INTERNATIONAL
REVIEW
of the Red Cross

Coming clean on neutrality and independence: The need to assess the application of humanitarian principles

Ed Schenkenberg van Mierop
Ed Schenkenberg van Mierop is Executive Director of HERE-Geneva, a humanitarian think-tank working to close the gap between policy and humanitarian practice.

Abstract

Neutrality and independence continue to be part of the four core humanitarian principles, in addition to humanity and impartiality. Promoting these principles needs to go hand in hand with efforts to apply and implement them. Applying neutrality and independence is a considerable undertaking. This article explains the various aspects of these two principles that are crucial for understanding and applying them. The author suggests that these aspects should be taken into account in assessing whether humanitarian organizations are managing to uphold the principles. In turn, these assessments will enable humanitarian organizations and other stakeholders in humanitarian action to understand what the opportunities and obstacles are in applying independence and neutrality.

Keywords: humanitarian principles, neutrality, independence, humanitarian action, ICRC, MSF, NGOs, accountability, verification.

: : : : : : :

Nowadays there is general agreement that humanity, impartiality, neutrality and independence are the four core principles of humanitarian action.[1] These core principles exist in order to explain the identity and values of those who provide humanitarian response, which, in turn, makes them practical tools for the job. Maintaining humanitarian principles is not an end in itself, but these principles are key factors that distinguish humanitarian actors from commercial, political and military actors. The principles of humanity and impartiality have been singled out for their relevance for all humanitarian actors.[2] Neutrality and independence, the other two core principles, may be seen as more complex to apply. In the hierarchy of principles as defined by Jean Pictet, humanity and impartiality come first as substantive principles. Pictet observed that neutrality and independence are derived principles that "enable us … to translate the substantive principles into factual reality".[3] Hugo Slim notes that humanity and impartiality set out the universal ethical goal of helping others, while the principles of neutrality and independence "achieve this goal in the actual political conditions of armed conflict and disaster".[4] The issue is not only what is good to do, but also how it is best done.[5] This aspect is what makes neutrality and independence relevant: they are instrumental in making humanitarian action more effective.

Following a general explanation of the two principles, this article sets out why their application should be assessed by looking at a number of specific aspects. These aspects have been derived from the definition or context of the principles, and are crucial in understanding and applying the principles. Assessing these aspects will help humanitarian actors[6] and others to understand the efforts that are being or should be made in applying and implementing these two humanitarian principles. At various points, the article refers to the practices of the International Committee of the Red Cross (ICRC) and Médecins Sans Frontières (MSF). Looking at their publications, these organizations appear to attach great importance to the principles of neutrality and independence, and their experiences contribute to our understanding of what can be done in terms of assessing the application of these principles.

---

1   "Principles of humanitarian action" and "humanitarian principles" are used interchangeably in this article, though Nick Leader has pointed to a difference between them. See Nick Leader, *The Politics of Principle: The Principles of Humanitarian Action in Practice*, Humanitarian Policy Group (HPG) Report No. 2, Overseas Development Institute (ODI), London, March 2000.
2   Yves Daccord, *Humanitarian Action in a Changing Landscape: Fit for Purpose?*, ICRC, 2013, available at: www.icrc.org/eng/resources/documents/article/editorial/02-04-humanitarian-action-yves-daccord.htm (all internet references were accessed in July 2015).
3   Jean Pictet, *Commentary on the Fundamental Principles of the Red Cross*, International Federation of Red Cross and Red Crescent Societies (IFRC), Geneva, 1979, p. 8, available at: www.ifrc.org/PageFiles/95341/Pictet%20Commentary.pdf.
4   Hugo Slim, *Humanitarian Ethics: A Guide to the Morality of Aid in War and Disaster*, Hurst & Co., London, 2015, p. 65.
5   *Ibid.*
6   This article uses the terms "humanitarian actors" and "humanitarian organizations" interchangeably. "Actors", however, is a broader term.

Neutrality and independence: The instrumental principles

Neutrality means that humanitarian actors do not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature.[7] Their only concern is to help people affected by armed conflict or natural disasters to survive. The point that humanitarian organizations cannot take sides in hostilities seems an obvious one, but as both Pictet and Slim point out in relation to military neutrality, humanitarian aid should avoid creating military advantages.[8] Neutrality, however, is not a principle that is only applicable in contexts of armed conflict. The *Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* developed by the International Federation of Red Cross and Red Crescent Societies (IFRC) also refer to the principle.[9] Neutrality is included in the sources of humanitarian principles relevant to the various types of humanitarian actors. Broadly, four sources of humanitarian principles can be identified: United Nations (UN) General Assembly Resolution 46/182 (1991)[10] and Resolution 58/114 (2004);[11] the seven Fundamental Principles of the International Red Cross and Red Crescent Movement (the Movement), proclaimed in Vienna in 1965 by the 20th International Conference of the Red Cross and Red Crescent Movement;[12] and the 1994 Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief (1994 Code of Conduct).[13] The wording of neutrality is not exactly identical in these different instruments. Principle 3 of the 1994 Code of Conduct notes that "aid will not be used to further a particular political or religious standpoint",[14] which clearly refers to the obligation to not take sides. In the context of the Movement, the definition of neutrality is preceded by the phrase "In order to enjoy the confidence of all",[15] which points to the purpose of neutrality. It is supposed to create trust that no agendas other than a humanitarian one are pursued. Those in power must have the confidence that humanitarian actors will not take a stance on the types of issues noted in the definition of neutrality. This implies that

---

7   Office for the Coordination of Humanitarian Affairs (OCHA), *OCHA on Message (OOM): Humanitarian Principles*, June 2012.
8   J. Pictet, above note 3, p. 35; H. Slim, above note 4, p. 68.
9   IFRC, *Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*, Geneva, 2011, Guideline 4.2, available at: www.ifrc.org/en/what-we-do/idrl/idrl-guidelines/.
10 UNGA Res. 46/182, 19 December 1991, available at: www.un.org/documents/ga/res/46/a46r182.htm.
11 UNGA Res. 58/114, 5 February 2004.
12 The revised text on the seven Fundamental Principles contained in the Statutes of the International Red Cross and Red Crescent Movement was adopted by the 25th International Conference of the Red Cross, Geneva, 1986, and is available at: www.icrc.org/eng/resources/documents/red-cross-crescent-movement/fundamental-principles-movement-1986-10-31.htm.
13 IFRC and ICRC, Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organizations in Disaster Relief, Geneva, 1994 (1994 Code of Conduct), available at: www.ifrc.org/fr/publications/code-of-conduct/.
14 *Ibid.*, Principle 3.
15 Fundamental Principles, above note 12, "Neutrality".

humanitarian actors need to make an effort to be seen as neutral. They can influence the perception that exists of them.

Neutrality is not without controversy; indeed, to paraphrase Pictet, no idea in the humanitarian world has created more confusion than neutrality.[16] It has often felt like a straightjacket for a number of organizations working in the humanitarian field. It confines their activism in changing societies, precisely because this type of engagement might be of a political nature. Historically, the large majority of organizations delivering humanitarian response were set up as development organizations active in the areas of poverty reduction, social justice or peacebuilding, often in the same country where they deliver humanitarian work. Compared to organizations that have a specific – some would say narrow – focus such as the ICRC and MSF, which have been labelled "Dunantist", many of these other organizations have combined or multiple mandates.[17] Multi-mandate organizations see humanitarian action and their activities in community development, social cohesion or mediation as part of the same effort to build a better world.[18] A recent debate within the NGO community revealed that a number of multi-mandate NGOs do not easily accept that they must abide by the principle of neutrality. In 2014, the development of a new humanitarian standard, the Core Humanitarian Standard (CHS),[19] saw a heated debate on neutrality between those who find the principle essential in maintaining humanitarian action separate from other fields of activity, and those who advocate that neutrality should be left out (of the CHS), as parts of their work do not match with this principle. The debate ended in a compromise: the final CHS text includes a reference to neutrality as well as a footnote which explains that some organizations "do not consider that the principle of neutrality precludes undertaking advocacy on issues related to accountability and justice".[20] This compromise is somewhat reminiscent of the inclusion of neutrality in the 1994 Code of Conduct. Peter Walker notes that at the time of drafting the Code, a number of NGOs saw their work on justice and development as not conforming to neutrality.[21] The implications of advocacy and other activities for neutrality need to be part of the assessment of the degree to which humanitarian actors are making an effort to maintain this principle.

---

16 J. Pictet, above note 3, p. 34. Pictet wrote: "No idea in the Red Cross world has created more confusion than neutrality."
17 The label "Dunantist" was used by Abby Stoddard in the HPG paper *Humanitarian NGOs: Challenges and Trends*, HPG Briefing No. 12, 2003, available at: www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/349.pdf.
18 This description fits not only many faith-based NGOs such as Caritas, Christian Aid and World Vision, but also organizations such as CARE, Oxfam and Save the Children.
19 HAP International, People in Aid and the Sphere Project, Core Humanitarian Standard on Quality and Accountability, 1st ed., 2014 (CHS), available at: www.corehumanitarianstandard.org/the-standard.
20 *Ibid.*, p. 8. The compilations of comments that were received on draft versions of the CHS provide particular insight into the controversy, and are available at: www.corehumanitarianstandard.org/the-standard/the-consultation-on-the-chs.
21 Peter Walker, "Cracking the Code: The Genesis, Use and Future of the Code of Conduct", *Disasters*, Vol. 29, No. 4, 2005, pp. 329–330.

Independence is closely related to neutrality. In fact, it is very difficult for any humanitarian actor to maintain neutrality if it is not independent from political actors. Independence is defined as being autonomous from the political, economic, military or other objectives that any actor may hold with regard to areas where humanitarian action is implemented.[22] Autonomy is the ability to be free to determine one's actions. Humanitarian actors should be able to move around freely in order to assess needs, deliver services and evaluate impact without interference. The legitimacy of any humanitarian actor stands or falls on its capacity to withstand "any interference, whether political, ideological or economic, capable of diverting it from the course of action laid down by the requirements of humanity, impartiality and neutrality".[23] Independence implies institutional, political, financial and operational autonomy, but this freedom is not unlimited. Governments, be they donors or recipient governments, and other relevant authorities see and often use the humanitarian response as part of longer-term strategies and policy, if not political, objectives, and want humanitarian action to fit within their priorities. In making efforts to resist this instrumentalization, humanitarian actors are keen to point to the principle of independence, but only promoting it will not be enough. As with neutrality, humanitarian actors will need to demonstrate what actions they are undertaking to maintain their independence. In a sense, one might say that whereas neutrality is contested by a number of actors within the sector who see the principle as inconvenient, independence is under threat as a result of the actions of others.

Why assess these principles?

Donini is one of the authors who has written much about the instrumentalization of humanitarian aid.[24] As illustrated later in this article, governments and other actors use humanitarian action as a crisis management tool.[25] Given this trend, a number of authors and commentators have stated that neutrality and independence have become irrelevant.[26]

In spite – or because – of these views, most humanitarian organizations are continuing to refer to the importance of humanitarian principles. Many of the policy discussions in the humanitarian community also reflect the expectation that every actor follows humanitarian principles. The predominant reaction from humanitarian organizations in asserting their neutrality and independence has been to demand respect for these principles. Apparently, it is presumed that by simply invoking the principles of humanitarian action, the integrity of

---

22 OCHA, above note 7.
23 See the definition of independence as provided by the IFRC in the Fundamental Principles, above note 12.
24 Antonio Donini (ed.), *The Golden Fleece*, Kumarian Press, Sterling, VA, 2012, p. 3.
25 See section on "Institutional and Political Independence" below.
26 See, for example, Kurt Mills, cited in Barbara-Ann Riefer Flanagan, "Is Neutral Humanitarianism Dead? Red Cross Neutrality: Walking the Tight Rope of Neutral Humanitarianism", *Human Rights Quarterly*, Vol. 31, 2009, p. 896.

humanitarian action will be recognized and access will be guaranteed.[27] It has also been noted that the limited attention given to the operational relevance of applying the principles can, to a degree, be explained by a lack of in-depth knowledge and training on how they can be used.[28] Egeland *et al.* have noted that "[w]hile simultaneously calling for respect for humanitarian principles, in the recent past humanitarian organisations have also willingly compromised a principled approach in their own conduct through close alignment with political and military activities and actors."[29] A commitment to upholding the principles, therefore, does not come free. Good intentions to deliver principled humanitarian action are essential, of course, but they are not enough – it takes effort. If humanitarian organizations fail to stand their ground on the principles they preach, their moral authority will be weakened. Humanitarian actors should be able to explain what the principles of neutrality and independence mean for them and how they put those principles into practice. Accountability for the principles essentially implies that organizations are able to provide a reasonable explanation for their strategic and operational decisions and the way the principles were taken into account. This decision-making process can be verified. If it turns out that humanitarian organizations are not able to maintain the principles, the question should be asked as to what the reasons as well as the implications are of this non-compliance. Either it is accepted that, for various reasons, neutrality and independence have been eroded to the level of being meaningless, or there should be greater transparency and honesty regarding who is and who is not following these principles.

Assessing the application of the principles can be done by analyzing them for their different elements and verifying whether and how organizations have reflected on these issues in their decision-making and operational choices. This article attempts to identify the various elements that are part of the principles and that can be assessed. These assessments will have to be qualitative exercises in which views and perceptions matter. This article does not go into detail on the question of who should verify the application of or compliance with humanitarian principles; suffice it to say at this stage that it could be done by humanitarian actors themselves, as a self-assessment, or by an independent mechanism that they put in place.[30] Such verification, however, does not (yet) have any formal or legal implications for States or parties to a conflict, but this situation might change. The *Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*

---

27 Sarah Colinson and Samir Elhawary, *Humanitarian Space: A Review of Trends and Issues*, HPG Report No. 32, ODI, London, 2012, p. 17.
28 Sorcha O'Callaghan and Leslie Leach, "The Relevance of the Fundamental Principles to Operations: Learning from Lebanon", *International Review of the Red Cross*, Vol. 95, No. 890, 2013, p. 294.
29 Jan Egeland, Adele Harmer and Abby Stoddard, *To Stay and Deliver*, independent study commissioned by OCHA, United Nations, 2011, p. 4.
30 At the time of completing this article, the author is involved in efforts to create a new global mechanism, the Humanitarian Quality Assurance Initiative, which will verify the application of standards in humanitarian action. See: www.schr.info/assets/uploads/docs/Statement_announcing_the_creation_of_the_Humanitarian_Quality_Assurance_Initiative_7_July_2015.docx.

recommend that affected States establish criteria for "assisting actors" as part of their responsibilities in facilitating relief actions.[31] It is recommended that these criteria include the requirement that organizations are able to demonstrate their application of the core humanitarian principles.[32] Likewise, as Kate Mackintosh explains, it would be helpful for humanitarian actors in their negotiations with parties to an armed conflict to explain how their actions comply with the rules of international humanitarian law.[33] In turn, these parties would be well-served if they were able to verify the humanitarian character of goods and services as part of their obligation under the Geneva Conventions to allow relief actions to be undertaken, or the rapid and unimpeded passage of relief, when certain conditions are met.[34]

Assessing the application of neutrality

In assessing the application of the principle of neutrality, aspects of the definition of the principle, or issues in the context of it, should be looked at. The following three aspects are suggested and used in this article:

- Do activities, in particular advocacy, imply an actual engagement in controversies of a political or related nature?
- Have the perceptions of all relevant actors with regard to the neutrality of humanitarian aid been gauged?
- What compromises need to be made in order to ensure a reasonable balance with other principles?

Political engagement or not?

The first element that should be assessed is the extent to which the work of the humanitarian actor in question is actually of a political nature. In answering this question, advocacy will come as an immediate area of attention, in particular because neutrality and advocacy have traditionally been each other's enemies. Nowadays many, if not most, humanitarian actors see advocacy, understood as the act of speaking out on someone's behalf, as an integral part of humanitarian action. Advocacy does not stand on its own – it is often closely related to the

---

31 IFRC, above note 9, Guideline 14.2.
32 *Ibid.*
33 See Kate Mackintosh, "The Principles of Humanitarian Action in International Humanitarian Law", Study No. 4, in *The Politics of Principle: The Principles of Humanitarian Action in Practice*, HPG Report No. 5, ODI, London, March 2000.
34 The relevant articles are: Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950), Art. 23; Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1125 UNTS 3, 8 June 1977 (entered into force 7 December 1978), Art. 70; Protocol Additional (II) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 1125 UNTS 609, 8 June 1977 (entered into force 7 December 1978), Art. 18(2).

mission and objectives of an organization, which translate to its programmes and activities.[35] It has been argued that advocacy does not stand in the way of its neutrality, as long as the side of the victims is taken. This point is not entirely convincing. Victims – or to use the more modern terminology, crisis-affected people – have views and beliefs, and they may be politically engaged or part of an ethnic minority. Taking their side could be understood as furthering their (political) objectives. It is the content of the message that matters. The ICRC, for which strict neutrality is part of its DNA, serves as a point of reference. Perhaps under the influence of new means of communication such as social media, and new leadership of the organization, public statements on its assessments of humanitarian situations have become part of its standard practice. For example, in the middle of 2014, in the context of the conflict in the Occupied Palestinian Territories and Israel, the ICRC head of delegation reported regularly on the breaches of international law that he observed.[36] Even more recently, in the age of real-time information through social media, the ICRC has also done almost hourly updates on the conflict in Yemen.[37] Often, these messages include calls to respect the rules of international humanitarian law, but they do not attribute violations of humanitarian norms to specific actors.[38] Whereas the ICRC may have become more active and stronger in its public messages, MSF, which was born out of the desire to speak out more freely, seems to have become more muted. Differently from the 1990s, when the organization did not hesitate to call for military action in Somalia, the Balkans or the African Great Lakes region, Weismann maintains that since 2009, the year when MSF was one of sixteen organizations banned from working in Sudan, it has been more hesitant to speak out than ever before.[39] The organization seems to have become stricter in maintaining neutrality, possibly because of the security or operational consequences that a louder voice may bring. Interestingly, in 2006, Weismann noted that the neutrality of aid agencies required them to remain silent on the conduct of warring parties against the civilian population in Darfur. He accused Jan Egeland, the UN emergency relief coordinator, of making life more difficult for organizations that followed the principle of neutrality, as he felt that Egeland

---

35 Looking at programmes and activities is particularly relevant to understanding perceptions, which will be discussed as the next aspect of assessing neutrality in the following section.

36 Jacques de Maio, "No Wonder Gazans are Angry. The Red Cross Can't Protect Them", ICRC, 25 July 2014, available at: www.icrc.org/eng/resources/documents/article/editorial/07-24-gaza-israel-palestine-maio.htm.

37 See: https://twitter.com/icrc_ye. See, for example, tweets in the period 8–14 July 2015.

38 In an interview, ICRC Director of Operations Dominik Stillhart provides very helpful insight into the ICRC's policy on public messages and confidentiality. See "Confidentiality: Key to the ICRC's Work but not Unconditional", ICRC, 2010, available at: www.icrc.org/eng/resources/documents/interview/confidentiality-interview-010608.htm.

39 Fabrice Weismann, "Silence Heals… from the Cold War to the War on Terror, MSF Speaks Out: A Brief History", in Claire Magone, Michael Neumann and Fabrice Weissman (eds), *Humanitarian Negotiations Revealed*, Columbia University Press, New York, 2011, p. 196.

had made it seem as if all humanitarian organizations were pushing for an international force to be deployed in Darfur.[40]

Assessing whether or not messages cross a line in terms of taking sides or expressing political views, as per the first aspect of neutrality, may be challenging. Much depends on the wording and the context. Messages aimed at referring State actors to their international obligations, for example, may fit with the principle of neutrality, but the implications of these messages must be considered. One might think of a situation in which an NGO calls for a UN peacekeeping force, working under a Chapter VII mandate, to strengthen its deployment in order to offer better protection to the civilian population in an area. Assuming that the mandate of the UN force includes a protection of civilians element, such a message does nothing other than restating this international obligation included in the mandate of the international force. However, it may have implications for NGOs' contacts with those – for example, a rebel group – who threaten civilians in an area that the peacekeeping force is supposed to protect. Should the scenario occur in which the rebels manage to take control of that area, the NGO may find its operations blocked. Textbook guidance on neutrality says that as long as public messages are based on factual data and first-hand witnessing, and are addressed to relevant actors in an even-handed manner, this type of advocacy cannot be seen as contradicting the principle of neutrality.[41] This can be assessed, but clearly, what also matters is how these messages, as well as the organization and its operations as a whole, are perceived.

Perceptions

The second issue for consideration in assessing neutrality is gauging perceptions. As Nicholas Morris notes, "a combatant's perception of the humanitarian operation has become the practical measure of its neutrality".[42] Humanitarian organizations may not have full control, but surely they can influence the perception of their neutrality. Efforts to influence the perception of neutrality can be verified, and the perceptions that exist of organizations can be measured. Humanitarian organizations can and should make continuous efforts to understand the way in which their intentions are understood and their activities are accepted by all relevant stakeholders, including governments, belligerents and crisis-affected populations. Perceptions and acceptance are closely related. One study notes that the perception of maintaining humanitarian principles can enhance acceptance.[43]

---

40 Fabrice Weissmann, "Humanitarian Aid Held Hostage", *MSF Ideas and Opinions*, 15 November 2006, available at: www.doctorswithoutborders.org/news-stories/ideaopinion/darfur-humanitarian-aid-held-hostage.

41 See Conflict Dynamics International, *Humanitarian Access in Situations of Armed Conflict*, Practitioner's Manual, Version 2, Swiss Federal Department of Foreign Affairs, December 2014, p. 153.

42 Nicholas Morris, *Humanitarian Aid and Neutrality*, report, conference on "The Promotion and Protection of Human Rights in Acute Crisis", London, 11–13 February 1998, available at: www.essex.ac.uk/rightsinacutecrisis/report/morris.htm.

43 Ingrid Macdonald and Angela Valenza, *Tools for the Job: Supporting Principled Humanitarian Action*, Norwegian Refugee Council (NRC) and HPG, 2012, p. 9.

Perceptions and acceptance (also) depend on the type of activities, the modes of action, the quality of programmes and the results of an organization's efforts.[44] There is a growing interest in looking at how humanitarian organizations are perceived and accepted in general. This interest has come from two different directions in the last several years: staff security and accountability to affected populations.

Acceptance

In relation to the security of staff in volatile environments, Fiona Terry notes that the killing of an ICRC delegate in Afghanistan in 2003 forced the organization to reflect on the question of whether it could maintain the perception of being neutral.[45] As Larissa Fast notes, "the connection between security and perceptions is most apparent with regard to positing acceptance as a security management strategy. Acceptance is founded on effective relationships and cultivating and maintaining consent from beneficiaries, local authorities, belligerents, and other stakeholders".[46] Due to the rising number of incidents and, indeed, casualties among humanitarian staff, several researchers have looked into quantitative and qualitative data that may provide evidence of politically motivated incidents and the deliberate targeting of humanitarian staff.[47] It is thought that association with a government, be it a donor that is part of an international coalition, or the government of a war-affected country, which is also a party to the conflict, may put humanitarian organizations at risk, for they are a soft target. A recent practitioners' manual on humanitarian access in situations of armed conflict recommends that "practitioners engage with any and all relevant actors with influence on access and the well-being of the population".[48] The ICRC goes to great lengths to maintain a dialogue with all relevant parties. This practice is essential for the organization to counter any claims that it favours one party over another. It is part of the ICRC's daily experience that different sides fighting each other will accuse it of being on one side or the other. It follows that the organization will continuously have to explain and justify its identity, motivations and actions in all of its contact with parties to the conflict. According to a former ICRC director of operations, this approach gives it "the widest possible access

---

44   This is also illustrated in the research by Ashley Jackson, who looked at perceptions that Al-Shabaab and the Taliban have of aid agencies. See Ashley Jackson, *Negotiating Perceptions: Al-Shabaab and Taliban Views of Aid Agencies*, HPG Policy Brief No. 61, ODI, London, August 2014.

45   Fiona Terry, "The International Committee of the Red Cross in Afghanistan: Reasserting the Neutrality of Humanitarian Action", *International Review of the Red Cross*, Vol. 93, No. 881, 2011, p. 175.

46   Larissa Fast, "Programming, Footprints, and Relationships: The Link between Perceptions and Humanitarian Security", in Caroline Abu Sa'Da (ed.), *Dilemmas, Challenges, and Ethics of Humanitarian Action*, McGill-Queen's University Press, Montreal, 2012, p. 90.

47   See, for example, Abby Stoddard, Adele Harmer and Katherine Haver, *Providing Aid in Insecure Environments: Trends in Policy and Operations*, HPG Report No. 23, ODI, London, September 2006; Antonio Donini, *Humanitarian Agenda 2015: Afghanistan Country Study*, Briefing Paper, Feinstein International Center, 2006; Larissa Fast, *Aid in Danger: The Perils and Promise of Humanitarianism*, University of Pennsylvania Press, Philadelphia, PA, 2014.

48   Conflict Dynamics International, above note 41, p. 153.

both to the victims of the violence and to the actors involved".[49] Engaging with all relevant parties does not need to be an expensive investment. It may involve drinking tea under a tree with community leaders in the late afternoon sun.

Accountability to affected populations

Acceptance is also closely related to the engagement of crisis-affected populations in humanitarian assistance efforts. This type of engagement has gained importance as part of the call for strengthening the accountability of humanitarian actors. In large part, it has been the multi-mandate organizations – those that see humanitarian action as part of a broader set of objectives and activities – that have been the driving forces behind this call. They stood at the cradle of a number of initiatives in the area of quality and accountability that have emphasized the importance of better involving crisis-affected populations in humanitarian action.[50] The Listening Project has been one significant initiative for understanding the views of recipients on the aid that they receive, although this research did not differentiate between development aid, support to peacebuilding and environmental aid.[51] It is clear that continuous communications and exchanges about the intentions and content of programmes and engagement of community representatives during all phases of humanitarian action will improve our understanding of how humanitarian response is perceived and accepted. A number of issues remain unclear, however. An important factor will be which segments of the affected populations one chooses to involve – perceptions may differ between those who have not yet been identified or reached by humanitarian organizations, and those that have. Is there also a duty to reach out to these (unassisted) communities? In the same vein, engaging with community leaders who may not represent the interests of their communities may create a less than complete picture. It goes beyond the scope of this article to further analyze these issues, but one particular concern deserves much more attention. The emphasis on accountability to affected populations risks ignoring the wider context. As James Darcy puts it: "Limiting the discussion of humanitarian accountability to questions of aid organisations' accountability to aid recipients seriously distorts the broader picture."[52] Darcy's point raises the question of whether the mantra of accountability to affected populations has not been to the detriment of engaging with other stakeholders, such as relevant

---

49 See the interview with Pierre Kraehenbuehl, "The Neutral Intermediary Role of the ICRC: At the Heart of Humanitarian Action", 7 July 2008, available at: www.icrc.org/eng/resources/documents/interview/neutral-intermediary-interview-070708.htm.

50 These initiatives include, for example, the Sphere Project, Humanitarian Charter and Minimum Standards in Humanitarian Response; the Active Learning Network for Accountability and Performance in Humanitarian Action; and the Humanitarian Accountability Partnership (HAP), which was succeeded recently by the CHS Alliance.

51 Mary B. Anderson, Dayna Brown and Isabella Jean, *Time to Listen: Hearing People on the Receiving End of International Aid*, CDA Collaborative Learning Projects, Cambridge, MA, November 2012.

52 James Darcy, "Have We Lost the Plot? Revisiting the Accountability Debate", *2013 Humanitarian Accountability Report*, HAP, Geneva, 2013, p. 8, available at: www.hapinternational.org/pool/files/2013-har.pdf.

authorities, opposition groups or local leaders. In other words, whereas increased engagement with crisis-affected populations puts humanitarian organizations in an ideal position to understand the perceptions that exist of them, they should also gauge the perceptions of other relevant actors.

Caroline Abu Sa'Da's work in understanding perceptions of MSF is most relevant and instructive in this regard.[53] She looks at perceptions of MSF among those receiving medical care, (local) health authorities, staff and other institutional actors.[54] She notes that MSF strives for acceptance of its activities through adhering to humanitarian principles in order to ensure the safety of its teams in the field.[55] Her research sought to collect information on how the core principles of MSF's work (neutrality, impartiality and independence), as well as the notions of transparency and credibility, were understood and perceived by these different stakeholders.[56] Abu Sa'Da's study points to the need to establish relations with actors in the political sphere and for the organization to be more precise in its communications.[57] There is no doubt that other organizations can learn from this research in terms of understanding and measuring perceptions. It may help them to understand the further efforts they need to make in upholding neutrality. Verifying these efforts will be important in assessing compliance with the principle of neutrality.

Balancing neutrality with other principles

The third aspect that should be kept in mind in assessing the principle of neutrality is how this principle relates to the other principles. Maintaining neutrality is a balancing act. It is no secret that in operational contexts, humanitarian organizations need to make compromises in order to be perceived as neutral by the ruling majority, even if such a compromise is at the expense of the other core principles. A former MSF representative, for example, noted that his organization needed to set up a health clinic among a Buddhist community in Myanmar in order to be able to be seen as not taking sides in favour of the Rohingya Muslim minority, even though it felt that the needs among the Rohingyas were considerably higher.[58] In order to maintain good relations with the Buddhist majority, it decided to compromise on the aspect of proportionality in relation to the principle of impartiality, which implies that humanitarian aid should be provided first to those who need it most. Action contre la Faim refers to a similar example in relation to its operations in Yemen when it notes that it "decided to focus on providing assistance to populations in government-controlled areas

---

53 Caroline Abu Sa'Da (ed.), *In the Eyes of Others: How People in Crisis Perceive Humanitarian Aid*, MSF, Humanitarian Outcomes and NYU Center on International Cooperation, 2012; C. Abu Sa'Da (ed.), above note 46.

54 C. Abu Sa'Da, above note 53, pp. 48–60.

55 *Ibid.*, p. 5.

56 *Ibid.*, p. 27.

57 *Ibid.*, p. 71.

58 See video of ICRC event "Walk the Talk: Assessing the Application of Humanitarian Principles on the Ground", Geneva, 24 February 2015, available at: www.icrc.org/en/event/walk-the-talk.

when opening a new mission rather than entering unsecure parts of the country controlled by armed opposition".[59]

The point that neutrality does not lend itself to being assessed in isolation from other principles is also reflected in the highly complex questions around what mode of action is in the best interest of affected populations and thus fulfils the principle of humanity. Humanitarian action is fraught with difficult choices and dilemmas, and decisions are often a judgement call on the part of the organization(s) involved. These decisions will often depend on the organization's mandate or mission statement and its preferred modes of action. For example, the ICRC may prioritize maintaining relations with all relevant parties to a conflict, requiring discretion and restraint. It will do so as long as it feels that its bilateral negotiations and silent diplomacy efforts are effective. However, it may end up in a situation in which it has to justify its silence on serious violations of humanitarian norms, such as in the case of the leaked ICRC reports on the serious misconduct in the detention of prisoners in Iraq and Guatanamo.[60] This may be an extreme example, but humanitarian actors may feel the temptation to express opinions on who and what is right or wrong.[61] In general, however, it should be said that if organizations get into the business of pursuing justice, their neutrality will be compromised.[62] One cannot combine humanitarian action and the pursuit of justice.[63]

In sum, any verification of the application of the principle of neutrality should include a check of whether organizations are refraining from taking sides and making political statements. Their efforts to understand and influence the perceptions that exist of them in general, and of their neutrality in particular, should also be looked at. Lastly, the decisions and compromises that organizations have made in terms of weighing or balancing neutrality with the other (core) principles should be assessed.

Assessing independence

In looking at the principle of independence, in his book *The Golden Fleece*, Antonio Donini and others describe well how aid has been manipulated or instrumentalized, thus explaining that this principle is in jeopardy.[64] It is this thinking that is helpful in understanding and defining the principle of independence, as it obliges one to look

---

59 Yulia Dyukova and Pauline Chetcuti, *Humanitarian Principles in Conflict*, ACF-International, Paris, 2014, p. 10.
60 Caroline Moorehead, "Crisis of Confidence", *Financial Times*, 18 June 2005.
61 Hugo Slim's work provides excellent insights into moral dilemmas and ethical questions. See, for example, Hugo Slim, "Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War", *Disasters*, Vol. 21, No. 3, 1997, pp. 244–257; H. Slim, above note 4.
62 See, for example, Elizabeth Ferris, *The Politics of Protection*, Brookings Institution, Washington, DC, 2011, p. 178.
63 As Jean Pictet put it: "One cannot be at one and the same time the champion of justice and of charity." J. Pictet, above note 3, p. 39.
64 A. Donini (ed.), above note 24.

at ways to counterbalance the co-optation or integration of aid by other actors in their policies and practices. Independence requires autonomy in actions and decision-making, for an organization cannot be free to assess needs and determine priorities based on those needs if it has ties to actors that are driven by motivations other than the humanitarian. This author suggests that it is the following three aspects that need to be examined when assessing compliance with the principle of independence:

- institutional and political independence;
- financial independence; and
- operational independence, including technical and logistical aspects.

Before describing these aspects in detail, one caveat with regard to independence should be made. Independence and isolationism are not the same. As no single humanitarian actor can address all needs alone, humanitarian action requires coordination and collaboration. Humanitarian organizations will need to engage with the relevant authorities in order to receive permission for all their operations. Verifying independence, therefore, will have to take into account not only the autonomy of humanitarian organizations but also their relationships with various other actors, which are essential to their effectiveness.

Institutional and political independence

In assessing institutional and political independence, it makes sense to differentiate between governmental and non-governmental organizations. For (inter-)governmental agencies, institutional independence appears to be a contradiction. Even political independence seems near-impossible for them, given that the governments which control these organizations are first and foremost political actors. As they are auxiliaries of their governments, Red Cross and Red Crescent Societies may encounter some of the respective issues that governmental and non-governmental organizations have in relation to independence. The issues that NGOs may face regarding political independence relate mostly to the degree to which they are implicated in or able to stay outside of government policies. The autonomy of government units covering humanitarian action, be they donors or governments of States affected by humanitarian crises, is not further examined here. Suffice it to say that what matters in assessing the principle of independence are the firewalls and institutional safeguards that have been established to provide these actors with a barrier against interference from the political sphere.

Independence in the context of the UN

As the UN is the inter-governmental and multi-mandate organization par excellence, it follows that assessing the independence of the (UN) humanitarian mission from other goals and agendas is controversial and complex. Just like other (inter-)governmental actors, UN agencies receive their instructions from member States. In natural disaster settings, close collaboration with the affected

member State is a given, and independence is less of an issue as there is a common interest in helping the State and its population to recover. In armed conflict, relations with the government, when this government is one of the belligerents, are very sensitive and constrained. A certain level of distance will be essential to securing independence, but the government is a UN member and will want to keep control. Assessing independence in this context implies verifying the decisions that UN agencies and their representatives have made in finding the balance between the principle of independence and maintaining relations.

In order to qualify the relevance of independence in the context of the UN, the UN Office for the Coordination of Humanitarian Affairs (OCHA) introduced the term "operational independence" in one of its documents.[65] Operational independence, according to an OCHA official, points to "the 'independence' of humanitarian decisions" by (UN) humanitarian actors.[66] Being the global multi-mandate organization, for the UN humanitarian aid will always be seen as instrumental to achieving its primary objective of peace and security. This issue of instrumentalization has become highly topical since the UN mission in Liberia in 2003, which was the UN's first (formally) integrated mission. These missions bring together peace, human rights, development and humanitarian objectives and activities. They have been the subject of heavy criticism, because, as one NGO put it, "structural integration is seen to politicise humanitarian action as it can lead to the sub-ordination of humanitarian concerns to political and military objectives".[67] Others feel that UN integration can have both negative and positive effects on humanitarian operations.[68] According to an OCHA representative, "current policies on UN-integration reaffirm the need to preserve humanitarian principles and humanitarian space and make clear that the objective of humanitarian action is separate from peace-consolidation objectives".[69] In demonstrating their independence, therefore, UN agencies should be able to explain how these policies have enabled them to keep non-humanitarian considerations out of their decision-making. Have the policies been applied in setting up missions, and if so, what results have they had?

Independence in the context of National Red Cross and Red Crescent Societies

Institutional independence may be equally difficult, but not impossible, to realize for National Red Cross and Red Crescent Societies, which act in an auxiliary role to

---

65   OCHA, above note 7. In terms of formal recognition by the UN, the principle of independence (without the adjective "operational") appeared for the first time in UNGA Res. 58/114, above note 11.
66   Explanation given in an email sent to the author on 1 April 2015.
67   NRC, *A Partnership at Risk? The UN-NGO Relationship in Light of UN Integration*, NRC Discussion Paper, 2011, available at: www.nrc.no/arch/img.aspx?file_id=9175273&ext=.pdf.
68   See, for example, Victoria Metcalfe, Alison Giffen and Samir Elhawary, *UN Integration and Humanitarian Space: An Independent Study Commissioned by the UN Integration Steering Group*, HPG and Stimson Center, ODI, London, December 2011.
69   Email exchange between OCHA official and the author, 1 April 2015.

their respective governments.[70] In this role, National Societies are expected to perform tasks, such as emergency services, on behalf of the government. In fact, they are an extended arm of the government as they help to implement national strategies. As with the UN agencies, the issue for National Societies is what measures and actions they have taken to minimize the risk of government interference.[71] In a number of cases, National Societies have government officials or their relatives on their boards. Members of royal houses are often closely involved. There are pros and cons to this level of association. It may be helpful in promoting humanitarian (and social) issues as priorities for the government, but as Mukesh Kapila writes, "it becomes a serious constraint when the government is of a repressive nature".[72] Larry Minear describes some famous examples of local Red Cross officials who were relatives of the leaders of Serbia and the Bosnian Republik Srpska during the war in the Balkans.[73] If, as the IFRC asserts, the Movement wants to maintain independence,[74] it should examine the implications of this commitment. One step forward could be to verify the value and solidity of the firewalls that National Societies have in place in their relations with the government.

Independence in the context of NGOs

Given their non-governmental status, the basic assumption is that it is easier for NGOs to assert their independence from governments on institutional grounds. This expectation may not necessarily apply to every NGO, however. For organizations such as the Danish Refugee Council and Norwegian Refugee Council (NRC), their names might create confusion. Do they represent a government or not? How do they avoid being associated with the political situation in their (home) countries? This issue became a real one for the Danish Refugee Council in 2006 in the context of the Danish cartoons of the Prophet Muhammad. Although the organization had, of course, nothing to do with the cartoons, it was expelled from Chechnya.[75] In addition, a number of NGOs seem unhesitant to take on former government officials as (senior) staff, which may also raise an issue in terms of perception. The International Rescue Committee, for example, recruited the former UK foreign secretary, David Miliband, as its president in 2013; one might think that having a former foreign minister of a permanent member State of the UN Security Council as president would entail

---

70 See, for example, Henryk Leszek Zielinski, *Health and Humanitarian Concerns: Principles and Ethics*, Martinus Nijhoff, Dordrecht, 1994, p. 14.

71 O'Callaghan and Leach describe a number of actions that the Lebanese Red Cross has taken to assert its independence. S. O'Callaghan and L. Leach, above note 28, pp. 300–301.

72 Mukesh Kapila, "The Red Cross and Red Crescent", in Roger Mac Ginty and Jenny H. Peterson (eds), *The Routledge Humanitarian Companion*, Routledge, Milton Park, 2015, p. 185.

73 Larry Minear, *The Humanitarian Enterprise: Dilemmas and Discoveries*, Kumarian Press, Bloomfield, CT, 2002 p. 64.

74 See: www.ifrc.org/en/who-we-are/vision-and-mission/the-seven-fundamental-principles/independence/.

75 "Chechnya Expels Danish Aid Agency", *New York Times*, 8 February 2006, available at: www.nytimes.com/2006/02/08/international/08chechen.html?_r=0.

risks in terms of perception and political bias. In commenting on Miliband's new role, one writer explained that Miliband's temptation is to confuse humanitarian action with more partisan intervention.[76]

Other than demonstrating the absence of institutional links, in endorsing the 1994 Code of Conduct, many NGOs have committed to political independence by stating that they will not act "as instruments of government foreign policy".[77] The most extreme cases in which NGOs (and other humanitarian agencies) have had to argue for their independence are those in which they are expected to be on the same side as (their) governments in the "global war on terror" following the 11 September 2001 attacks in the United States. The most well-known example is the reference of the then US secretary of State, Colin Powell, to NGOs in their role of force multiplier as being "such an important part of our combat team".[78] To make things worse, in the same remarks, Powell referred to cooperation between governments and NGOs, which he affirmed "is not the same as co-opting you [the NGOs]. Always, we must respect your [the NGOs'] independence."[79] The Provincial Reconstruction Teams (PRTs) that have been deployed in Afghanistan provide another extreme example. These teams are civil-military units designed as stabilizing forces active in the areas of security, humanitarian aid and reconstruction efforts. They can be seen as the ultimate manifestation of the new paradigm of linking military, political and humanitarian aims in international peace operations and thus blurring, if not erasing altogether, the distinction between military and civilian actors. In several (donor) countries, there have been heated debates between relevant government ministries and NGOs on the implications of the PRT concept.[80]

More recent is the debate on the impact of counterterrorism measures on humanitarian action. This topic has climbed rapidly up the list of policy issues for humanitarian organizations in the past few years. Humanitarian organizations are concerned that the measures that many States have adopted to combat terrorism have affected those in need and will do so even more in the future.[81] These measures can range from preventing organizations' representatives from having

---

76   Simon Jenkins, "The Red Cross Needs to Reclaim its Hijacked Neutrality", *The Guardian*, 1 November 2013.

77   1994 Code of Conduct, above note 13, Principle 4.

78   Secretary Colin L. Powell, Remarks to the National Foreign Policy Conference for Leaders of Nongovernmental Organizations, 26 October 2001, available at: http://2001-2009.state.gov/secretary/former/powell/remarks/2001/5762.htm.

79   *Ibid.*

80   For example, German NGOs have criticized the PRT concept from its inception because, as they note, "the mandates of civil and military actors are mixed up". VENRO, *Five Years of PRTs in Afghanistan: An Interim Stocktaking from the Angle of the German Aid Organisations*, VENRO Policy Paper No. 1/2009, 2009, p. 2, available at: www.venro.org/fileadmin/Publikationen/PDFs_engl/Afghanistan-Paper_engl_neu.pdf.

81   See, for example, Sarah Pantuliano, Kate Mackintosh, Samir Elhawary and Victoria Metcalfe, *Counter-Terrorism and Humanitarian Action: Tensions, Impact and Ways Forward*, HPG Policy Brief No. 43, ODI, London, October 2011. See also the article by Phoebe Wynn-Pope, Yvette Zegenhagen and Fauve Kurnadi in this issue of the *Review*.

contact with groups labelled as terrorist, to limiting the transfer of financial transactions and imposing travel bans for nationals or the transfer of goods to countries such as Iraq, Somalia and Syria. Although some countries have adopted specific clauses for humanitarian aid to be excluded from these measures, it is generally assumed that under these laws staff of humanitarian organizations could be prosecuted for alleged support to armed groups labelled as terrorists.[82] In theory, for humanitarian organizations, determining the proper relationship with States that adopt counterterrorism measures is no different from engaging with any party to a conflict. In reality, the issue has been highly sensitive. Taking a stance against governments that are (among) their donors will not be easy for humanitarian organizations. In some cases, however, a number of NGOs have refused to accept funds from the governments of their home countries, when these governments, individually or by their membership of an international coalition, are in fact belligerents.[83] In short, assessing institutional and political independence requires organizations to explain what actions they have taken in counterbalancing the level of interference from political actors. These actions can be verified.

Financial independence

Another evident way to maintain independence is to withstand the conditions that may come with funding. Conversations on independence within the humanitarian community centre quickly on the issue of finances and the way in which humanitarian response is funded. This is for an obvious reason: if a humanitarian organization has to seek funds before it can launch operations, it will not have the freedom to decide where and when it should respond. Financial independence, through having discretionary funds, is essential to maintaining the principles of humanity and impartiality. This view finds support in the *Principles and Good Practice of Humanitarian Donorship*, which recommends that donors reduce earmarking of funds.[84] More generally, by endorsing these principles – or, for EU member States, the European Union Consensus on Humanitarian Aid,[85] which recognizes the four core principles – donor governments have made clear commitments to applying humanitarian principles in their decisions. In reality, however, the majority of humanitarian funding is provided bilaterally, from

82 See Kate Mackintosh and Patrick Duplat, *Study of the Impact of Counter-Terrorism Measures on Principled Humanitarian Action*, independent study commissioned by OCHA and NRC, July 2013; Naz. K. Modirzadeh, Dustin A. Lewis and Claude Bruderlein, "Humanitarian Engagement under Counter-Terrorism: A Conflict of Norms and the Emerging Policy Landscape", *International Review of the Red Cross*, Vol. 93, No. 993, 2011, pp. 623–647.
83 See, for example, Y. Dyukova and P. Chetcuti, above note 59, p. 11.
84 Good Humanitarian Donorship (GHD), *23 Principles and Good Practice of Humanitarian Donorship*, 2003, available at: www.ghdinitiative.org/ghd/gns/principles-good-practice-of-ghd/principles-good-practice-ghd.html. The GHD initiative brings together more than forty donor governments.
85 Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission, "The European Consensus on Humanitarian Aid", *Official Journal of the European Union*, 2008/C 25/01, 30 January 2008.

donor to organization, earmarked for specific crises, and comes with strings attached. In the context of the Good Humanitarian Donorship (GHD) initiative and donor governments' discussions, a number of these donor governments have repeatedly pointed out that they will continue to earmark funds in terms of designating the funds' purpose, be it a specific crisis or a field of activity. Inevitably, such practices have an impact on the independence of humanitarian organizations. They also lend themselves to political influences in relation to foreign policy objectives from donors. In general, there is evidence of the increased politicization of funding decisions.[86] Humanitarian organizations need to take measures to withstand (political) influences from donors. It should be possible to assess what humanitarian organizations have done to hold off such pressures, which may derive from political priorities such as foreign policy objectives. Two questions come to mind: to what degree has the receiving organization tailored the design and implementation of the project proposal to the expressed priorities of donors, and to what degree are these donor preferences in line with the needs assessments and analysis of the organization itself?[87]

Unrestricted funding

For humanitarian organizations to reach financial independence, they should secure a significant part of their funding as unrestricted. This implies mobilizing funds from private sources and/or government donors where the organization on the receiving end decides where and for what purpose the funds should be allocated. It can also reserve (part of) the money for new, unforeseen or forgotten crises. It should be noted that not all private funding comes un-earmarked. Whereas private funding may be the preferred source of income, especially for NGOs, this money may be earmarked too when it comes in relation to specific appeals for new emergencies or campaigns. Also, private donors may have expectations regarding how organizations spend their donations. Faith-based NGOs may have difficulties explaining that they allocate funds for activities in the area of reproductive health, for example.[88]

Introducing a standard for financial independence

One criterion for financial independence that could be put in place would be to maintain a standard which determines that of the total funds an organization receives, a certain percentage should remain freely at its disposal. This standard would be relevant for all humanitarian organizations, inter-governmental or non-governmental, but different percentages could be set depending on the type of

---

86   See, for example, DARA, *Humanitarian Response Index 2011: Addressing the Gender Challenge*, Madrid, 2012, p. 42. See also DARA, *The European Consensus on Humanitarian Aid: An NGO Perspective*, NGO study commissioned by VOICE, Brussels, May 2014, p. 8.
87   See Ajaz Ahmed Khan and Willem van Eekelen, *Humanitarian Aid: Independence and Innovation*, Islamic Relief, 2008, p. 3.
88   *Ibid.*, p. 5.

organization. The exact percentage(s) should be decided by an inter-agency forum, but it should take into account that, according to estimations, private humanitarian funding grew to nearly 30% of total humanitarian funds in 2011.[89] In addition, it should be kept in mind that not all institutional donor funding comes as earmarked. The question could be raised as to why, in the multitude of quality and accountability instruments for humanitarian action, such a standard has not yet been set. At the very end of the CHS, it is noted that "the acceptance of resources does not compromise [a humanitarian actor's] independence".[90] Without adding a benchmark, this may remain a hollow statement. It also seems a missed opportunity to assert the principle of independence in a standard that is expected to be the common reference document.

In examining financial independence, diversity of funding sources is also important. Receiving a large percentage of funding, even if un-earmarked, from only one donor government may link that organization, at least in terms of perceptions, to that specific donor.[91] If, for example, an NGO and one donor government have a long tradition of working closely together, the NGO may anticipate, even unconsciously, what it believes the donor's conditions are for funding. As part of the diversification of humanitarian funding sources, it is generally good news that a number of non-Western donors have increased their humanitarian budgets.[92] It is thought that these non-Western donors, from the Gulf or other emerging economies, have different principles, policies and practices.[93] It goes beyond the scope of this article to verify this assumption, but for humanitarian organizations, and even more so, affected populations, the increase of diverse funding sources is good news.

Promoting financial independence is not intended to suggest moving away from donor governments. In an interdependent international community in which governments have assumed responsibilities with regard to international humanitarian action, they also have obligations when it comes to providing the financial means for humanitarian response. MSF does not accept any funds from governments for its work in situations of armed conflict and does not accept any funding from the US government.[94] Interestingly, Abu Sa'Da's study notes that whereas MSF prioritizes the aspect of financial independence as part of its

---

89   Velina Stoianova, *Private Funding for Humanitarian Assistance: Filling the Gap?*, Global Humanitarian Assistance (GHA), Development Initiatives, August 2013, p. 2.
90   CHS, above note 19, Commitment 9.6-F.
91   At the time of writing, the pledge of one donor country in response to the UN appeal for Yemen has created much controversy. This donor's pledge is for the full amount of the appeal, but the donor government in question is also a belligerent in that conflict.
92   The *GHA Report 2014* notes that the role of governments outside of the Organisation for Economic Cooperation and Development's Development Assistance Committee has continued to increase substantially, with their share of the government total more than doubling between 2011 and 2013, from 6% to 14%. GHA, *GHA Report 2014*, Development Initiatives, 2014, available at: http://www.globalhumanitarianassistance.org/report/gha-report-2014.
93   See, for example, Vincent Bernard, "Editorial Comment", *International Review of the Red Cross*, Vol. 93, No. 884, 2011, p. 893.
94   See: www.msf-me.org/en/section/frequently-asked-questions.

identity, "the general public are generally unaware of its funding sources".[95] Off the record, some MSF representatives will admit that the organization's consistent policy of accepting only a small percentage of government funding has had its downside: the organization's network of contacts and relationships has been reduced.

Addressing standard practices

The main problem related to financial independence may actually exist within the context of the existing practices of donor governments and humanitarian organizations. These practices have become so routine that it seems they are not even noticed any more. For example, in international fora on humanitarian financing, donor government representatives may be heard as referring to "our NGOs", which suggests an intimate relationship with the NGOs from these countries. Likewise, the use of the term "implementing partner" is commonly accepted. It refers to organizations that work as sub-contractors of a donor government or UN organization such as the UN High Commissioner for Refugees. The issue is, of course, whose programme is being implemented? Several larger (Western) donors have significant presences, including disaster assessment teams, in crises areas, and they may tender projects that they define. A number of donors also insist on visibility and the display of their name or logo on cars or other materials bought with their funding. A few organizations, in particular those that attach high importance to emphasizing their independence, have had long and intense debates with donors such as the European Commission Humanitarian Office in this regard. The degree to which organizations consider the display of donor names or keep the attribution of their funds to government sources at a (contractual) minimum can be assessed. Another development that is reason for concern is the recent practice of involving donor government representatives in operational humanitarian coordination mechanisms, be it at the global or field level.[96] These mechanisms used to be operational organizations' only fora, and criticism has been expressed with regard to opening them up to donor governments, primarily those that are of Western or Northern origin.[97] Such a practice does not help to push back the perception that the humanitarian system is driven by the interests of these donors. In sum, in relation to assessing financial independence, it is essential to look at the degree to which organizations are having issues with these standard

---

95 C. Abu Sa'Da (ed.), above note 46, p. 61.
96 At the international level, the meeting of emergency directors of large humanitarian organizations regularly includes donor representatives and in a number of countries, donor government representatives participate in the meetings of Humanitarian Country Teams.
97 See, for example, Norah Niland, Riccardo Polastro, Antonio Donini and Amra Lee, *Independent Whole of System Review of Protection in the Context of Humanitarian Action*, commissioned by the NRC on behalf of the Inter-Agency Standing Committee (IASC) and the Global Protection Cluster, NRC, Geneva, May 2015, p. 19.

practices and to verify the policies or measures that organizations have taken to achieve sufficient financial flexibility.

Operational independence

Operational autonomy in technical and logistical areas can also be assessed. In order to be fit for purpose, an operational organization must have the capacity, skills and expertise to operate autonomously. If it is relying on others for the transport of goods and staff, it risks being seen as part of the same operation. It should not need technical instructions from others to deliver a high-quality job; its staff should have the requisite (technical) credentials. These elements can be assessed, but the operational picture is not straightforward. Firstly, an increasing number of international actors are delivering humanitarian response through local channels. This mode of action may be the delivery channel of choice in a number of settings, especially natural disasters – local actors are more knowledgeable on the circumstances, have a closer connection with the population and may stay on after the emergency phase. It entails a more development-oriented way of working. In some highly insecure environments, such as Somalia or Syria, international actors have also chosen to work through local groups, an approach that is frequently labelled "remote management".[98] Operational independence has to be looked at differently in these contexts. It should take into account the type of relationship that has been developed between the international and the local actor; the transfer of attributes such as the international actor's expertise, capacity and knowledge; and the level of interference from other actors in the delivery of relief items.

The second instance in which operational independence needs to be contextualized is when military forces are deployed for humanitarian reasons. Relevant guidelines prescribe that international military forces should only become involved in humanitarian response as a last resort – i.e., when no other civilian option is available. Policy documents also refer to the risk of the humanitarian principles becoming blurred if humanitarians associate themselves too easily and too closely with the military, especially in the context of armed conflict.[99] The last-resort criterion also applies to accepting armed escorts, as UN guidance notes that this is an exception to the general rule not to accept them.[100] These policies, adopted at the inter-agency level, have been the product of long and intense debates on the appropriate distance between humanitarian organizations and the military. The deployment of military forces in natural

---

98 See, for example, Abby Stoddard, Adele Harmer and Jean S. Renouf, *Once Removed: Lessons and Challenges in Remote Management of Humanitarian Operations for Insecure Areas*, Humanitarian Outcomes, New York, 25 February 2010.

99 IASC, *Civil-Military Guidelines and Reference for Complex Emergencies*, OCHA, 2008, p. vii. For a review of the literature on humanitarian civil–military coordination, see Victoria Metcalfe, Simone Haysom and Stuart Gordon, *Trends and Challenges in Humanitarian Civil–Military Coordination*, HPG Working Paper, ODI, London, May 2012.

100 IASC, *IASC Non-Binding Guidelines on the Use of Armed Escorts for Humanitarian Convoys*, 2013, p. 3.

disaster settings is less controversial. As an OCHA policy pamphlet notes: "In many States, national military or civil defence units are part of or even leading national responses to disasters and crises on their territory. Affected States have the responsibility to use whatever means at their disposal to respond to the needs of their citizens."[101] Humanitarian organizations might look at the military for their planning capability, logistical support, specialist resources for infrastructure and engineering projects, medical facilities, and search and rescue capacity. They may be tempted by these capacities, especially in settings where there is a shortage of capacity and in which one (military) helicopter for airlifting supplies might make a huge difference. In highly insecure environments, military assets may also be the only means for the evacuation of humanitarian staff of various organizations. Any assessment of the appropriate level of association of humanitarian organizations with the military, which may impact on their independence, will have to take into account the last-resort criterion. How much did the organization try to have its own capacity in place, or did it look for other, civilian alternatives to augment its capacity? These questions will be even more relevant in relation to countries that have both armed conflicts and natural disasters taking place at the same time. Humanitarian organizations should be very cautious in their relations with the military in these situations. While it would be feasible to assess operational independence, as with the other elements of the principle of independence, there is always a need for contextualization.

Conclusion

This article maintains that the application of neutrality and independence can and should be verified, as they remain part of the core humanitarian principles. It also argues that humanitarian actors must make an effort to uphold these principles. Promoting the principles by just referring to them is not enough. Humanitarian organizations should be able to demonstrate the actions that they have concretely undertaken to apply the principles and be transparent on the challenges and compromises they make. The various elements of the principles identified in this article are meant as references or a framework in this analysis. Without suggesting a monopoly (or bi-opoly) of the ICRC and MSF on neutrality and independence, the article points in several places to these two organizations for whom neutrality and independence appear as articles of faith. Why, in a world with hundreds, if not thousands, of other humanitarian actors, it is only these two organizations that stand out is, at least, a question that deserves further attention. A principled approach is not a luxury or the prerogative of a few agencies that favour a Dunantist view.[102] One question that should be the subject

---

101 Available at: https://docs.unocha.org/sites/dms/Documents/Last%20Resort%20Pamphlet%20-%20FINAL%20April%202012.pdf.
102 See Eva Wortel, "Humanitarians and Their Moral Stance in War", *International Review of the Red Cross*, Vol. 91, No. 876, 2009, p. 800.

of further research is whether or not there is a noticeable difference between the Dunantist and multi-mandate organizations in their ability to successfully gain consent for operations from relevant authorities, and related to this, whether these differences can be attributed to these two types of organizations' respective levels of adherence to humanitarian principles. Overall, it is good news that the number of statements and policy documents from the broader humanitarian community on the importance of humanitarian principles continues to grow.[103] The next step for humanitarian actors is to put in place ways to verify the actions that they take to uphold the principles. Hopefully, this article has made a contribution to supporting them in this endeavour.

---

103 See, for example, the Joint Statement on Humanitarian Principles endorsed by forty-eight humanitarian NGOs as a common contribution to the World Humanitarian Summit consultations, available at: www. actioncontrelafaim.org/en/content/joint-statement-humanitarian-principles-endorsed-now-48-humanitarian-ngos.