London, 9 September 2015: As European countries are facing a massive humanitarian crisis with thousands of people seeking refuge from the Middle East and Africa, the British Red Cross feels the need to publish an article entitled “Why Do We Help Refugees and Migrants?” It explains: “Of course, here at the British Red Cross, we’re particularly well placed to support people in the UK … But our principles mean that whenever we see people who need help, we don’t demand to see their passports. We just give them help and dignity – something we would all expect after a brutal journey into the unknown.”

This recent example from the British Red Cross (BRC) is an illustration of the application of the Fundamental Principles of the Red Cross and Red Crescent: impartiality in the provision of humanitarian aid according to the most pressing needs and not nationality or status; the necessary independence of the BRC in its ability to make autonomous decisions regarding the course of its humanitarian operations; and neutrality in the BRC’s decision to avoid taking sides on controversial aspects of the deeply politicized issue of migration, while taking a clear stand on the humanitarian imperative. Above all, the BRC’s position is motivated by the principle of humanity, the raison d’être of the humanitarian endeavour.

Around the world, relief and protection programmes in favour of the populations affected by conflicts, other situations of violence and disasters are meant to be guided by principles. These principles distinguish the humanitarian response from other forms of aid. Building on the experience of humanitarian professionals, they provide humanitarian actors with a compass to navigate difficult choices such as the dilemmas related to priority setting in situations where needs exceed limited resources, or the tension between security of humanitarian workers and access to populations.

These principles have been constantly challenged, and are now being tested in relation to phenomena such as the typology, duration and magnitude of current crises, the political environments in which humanitarian actors operate, and the evolution of the sector itself.

On the eve of the 50th anniversary of the adoption of the Fundamental Principles of the Red Cross and Red Crescent Movement (the Movement) and the 32nd International Conference of the Movement at the end of 2015, as well...
as the World Humanitarian Summit in early 2016, several initiatives are under way to study the contemporary practice and impact of the Fundamental Principles, and to reaffirm their relevance.

The Review decided to contribute to this research and debate, both by soliciting contributions from experts and practitioners in this thematic issue, and in the context of the International Committee of the Red Cross’s (ICRC) Second Research and Debate Cycle on Principles Guiding Humanitarian Action throughout 2015, which has hosted a number of substantive discussions on the Principles.²

What role have the Principles played in humanitarian action? What are the main challenges that humanitarian actors face in upholding them in today’s crises and emergencies? What are the best practices in their application to contemporary field realities? These questions inspired us in the preparation of this issue.

The humanitarian ethos: Where values and pragmatism meet

The values underlying humanitarian principles – such as charity, compassion, mercy and respect for human life and dignity – are ever-present in all societies and religions (Christian alms, dāna in Hinduism, Buddhism, Jainism and Sikhism, zakat in Islam, tzedakah in Judaism etc.) and penetrate various areas of life: for instance, the need to provide medical care according to need and without any discrimination is enshrined in medical ethics.³

The humanitarian sector has generally adopted the four principles of humanity, impartiality, independence and neutrality, commonly referred to as humanitarian principles, to distinguish them from the Fundamental Principles of the Movement.⁴ The United Nations (UN) General Assembly has also adopted and recognized them as the main guiding principles for international humanitarian action under the UN system.⁵ In this issue of the Review, the

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2 Recordings of the events are available at: www.icrc.org/en/cycle-principles.
3 See, for instance, the Declaration of Geneva of the World Medical Association: “I will not permit considerations of age, disease or disability, creed, ethnic origin, gender, nationality, political affiliation, race, sexual orientation, social standing or any other factor to intervene between my duty and my patient.” Available at: www.wma.net/en/30publications/10policies/g1/.
4 The Fundamental Principles also include the principles of unity, universality and voluntary service, which are considered “organic” principles by Jean Pictet, as they have an institutional character. “These are standards for application, relating to the structure and operation of the institution, coming into play primarily in connection with specific tasks. They are less far-reaching than the previous principles.” Jean Pictet, “The Fundamental Principles of the Red Cross: Commentary”, International Review of the Red Cross, No. 210, May–June 1979, p. 136, available at: http://principlesinpractice.org/uploads/Library/Documents/RedCrossandRedCrescent/irrc_may-jun-1979.pdf.
5 See UNGA Res. 46/182, 19 December 1991, which states: “Humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality.” Independence was also recognized as a guiding principle for the provision of humanitarian assistance in 2004, in UNGA Res. 58/114, 5 February 2004.
phrase “principles guiding humanitarian action” is used to refer to both the Fundamental Principles and humanitarian principles.6

As guiding notions of humanitarian action, these principles emphasize the value of human life, with a view to protecting people in times of peril and emergency. In their contemporary codified form,7 the principles find their source at the intersection between humanism, philanthropy and the practical necessity related to organizing a systematic and effective response to multiple humanitarian needs. They derive from field practice and lessons learned over more than a century as part of the development of modern humanitarian action. While some of them were clearly present in the minds of the pioneers of modern humanitarian action, their actual formalization took several decades. Fifty years ago, the 20th International Conference of the Red Cross and Red Crescent Movement in Vienna officially adopted a list of seven Fundamental Principles. The Commentaries8 to the Fundamental Principles, authored by Jean Pictet, are still their most authoritative source of interpretation.

The Fundamental Principles not only define the purpose and raison d’être of the humanitarian endeavour (humanity, impartiality) but also specify what should be the characteristics of the actor providing assistance and protection (neutral, independent, voluntary, united and universal). For instance, neutrality is not a passive, defensive stance; it requires constant work aimed at being trusted and accepted by all in order to reach people in need. It is an “acting neutrality”, a means to an end. Furthermore, principles do not offer a comprehensive normative vision of the world. In that sense, the principles guiding humanitarian action do not form an ideology (as the use of the related word “humanitarianism” sometimes seems to imply). Both local and international actors alike can apply them. Used in combination, these principles are meant to guide the concrete action of humanitarian actors in a pragmatic and teleological – not dogmatic – way.

In recent years, the British Red Cross has produced a series of case studies demonstrating the practical relevance of the Fundamental Principles, including one on Lebanon published in a previous edition of the Review.9 Amelia Kyazze discusses

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6 There are regular proposals to add possible new principles to the existing lists, including, in recent years, the principles of accountability and participation of beneficiaries, the “do no harm” principle, and the need for sustainability of relief efforts. See, for example, the Sphere Project (www.sphereproject.org) and the Humanitarian Accountability Partnership (http://fr.hapinternational.org/); and see UNICEF, Core Commitments for Children in Humanitarian Action, New York, 2010, p. 8, available at: www.unicef.org/lac/CCCs_EN_070110.pdf.


8 J. Pictet, above note 4.

the results of this work in this issue of the journal. Using evidence from nine different National Societies, she illustrates how the Fundamental Principles of the Movement are applied in today’s diverse contexts.

The ICRC – which is often considered purist in its strict adherence to the Fundamental Principles – decided to assess its own practice in this regard. In 2013–14, it conducted its own in-house study on the application of the Principles across several contexts, the challenges to such application, and the way in which the Principles shape operational decision-making. Pascal Daudin and Jérémie Labbé share the main results of this internal study in this issue.¹⁰

Can principles stand the test of today’s armed conflicts?

The application of humanitarian principles by humanitarian actors is a constant challenge and does not always guarantee the access, security and capacity needed to make a significant difference to the lives of people in need. The radicalization generated by armed conflict puts the principles to their most severe test. At the same time, it is in situations of armed conflicts that strict obedience to the principles is the most relevant, insofar as it can create the non-political and neutral space needed to care for those who are in dire need of life-saving assistance. Responding to situations of natural or technological disasters generally does not create the same political pressure on humanitarian actors.

Direct attacks against medical and humanitarian personnel and volunteers are among the most extreme and severe challenges, but they are only one of several that humanitarian actors fear and deal with in their day-to-day work. Parties to the conflict instrumentalize humanitarian aid to pursue political objectives, trading for some political gain what should be their non-negotiable obligations to their populations under international humanitarian law. When States engage in humanitarian assistance as part of a strategy of “winning hearts and minds”, this may lead to dangerous amalgamations between political agendas and the humanitarian imperative in the perception of local communities and armed opposition groups. Ultimately, this might lead to more intense fighting, more victims and more obstructions for humanitarian actors who want to access people in need. Similarly, if humanitarian engagement with armed opposition groups is criminalized, this reduces the space within which neutral and impartial humanitarian action can take place.

Several contributions in this issue analyze the range of pressures on neutral, independent and impartial humanitarian action that States and non-State armed groups can create in times of conflict and other situations of violence. Kubo Mačák discusses the key question of whether the principles of impartiality and neutrality of humanitarian action are legally binding, focusing on “States as

humanitarian actors”. Andrew Thompson analyzes the challenges to the Fundamental Principles during and after decolonization, a period when the character of conflict changed and the principles were politicized, notably due to colonial counter-insurgency. Looking at the context of Australia today, Phoebe Wynn-Pope, Yvette Zegenhagen and Fauve Kurnadi analyze the present threat to neutral, independent impartial humanitarian action that counter-terrorism legislation can represent.

Can the principles be universal in a diverse and divided world?

The modern humanitarian endeavour is based on the affirmation that suffering has no borders, and that all human beings deserve minimum help in times of distress. “While people differ, human nature everywhere is the same and there is nothing more widespread than human suffering, to which all men are equally vulnerable and sensitive”, wrote Jean Pictet in his Commentaries. As mentioned earlier, it is obvious that the values attached to charity, help and protection are deeply rooted in all cultures. Nonetheless, the universal nature of the principles has been constantly challenged throughout their history.

Principles are often perceived as an expression of Western values, potentially offensive to or dominant over local cultures or religions as a new manifestation of post-colonial domination, undermining the sovereignty of the receiving countries. This is explained by the fact that the core body of the humanitarian enterprise has its historical origins in the West in the 19th century, at a time of Western domination and expansion. While local charities had long existed everywhere, the organization of international relief actions on a systematic basis clearly finds its origin in a given place and period of time. Still today, the majority of large humanitarian organizations have a strong European or American footprint. Thus, humanitarian principles can easily be conflated with other political or economic agendas. The West has historically and continuously been accused of seeking political and economic advantage while exporting democracy and human rights. New powers emerging in the field of international humanitarian action may also face, in their turn, the same suspicion.

In the context of the growth and development of humanitarian organizations from all over the world, the Review wanted to provide a space for different perspectives, including those of faith-based humanitarian actors, to be presented. Ronald Ofteringer and Abdulfatah Said Mohamed give an overview of the “Islamic Voices in the Debate on Humanitarian Principles” and an account of the many initiatives that have been taking place in recent years to develop a code

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11 Ibid., p. 134.
of conduct for Muslim humanitarian NGOs, and which reflect the perception that the current frames of reference for humanitarian action mainly emanate from the West. They highlight the relevance and importance of genuine dialogue between humanitarian actors of different backgrounds to achieve a common understanding and inclusive ownership of the principles. Lucy V. Salek challenges what she describes as the “exclusively secularist” paradigm in the mainstream concepts of relief and development. She draws on the research of Islamic Relief Worldwide to present the Islamic maqasid al-Shari’ah framework as an example of how faith-based approaches can provide a basis for humanitarian action that is both relevant to Islamic communities and complementary to humanitarian principles. In his Opinion Note, Mohd Hisham Mohd Kamal examines neutral humanitarian action during armed conflicts from an Islamic perspective. Finally, Kathryn Kraft discusses the case study of Lebanese evangelical churches providing food aid to Syrian refugees, and these churches’ efforts to respect impartiality.

The Review interviewed Ma Qiang, executive vice-president of the Shanghai branch of the Chinese Red Cross at the time, to better understand the specificities of the Chinese perspective on the Fundamental Principles. This conversation is critical at a time when Chinese disaster response organizations are increasingly involved in international crises. China, being one of the most disaster-affected countries in the world, has extensive experience in responding to crises on its own soil, which can be put to use globally. Recently, China has also been engaging in bilateral cooperation with States, but will the Chinese government choose to engage with – and support – non-governmental actors, and more specifically, independent humanitarian actors? Today, all too often, humanitarian action still creates an intrinsically unequal relationship between the donor and the recipient of assistance. Aid generates tensions, especially when the provider of aid adopts a paternalistic attitude or violates its own essence when the aid is accompanied by abuses of its position of power. Unpacking the principle of humanity is also a means to prevent such dangerous drifts; it clarifies that respect of dignity should be the only real driver of aid. However, while humanity is the most uncritically and probably universally accepted humanitarian principle, it is not without controversy. In her contribution to this issue, Larissa Fast defines this “essential principle” (as Jean Pictet calls it13), uncovers its inherent tensions and makes a timely call for its operationalization through a series of practical measures.

In the current climate of radicalization, the contestation of the universal nature of the humanitarian principles can take the form of an outright rejection of the essential principle of humanity by armed extremist groups or members of marauding militias. Hostage taking and direct attacks against humanitarian workers prevent humanitarian actors from operating in vast areas of the Middle East, the Sahel and Central Africa. This is a sad fact, but it has nothing to do with incompatibility between religious beliefs or political/ideological causes as

13 J. Pictet, above note 4, p. 135.
such, and the principles guiding humanitarian action. In fact, religious leaders have openly refuted such practice.\textsuperscript{14}

Far from discrediting the humanitarian principles, these challenges may well actually reinforce the need for adherence to those principles. Nonetheless, the questioning around the universal nature and value of the principles suggests an urgent need for a renewed dialogue between faith-based and secular actors, across different cultures, religions and State practices, on the various understandings of humanitarian concepts.

**Will the principles dissolve in the global transformation agenda?**

In recent years, new questions regarding the contemporary relevance of the principles have come from the parallel growth and diversification of the humanitarian sector and the broadening of the qualitative and quantitative expectations of the international community of humanitarian action.

While humanitarian principles have gained a broad acceptance and consensus across the humanitarian sector, the actors that compose it are not homogeneous and their interpretation of the principles may vary to a considerable degree. While the components of the Movement are bound by the Fundamental Principles, other organizations may choose to apply other guiding principles in their actions, or interpret the four humanitarian principles differently.

Some claim that they act according to principles, but in reality may be unable or unwilling to do so. For instance, when the main motive of an organization is solidarity with a given group on political, ethnic or religious grounds, the other party may rightly perceive the organization as taking a side with its enemy. By extension, all humanitarian actors may be perceived with suspicion if organizations’ claims to apply the principles are not demonstrated through their actions. Ed Schenkenberg van Mierop writes in this issue about the need to assess the actual application of humanitarian principles, in particular neutrality and independence, and makes concrete, practical suggestions for doing so, such as its standards for financial independence.

“Paradoxically, one reason why the principles are so difficult to implement is their success”, argue Jérémie Daudin and Pascal Labbé in their piece for this issue.\textsuperscript{15} In their analysis, “[t]hese days, there are more and more agencies with competing interpretations of the principles. The ambitions of the sector have grown to include addressing not just the effects but also the causes of crises.” Accordingly, humanitarian actors are led to engage in a wider transformative

\textsuperscript{14} In 2014, in an open letter to the head of Islamic State, Islamic scholars of different schools of thought highlighted how some of the basic tenets of humanity are part of Islam, recalling for instance that it is forbidden in Islam to kill “emissaries, ambassadors, and diplomats; hence it is forbidden to kill journalists and aid workers”. Available at: www.lettertobaghdadi.com.

\textsuperscript{15} See Jérémie Labbé and Pascal Daudin, “Applying the Humanitarian Principles: Reflecting on the Experience of the International Committee of the Red Cross”, in this issue of the Review.
agenda of the international community. The integrated approach developed by the UN began from classic peacekeeping and became a global transformation project that combines policing, stabilization, establishing the rule of law, carrying out development programmes and providing humanitarian aid. Many organizations have aligned with this broader agenda. This comprehensive response to conflict, combining political, social, economic and humanitarian objectives, is perpetuated by and reflected in donor policy (e.g. a “whole-of-government approach”). It has been persuasively argued that such an approach brings an entirely different set of ethical goals and methodologies, which extend far beyond humanitarian ethics. This was recognized as problematic in the Active Learning Network for Accountability and Performance (ALNAP) 2012 report on the state of the “humanitarian system”, which stated:

The findings highlight the on-going and uncomfortable stretching of humanitarian funds into spheres of activity on the edges of response work, including preparedness, disaster-risk reduction and resilience activities, on one side, and early recovery, infrastructure rehabilitation and the indefinite provision of basic services in the absence of a state-led alternative.

Antonio Donini and Stuart Gordon present in their article the general critique of what they call the “new humanitarianism” (as opposed to humanitarian relief as practiced by the traditional principles-abiding organizations). They conclude that still, the best chance of gaining access to people in need today is through adherence to the traditional humanitarian principles. The ICRC’s Peter Maurer echoes this conclusion when he affirms: “our experience shows that emergency access to vulnerable populations in some of the most contested areas depends on the ability to isolate humanitarian goals from other transformative goals, be they economic, political, social or human rights-related.”

While the advantages of having a diversity of international actors and modes of action are obvious, the questions of the broadening agenda of humanitarian action and of preserving the capacity of principled humanitarian action to operate in polarized crises free from other agendas could be topics for discussion among humanitarian actors and with participating States at the 32nd International Conference of the Movement and at the World Humanitarian Summit in 2016.

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Can humanitarian workers be both “professional” and “principled”?

As mentioned above, the development of the principles was actually the “crystallization” of the long experience of Red Cross and Red Crescent humanitarian workers. In that sense, it contributed to the professionalization of the sector, in the real sense of the word. Donors and organizations, however, have often understood professionalization as the adoption of professional standards of the business sector or administration in opposition to the perceived “amateurism” of the past. As Fabrice Weissman of MSF has noted in mapping the state of the humanitarian sector, “One of the main issues, in my opinion, is the phenomenon of bureaucratization: More and more resources are allocated to the management of organizations, to the detriment of the social mission.”20

While humanitarian organizations need to constantly strive to progress and increase their effectiveness in order to provide services to human beings in need, the measurement of their performance may not follow the same criteria as are found in the private sector. Corporate professional standards of performance (which resurface in contemporary discussions on “value for money” in the delivery of humanitarian assistance) may not capture the human dimension of suffering and the human response to it. Supporting and restoring human dignity is not the mechanical outcome of a process, and adhesion to the principles needs to – and can – be factored in. Respect for the principles may be the real mark of a truly professional humanitarian sector. This should be remembered in the future, when humanitarian assistance may be outsourced to private companies, leading to what might be considered a privatization of aid.

If one looks for a third way between charitable amateurism on the one hand and mercenarism of charity on the other, humanitarian principles may well be pointing in the right direction – hence the growing interest in the development of good humanitarian leadership, where the principles could be a key source of inspiration for decision-making and action. Humanitarian actors also need to maintain their attractiveness to young, motivated professionals, including volunteers, and there again, adhesion to the principles can act as a powerful force for motivating enthusiastic new recruits and cementing the cohesion of the humanitarian workforce.

In her piece for this issue of the Review, Katrien Beeckman explains how to make the Fundamental Principles come alive in people’s behaviour by nurturing the humanitarian values that underpin them, such as respect for diversity, equality, dialogue, non-violence and mutual understanding. The International Federation of Red Cross and Red Crescent Societies has adopted this most innovative

To complete the overview of the practice of humanitarian principles, this issue of the Review also hosts three pieces on the particular principles and working methods of two so-called “Dunantist” humanitarian organizations. Caroline Abu Sa’dà and Xavier Crombé explore the meaning of the principle of voluntary service at MSF, particularly in relation to risk-taking. The article by Els Debuf on the ICRC’s legal status, privileges and immunities and the ICRC Memorandum on the organization’s privilege of non-disclosure of confidential information clarify the ICRC’s working methods and explain the rationale behind them.

The principles guiding humanitarian action seem to serve two main important purposes for the humanitarian sector: they function simultaneously as “tools to do the job”, and as catalysts for its identity. With regard to the first of these two purposes, they provide a framework for making difficult choices in the field, in particular, and they help gain trust in the eyes of armed actors and society in general in times of conflicts and violence, when perceptions are a matter of life and death. In relation to the second, their codification is the result of the experience of humanitarian workers and in turn, since their adoption, they have contributed significantly to the shaping of the humanitarian sector’s identity, including the delimitation of its boundaries. This dual nature reinforces the inherent tension within the principles: they often tend to be invoked in a rhetorical, if not dogmatic, manner as a reminder of the sector’s specific identity (and concomitant status) without being accompanied by action that is aligned with them. This can lead to allegations of hypocrisy, with a negative impact on the broader humanitarian endeavour. All those claiming to abide by the principles need to “walk the talk”.

These two dimensions will continue to generate discussions and debate as the humanitarian sector evolves and needs to adapt to new types of crises in an ever-changing international political landscape. However, what may be the most important dimension of the principles is their universal appeal, beyond the humanitarian sector – they are not only principles of humanitarian actors, they are humanitarian principles, an ethos in action. The call to uphold human dignity, which lies in the principle of humanity, can and should be heard by all of us. Hugo Slim writes:

When human life is threatened amid violence and disaster, the person is the humanitarian goal, rather than some grand version of political society. Humanitarian action is a theology of person, not politics. There is no greater goal beyond the person in humanitarian action: not peace; not democracy; not religious conversion; not socialism; not political Islam; and not military victory.21

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This is perhaps the principle of humanity in its universal dimension, which today needs to be reaffirmed the most, in particular in the face of armed actors who deny the basic tenets of humanity and in the face of a raison d’état which continues to subjugate the humanitarian imperative to political, economic or military considerations.

Genuine and inclusive dialogue among humanitarian actors from different backgrounds can contribute to that. In order to avoid finding themselves serving other agendas or falling into obsolescence, humanitarian actors themselves need to reconnect to the very ideal that set them in motion at their origins: that of humanity.

Vincent Bernard
Editor-in-Chief
The Fundamental Principles of the International Red Cross and Red Crescent Movement*

The Fundamental Principles were proclaimed by the 20th International Conference of the Red Cross, Vienna, 1965. This is the revised text contained in the Statutes of the International Red Cross and Red Crescent Movement, adopted by the 25th International Conference of the Red Cross, Geneva, 1986.

**Humanity**

The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and to ensure respect for the human being. It promotes mutual understanding, friendship, cooperation and lasting peace amongst all peoples.

**Impartiality**

It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

**Neutrality**

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

**Independence**

The Movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.

**Voluntary service**

It is a voluntary relief movement not prompted in any manner by desire for gain.

**Unity**

There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

**Universality**

The International Red Cross and Red Crescent Movement, in which all Societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.