But according to him the territory was awful and they did not get any help from anybody.

These short highlighted parts and some 30 further cases and interviews confirmed our experience that the most important basic conditions were not provided on the ground.

RECOMMENDATIONS IN VIEW OF THE AGREEMENT

Based on this research report the following recommendations can be formulated for other private, NGO and state actors:

- **Endurance and commitment**
It is important to stick to the originally set goals and follow the road and the progress plan of the project previously formulated. There will always be opposing forces and uncertain periods, but we have to follow the original plans.
- **Building**
We should aim to create new or additional things, which are – even if not completely without precedent (which is very seldom) – not part of the system, to which we intend to add them.
- **Cooperation**
We should think about the processes always in terms of partnership with the other, collegiality and support, we should never be guided by the desire to dominate or surpass the other.
- **Presence**

If we want to know the processes around us well, we have to become part of them. Only in this way can we get to know the depth of the issue.

➤ **Proactivity, initiative**

We should initiate things and lobby for them. The processes do not always stop because they come up against an unavoidable obstacle. Sometimes a little pushing, a new burst of energy, occasionally strong lobbying can be the key.

CONCLUSION

We have presented how a Hungarian NGO managed to conclude a cooperation agreement with the Serbian Ministry of Labour, Employment, Veteran and Social Affairs, by using the instruments of humanitarian diplomacy (HD), applying these instruments during the whole process, based on the relevant recommendations and instructions of the IFRC. With constant work and supportive and committed actors this could be achieved in the end. It is very important to highlight that this would never have taken place without the committed State Secretary of the Serbian ministry involved. This could serve as encouragement, example and good practice in similar cases for others too, in the first place for NGOs that intend to provide humanitarian services on the territory of another country, but initially do not have the legal possibilities for that. Furthermore this can serve as an example for all actors who try to establish officially regulated relations with another legal subject, while they come up against administrative obstacles. This is an example of how obstacles can be overcome by common will.