

The Dilemma of Neutrality

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Abbreviations:

ICRC = International Committee of the Red Cross
NGO = non-governmental organization

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Abstract

This paper focuses on the dilemma that humanitarian non-governmental organizations (NGOs) face in their efforts to gain access to populations caught up in current wars. Narrow and broad concepts of humanitarian protection are discussed and it is argued that despite high levels of professionalism, the space for humanitarian action has constricted sharply since the events surrounding the attacks of 11 September 2001. Increasingly, aid workers are now being viewed with suspicion as agents of the great powers and assertions of humanitarian neutrality are not heeded or rejected. Non-governmental organizations have evolved a range of options to address this problem, but there is an urgent need to work collectively to find more durable and coherent solutions.

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Introduction

Neutrality is defined by the *Shorter Oxford English Dictionary* as: “A neutral attitude between contending parties or powers; abstention from taking any part in a war between other states. The condition of being inclined neither way; absence of decided views, feeling, or expression; indifference. Any intermediate state or condition.” It is relevant to note that the root of this word, “neutral,” is the Latin “*neuter*”, from “*ne*” meaning “not” and “*uter*,” meaning “either of two.” The adjective, “neutral,” is defined as: “One who remains neutral between two parties or sides; a subject of a neutral state. Not assisting either party in the case of a war between other states, belonging to a power remaining inactive, taking neither side in a dispute, indifferent. Occupying a middle position, undefined, vague.”¹

Two immediate observations spring from this exercise. One is that neutral comes across as a state of weakness, indecisiveness, or even not caring. The other is that the concept lives in a geopolitical world of nation-states, and characterizes a certain behavior of states toward each other.

The dilemma of neutrality is that most humanitarians in the rapidly changing political landscape we now inhabit are not sure: (1) what they mean by the term; (2) whether it is remotely relevant these days; and (3) even if it is dimly sensed to be relevant, how it might conceivably be implemented or applied in conflict zones.

The dilemma of neutrality is that the International Committee of the Red Cross (ICRC), a beacon of clarity in most instances, (1) is certain about its own definition of the term; (2) continues to use the term as one of its defining pillars of humanitarianism²—the others including independence, impartiality, and humanity; yet (3) argues that neutrality is not really a core value, but rather a public stance, or a mode of doing business, or an operational tool for gaining access or facilitating negotiation.³

The dilemma of neutrality is that human rights organizations: (1) insist that they are never neutral about violations of principle; (2) prefer to use the term “non-partisan” to characterize their refusal to take sides in a particular political or military dispute; and (3) consider those who do not denounce or work against grave violations of human rights and international humanitari-

an law to be working at cross-purposes with the core meaning of civilian protection.

The dilemma of neutrality is that there is no common and accepted definition of the term that speaks to the purposes, intents, and needs of civil society actors in conflict situations.

The dilemma of neutrality is also that the non-state actors in current conflicts do not believe that there is any such thing as a neutral humanitarian.

And, finally, the dilemma of neutrality is that the concept has been overtaken by a powerful framework called "civilian protection," and in that overtaking, the notion of neutrality has become eclipsed, if not extinguished.

The protection framework contains within it and attempts to resolve the old division between rights and relief. Protection has elements of protection of rights (in peace and war) and elements of relief (including emergency aid but also measures to shore up human security more broadly and participate in post-conflict reconstruction and development).

Can one denounce and still be neutral? Can one protect civilians and not denounce? In other words, can one be a humanitarian, acting within the framework of protection, and actually *ever* be "neutral?"

Humanitarian Protection 1949–2001

The concept of humanitarian protection has its origins in the 4th Geneva Convention of 1949. Since then, developments in the nature of war and in international norms of human rights have led to an expansion in the content and scope of what is considered necessary to protect civilians in war situations. The early, narrower understanding of humanitarian protection maps quite closely to what the ICRC still continues to do: provide minimum assistance in terms of food, water, shelter, and emergency medical care; help trace lost family members; visit prisoners; and monitor against military attacks on civilian populations. More recent notions of humanitarian protection have broadened to include attention to the psychosocial needs of refugees and internally displaced persons (IDPs); responsiveness to norms of human rights; and extensive relief if not development work, undertaken according to best practices and sustained during protracted post-conflict periods.

Both the narrow and the broader understandings of humanitarian protection rest on three basic principles of strategy and operations: neutrality, impartiality, and independence. These notions derive from the Red Cross movement but have been adopted by virtually all humanitarian non-governmental organizations (NGOs) with presence in the field. *Neutrality* is defined with respect to the politics of the conflict—humanitarians do not take sides and do not opine on the relative merits of different factions. *Impartiality* refers to the assessment of need and distribution of services—humanitarians deliver on the basis of population ethics, the greatest good for the greatest number, taking care to minimize harm. *Independence* refers to an insistence on maintaining political distance from external authorities—humanitarians make their own decisions and determinations with regard to strategy and operations in-country and do not take dictation from others.⁴

Several changes in the nature of recent wars have spurred expansion to the broad interpretation of the scope

of humanitarian protection. In the last 25 years conflicts have increasingly occurred as internal violent struggles among communally grounded entities in the context of collapsing, failed, or oppressive states. These newer wars are waged by non-professional, irregular armed forces who lack training, heavy weapons, or supply lines. They rely on civilian targeting as a deliberate method of capturing territory by inciting fear and flight. These methods inflict grave human rights abuses, cause humiliation, rage, and terror, and have often provoked massive instances of forced migration. International response has varied in intensity, duration, and effectiveness. The end result has been a series of regional wars that have dragged millions of ordinary people into long years of severe hardship, loss, and dislocation. Generations of people in parts of Africa, Asia, and Latin America have known nothing but war or its fragile, post-conflict transition.

The adaptive response of the humanitarian community to these protracted crises has been both programmatic and normative. Non-governmental organizations devoted to humanitarian assistance first tried to redefine their mission in terms of a relief-to-development continuum but realized by the early 1990s that in fact there was no continuum, just an ongoing huge demand for a rich array of relief capacities.⁵ They then saw the need to inflect their assistance with awareness of human rights norms, given their custodial relationship to diverse populations over long periods of time.⁶ In this same period, as NGOs became more numerous, they responded to internal competition and donor scrutiny by developing protocols, standards, and coordinating bodies to improve and codify their principles of practice and their operations (discussed in more detail elsewhere in this theme issue).⁷ By the end of the 1990s, humanitarian NGOs were poised to command an influential and essential niche in the panoply of international action on behalf of civilians in times of war. Their acknowledged interventions ranged from bearing witness to mobilized early warning, from relief of pain and suffering to saving livelihoods, from stamping out disease to promotion of democratic governance, from camp hygiene to regional water and sanitation projects, from providing shelter to community reconstruction, from assistance to capacity-building.

During this same period—the 1990s—a parallel and not necessarily contradictory process of envisioning an expanded mission of civilian protection was taking place at the international level of nation-states and international institutions. The responsibility to protect, as elaborated in 2001 by an international commission and subsequently endorsed by the United Nations, spoke to actors at the level of states and international institutions.⁸ This responsibility referred to the obligation of the international community to act to protect people from the assaults of a rogue state or from brutal chaos arising within a failed state. A nested set of diplomatic and economic actions available at the international level cedes in the last resort to international armed military intervention against a (still) sovereign state. During the 1990s, military intervention with the aim to protect civilian populations, termed "military humanitarian intervention," was briefly used, to mixed effect, in Somalia, Bosnia, and Kosovo.

At both levels, civil society and international nation-state, this expansion in the meaning of civilian protection

came to an abrupt halt after 11 September 2001. In the post 9-11 conflicts, the US has been a principal belligerent party rather than a professed actor on behalf of beleaguered inhabitants of a benighted state, and many other countries have allied themselves against the global war on terror.

Civilian protection in this context becomes a highly political engagement. It is one thing for a Western NGO to enter a community that is not awash in small arms, not inflamed by communal tension, and not predisposed to hate people from the West or North (the latter term referring to wealthy developed countries). For a brief time in the 1990s, it was possible to do so and insist that we were here to help, we were motivated only from a sense of humanity, neutrality, and non-partisanship, and we would gladly be judged on the basis of our compassionate expertise. But it is entirely another thing, in this century, to go into places where there is misery—but also polarities of hatred and suspicion of the West, where organized non-state actors mobilize communities through an intense focus on finding and assigning blame for region-wide afflictions and humiliations.

In these settings, humanitarian workers rapidly move from being centers of attention to targets of reprisal. The old debate about neutrality (are you bringing rights or relief or both?) as well as the recent one (are you backed by the UN or NATO, are you protecting us or overthrowing our state?) have been swiftly superceded by events and political discourse. Regardless of what you bring, do, or say, your neutrality rests on how you are perceived. And in the post 9-11 world, that perception is determined by who you are. Are you from the West or the North? Are you funded by the West or the North? Do you work for the West or the North? Do your efforts promote the agenda of the West or the North? Where norms have no value beyond closed communal definitions, there is no room for argument, debate, demonstration, invention. The dilemma of neutrality is that its very meaning has collapsed into an assigned existential profile.

This development has not passed unnoticed in the humanitarian community. To the contrary, analysis of the causes and consequences of this neutrality implosion has moved into high gear. Yet, the absence of good answers has proved debilitating. A persistent strain of consternation pervades the reaction of US-based NGOs; a deepening layer of cynicism colors the assessment of European humanitarian actors. This much appears to be clear: The humanitarian niche that opened in the 1990s is shrinking before our very eyes.

Driven by practicalities, an operational realignment occurred. Most humanitarian NGOs have been forced to recognize that some conflict regions are simply no-go zones (most of Iraq, increasingly large areas of Afghanistan, most of Lebanon during the August 2006 war). Despite the desperate plight of civilians in these areas, the risks to the security of NGO personnel have made it too dangerous to establish much of a delivery footprint. To claim neutrality as a warrant for access is to walk into a death trap.

In other war-affected areas, NGOs are evolving a hybrid set of strategies, drawn, in their pure form, from one of the following three approaches.

1. Focus on prevention and early warning. Strategies include:

- a. Expand operations in countries not yet at war;
 - b. Engage in local capacity building (from human rights to economic development);
 - c. Expand in areas of niche competency (essential drugs, child soldiers);
 - d. Maintain independence;
 - e. Accentuate advocacy (including human rights violations);
 - f. Accept moderate security risks for personnel; and
 - g. Prepare to exist if security conditions deteriorate.
2. Focus on narrow humanitarian protection. Strategies here include:
- a. Maintain operations in unstable conflict and post-conflict war zones;
 - b. Seek access only if allowed to function independently;
 - c. Reduce operational footprint to delivery of minimum assistance to those in greatest need;
 - d. Accept very high security risks for personnel; and
 - e. If civilian protection issues require advocacy (including human rights violations), do so advisedly and be prepared to exit at once.
3. Focus on broad humanitarian protection. Strategies in this approach include:
- a. Maintain operations in unstable conflict and post-conflict war zones;
 - b. Seek access even if independence is compromised;
 - c. Establish robust operational footprint;
 - e. Prepare to remain for the long haul;
 - f. Do not engage in advocacy (in terms of human rights violations);
 - g. Accept high security risks for personnel;
 - h. Prepare to stand down if security conditions deteriorate; and
 - i. Exit only as a last resort.

Note that in all three options, it is not very easy for very long to sustain neutrality in the face of human rights violations. Speaking out, whether readily (as in Option 1) or reluctantly (as in Option 2), erodes perceptions of neutrality on the ground. Not speaking out (as in Option 3), also erodes perceptions of neutrality on the ground. The dilemma of neutrality is that when humanitarian actors enter the war zones of the post 9-11 world, they have to leave neutrality at the door. Although this imperative is not of their own making, it is denied at significant peril.

Yet, it is important to celebrate, in the midst of this forced re-alignment, a persistent NGO commitment to a core set of protection activities. This core set has two main elements—access and security management. These elements are in logical and strategic tension.

Access has very rich undercurrents, overtones, and relationships to other values in the humanitarian pantheon of protection. What is it about humanitarian action that really makes the difference to populations in danger? It can be argued, in terms of how populations express their attachment to this enterprise, that humanitarian protection derives from the panoply of short-term, discrete actions that occur in day-to-day operations: driving around, observing, filing reports, returning to groups and villages,

interacting with the state and armed non-state actors, participating in the ergonomics of local life, and generally being recognizable, predictable, and reliable fixtures in the landscape.

What local people appreciate, even in the most polarized and communally compromised situations, is that the humanitarian workers know the community and understand key elements of the physical, cultural, and historical environment. What provides a modicum of protection to the local people is that humanitarian workers are easily accessible, respond quickly to meet small-scale demands, can be relied on, usually, to interact with appropriate courtesy and respect, and generally speaking do less harm than good. Even when the aid workers do not speak out about violations of human rights and international humanitarian law, it is understood that they hold a latent capacity to bear witness. Humanitarian workers are perceived as connected to external power structures (with potential promise for outside succor). This connection, of course, is a two-edged sword that both sides, local people and humanitarian workers, agree to put into play. But humanitarian workers are also the symbolic representation of an outside system of probity and moral order. Their presence—the *Médicins sans Frontières* concept of proximity—means to local people that someone out there cares enough to share some of their risk and some of their pain.

The power of access to confer protection, of course, is now compromised by intensifying issues of personnel security. So the second main activity for all humanitarian NGOs now has become an accelerated crash course on security management. Many factors converge to make their operational environment treacherous and hostile—the components of asymmetric warfare (including tactics of insurgency and counter-insurgency and the technological certainties and uncertainties of the electronic battlefield) and the atmospheric antagonisms to all things Western. Non-governmental organizations must consider very carefully where they put their very good people at high risk and invest deeply in training, equipment, communications, and protocols. Those NGOs who set the deployment bar high (if security is deemed very problematic, no entry, no access) may make very different choices from those who set it lower

(security risks can be dealt with, entry takes place, access at least temporarily accomplished).

In these times that require incessant sifting of risks and commitments, it is more necessary than ever for NGOs to be merciful with each other. Every choice can be challenged and every choice will prove contingent. It will be inevitable that some of the people who are sent in will get harmed or killed. Should there be collective discussion of parameters for entry? What makes a situation entirely and unequivocally too unsafe for humanitarian action? There is no right answer, or good answer, and there are very few acceptable answers.

The inquiry has not moved as much as it might have in part because NGOs are hesitant to say what they really think and really fear, particularly across organizational lines. But it is urgent that a collective discussion begins. Perhaps in the coming years, it will not be possible to be in as many places in the world as need us. It may be that for some conflicts, advocacy at a distance is the best that can be done. It is certainly the case that the people sent to the field must be adequately informed of the risks, adequately prepared in security management, and above all consummate professionals, independently capable of making very fine-grained decisions, so that resources expended are well spent, well directed, and thoughtfully evaluated.

For sure, the concept of neutrality will endure as a potent value and potential method, regardless of its applicability in the years ahead. The dilemma now is to figure out how to persist in the humanitarian enterprise, absent its support. Impending threats to civilians darken every horizon. Inevitably, these threats will evoke some kind of international reaction. Where NGOs stand and what they do will continue to define a normative model for response to populations in danger. The question is—what kind of norm, what kind of model? If the way out cannot be found, we may be seeing the demise of what to many of us had seemed, in its best days, what William James long ago called the “moral equivalent of war.”⁹

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