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# The theory and practice of neutrality: Some thoughts on the tensions

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**A**T the end of the first decade of the post-Cold War era, the most oft-recurring theme of debate among humanitarian organizations concerns the interplay between politics and humanitarian action. During the Cold War, the politicization of humanitarian action by the superpowers, which worked its way through the humanitarian activities of associated multilateral and non-governmental organizations as well, was accepted largely without public discussion.<sup>1</sup> The waning of East-West tensions has occasioned overdue scrutiny regarding the interface between the political and the humanitarian spheres.

In fact, the deathly silence of the Cold War on these issues has been replaced by the deafening hubbub of the Nineties. The politics of humanitarian action has become a favourite theme of intergovernmental

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<sup>1</sup> For an account of efforts by U.S. NGOs to examine the political dimensions of humanitarian action, see Larry Minear, *Helping people in an*

*age of conflict: Toward a new professionalism in voluntary humanitarian assistance*, InterAction, New York, 1988.

debate and international conferences, books and journal articles, news items and opinion pieces, graduate theses and undergraduate essays.<sup>2</sup> Armchair critics now regularly ventilate the view that humanitarian activities are expressions of the political will (or spinelessness) of governments, and that aid widens disparities among groups within conflicted societies, contributes to criminality, exacerbates tensions, and prolongs conflicts. Their observations are often of little help to aid workers who must function in the highly politicized settings of today's armed conflicts.

In the current confused and confusing debate about whether the delivery of urgent life-saving assistance and the protection of fundamental human rights can and should be kept separate from the political sphere, the International Committee of the Red Cross (ICRC) is playing an indispensable and unique role. It is contributing to the debate about the politics of humanitarian action both by virtue of the clarity of its doctrine, which is reinforced by its recognized place in international humanitarian law, and by its humanitarian activities in today's myriad conflicts. As the debate sharpens, the ICRC is itself a greater subject of interest and scrutiny.<sup>3</sup> In particular, the tensions between theory and practice experienced by the ICRC, especially with respect to neutrality, warrant reflection.

As regards doctrine, the ICRC works tirelessly to clarify the relationships for itself and for others between humanitarian action and politics. It does so in periodic articles and discussions in the *International Review of the Red Cross*<sup>4</sup> and in other publications.<sup>5</sup> The opening up of the *Review* in recent years to articles by outsiders and its use to stimulate debate

<sup>2</sup> For a recent review of some of the issues and perspectives in the debate, see "The Emperor's new clothes: Charting the erosion of humanitarian principles", *Disasters*, Special issue, Vol. 22, No. 4, December 1998.

<sup>3</sup> In recent years, several major studies of the ICRC have appeared. These include John F. Hutchinson, *Champions of charity: War and the rise of the Red Cross*, Westview, Boulder, 1996; Michael Ignatieff, *The warrior's honor: Ethnic war and the modern conscience*, Metropolitan Books, New York, 1997; Nicholas O. Berry, *War and the Red Cross: The unspoken mission*, St. Martin's Press, New York, 1997; and Caroline Moorhead, *Dunant's dream - War, Switzerland and the history of the Red Cross*, Harper Collins, London, 1998. There had been an interlude of several decades since

David P. Forsythe's *Humanitarian politics: The International Committee of the Red Cross*, Johns Hopkins, Baltimore, 1977.

<sup>4</sup> See e.g. François Bugnion, "Red Cross law", *IRRC*, No. 308, September-October 1995, pp. 491-519; Denise Plattner, "ICRC neutrality and neutrality in humanitarian assistance", *IRRC*, No. 311, March-April 1996, pp. 161-179; and David P. Forsythe, "The International Committee of the Red Cross and humanitarian assistance: A policy analysis", *IRRC*, No. 314, September-October 1996, pp. 512-531.

<sup>5</sup> See e.g. Jonathan Moore (ed.), *Hard choices: Moral dilemmas in humanitarian intervention*, Rowman & Littlefield, Lanham, Boulder, New York, Oxford, 1998.

well beyond the Red Cross and Red Crescent Movement represent a major contribution.<sup>6</sup> ICRC staff also devote substantial time and energy to briefing members of the UN Security Council and to workshops disseminating humanitarian law among diplomats and military officials. The ICRC participates in many international conferences and has sponsored numerous meetings, including the Wolfsberg Humanitarian Forums, in which the issue of humanitarian action and politics has loomed large.<sup>7</sup>

In explaining its approach, which emphasizes the need to protect the independence of humanitarian action from political intrusion, the ICRC distinguishes itself from other humanitarian organizations that embrace a different paradigm. United Nations aid organizations have endorsed key ICRC tenets, affirming, for example, that “humanitarian assistance must be provided in accordance with the principles of humanity, neutrality, and impartiality”.<sup>8</sup> Yet the UN system and NGOs that collaborate with UN agencies situate humanitarian activities for the most part within a broader political framework. Unlike the ICRC, many of them embrace explicitly political tasks such as addressing the underlying causes of suffering, including ethnic tensions, racism, conflicts over resources, warlordism and criminality, and, above all, war and injustice. The alternate paradigm has comparative advantages as well as disadvantages vis-à-vis the ICRC’s approach.

For its part, ICRC doctrine has remarkable consistency, virtually irrespective of where it is articulated and by whom. I have witnessed that consistency in interviews with ICRC officials at the UN in New York and Geneva and in conversations in Belgrade and Zagreb, Baku and Gali, Phnom Penh and San Salvador.<sup>9</sup> ICRC staff participating in coordination meetings of the UN’s Inter-Agency Standing Committee and the NGO Steering Committee on Humanitarian Response are not only clear in explaining the

<sup>6</sup> The decision reached in 1998 by the ICRC, the International Federation of Red Cross and Red Crescent Societies, and the Swiss Red Cross to rejuvenate the Henry Dunant Institute and to make it a resource for the wider humanitarian community is also a promising development.

<sup>7</sup> The now annual Wolfsberg Humanitarian Forums, hosted by the ICRC, have drawn together governments, UN officials, and NGOs for reviews of such concerns.

<sup>8</sup> UNGA res. 46/182, 19 December 1991. Some of the tensions between humanitarian principles and other aspects of UN operations are examined in the UN Inter-Agency Standing Committee, “Respect for humanitarian mandates in conflict situations”, United Nations, New York, 1996.

<sup>9</sup> The views of ICRC officials and of other actors in post-Cold War conflicts are reflected in the publications of the Humanitarianism and War Project, which are listed at and available from the website [www.brown.edu/Departments/Watson\\_Institute/H\\_W](http://www.brown.edu/Departments/Watson_Institute/H_W).

ICRC's own position about cooperating with other institutions; they also perform a major service by helping other institutions to clarify their own stances. In this ongoing dialogue on the essentials of humanitarian action, the ICRC is acquitting itself admirably of its task as custodian of international humanitarian law.

In one specific area, however, the ICRC has failed to convey its distinctive approach with clarity: the principle of neutrality. That principle – that the Red Cross “may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature”<sup>10</sup> – is surely the least self-evident and most problematic of the Movement's seven cardinal tenets. At the same time, it is altogether central to understanding whether in highly politicized surroundings the ICRC can in fact remain non-political.

The corpus of ICRC doctrine on the issue of neutrality is well established. “Red Cross institutions must beware of politics as they would of poison, for it threatens their very lives”, wrote one of the organization's major thinkers, Jean Pictet, 20 years ago. “Indeed, like a swimmer, [the ICRC] is in politics up to its neck. Also like the swimmer, who advances in the water but who drowns if he swallows it, the ICRC must reckon with politics without becoming a part of it.” The ICRC seeks to retain and protect its moral force by refusing to be drawn into highly charged political issues. “One cannot be at one and the same time the champion of justice and of charity. One must choose, and the ICRC has long since chosen to be a defender of charity”.<sup>11</sup>

The ICRC's effort to insulate itself hermetically from the political terrain on which it operates has created a widespread impression of political naiveté. “I have my doubts, looking at the array of conflicts in which humanitarian relief is called for today”, observed Emma Bonino, European Commissioner for Humanitarian Affairs, in a September 1998 panel discussion, “that being neutral is still at all possible, or indeed ethically just”. Can

<sup>10</sup> The Fundamental Principles of the International Red Cross and Red Crescent Movement, Principle of neutrality, see e.g. *Handbook of the International Red Cross and Red Crescent Movement*, 13th ed., Geneva, 1994.

<sup>11</sup> Jean Pictet, *The Fundamental Principles of the Red Cross*, Henry Dunant Institute, Geneva, 1979, pp. 56, 59, 60. For a discussion of the similarities and differences between the paradigms of the ICRC and other humanitarian organizations, see Larry Minear, “Terms of engagement with human need”, *The Ecumenical Review*, Vol. 24, No. 1, January 1990, pp. 4-16.

and should humanitarian agencies be neutral?, she asks. As such agencies themselves would have it, “[s]hould they be unable to distinguish right from wrong, the aggressor from the victim, the killers from the dead bodies? What absurd wisdom could call for this organized ethical confusion?” Such a forceful critique from such a knowledgeable actor reflects the sentiments of others as well.<sup>12</sup>

True to form, representatives of the ICRC were present on the same panel to express their own point of view. “Neutrality does not necessarily mean keeping quiet”, countered Francis Amar. Conversely, “[n]eutrality most certainly does not mean denouncing all parties in the same terms, implying that each has committed as many violations as the other”.<sup>13</sup> Yet the ICRC’s recurrent claim to functioning apolitically is treated these days with increasing disbelief, even outright dismissal. “Doesn’t Pictet’s swimmer swallow an occasional mouthful of water?” people ask. Swimmers from other humanitarian organizations, as well as Olympic – or Olympian – judges, have their doubts. In the view of two of my own colleagues, “humanitarianism as conceived by the ICRC and other classical apolitical actors is a fiction that impedes the kind of effective response that their mandates dictate and their oratory espouses”.<sup>14</sup>

From the swimmer’s battle with stormy waters also flows a perceived ICRC quiescence in confronting governments with violations of international law. “Neutrality (...) is indeed a form of discipline we impose upon ourselves”, continues Jean Pictet, “a brake applied to the impulsive urges of our feelings. A man who follows this arduous path will discover that it is rare in a controversy to find that one party is completely right and the other completely wrong. He will sense the futility of the reasons commonly invoked to launch one nation into war against another”.<sup>15</sup> Better, the reasoning goes, that humanitarian organizations that are dependent for access to civilian populations upon the consent of governments steadfastly maintain their distance from any and all political controversies. After all, the purpose of the Red Cross, explains another venerable thinker, Jacques Moreillon,

<sup>12</sup> The occasion was a panel discussion on “Is neutrality still possible?”, Conference on Humanitarian Aid Challenges in the New Millennium sponsored by the Conrad N. Hilton Foundation (29 September 1998). The other panelists were ICRC official Francis Amar and the author.

<sup>13</sup> Francis Amar, “Neutrality: A Red Cross perspective”, pp. 3-4.

<sup>14</sup> S. Neil MacFarlane and Thomas G. Weiss, *Political interest and humanitarian action*, forthcoming.

<sup>15</sup> Pictet, *op.cit.* note 11, p. 53.

is “to help and not to condemn. It must be able to help victims everywhere, which implies moderation in its criticisms(...) Can one really claim to help and to condemn in the same country?”<sup>16</sup>

Obscured in the debate on the possibility of neutrality is the extent to which ICRC praxis is more dynamic and engaging than its theory. At the operational level, where food and medicine must be delivered and civilian populations protected, the interaction between the humanitarian and the political spheres is much more multifarious and interpenetrative than ICRC doctrine would appear to acknowledge. The view from the field is both more fascinating and more instructive than the constructs offered in the pages of the *International Review of the Red Cross* and around the tables at Wolfsberg. The real meaning of neutrality is tested where international humanitarian law and principle encounter the real-world dilemmas in the field.

In fairness, ICRC thinkers themselves are not as doctrinaire as their strongly articulated doctrines might suggest. Jean Pictet affirms that principles are not an end in themselves but rather a means to the end of assisting suffering people, an assertion reiterated by the ICRC interlocutor on Emma Bonino’s panel. “The ICRC most assuredly does not believe its principles and working methods to be more important than the human suffering which it has the duty to relieve”, responded Francis Amar to her critique. “The purpose of neutrality is action.”<sup>17</sup> Yet the standpoint of the theoreticians never really fully acknowledges the pragmatism that the ICRC employs day in, day out in its field operations. Nor would those who elaborate ICRC doctrine be fully comfortable with the view expressed by one ICRC head of delegation that “the ICRC never says ‘never’ ”.

As understood by ICRC delegates confronted by egregious violations of international humanitarian law in the world’s hotspots, neutrality means not political *naïveté* but rather political *savoir faire*. “Only if you’re politically savvy can you be politically neutral”, says one seasoned ICRC field manager. Hardly a burden, neutrality is instead viewed as truly liberating. Since no belligerent is beyond reproach, neutrality allows criticism of whatever side requires it. The swimmer does not reach his destination by

<sup>16</sup> Jacques Moreillon, “Different perceptions of the same event”, *IRRC*, No. 257, March-April 1987, p. 144. He was commenting on the suspension of the government delegation of the Republic of South Africa at the 25th International

Conference of the Red Cross, a decision which stimulated considerable debate about intersections between humanitarian and political action.

<sup>17</sup> Amar, *op. cit.* note 13, p. 4.

flailing against the waves but rather by understanding the political undertows and outwitting the destabilizing crosscurrents. In conflict zones the ICRC does not function in a political vacuum: it makes prudential calculations and takes political consequences into account. Its principled approach, rather than being the polar opposite of pragmatism, involves its own form of pragmatism. Not pragmatism but rather opportunism is the antithesis of the ICRC's principled approach to the hard choices confronting its own and all practitioners of the humanitarian imperative.

ICRC practitioners are also clearer than the theoreticians in Geneva about the relevance of principle itself to the agency's day-to-day operations. Many in UN and other aid agencies view principle itself as an albatross, tying their hands and impairing their ability to deal with unprincipled belligerents. ICRC delegates often see the situation in quite different terms. One recalled an encounter with a general in the Yugoslav conflict, to whom she had appealed in 1993 for access to a besieged civilian population on grounds of international law and humanitarian principle. "We know your principles", the general said sharply, "and we will make you change them". "We believe in our principles", she countered. "They've been good for 125 years."<sup>18</sup>

To be sure, neutrality requires avoiding political controversies that would undermine the ICRC's work. Yet the organization is anything but neutral as regards the victims, whom it aggressively defends, in private and, when it deems necessary, in public. "We don't give a damn about greater Serbia", says an ICRC veteran of the former Yugoslavia and Cambodia, "but we do get exercised about ethnic cleansing and rape as a tactic of war". "How you treat women in Afghanistan is *your* business", notes another ICRC practitioner in a hypothetical conversation with the Taliban. "How *we* treat them in *your* hospital is *ours*."

In the past ten years, the ICRC has become noticeably more outspoken in criticizing the policies of governments and insurgents that create civilian suffering. Its support of a convention banning the production of anti-personnel landmines and its clarification of its own policy on economic sanctions confirm that the organization is being more consequential about addressing the political dimensions of its humanitarian concerns. Its cham-

<sup>18</sup> This incident is cited in a section called "Dealing with belligerents who defy international humanitarian law", in Larry Minear, Jeffrey Clark, Roberta Cohen, Dennis Gallagher, Iain Guest, and

Thomas G. Weiss, *Humanitarian action in the former Yugoslavia: The U.N.'s role 1991-1993*, Watson Institute, Providence, RI, 1994, p. 78.

tioning of a new international criminal court represents the latest ICRC initiative to address a political issue as a result of its impact on the welfare of civilian populations. The agency's effort to clarify its policy on advocacy itself exemplifies the extent to which it is revising its traditional ways of operating in the interest of meeting the special challenges posed by post-Cold War conflicts. Other humanitarian organizations have been less reflectively inclined and slower to change.

The ICRC's frequent pronouncements eschewing political considerations have led to various interpretations. One observer has concluded that aid agencies such as the ICRC resolve the tension between their non-political public personas and the highly political issues they confront "by telling two moral stories, one in public, the other in private". The public story "preserves the neutrality of the organization and avoids attributing political responsibility for the disaster, war or conflict in which it is intervening. The private message is more political: it is directed to governments, donors, and sympathetic journalists and does point the finger of blame".<sup>19</sup> Another observer finds the out-front theory and behind-the-scenes activities of the ICRC so dissonant as to suggest that the organization has a secret and highly political mission involving "nothing less than the sabotage of war".<sup>20</sup> The real issue, in my judgement, is not whether it is possible for the ICRC to function as a neutral actor in highly politicized landscapes. It is such an actor and it does so function. The critical issue is rather whether its approach is more effective than the route taken by organizations that follow a different paradigm. My own sense is that the ICRC's methodology may indeed correlate more closely with effectiveness, although data to support this judgement remain inadequate and other variables need to be assessed.

As the international community takes stock of developments in the half-century since the adoption of the Geneva Conventions of 1949, the work of the ICRC deserves to be more intimately understood and more highly valued. Given the comparative advantages relative to other humanitarian actors that the ICRC has demonstrated in today's primarily internal armed conflicts, its activities themselves deserve expansion. As humanitarian action becomes more highly politicized, the ICRC's work also merits protection against politicization by the very governments that simultane-

<sup>19</sup> Michael Ignatieff, "The stories we tell: Television and humanitarian aid", in Moore, *op. cit.* note 5, p. 296.

<sup>20</sup> Berry, *op. cit.* note 3.

ously ask more of the organization and push it into political thickets. While neutrality is possible for the ICRC, it remains unattainable for humanitarian organizations that function with different operational principles and self-understandings.

The international community therefore needs a more effective ICRC, as well as more effective performance by other humanitarian agencies that situate their work as part and parcel of a more explicitly political task.

## Résumé

### **Théorie et pratique de la neutralité: réflexions sur les tensions**

par LARRY MINEAR

*L'auteur de cet article s'intéresse au concept de la neutralité de l'action humanitaire. Il examine les tensions qui peuvent surgir entre la théorie et la pratique, et pose un regard particulier sur la position du CICR. La neutralité, au sens des Principes fondamentaux du Mouvement international de la Croix-Rouge et du Croissant-Rouge, impose le devoir de « s'abstenir de prendre part aux hostilités et, en tout temps, aux controverses d'ordre politique, racial, religieux et idéologique ». Le CICR a toujours poursuivi cette ligne de conduite qu'il considère fondamentale pour le succès de son activité humanitaire, même si pour d'autres la neutralité est un obstacle. L'auteur constate que l'usage que le CICR fait de ce principe est en fait plus dynamique et politiquement plus fin qu'on ne le pense généralement. Une réflexion permanente sur le concept clé de la neutralité est nécessaire, mais il ne faut pas oublier que ce qui est bon pour le CICR ne l'est pas nécessairement pour d'autres organisations internationales, qu'elles soient gouvernementales ou non.*

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