

Neutrality and Impartiality

*The importance of these principles for the International Red Cross and Red Crescent Movement and the difficulties involved in applying them**

by Marion Harroff-Tavel

Of all the seven Fundamental Principles of the Red Cross and Red Crescent, neutrality and impartiality are perhaps the least well understood. They are often confused with each other and give rise to controversy. How can a National Society that is an auxiliary of the public authorities possibly be called neutral? Isn't neutrality sometimes synonymous with passivity or indifference? Can the ICRC regard itself as neutral when it points publicly to violations of international humanitarian law? Does impartiality mean sharing relief equally between the victims on both sides of a conflict? Is it possible to give humanitarian assistance to only one of the parties without violating the principles of neutrality and impartiality? These are questions that have occurred to every man and woman working in the International Red Cross and Red Crescent Movement.

The aim of this article is not to answer these questions, but to show their implications and set the reader thinking. Humanitarian assistance nowadays is often mixed up with politics, and the principles are not easy to apply. Knowledge not only of the general standards of behaviour set by the Movement but also of the pitfalls awaiting those who endeavour to apply those standards may make it easier to find the best way of relieving human suffering.

* This article reflects the author's personal views and does not engage the responsibility of the ICRC.

Neutrality is not the same as impartiality; but the two are closely linked

Neutrality is defined as follows:

*“In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.”*¹

This principle imposes two obligations:

- The first is to refrain from any participation in hostilities, that is, to do nothing that could help or hinder either party, not only on the battlefield but also in any Red Cross or Red Crescent activities related to the conflict. For example, a National Society should not in any circumstances lend its ambulances to transport able-bodied soldiers, or allow the supplies it distributes to the civilian population to be used to feed combatants.
- The second is to keep out of political, racial, religious or ideological controversy in all circumstances. This interpretation of the principle of neutrality requires the components of the Movement to restrict their statements to what is recognized as their area of competence, and within that area always to bear in mind the interests of the people they are to help. If a Red Cross or Red Crescent leader publicly supports a candidate for political office in the run-up to elections, or becomes an instrument of government propaganda in matters alien to the Movement, or subscribes to a resolution naming one of the parties to a conflict as the aggressor, many people will consider that he has dealt a fatal blow to the credibility of his or her National Society.

In other words, neutrality means standing apart from *contending parties or ideologies*, so that everyone will trust you. It is a *means* to an end, not an end in itself.

Impartiality is the corollary of the principle of humanity, and is defined as follows:

[The Movement] «makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the

¹ The seven Fundamental Principles of the Movement (humanity, impartiality, neutrality, independence, voluntary service, unity and universality) are set out in the Preamble to the Statutes of the International Red Cross and Red Crescent Movement adopted by the Twenty-fifth International Conference of the Red Cross in Geneva in October 1986 (hereinafter referred to as the Statutes of the Movement).

suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress».

The ethical basis of impartiality is the belief that whilst circumstances are not the same for everybody, all human beings have equal rights. To distinguish between them on grounds such as race, nationality or political allegiance would be to act on bias and personal likes and dislikes, which are unacceptable prejudices. These are not the only criteria; any distinction based, for example, on sex or language is similarly forbidden. But neither would it be fair to treat everyone in the same way irrespective of their varying degrees of suffering or the urgency of their needs.

For example, it would be contrary to the principle of impartiality to run relief programmes for women solely because of their sex; but where it is evident that they are especially vulnerable (expectant or nursing mothers, widows with dependent children, and so on) or are underprivileged (denied access to education or technology, etc.), the principle of impartiality requires that they be given special attention.

In other words, the principle of impartiality lays down two clear rules of conduct: (a) there must be no discrimination in distributing the aid given by the Movement (either in peacetime or in time of conflict or disturbances); and (b) relief must be proportionate to need—the greater the need, the greater the relief.

Thus neutrality and impartiality both require that there must be no prejudice, but the two principles are not directed at the same people. Neutrality means keeping one's distance from the adversaries during an armed conflict, and from political ideologies at all times, so that humanitarian assistance can be given impartially, differentiating between recipients only according to the degree or urgency of their distress.²

Independence—how to be able to act with neutrality and impartiality

Neutrality and impartiality are possible only in an independent institution whose conduct is not dictated by partisan considerations or subject to partisan influence. To enjoy such freedom of thought and

² For further consideration of these Principles, see Jean Pictet's basic works: *Red Cross Principles*, International Committee of the Red Cross, Geneva, 1956, pp. 32-76, and *The Fundamental Principles of the Red Cross. Commentary*, Henry Dunant Institute, Geneva, 1979, pp. 37-60.

freedom to act, a National Society must first and foremost be open to all, as the principle of unity requires, recruiting its members on a representative geographical basis and from all classes of society. It must not merely say it is willing to do this; it must actively try to enrol members from all the racial, ethnic, religious and other communities in the country. Secondly, it must be run by bodies in which there is a majority of democratically elected members; and finally its funds should come from a variety of sources.

These three factors are important so that the National Society can act as an auxiliary to the public authorities whilst retaining the autonomy it needs to operate in accordance with the Fundamental Principles of the Movement, neutrality and impartiality in particular.

Whenever a conflict breaks out the National Society must be capable of assisting the military and civilian medical services. The volunteers it has recruited and trained as auxiliaries to the army medical services will be subject to military laws and regulations, in accordance with Article 26 of the First Geneva Convention of 1949. Does this call the National Society's neutrality into question? Normally it does not, for the volunteers are only auxiliaries to the public authorities in the *medical* field; their role is to see that the wounded are cared for without discrimination of any kind.

In practice, however, a National Society may lack neutrality and impartiality because of the pressure put on it; and a Society will not necessarily act neutrally merely because it is independent. In many of the conflicts of our times the whole nation takes sides. Chaos reigns and passions run high; the National Society may be caught up in the struggle, unable to stand apart. All credit must go to Societies that nevertheless always manage to apply the Fundamental Principles in such circumstances.

The difficulty of being neutral

The ICRC is often asked how the Movement can remain neutral towards grave violations of international humanitarian law or human rights. This question wrongly assumes that to be neutral means being silent, indifferent, passive, and even cowardly. It overlooks the fact that the Movement must never be neutral towards human suffering, but always towards men who are fighting each other and towards the differences that divide them.

Neutrality does not always mean keeping quiet; it means keeping quiet when to say anything would inflame passions and provide material for propaganda without doing any good to the victims the Movement is trying to help. It requires common sense. There is unfortunately no standard way of distinguishing between what can be said and what should not be said. Every case and situation is different from those of the past.

On principle, the ICRC acts with *discretion*, and this is often wrongly attributed to its neutrality. In fact there is a quite different reason: the ICRC's discretion makes its delegates acceptable in States that would never let it in if they feared that it would disclose information of use to their opponents. For example, the ICRC considers that its reports on its visits to places of detention, and the recommendations contained in those reports, are for the confidential information of the authorities to whom they are submitted. It takes this view because if these reports were published, they would inevitably give rise to controversy that would make its humanitarian work difficult and harm the persons it seeks to protect. In the case of violations of international humanitarian law, not only could such allegations be denied by the States accused, but also it would be very difficult to restrict the discussion to international humanitarian law and to avoid its being exploited for political purposes that go to the very heart of the conflict. Only if its reports are published without permission, out of context or in an incomplete or abridged form does the ICRC reserve the right to publish all the reports relating to that country, to give them to people who ask for them or allow those people to see them. The ICRC then has to take care that publication of the reports gives an impartial and objective picture of the conditions in which prisoners are held, so that it does not favour either party.

The ICRC can show great discretion; but it also feels entitled to make public statements concerning violations of the international humanitarian law applicable in armed conflicts, if the following four conditions are fulfilled:

1. *"The violations (torture, bombing or shelling of civilians, attacks on refugee camps, attacks on hospitals or Red Cross/Red Crescent personnel, etc.) are major and repeated"* ;
2. *"the steps taken confidentially have not succeeded in putting an end to the violations"* ;
3. *such publicity is in the interest of the persons or populations affected or threatened,*

4. *the ICRC delegates have witnessed the violations with their own eyes, or the existence and extent of those breaches were established by reliable and verifiable sources*".³

Undeniably, public statements of this kind by the ICRC give rise to controversy, but in making them the ICRC is stating facts. It acquaints the States party to the Geneva Conventions of the deadlock it has reached, in order to encourage them to ensure respect for the law, as required by Article 1 common to the four Geneva Conventions of 1949. In that article the High Contracting Parties undertake to respect *and to ensure respect for* the Conventions.

The ICRC, which exercises such pressure only rarely, has to remember two real dangers.

The first is the temptation to make a statement that strikes an artificial balance between the breaches committed by each of the parties to a conflict. Neutrality does not mean denouncing both parties in the same terms, saying that each of them has committed as many breaches as the other, if that is not true.

The second pitfall, of which the ICRC is well aware, is the danger of showing political opportunism in response to public opinion. The ICRC reserves the right to depart from its usual discretion when it believes this is warranted by the circumstances. It realizes that its responsibilities are all the greater when it is the sole witness of especially grave events of which public opinion and governments are unaware. It also weighs up the chances of success of any pressure that the international community can bring to bear on the government of the country to which these breaches are ascribed, and considers the effects that making a public statement may have on the plight of victims. To avoid any risk of prejudice, the ICRC should shun public statements altogether. As long as it does not take up that extreme position, it has to walk a tightrope. In view of the inherent complexity of these situations, the criteria applied by the ICRC leave some leeway so that each individual case has to be examined on its merits. This makes the ICRC's moral responsibility all the greater.

Neutrality, then, does not prevent the ICRC from expressing its concern with regard to violations of the international humanitarian law applicable in armed conflicts. In internal disturbances and tensions the ICRC has to be much more careful. Any action taken in this context is

³ These four conditions were published in "Action by the International Committee of the Red Cross in the event of breaches of international humanitarian law", *International Review of the Red Cross*, No. 221, March-April 1981, p. 81.

solely by virtue of its own Statutes and the Statutes of the Movement;⁴ States are under no obligation to accept the ICRC's presence and the only freedom of action it enjoys is to cease its operations if its recommendations never have any effect, and thus to leave unprotected the persons it was striving to help.

In some countries in which disturbances are rife, the ICRC's decision not to make any public statement about the cost in human suffering of certain methods of combat or kinds of repression is sometimes wrongly construed as complicity. The ICRC is accused of casting a cloak of respectability, merely by being in the country, on movements or authorities striving for recognition. Surely, the ICRC is so often told, its moral values of humanity and non-discrimination, its conviction that in suffering all are equal, should make it speak out and denounce the pernicious effects of doctrines and ideas that lead to misery and death.

There is no easy way out of this ethical dilemma, no definitive answer. But the ICRC certainly does not think that its principles and working methods are more important than the suffering human being it is duty bound to relieve. The whole point of the rules it follows is that they enable it to take action. If the ICRC makes no public statement on the consequences, in humanitarian terms, of certain political or ideological projects, this is not so much because it does not want to take part in controversy as that it is anxious not to be denied all access to people who have great hopes of its help. Other bodies—humanitarian organizations, churches, journalists, and any other individual or organization concerned—may be able to bear witness to the repression to which those people are subjected; but the ICRC's day-to-day mission is to preserve individual human beings from bodily harm and personal indignity. It has the delicate task of keeping negotiations going with authorities or movements guided by political or ideological considerations that are often far from humanitarian. Its strength resides in its self-imposed limitations. It refuses to enter into ideological controversy, to express condemnation or approval, to say on which side justice lies. It takes sides only with the victims, and works actively and pragmatically to alleviate their plight.

The ICRC often asks itself how long it can keep up its discussions with people who turn a deaf ear to its appeals; the nature of the responsibility conferred upon it by history; and at what point its concern

⁴ Article 4, paragraph 1(d) and paragraph 2 of the Statutes of the International Committee of the Red Cross of 21 June 1973, revised version of 20 January 1988, and Article 5, paragraph 2(d) and paragraph 3 of the Statutes of the Movement.

to protect a limited number of individuals conflicts with its duty to alert the international community.

Hindsight and a better understanding of the situation may or may not show that the ICRC's attitude and policy were correct. Usually, however, these questions will never be definitely answered, and the ICRC has to bear sole responsibility towards victims and critics for decisions it has taken in the heat of the moment.

The difficulty of being impartial

Impartiality as defined above is an ideal not easily reached, as the following three obstacles show.

The first is refusal by one of the parties to allow assistance to be given to victims under the control of the other party. In internal conflicts the ICRC has often come up against intransigent governments who said it was out of the question to bring aid to their opponents. There may be many reasons for this attitude, but it is often the result of extremism, which fails to recognize a defeated enemy as a human being, and of the fear that humanitarian aid will strengthen the enemy. The use of famine as a weapon of war is an example of this opposition to any assistance to the other side.

Even where the principle of aid to the other party has been endorsed, the ICRC finds great difficulty in making either side realize that the relief it brings is in proportion to need, and is therefore not even-handed when there is more distress on one side than on the other.

The second difficulty, politicization of humanitarian aid, is connected with the first one. In most of the civil wars now raging, humanitarian assistance is one of the "weapons" used by either side to obtain political or military advantage. Either party can turn humanitarian assistance to its own advantage in many different ways. It can, for instance, attract civilians to its side by the promise of food aid, so depriving the other side of their support; or it can displace considerable population groups because of the sympathies they have shown. In total war, when communities are pawns on the political chessboard, it is not easy to gain acceptance for the notions of non-discrimination and making relief proportionate to needs.

A third obstacle to the principle of impartiality is that funds have to be used as their donors wish. It was because of this that the ICRC's report on its activities in the Second World War mentioned the great disparity in the volume of relief supplies that it was able to get through to some groups of victims as compared with others. "*But*", it

commented, “where no other possible intermediary between donors and recipients exists, the Red Cross cannot make itself responsible for refusing an offer of assistance on the sole grounds that the same help is needed just as much, if not more, in some other place... The impartiality of the Red Cross suffers no prejudice so long as the latter’s services, when required de jure or de facto, are made available to all donors and to all categories of beneficiaries”.⁵

The ICRC, however, can and must make a firm plea to donors for latitude to distribute relief supplies with due regard to the needs of the various categories of victims of the conflict.

Respecting the principles of neutrality and impartiality in offers of services

The International Red Cross and Red Crescent Movement must show equal solicitude for all human beings in difficulty. In any conflict situation there are probably humanitarian needs on either side of the “front line”, and the Movement wants to assist everyone. Unfortunately its offers of services are not always accepted by both sides, and then what about neutrality? Let us consider the ICRC’s attitude in such circumstances and then, separately, that of the National Societies.

The International Committee of the Red Cross offers its services in equal terms to all parties in an *international* conflict. This policy goes back to the nineteenth century. In 1864, when Denmark was fighting Prussia and Austria, General Dufour impressed upon his colleagues in the Committee the importance of sending one delegate to Germany and the other to Denmark.⁶

In an international armed conflict, the ICRC’s offer of its services to carry out the tasks assigned to it by international humanitarian law may not be accepted by one of the parties, although such a refusal violates that law. In that event the ICRC will render its services unilaterally. It cannot be accused on these grounds of infringing the Fundamental Principles. The essential thing for the ICRC is to make clear that it is

⁵ *Report of the International Committee of the Red Cross on its activities during the Second World War* (September 1, 1939 — June 30, 1947). Vol I: General activities, Geneva, May 1948, p. 17 (hereinafter referred to as *Second World War Report*).

⁶ “Documents inédits sur la fondation de la Croix-Rouge (Procès-verbaux du Comité des Cinq)” Jean S. Pictet, ed., in *Revue internationale de la Croix-Rouge*, No. 360, December 1948, p. 876.

willing simultaneously and with equal readiness to offer its services, which cannot of course be given under compulsion.

In *non-international* armed conflicts the ICRC is entitled to offer its services to the parties to the conflict—to the government and the rebels alike—by virtue of Article 3 common to the four Geneva Conventions of 1949, which does not establish a hierarchy between the parties to the conflict, and contains a saving clause reading “*The application of the preceding provisions shall not affect the legal status of the Parties to the conflict*”.⁷

In practice the ICRC does its best to offer its services to both the government side and the rebel side, as openly as possible. Since these offers are of a purely humanitarian nature it cannot be accused of interfering in the internal affairs of the State.⁸

In so far as the Fundamental Principles are concerned, impartiality requires the ICRC to do all it can to help all victims of an internal conflict. Help to only one of the parties, even if given without discrimination, is still incomplete. The principle of impartiality decides what the objective of the ICRC must be, and the principle of neutrality how it must set about pursuing it—by trying to get the agreement of all parties. Thus to win and keep the trust of everybody the ICRC must act openly and frankly. That duty was defined as follows after the Second World War:

“Open dealing means activity carried out with the full acquiescence, or at least the tolerance of the authorities concerned, throughout the territories where the Committee and its representatives operate. It further implies that the Committee’s delegates and other representatives pursue no activity, other than that which is expressly allowed or tolerated”.⁹

But what about offers of services from a National Society?

Here we must distinguish between international and non-international armed conflicts:

⁷ The Commentary on Article 18 of Protocol II states that: “Article 18, paragraph 2, does not in any way reduce the ICRC’s right of initiative, as laid down in common Article 3, since the conditions of application of the latter remain unchanged. Consequently the ICRC continues to be entitled to offer its services to each party without such a step being considered as interference in the internal affairs of the State or as infringing its sovereignty, whether or not the offer is accepted”. *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949*, ICRC, Martinus Nijhoff Publishers, Geneva, 1987, p. 1480.

⁸ See also Article 3 of Protocol II.

⁹ *Second World War Report*, p. 26.

When two or more States are at war, the National Society of each belligerent country co-operates with its army medical corps. Its volunteers are therefore engaged on one side only, but the National Societies of allied countries can very well help each other. The essential thing is to bring aid to friends and enemies alike.

Article 27 of the First Geneva Convention of 1949 sets out two conditions on which the recognized Society of a neutral country can lend the assistance of its medical personnel and units to a party to the conflict: (a) the authorization of the party to the conflict concerned; and (b) the consent of the government of the neutral country, notified by that government to the adversary of the State to which such assistance is offered.

The party to the conflict which accepts such assistance from the National Society of a neutral country is bound to notify the adverse party thereof before making any use of it.

Rules governing neutral voluntary assistance were already laid down in the Geneva Convention of 6 July 1906.¹⁰

Article 27, para. 3 of the First Geneva Convention of 1949, reading: "*In no circumstances shall this assistance be considered as interference in the conflict*", gives a clear and legally valid answer to the question of whether, in an *international* armed conflict, assistance to one side only by the National Society of a neutral country infringes the principles of neutrality and impartiality.

Such assistance may be given to only one of the adversaries without being regarded as participation in the hostilities and therefore as infringing neutrality. The belligerents are placed on a strictly equal footing, as they are equally entitled to aid from the National Society of a neutral country. That Society remains impartial as long as it cares for the wounded and sick of all nationalities.

The said Article 27 deals, however, only with assistance in the form of *medical personnel* and/or *medical units*, and not with help in cash or foodstuffs.

In *internal* conflicts the National Society *of the country in which the conflict takes place* is, in principle, bound to operate throughout the national territory and to help all victims. Independence and a decentralized organization are vital to make this possible.

¹⁰ Article 11 of the Geneva Convention of 6 July 1906 for the amelioration of the condition of the wounded and sick in armies in the field.

However, in the internal conflicts now raging in many countries, the National Society very often has no access to some parts of the national territory, either because the government does not allow it to operate in areas or among populations not fully under government control, or because rightly or wrongly the opponents of the government regard the National Society as an agent of the government they are fighting. Many victims of the conflict are therefore deprived of the National Society's help, and even if it acts impartially in all the areas it can reach its help is still only partial.

In these circumstances, National Societies outside the conflict will want to bring help—some of them to the National Society of the country in which the internal conflict is taking place, others to the insurgents' medical services in areas under opposition control—often because they want to help all victims of the conflict anywhere in the country, whether they are sick or wounded combatants or hungry civilian war victims.

In many cases public opinion in a country outside the conflict is stirred by reports of such distress and urges its own National Society to do something to help.

What then must we think of intervention by the National Society of a *third* country in a country ravaged by internal conflict? If this intervention is unilateral, is it in accordance with the Fundamental Principles of the Movement?

In answering these questions one should bear in mind that in countries where an internal conflict is taking place, under the Statutes of the International Red Cross and Red Crescent Movement and the ICRC/League Agreement of 1989,¹¹ the ICRC «*shall assume the general direction of International Red Cross and Red Crescent actions*». Any relief operation by the National Societies in aid of the victims of the conflict, whether in the form of material aid (foodstuffs or clothing, pharmaceuticals, shelter or cash) or of personnel, is carried out under the auspices of or by agreement with the ICRC.

The ICRC was given these responsibilities because, under Article 5, paragraphs 2(d) and 3 of the Statutes of the Movement, it is a *specifically* neutral and independent institution. The ICRC's neutrality is of practical use, for without it the institution could not perform the mission entrusted to it by the international community. So as to be able to act with neutrality and independence, the ICRC recruits its members

¹¹ Article 5, para. 4(b) of the Statutes of the Movement — Article 18 of the *Agreement between the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies*, signed on 20 October 1989 (Quoted hereafter).

by co-optation. They are all nationals of Switzerland, whose perpetual neutrality is internationally recognized.

As early as 1921, Resolution No. XIV (on civil war) of the Tenth International Conference of the Red Cross declared that:

- (a) it is the National Society of the country in which civil war breaks out which, in the first place, is responsible for dealing with the relief needs of the victims, provided that it can do so with complete impartiality;
- (b) if the National Red Cross cannot cope unaided with all relief needs it may appeal for help from other Red Cross Societies;
- (c) the National Red Cross Society should address such requests to the ICRC, which is responsible for organizing the relief operation.

These affirmations were followed by the significant statement that:

“Should all forms of Government and National Red Cross be dissolved in a country engaged in civil war, the International Committee of the Red Cross shall have full power to endeavour organize relief in such country, in so far as circumstances may permit”.¹²

This clearly recognizes the specific neutrality and independence of the ICRC and the special part it can therefore play in an internal conflict.

Nevertheless, in countries where the ICRC is co-ordinating an international relief operation, National Societies of third countries sometimes run bilateral programmes with the Society of the country in conflict, in order to promote that Society's development. Thus the National Society of a third country may very well take part in training the first-aiders of a Society in whose country a conflict is under way, help it to set up a blood bank or ambulance services or assist in an operation to bring relief to populations outside the conflict area. Generally speaking, funds are easily raised to carry out projects of this kind in countries whose tragic plight is widely reported in the press.

However, in a country in which the ICRC is co-ordinating international relief action, programmes for the development of the National Society should not be launched in conflict areas without ICRC agreement, especially if they affect the volume of relief supplies distributed. This requirement is necessary because if foreign National Societies sent that Society foodstuffs or medicines as development aid

¹² *International Red Cross Handbook*, 12th ed.; Geneva, 1983, p.641.

the ICRC would have to ensure that impartiality towards all victims of the conflict was fully respected.

It is impossible to foresee and theorize on every situation that may arise, especially as it is hard to say what type of programme can promote a National Society's development. But only concerted action by the components of the Movement will ensure a *global* approach to aid, show that the Movement is united in serving distressed humanity, and ensure its efficiency and impartiality.

One can also envisage a National Society taking responsibility for a particular project forming part of the ICRC's operations, for example administering a blood bank or orthopaedic workshop for which the ICRC would still be globally and finally responsible. Consideration is now being given to delegating projects in this way, which would be an extension of the ICRC's present practice of recruiting specialized personnel from National Societies, and would enable those Societies to retain their identity whilst taking part in an ICRC operation.

Some National Societies want to relieve the suffering of persons in areas under opposition control. Their aid can be passed on through the ICRC, if the latter can be sure that it will be used in accordance with the Fundamental Principles.

In other words, a National Society can send assistance to only one of the parties through the ICRC without infringing the Fundamental Principles, provided such assistance goes to all persons in distress, without discrimination and to the extent their needs require. The International Committee of the Red Cross undertakes to see that the Movement's operations are marked by *global* impartiality.

The question then arises whether, taking into account the principle of impartiality, it is justifiable and desirable for a National Society to give aid in an internal conflict before the ICRC's offers of services have been accepted.

Although bilateral assistance from one National Society to another, given in accordance with the Principles of the Movement, can be invaluable in helping the National Society of a country in which there is a conflict to cope with the situation, it may not reach all the victims.

Where the ICRC's offers of services are not accepted, the reason nearly always is that the parties to the conflict do not accept its operational rules, especially its requirements regarding the distribution of relief supplies. It can happen, therefore, that a party that has declined the ICRC's offer may try to obtain aid from another relief organization, or even from a Red Cross or Red Crescent Society, which it anticipates will be less strict in observing the principle of impartiality. The dangers

of such competition to humanitarian work are obvious. Undercutting of this kind would only hinder the ICRC's efforts and in the long run would weaken the Movement. Above all, it would make matters worse for the victims most exposed to arbitrary acts by the authorities concerned.

Some would argue that where all the victims cannot be given help, rather than do nothing at all it is better to save some of them, even only those favoured by the authorities for political reasons. Here again, nobody can claim to provide a final answer.

Unfortunately, humanitarian organizations often work in a context of total war, in which disinterested action is ascribed to political manoeuvring. This is the view usually taken of relief operations in areas no longer controlled by the government. Whatever the legal position, and no matter why such action is taken, it may all too easily be regarded as interference in the conflict and cast doubt on the neutrality of those taking it.

The legal effects of the principles

All components of the International Red Cross and Red Crescent Movement are strictly bound to observe neutrality and impartiality. The Preamble to the Movement's Statutes "*reaffirms that, in pursuing its mission, the Movement shall be guided by its Fundamental Principles*". The obligation also arises because neutrality and impartiality have acquired a customary character, for the International Red Cross has always been convinced that it must be completely impartial in giving its aid and must not be swayed by partisan beliefs.

As for the States, by supporting the adoption of the Fundamental Principles at International Conferences of the Red Cross they undertook to respect the wishes of the National Societies, and of the ICRC and the League, to act in accordance therewith. The fact that the Fundamental Principles are mentioned in the Geneva Conventions and Protocol I is further evidence of their international recognition as standards of behaviour that the components of the Movement are strictly bound to respect.¹³

¹³ Article 44 of the First Geneva Convention of 1864, Article 63 of the Fourth Geneva Convention of 1949, and Article 81 of Protocol I.

Concluding remarks

The following points are particularly important to understanding and applying the principles of neutrality and impartiality:

- (a) Neutrality does not mean lack of courage. On the contrary, it needs iron discipline to refrain from expressing an opinion on matters that are causing international uproar, and one has to be quite sure that otherwise defenceless people can be helped in this way. In the words of Leopold Boissier, a former President of the ICRC, “Protest, denunciation, condemnation and ostracism may at times relieve conscience, but it can also kindle the hatred which is the curse of mankind”.¹⁴

ICRC action is essentially *pragmatic*; its aim is to take immediate steps to safeguard the physical and mental wellbeing of individuals to whom it endeavours to obtain access so that it can protect them.

- (b) The Movement believes that impartiality is a principle that can be understood only *in providing* humanitarian aid to the most disadvantaged. Acting without prejudice towards one or another of the conflicting parties, and so refraining from any interference in hostilities, is not an expression of the principle of impartiality, but of the principle of neutrality.

- (c) It is often said that the International Red Cross must act without prejudice, without showing either sympathy or antipathy, and without passion of any kind; but why one person or National Society helps another is always a matter of opinion. However disinterested the help given to relieve suffering, it may be *misconstrued* as politically inspired. That is why the principle of impartiality comprises two objective rules of conduct: non-discrimination, and giving relief in proportion to need.

It is only natural and human that the sympathies of volunteers in a National Society should lie with one of the parties to a conflict, and that they should have political opinions and beliefs of their own. But they are asked to forget these sympathies and opinions when they are doing their *work*, if only for the sake of the human relations they maintain with the people they are helping. Similarly, National Societies in a given region, and having cultural affinities, can help each other provided they respect the two rules just men-

¹⁴ Boissier, Léopold, “The silence of the International Committee of the Red Cross”, in *International Review of the Red Cross*, No. 85, April 1968, p. 180.

tioned—non-discrimination and giving relief in proportion to need.

To sum up, the two principles considered here have been ennobled by international recognition, as International Red Cross history, now more than a century old, amply shows. They make for cohesion and unity in the Movement, and give its actions a predictability that should inspire international confidence. They exist to advance the lofty ideal of relieving human suffering, and respecting them requires a high degree of moral responsibility from all who serve under the red cross or red crescent emblem.

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