

# Differently Neutral: The Complex Relation among States, the Red Cross and NGOs

Written by Alessandro Fabbri

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ALESSANDRO FABBRI, OCT 22 2018

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A very topical subject in these months of summer 2018 is the often conflicting relation between States and NGOs, particularly in the Mediterranean basin. The contingent cause of these conflicts is the humanitarian emergency constituted by the exodus of refugees from the North African coasts on makeshift boats, which causes frequent shipwrecks, numerous tragic deaths by drowning and the need to provide assistance to the castaways. For this purpose, both the military navies of the coastal countries, Europeans and North Africans, and many NGOs, of different origin and geographical provenance, intervene. It is a relief work that is in fact unequal to the task, at least as far as it is seen by European public opinion. Despite the presence of all these forces, theoretically involved in the same humanitarian activity, people continue to die. In addition, cross-accusations flourish among the various parties. The authorities of the North African countries are accused of incompetence, corruption and connivance with the traffickers of migrants or “human smugglers”. European countries accuse each other and are accused by various NGOs of lack of interest and of insufficient commitment. Various NGOs are accused of not respecting the laws and the provisions of the States, and sometimes of being accomplices of the traffickers.

The “action mechanism” that some people blame to these organizations would be the following: the NGO agrees with the traffickers in order to go and collect the migrants abandoned adrift and about to sink into the sea. The NGO helps the migrants and delivers them to the authorities of the European country from the nearest coasts. In so doing, the authorities are somehow “obliged” to feed the migrants, take care of them, house them and grant them asylum, or to take on the expense of their repatriation. In return, the NGO obtains from this operation visibility and donations, while the traffickers are pushed to persevere in their business, coming to finance the same NGOs. It is a sort of “accusatorial theorem” that so far has not had precise documentary and judicial findings, yet the uncooperative behaviour of some NGOs with the State authorities of European countries such as Italy has made it credible and popular.

But why do some NGOs cooperate more easily with the States and others less? This contribution aims to investigate the root causes of this contrast, considering the exemplary cases of the Red Cross (RC) and of Doctors Without Borders (DWB) and taking a cue from recent semi-structured interviews conducted by myself during my doctoral thesis in Sociology and Social Research. The interpretative key that I intend to illustrate in the present paper, is the following one: RC and DWB both put *neutrality* among their fundamental principles, but they interpret it in a diametrically opposite way. This leads to profound ethical problems, both in a “theoretical” and “speculative” sense, and in a “practical” and “operational” sense, also as far as the relation with States is concerned.

### **The Origins of the Contrast: The Birth of Doctors Without Borders**

The International Red Cross and Red Crescent Movement follows 7 Fundamental Principles proclaimed at the 1965 Vienna Conference: humanity, impartiality, neutrality, independence, voluntary service, unity and universality. Naturally, these are principles that explain the inspiration of the Movement founders, particularly Jean Henry Dunant (1828-1910), author of the famous *Souvenir de Solferino* (Dunant 1862). This book indeed contains the first embryo

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of the idea that gave birth to the the Movement, and hence to the same 7 Principles. Apparently they are clear and simple words, understandable to everyone and acceptable by all, but their formulation was the result of an hard diplomatic work, as recalled by an high executive of the Italian Red Cross (IRC) interviewed by me: “arriving to the 7 Principles was not a simple operation, because it is not easy to codify at an international level, and above all identifying the exact terms in which the whole world recognizes itself is a particularly difficult operation”.

This circumstance explains why, on the website of the International Federation of Red Cross and Red Crescent Societies, on the page dedicated to the 7 Principles, for each of them there is a brief description: it was and it is necessary to eliminate any ambiguity margin in their formulation and interpretation. In regard to the principle of neutrality, there is initially a simple and brief general definition: “In order to continue the enjoyment of all, the Movement may not take sides in hostilities or engage at any time. in controversies of a political, racial, religious or ideological nature”. However, an analytic clarification follows:

## *Analysis of the Fundamental Principle of Neutrality*

The text under the Fundamental principle of Neutrality includes three elements:

- the purpose of complying with the principle of Neutrality is to enjoy the confidence of all. Implicitly, this compliance with the principle of Neutrality is also a condition for operational efficiency, which requires confidence of all in many contexts, i.e. not only in armed conflicts contexts;
- the principle of Neutrality prohibits a component of the Movement from taking part in hostilities;
- the principle of Neutrality prohibits the Movement from engaging at any time in controversies of a political, racial, religious or ideological nature.

The recurrent expression “enjoy the confidence of all” is noteworthy: it results in the strict obligation not to take a position for any of the parties involved, and this is easy to understand and to proclaim theoretically, but it is much more difficult to put into practice. For this reason, evidently, further clarifications are mentioned as “Consequences of the Fundamental Principle of Neutrality”. One is particularly relevant here:

The consequences of the principle of Neutrality are the following:

- neutrality implies not acting in a way that could facilitate the conduct of hostilities by any of the parties involved. The role of National Societies as auxiliaries to public authorities in the humanitarian field when they assist medical services of armed forces – i.e. when they fulfill the initial function of National Societies – should not be seen as taking part in hostilities;

In my opinion, this clarification is very relevant: the same birth of DWB was determined by a serious contrast on the neutrality of RC behaviour. The occasion was the Biafra war (1967-1970): Colonel Odumegwu Ojukwu, the military commander of that region, proclaimed the secession, appointed himself president and caused the conflict. As the Dutch journalist Linda Polman recalls, Ojukwu raged systematically against the civilian population, and used the mobilization of NGOs in favor of it to demand money bribes, or the delivery of weapons for its soldiers together with the aid for civilians (Polman 2008, 108). RC managed to avoid submitting to these requests, but its behaviour was nevertheless considered a sort of complicity:

Appealing to the principles of neutrality of the Geneva Conventions, according to which humanitarian workers must operate independently of the parties at war, behind the scenes [the International Committee of the Red Cross] dealt to grant aid exclusively to the victims and not to Ojukwu soldiers. Several ICRC doctors had to look on while other humanitarian organizations, ignoring the principles of neutrality, openly condemned the “genocide” and entered into action. “With our silence, in fact, we doctors were accomplices in the systematic extermination of a people”, (...) Bernard Kouchner wrote, then head of a small group of disappointed doctors who broke away from the ICRC and in 1971 founded Médecins Sans Frontières (ibid., 109-10).

This explains why presently, in its “Charter”, DWB describes itself in these terms: “Médecins Sans Frontières

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observes neutrality and impartiality in the name of universal medical ethics and the right to humanitarian assistance and claims full and unhindered freedom in the exercise of its functions". Indeed, as RC has its 7 Fundamental Principles, so DWB has its 5 "Working Principles", partially similar: "impartiality", "independence", "neutrality", "bearing witness", "transparent and accountable". However "neutrality" for DWB has a peculiar meaning, and this peculiar meaning is fully understandable if its description is approached to that of the subsequent principle, i.e. "bearing witness":

We do not take sides in armed conflicts nor support the agendas of warring parties. Sometimes we are not present on all sides to the conflict; this may be because access is denied to us, or due to insecurity, or because the main needs of the population are already covered.(...)

Neutrality is not synonymous with silence. Our proximity to people in distress implies a duty to raise awareness on their plight to ultimately help improve their situation. We may seek to bring attention to extreme need and suffering, when access to lifesaving medical care is hindered, when our teams witness extreme acts of violence, when crises are neglected, or when the provision of aid is abused.

The real difference between DWB and RC in terms of fundamental ethical principles lies here, and also the root of their problematic compatibility at the operational level. For DWB, if neutrality means avoiding to take a stance against human rights violations, it becomes a kind of *de facto* collusion with the criminals, and ultimately it encourages them to persevere. Conversely, for RC, if neutrality means denouncing such violations, this attitude could attract reprisals on humanitarian workers (e.g., their expulsion), and ultimately it could result in the impossibility of providing help to victims.

## Red Cross and Doctors Without Borders Nowadays

In the decades following the Biafra war the number of NGOs has grown exponentially: they have undoubtedly behaved heroically in many humanitarian emergencies, but there have also been cases of corruption, incompetence, sexual abuse and other (even very recent) scandals. These misbehaviours have greatly injured NGOs reputation. They however do not represent the basic problem that affects NGOs, because it is not peculiar to them (corruption is everywhere): instead, it is peculiar the problem raised, even with polemical accents, by journalists like Linda Polman and Philip Gourevitch, by scholars like David Rieff and by "dissident" humanitarian workers like Alex de Waal, Michael Maren and Fiona Terry (Gourevitch 2010).

Their criticism concerns the way NGOs operate and the consequences they cause. According to Polman in particular, the principle of neutrality is extremely negative and counter-productive, if it consists of the absence of a condemnation of the parties involved in a conflict. As Polman knows, the strongest objection to her criticism is to ask what would be right to do. Her response is strong and apparently provocative, but actually worthy of careful consideration:

The possibility of doing nothing must exist, if in certain circumstances it is better that way, but I certainly do not want to encourage "not to do really anything anymore". (...) The question is not whether we should "just do nothing more". On the other hand, it is necessary to ask how much the positive consequences of the aid balance the exploitation that the warring parties make of that aid. When do humanitarian principles cease to be ethical? Humanitarian crises are almost always political crises, or crises that can exclusively have a political solution. If donors, armies and militias make politics with humanitarian aid, then NGOs can not afford to be apolitical (Polman 2008, 155-156). In my opinion, this position is not far from that taken and coherently reasserted by DWB, since its foundation until today, and without sparing criticism to other NGOs: indeed, Linda Polman's denunciation work and that of DWB have been associated by other journalists.

On the other hand, RC remains a strong, well-established and extremely popular organization: it does not seem to have been touched by the criticism of journalists like Linda Polman or by the "competition" of other NGOs like DWB. With regard to this, a recent empirical confirmation was provided by a study by Walter Wymer, Hellen Gross and Bernd Helmig. They tried to measure the "strength" of non-profit organizations brands (Wymer, Gross and Helmig

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2016, 1450). Three tests were carried out, and the last one put RC and DWB brands in “competition”. The results were unequivocal:

We tested the ability of the scale to distinguish between the two brands. We expected RC to have a higher level of brand strength than DWB because of its slightly greater popularity (1st and 3rd, respectively, out of 1100 charities). We followed the procedures used in the prior two studies (Reviewer Appendix U). The brand strength dimension and composite means are all significantly greater for RC than for DWB (*ibid.*, 1464). Yet, the cooperation between RC and DWB is certainly preferable to their contrast, considering their aims and their common fields of activity. Indeed, the synergy among humanitarian organizations, when it is well-planned and well coordinated, has a much stronger impact on state and international institutions and on public opinion than their individual and isolated action: therefore it has greater chances to achieve its goals.

With regard to this, a positive example is the cooperation that the International Committee of the Red Cross, Amnesty International, Human Rights Watch and other NGOs managed to realize in 1998. Their aim was to sensitize and to help the UN about the emergency of the “child soldiers”, a humanitarian problem at that time neglected (Bartholini 2000, 301-02). Even now, many of these big humanitarian organizations cooperate regularly with the Special Representative of the UN Secretary-General for Children and Armed Conflict as Civil Society Partners. Yet, the matter of the relief for migrants in the Mediterranean sea demonstrates that such a cooperation is still far from being reached in all humanitarian fields.

## A Glance from Italy: An Unfilled Rift

As previously mentioned, I recently obtained my PhD in Sociology and Social Research with a thesis dedicated to IRC. This work included the carrying out of 20 semi-structured interviews, that touched many topics: one of them was the cooperation between RC and NGOs. I interviewed privileged witnesses who belonged to various categories: among them, members of IRC and members of various NGOs, like DWB (one witness). One of the findings of the interviews was that between the two organizations there is certainly the willingness to cooperate in circumscribed enterprises, but not yet to promote a stable and durable synergy such as that one previously described. One of the main reasons for this unwillingness lies exactly in the different interpretation of “neutrality” developed by the two sides. The words of an high IRC executive are noteworthy in this regard: in a war there are the most vulnerable. There are the bad guys and there are the good guys. And therefore our intervention goes towards those who need more at that moment, in order of seriousness (...) And this is difficult to accept: I sometimes rebel, too. And there were some our doctors, who then went to ... set up other organizations, because they refused to accept this principle fully. I do not know, Kouchner, the one who founded Doctors Without Borders, is a Red Cross doctor. Our Gino Strada, who founded Emergency, eh, was a Red Cross doctor. (...) Other organizations were created precisely against this principle. But they are not organizations that, in my opinion... will have a bright future in the next centuries, because these are organizations that unfortunately are grass-roots movements. So, they defend people who need it at that moment. But, once the problem is over, the organization is over.

From his side, also the DWB witness showed scepticism about the possibility of developing durable cooperation with RC, essentially because of the configuration of the Genevan organization, that according to him is too much “institutional”: “Let’s say that Red Cross has its hierarchical structure, a little “military style”, if we want, no?, and so there is this habit of reporting to the superior”. This witness also spoke in light of his past experience, because he had participated to joint humanitarian initiatives of the two organizations in the Middle East, and admitted that cooperation was possible, but only up to a certain threshold: “we managed to work together on the same topic. Then, of course, you can never work together on a design level, let’s say so, but also because Doctors Without Borders, too, has a very individual approach to the issues it faces. So, let’s say, on both sides there is not all this interest in creating joint projects”.

During the research I interviewed also some high representatives and officials of the Italian state, and one of them, a deputy, confirmed this deep behavioural difference between the two organizations. As he highlighted, RC is marked by an “institutional attitude” that makes it a more reliable partner for states, while DWB and Emergency would have an “antagonistic attitude”.

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These premises provide many useful elements in order to interpret some recent developments of the “migrant emergency” in Italy. Last summer (2017), the Interior Minister of the previous government issued a Behaviour Code for NGOs that were committed in Search and Rescue activity (SAR). This document comprehended 13 articles: they corresponded to obligations that NGOs were requested to respect.

DWB, however, refused to sign the document, and consigned the Minister a letter explaining in detail the reasons for this choice: it contested point 7 (“the commitment not to transfer the rescued persons on other ships”), 8 (“the commitment to ensure that the competent authorities of the flag state are kept constantly informed”) and above all 10 (“the commitment to receive on board, eventually and for the strictly necessary time, at the request of the competent Italian authorities, judicial police officers”). This point was included by the Ministry to harmonize the humanitarian relief activity with the fight against migrant smugglers, and essentially it was equivalent to a cooperation request of Italian government to NGOs for this purpose.

The criticism against point 10 is based exactly on the neutrality principle, in the meaning that, as observed, DWB attributes to it: we lastly examined the Code dispositions in the light of our humanitarian principles of independence, impartiality and neutrality. The presence of armed police officers on board is contrary to the “no-weapons” policy that we adopt strictly in all our projects in the world. (...) again, our équipes are requested to contribute actively to the collection of useful elements for police and investigation activities, and this is a substantial distortion of our mission. The Code then never mentions humanitarian principles and the necessity of maintaining the most absolute distinction between the police activities and the ones of repression of criminal organizations and the humanitarian action, that can be only autonomous and independent.

The strict respect of humanitarian principles recognized at an international level is for us a fundamental prerequisite. Also in this area of humanitarian intervention, however, a different sensitivity of RC, and not only of it, was detected: as reported by the Ministry of Interior website, in fact, “In particular, Migrant offshore aid station (Moas) and Save the children signed the document, while Proactiva open arms sent a communication with which it announced its will to sign the agreement”. RC, and precisely IRC, did not materially signed, but it can certainly be assumed that IRC approved MOAS choice, because the two organizations cooperated in SAR activity since June 2016, MOAS with ships and crews and IRC with health care staff: this was a “joint rescue service”, according to the IRC president Francesco Rocca’s definition.

RC therefore confirms itself as bearer of that “institutional attitude” which was indicated as one of its distinctive features, and which is favorably viewed by the Italian state representatives. Moreover, evidently, this attitude is shared by some “younger” NGOs. MOAS, for instance, was founded in 2014 and its exclusive mission is the SAR activity: therefore it is not the “age” that determines an NGO attitude towards state authorities. However, it is not useless to add that, according to some people, the cooperation between IRC and MOAS would also have other reasons, apart from a common “institutional attitude”. This is the case of Gino Strada, founder of Emergency, an NGO marked by an “antagonistic attitude” (for some people): Emergency had in turn criticized Ministry Code of Conduct, but it had also cooperated with MOAS. Strada publicly declared, in an Italian television program, that the cooperation between the two NGOs had ended essentially because IRC had been willing to offer MOAS much more money to cover its expenses. This declaration naturally determined a strong stance from the same IRC. Regardless of who is right in this polemic, it is clear that the common humanitarian effort does not take advantage from it.

## Conclusion

The Italian government reached the conclusion of its mandate and in the general elections of March 4, 2018 the strong affirmation of two so-called “anti-system” parties – the “Movimento 5 Stelle” and the “Lega” – occurred. After long bargaining, these two parties agreed to form a government coalition together: the Lega leader is the current Interior Minister. His political line towards NGOs is much stronger than his predecessor’s. He has indeed decreed the total closure of Italian ports for NGOs ships, maintaining constantly an attitude of total intransigence.

The Interior Minister’s reasoning is as radical as Linda Polman’s, but in a specular way. In his opinion NGOs – even regardless of hypothetical agreements – with their presence alone encourage traffickers in their activity, because

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they know that someone will “collect” migrants they abandon in the Mediterranean sea. Therefore, only the total end of all cooperation with NGOs can block migrant smuggling and the consequent deaths, while at the source the problem must be solved by strengthening the cooperation with the authorities of African countries, such as Libya. As it can be seen, this is an eminently political strategy. The Minister has not argued with a specific NGO, except at specific times, and has not distinguished between more or less reliable organizations, but in any case his political line seems to be conceived deliberately to attract the criticism of the most intransigent NGOs, as Emergency and DWB. However, RC itself won't remain necessarily immune to this debate.

The Minister, also in order to gain public opinion's approval, has expressed opposition even to the landing of migrants rescued by units of military Navies of allied countries, causing embarrassment in the government. Anyway, this attitude, i.e. more intransigent towards migrants, is spreading among many European governments, and it is clear that NGOs can better resist these pressures if they are united and compact. For this reason, as well as for the already mentioned benefits regularly produced by the synergy, it would be appropriate if realities such as “Red Cross” and “Doctors Without Borders” organized a debate, even public, on their different ethical backgrounds, trying to bridge their differences and to reach a durable agreement as far as it is possible.

However, it can be argued that this radical divergence in interpreting the *principle of neutrality* and in sketching out humanitarian activity accordingly has also positive effects. In fact, it can be recognized that what both organizations do is right. It is right, on the one hand, that there is someone who denounces war criminals and the fact that they demand bribes in exchange for humanitarian aid, but it is also right, on the other hand, that someone takes care of war victims at all costs.

Anyway, I believe that we should never forget the underlying problem from which the dispute stems: if humanitarian organizations have to debate, sometimes even harshly, on how to interpret the fundamental ethical principle of neutrality, it is because criminals like Odumegwu Ojukwu, and like many others after him, put them in front of the dilemma, objectively atrocious, of choosing whether to denounce murders, tortures and rapes by asking the world that justice is done, or to do everything in order to guarantee at least a minimum of assistance to the victims of those murders, tortures and rapes.

On this basic aspect of the problem it can be affirmed with Linda Polman: the search for a solution must be first of all political, while humanitarian organizations can only sensitise public opinion, each according to its own style. There are reports of cases in which some NGOs appear to be in league with the traffickers of migrants, and it is probably true – as documented by Polman and other journalists – that there are some “facade” NGOs more careful to collect substantial amounts of money than to spend it where it is actually necessary. A common and constant struggle against these realities, that are dangerous for humanitarianism in all its meanings, could therefore be the first step to create an unprecedented synergy between RC and DWB, a synergy that could lead the two organizations to no longer be “differently neutral”.

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