

# Redefining the neutral intermediary role: Balancing theoretical ideas with practical realities through the ICRC's experience in Yemen

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## Abstract

*Neutrality, a foundational principle in humanitarian efforts and peace mediation, encounters significant practical challenges in the modern landscape of armed conflicts, particularly in the intermediary role of humanitarian organizations. This study examines the role of the International Committee of the Red Cross (ICRC) as a neutral intermediary in Yemen, focusing on the release and repatriation of detainees during the 2016–20 peace efforts. Drawing on the ICRC's experience, the analysis highlights the evolving understanding of neutrality from a rigid concept to a more flexible, context-sensitive approach. The findings emphasize the importance of neutrality in fostering trust and facilitating dialogue while acknowledging the operational complexities and strategic considerations involved. This study provides*

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*insights into enhancing the contributions of neutral intermediaries to sustainable peace processes.*

**Keywords:** ICRC, neutral intermediary role, peace mediation, Yemen, persons deprived of liberty, release and repatriation, protection, international humanitarian law, humanitarian diplomacy.



## Introduction

In modern conflict resolution, neutrality has become pivotal to facilitating peace efforts. Historically entrenched in international relations, this principle has gained renewed significance in the contemporary geopolitical landscape, which is characterized by complex, multifaceted conflicts that transcend national and international borders. Neutrality, a cornerstone principle of peace mediation, ensures that mediators can function as trusted intermediaries between conflicting parties, fostering an environment conducive to dialogue and negotiation. It enables mediators to gain access to all sides, build confidence among stakeholders, and facilitate the exchange of information and perspectives essential for crafting sustainable peace agreements.

Neutrality in conflict resolution emerges not only as a moral and ethical stance but also as a pragmatic strategy that facilitates access, trust and cooperation among parties to the conflict. As the world grapples with the challenges of modern warfare and seeks pathways to peace, the reaffirmation of neutrality offers hope, guiding efforts towards reconciliation, stability and a more harmonious international order.

The resurgence of interest in neutrality as a strategic approach to conflict resolution is evident in the discourse and actions of international organizations, States and non-governmental entities engaged in peace processes. Moreover, neutrality is instrumental in upholding the humanitarian values of protecting and assisting victims of conflicts, ensuring that the focus remains on alleviating human suffering and securing peace rather than advancing political agendas.

However, maintaining a neutral intermediary role, such as that played by the International Committee of the Red Cross (ICRC), in contemporary conflict settings presents significant challenges for organizations. The misunderstanding of the nature of neutrality and the politicization of humanitarian action can hinder the organization's access to affected populations and its ability to conduct operations safely. The rise of misinformation and disinformation campaigns further compromises the perceived neutrality of international organizations, impacting their operational space.

This study analyzes the complex application of neutrality by neutral intermediary organizations, emphasizing its critical role in narrowing the gap between conflicting parties and promoting enduring peace. This pragmatic approach draws on the author's professional experience with the ICRC during its neutral intermediary role in the Yemen conflict. The focus is on the contributions of this neutral intermediary organization to the peace negotiation efforts between

2016 and 2020, particularly on the joint coordination efforts with the United Nations (UN) for the Agreement for the Exchange of Prisoners, Detainees, Missing Persons, Arbitrarily Detained and Forcibly Disappeared Persons and Those under House Arrest, a direct result of the Stockholm talks held in December 2018.

The methodology emphasizes practical experiences and context-specific insights from the Yemen conflict from 2017 to 2019. Primary references include personal field experiences and consultations with stakeholders directly engaged in relevant activities. Despite time constraints limiting further consultations, the study incorporates operational standards, lessons learned, and good practices accessible to ICRC staff, ensuring the confidentiality of sensitive documents. Additional reference materials include press releases, policy papers, external reports and other relevant documentation, collectively contributing to a comprehensive understanding of the humanitarian context and practices. This methodology integrates diverse sources to provide a robust analysis while maintaining data integrity.

Based on this foundation, the study explores the theoretical underpinnings of neutrality in peace mediation. A specific case study of the release and repatriation of detainees (prisoner exchange) is examined to explain the practical contributions of neutral intermediaries in peace negotiations. Besides addressing the operational challenges and strategies inherent in maintaining neutrality, this study situates these efforts within the broader context of peace mediation's theoretical framework. It seeks to answer pivotal questions regarding neutrality's impact on the success of humanitarian interventions as confidence-building measures in peace processes, often confronting the mediation teams with formidable challenges in contemporary armed conflicts.

This study presents concepts establishing a conceptual framework that is crucial for comprehending peace dynamics. The concept of the neutral intermediary actor, often represented by international organizations with a mandate that includes peacekeeping, humanitarian assistance and conflict resolution participation, is central to our discourse.

In synthesizing these components, the study contributes to the ongoing reflection and debate on the practical utility and contributions of neutral intermediary organizations to peace negotiations and mediation processes. Integrating theoretical perspectives with empirical experience advances academic understanding and informs practical approaches to peace efforts.

## **Neutrality in peace mediation: Foundations and challenges**

Mediation is founded on neutrality, a crucial principle for mediators and a subject of debate among academics and practitioners. The discussions around neutrality are extensive, covering ethical considerations, practical implications, and the dynamic intricacies of a mediator's role.

Drawing upon the theoretical insights from the author's literature review paper entitled "Unravelling Neutrality: Significance and Limitations in Peace Mediation", this chapter is dedicated to an initial examination of the principle of neutrality within the context of the peace mediation process. We will trace the principle's theoretical evolution, examine its practical application, and address its challenges in contemporary conflict resolution. We will critically examine neutrality, from its conceptual roots to its operationalization, in order to uncover its significance, limitations and potential for adaptation in the modern era of conflict resolution.

We will focus on four open questions as the basis for discussion:

1. *How has neutrality evolved in the context of peace mediation, and what theoretical foundations shape our current understanding of its role?* This question invites us to examine the history of neutrality and how our perceptions of the principle have shifted from rigid impartiality to a more nuanced recognition of the challenges and strategic considerations involved.
2. *What are the challenges in maintaining or redefining neutrality to enhance peace mediation in light of modern conflict?* This section investigates the shifting notion of neutrality in mediation, assessing its impact and considering the integration of strategic bias within complex peace negotiations to promote a flexible and context-sensitive approach.
3. *How do neutral intermediary organizations maintain their perceived neutrality while navigating complex contexts that may compromise this perception? What strategies do they implement to manage tensions between active mediation and neutrality?* This section examines the practical application and challenges within neutral intermediaries and explores strategies for sustaining neutrality and credibility.
4. *How does the neutral intermediary role approach of humanitarian organizations relate to the application of neutrality in a peace process?* This section explores the intersection between humanitarian principles and peace mediation efforts. It will delve into the strategies that these organizations use to maintain their humanitarian mandates while contributing to peacebuilding efforts, analyzing potential conflicts and synergies between humanitarian neutrality and the broader objectives of peace mediation.

## Neutrality's role in peace mediation

The conceptualization of neutrality in peace mediation remains complex. It has evolved significantly from a rigid interpretation of impartiality and non-alignment to a more nuanced understanding that accounts for the practical challenges mediators face. This evolution reflects an ongoing dialogue between the theoretical ideals of neutrality and the realities encountered in practice, indicating a dynamic interplay between idealism and realism within peace mediation.

Historically, neutrality has been scrutinized for its perceived impracticality and the moral ambiguities associated with maintaining a neutral stance in conflicts. The scepticism towards neutrality dates back to ancient times, with Thucydides' accounts of the Peloponnesian War, fought between Athens and Sparta from 432 to 405 BCE in ancient Greece, highlighting the vulnerabilities and strategic dilemmas faced by neutral parties.<sup>1</sup> This early critique underscores a fundamental tension between the allure of neutrality as a principled stance and the harsh realities of international politics, where neutrality could also be seen as opportunistic.

The transformation in the narrative of neutrality, particularly with the Peace of Westphalia in 1648 and the 1907 Hague Conventions, marks a significant shift towards recognizing neutrality not only as a strategic choice but also as an ethical obligation and a codified legal principle in international law.<sup>2</sup> This transition reflects a growing appreciation for the legal frameworks and moral arguments underpinning neutrality, even as debates continue regarding its practical application and adaptability. Agius and Devine<sup>3</sup> critique the rigid application of neutrality, arguing for a more flexible and creative approach to mediation instead. Complementing this viewpoint, Schmitt<sup>4</sup> examines the complex relationship between neutrality and international law, advocating for an expanded understanding beyond conventional interpretations.

In contemporary debates, the feasibility of achieving “true neutrality” in peace mediation is a central theme, with practitioners critiquing the possibility of genuine neutrality given the inherent biases, values and interests that mediators bring to the table.<sup>5</sup> This critique is aligned with the notion that mediators inevitably influence the mediation process by virtue of their involvement, suggesting a shift from viewing mediators as mere facilitators to recognizing them as pivotal figures whose engagement is critical for bridging gaps between disputing parties.

Appreciating the distinction between neutrality and impartiality is also pivotal in contemporary discussions on mediation. Moore<sup>6</sup> emphasizes the importance of mediators remaining unbiased while fostering a fair resolution process. This nuanced understanding supports the traditional ideal of neutrality, highlighting the delicate balance that mediators must maintain between theoretical ideals and practical realities. However, the concept of “principled neutrality” advocates for a more dynamic and ethically engaged mediator role,

1 Robert D. Kaplan, *The Revenge of Geography*, Random House, New York, 2012.

2 Kushtrim Wani, *Neutrality in International Law: From the Sixteenth Century to 1945*, Routledge, Abingdon, 2018.

3 Christine Agius and Karen Devine, “‘Neutrality: A Really Dead Concept?’ A Reprise”, *Cooperation and Conflict*, Vol. 46, No. 3, 2011.

4 Carl Schmitt, *The Concept of the Political*, University of Chicago Press, Chicago, IL, 1996.

5 Oliver Richmond, “Devious Objectives and the Disputants’ View of International Mediation: A Theoretical Framework”, *Journal of Peace Research*, Vol. 35, No. 6, 1998, p. 707; Kenneth Cloke, *Mediating Dangerously: The Frontiers of Conflict Resolution*, Jossey-Bass, San Francisco, CA, 2001.

6 Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, Jossey-Bass, San Francisco, CA, 2016.

acknowledging the mediator's responsibility to actively work towards levelling the playing field and addressing injustices within the process.<sup>7</sup>

Building upon this discourse, Fisher and Ury's<sup>8</sup> introduction of "principled neutrality" marks an evolution in mediation philosophy, underscoring the mediator's responsibility to actively redress power imbalances. Expanding upon this paradigm, Kolb and Rubin<sup>9</sup> suggest that mediators should engage proactively to ensure a fair and just mediation process. This proposition transcends the conventional opposition between neutrality and bias, calling for mediators to maintain impartiality while deliberately intervening to amend injustices.

In tandem with this, the ethical dimensions of neutrality in mediation are scrutinized within a milieu of divergent opinions. Certain scholars question the "feasibility" and ethical ramifications of absolute neutrality, identifying the inevitability of implicit biases and the capacity of mediators to influence outcomes based on their perspectives. In contrast, Mulcahy<sup>10</sup> advocates for the traditional view and argues that neutrality remains fundamental to mediation by legitimizing its processes.

The legitimacy of the mediator's neutrality is paramount for ensuring that the mediation process is perceived as fair and just by all parties involved.<sup>11</sup> This legitimacy is a strategic choice and a moral imperative, reinforcing the "credibility" and "fairness" of the mediation process. The discourse highlights the significance of maintaining neutrality while adeptly navigating the complexities of conflict resolution, underlining the importance of mediator credibility and the facilitation of the mediation process.<sup>12</sup>

The discussion around neutrality in peace mediation highlights a developing comprehension that aims to reconcile the theoretical ideals of neutrality with the practical difficulties faced by mediators. This ongoing debate stresses a move towards a more flexible and ethically driven method in mediation, where the intricacies of neutrality are acknowledged and mediators are urged to tackle these challenges with transparency, self-awareness and a commitment to equitable conflict resolution.

## Evolution of neutrality in peace mediation: From rigidity to flexibility

The discussion on neutrality in peace mediation evolves through several stages, beginning with the principle's established importance in fostering trust and

7 Hilary Astor, "Mediator Neutrality: Making Sense of Theory and Practice", *Social and Legal Studies*, Vol. 16, No. 2, 2007.

8 Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*, Penguin Books, New York, 2011.

9 Deborah M. Kolb and Jeffrey Z. Rubin, *The Handbook of Conflict Resolution: Theory and Practice*, Jossey-Bass, San Francisco, CA, 2018.

10 Linda Mulcahy, "The Possibilities and Desirability of Mediator Neutrality – Towards an Ethic of Partiality?", *Social and Legal Studies*, Vol. 10, No. 4, 2001, p. 505.

11 H. Astor, above note 7.

12 Peter Wallensteen and Isak Svensson, "Talking Peace: International Mediation in Armed Conflicts", *Journal of Peace Research*, Vol. 51, No. 2, 2014.

facilitating open dialogue. Traditionally, neutrality has been deemed as critical for the perceived fairness of mediation processes, a view supported by scholars like Da Silveira<sup>13</sup> and validated by the research of Bercovitch and Kadayifci-Orellana,<sup>14</sup> who link neutrality to the success of peace agreements.

Wehr and Lederach<sup>15</sup> have contended that mediators who are acknowledged for their contextual biases may also engender trust and, consequently, mediation. This contention introduces the idea that in certain situations, the strategic use of biases could enhance the mediation process, complicating the traditional notion of neutrality.

The efficacy of neutrality continues to be a subject of scholarly debate, pitting it against biased mediation with regard to the two approaches' respective capacities to achieve durable peace. Although some studies support traditional neutrality's benefits,<sup>16</sup> others<sup>17</sup> propose that mediator biases can lead to resolutions when transparently and strategically applied. Thus, the role of neutrality is complex, indicating a need for a balance between maintaining impartiality and using biases where they might be beneficial.

Critiques by Erickson and McKnight<sup>18</sup> question the realism of achieving absolute neutrality, citing the impact of mediators' inherent biases and the specificities of their operational contexts. Furthermore, Hoglund and Svensson raise concerns regarding neutrality in asymmetrical conflicts,<sup>19</sup> suggesting that a strictly neutral approach may not always result in equitable outcomes and thus signalling a need to re-evaluate neutrality's role. In response, emerging advocacy for adaptable and inclusive mediation models requires new strategies for each conflict's unique context.<sup>20</sup> However, the emphasis on maintaining clear and structured mediation practices persists, emphasizing a harmonious approach to neutrality.<sup>21</sup>

13 Marco Antonio Da Silveira, "Impartiality v. Substantive Neutrality: Is the Mediator Authorized to Give Legal Advice?", *Dispute Resolution Journal*, Vol. 62, No. 1, 2007.

14 Jacob Bercovitch and Ayse Kadayifci, "Religion and Mediation: The Role of Faith-Based Actors in International Conflict Resolution", *International Negotiation*, Vol. 14, No. 2, 2009.

15 Paul Wehr and John Paul Lederach, "Mediating Conflict in Central America", *Journal of Peace Research*, Vol. 28, No. 1, 1991.

16 Jacob Bercovitch and Richard Jackson, *Conflict Resolution in the Twenty-First Century: Principles, Methods, and Approaches*, University of Michigan Press, Ann Arbor, MI, 2014.

17 Karen Hoglund and Isak Svensson, "Damned if You Do, and Damned if You Don't: Nordic Involvement and Images of Third-Party Neutrality in Sri Lanka", *International Negotiation*, Vol. 13, No. 3, 2008; Robert Benjamin, "The Risks of Neutrality – Reconsidering the Term and Concept", *Mediate.com*, 12 September 2016, available at: <https://mediate.com/the-risks-of-neutrality-reconsidering-the-term-and-concept/> (all internet references were accessed in October 2024).

18 Stephen K. Erickson and Marilyn S. McKnight, *The Practitioner's Guide to Mediation: A Client-Centered Approach*, John Wiley & Sons, New York, 2001.

19 K. Hoglund and I. Svensson, above note 17.

20 Francisca J. Lara and Phil Champain, *Inclusive Peace in Muslim Mindanao: Revisiting the Dynamics of Conflict and Exclusion*, International Alert, London, 2009; Tony Bogdanoski, "The 'Neutral' Mediator's Perennial Dilemma: To Intervene or Not to Intervene?", *Queensland University of Technology Law and Justice Journal*, Vol. 9, No. 1, 2009.

21 Kathy Douglas and Rachael Field, "Looking for Answers to Mediation's Neutrality Dilemma in Therapeutic Jurisprudence", *Murdoch University Law Review*, Vol. 13, No. 2, 2006.

The contemporary discourse on neutrality seems to transition towards strategies that recognize the complexities of modern conflicts. By adopting a nuanced stance on neutrality, the field seeks to improve the fairness of mediation, moving towards a more flexible and context-aware approach that aligns with contemporary needs for justice and peace. This narrative reflects an evolution from a rigid interpretation of neutrality to a dynamic, adaptable framework in peace mediation.

## Neutrality in the mandate of neutral intermediary organizations

Neutrality is essential in the operational framework of intermediary organizations, particularly in peace negotiations and mediation processes. It is acclaimed for its capacity to enable impartial discussions and engender trust among conflicting parties. Bercovitch and Jackson<sup>22</sup> argue that the authority of intermediary organizations hinges significantly on their reputation for neutrality. This perceived neutrality grants them the credibility to function as facilitators, capable of narrowing divides and creating an atmosphere conducive to seeking viable solutions and peace, as supported by Kleiboer.<sup>23</sup>

Neutral intermediary actors constantly facilitate the establishment and maintenance of communication channels between conflicting parties, which might otherwise be compromised by distrust. Furthermore, neutral intermediaries are adept not only in conflict resolution and negotiation strategies but also in navigating the nuances of a particular conflict. They offer essential technical assistance, guidance and resources that might exceed the capabilities of the parties involved, thus improving the efficacy and durability of peace discussions.

The consistent involvement of neutral intermediaries in peace initiatives, which often extend over several years, ensures ongoing commitment from all parties, even amid slow progress or unforeseen challenges. Such steadfast commitment is crucial for resolving complex conflicts enduringly.

The ICRC<sup>24</sup> exemplifies a neutral intermediary that helps to secure humanitarian access and mediate diverse humanitarian issues in armed conflicts. It also assumes the role of an impartial and independent facilitator, with the consent of the disputing parties, to aid in implementing humanitarian agreements relevant to its principled mandate. This intermediary function is realized through various approaches, including offering good offices and mediation services.

Similarly, the UN, leveraging its array of agencies and special envoys, frequently undertakes the role of a neutral intermediary in peace processes worldwide. Moreover, non-governmental organizations and regional bodies contribute as neutral intermediaries, incorporating their distinctive insights and expertise. These actors collectively play a critical role in peace negotiations and

22 J. Bercovitch and A. Kadayifci, above note 14.

23 Cédric Cotter, "The ICRC as a Neutral Intermediary: Historical and Contemporary Perspectives", *Cross-Files*, 24 March 2022, available at: <https://blogs.icrc.org/cross-files/the-icrc-as-a-neutral-intermediary-historical-and-contemporary-perspectives/>.

24 ICRC, "Neutral Intermediary: An Interview with the ICRC's Head of Operations for South Asia", 2008 (internal document).



conflict resolution, offering a platform for dialogue between all relevant actors and exchanging ideas towards sustainable peace.<sup>25</sup>

Nonetheless, neutrality in the work of neutral intermediary organizations encounters a paradox wherein the imperative for organizations to be seen as neutral conflicts with operational realities that may jeopardize this perception. For example, navigating complex political terrains often leads to actions being misinterpreted as favouritism, a challenge articulated by Wallenstein and Svensson.<sup>26</sup> This dilemma intensifies when intermediaries engage with non-State armed groups, potentially attracting criticisms of legitimizing what some deem to be non-recognized actors.<sup>27</sup>

Intermediary organizations adopt multiple strategies to maintain neutrality, including transparent interactions with all parties and applying a balanced approach to prevent any appearance of bias. Wallenstein and Svensson<sup>28</sup> suggest that embracing a diverse workforce (with differing perspectives and backgrounds) further solidifies an organization's neutral position. Nonetheless, embodying neutrality in practice presents hurdles. Neutral intermediaries must continually evaluate their strategies to avoid unintentionally exacerbating the conflicts they aim to mitigate, requiring ongoing self-reflection and agility to modify tactics as circumstances evolve in modern armed conflict.

In scrutinizing neutrality's practical application in contemporary crises, critics contend that absolute neutrality by neutral intermediary organizations is unachievable, as such organizations are influenced by variables such as funding sources, geopolitical interests and inherent biases.<sup>29</sup> This criticism is particularly relevant for publicly funded bodies, which may be compelled to implement political directives, bringing their impartiality into question. The UN's peace mediation efforts serve as a pertinent example. Despite its foundational neutrality principle, the UN has faced criticism for perceived biases and the sway held by influential member States in its decision-making processes. These observations highlight the complex balance that organizations must strike between actively participating in peace mediation and adhering to the principle of neutrality amidst various external and internal pressures.

## The neutral intermediary role of humanitarian organizations in relation to the principle of neutrality in peace processes

Neutral humanitarian organizations, with their long-standing commitment to neutrality, provide concrete examples of harmonizing humanitarian principles

25 UN Development Programme and European Union, *Supporting Insider Mediation: Strengthening Resilience to Conflict and Turbulence*, Guidance Note, 2014, available at: [www.undp.org/publications/supporting-insider-mediation-strengthening-resilience-conflict-and-turbulence](http://www.undp.org/publications/supporting-insider-mediation-strengthening-resilience-conflict-and-turbulence).

26 Peter Wallenstein and Isak Svensson, "Talking Peace: International Mediation in Armed Conflicts", *Journal of Peace Research*, Vol. 51, No. 2, 2014, p. 315.

27 ICRC, "The Neutral Intermediary Role of the ICRC: At the Heart of Humanitarian Action", Geneva, 7 July 2008, available at: <https://reliefweb.int/report/afghanistan/neutral-intermediary-role-icrc-heart-humanitarian-action>.

28 P. Wallenstein and I. Svensson, above note 26.

29 *Ibid.*

with the complex realities of peace mediation. This section explores how the neutral intermediary role and approach relate to the application of neutrality in fostering peace.

The role of a neutral intermediary in peace processes extends beyond merely facilitating humanitarian assistance. By maintaining impartiality, humanitarian organizations create an environment where all parties feel safe to engage in dialogue. This role is crucial in reducing tensions and building the initial trust necessary for more substantive peace negotiations.<sup>30</sup>

Neutrality, in this context, functions as a form of diplomatic leverage. The well-recognized history and reputation for neutrality of humanitarian organizations lend legitimacy to the peace process. This legitimacy is essential in armed conflicts, where trust is scarce and parties are highly suspicious of each other's intentions. As a trusted intermediary, a neutral organization can encourage and positively influence reluctant parties to negotiate, enabling discussions that might otherwise be impossible.

Moreover, the approach of humanitarian organizations to neutrality involves continuous engagement and communication with all conflict parties, and this engagement adapts to the evolving dynamics of the conflict. Humanitarian organizations navigate shifting alliances and changing power structures, maintaining dialogue with emerging factions while remaining neutral. This adaptability ensures that the organization remains relevant in the dynamic and often volatile contexts of modern conflicts.

Commitment to neutrality is essential for the principle's application in the field. For instance, neutral humanitarian organizations exemplify neutrality through their unwavering adherence to foundational principles. Despite pressures and challenges, these organizations do not take sides or engage in political controversies. This steadfastness is crucial in maintaining their credibility and the trust of all conflict parties. In Yemen, for example, neutral humanitarian organizations have consistently refused to align with any party, even when such a stance complicates their operations or exposes them to criticism. Such rigid adherence to neutrality ensures that these organizations are perceived as genuinely impartial actors, which is vital for their ability to operate in conflict zones and to be accepted by all sides as legitimate mediators. Without this commitment, their neutrality could be questioned, undermining their ability to fulfil their humanitarian and mediatory roles.

While maintaining their core principles, neutral humanitarian organizations demonstrate flexibility in applying neutrality in practice, adapting their strategies and operations to the specific context of each conflict. This pragmatic approach ensures that they can contribute meaningfully to the peace process while staying true to their neutral principles.

30 Dorothea Hilhorst, "Classical Humanitarianism and Resilience Humanitarianism: Making Sense of Two Brands of Humanitarian Action", *Journal of International Humanitarian Action*, Vol. 3, No. 1, 2018, available at: <https://jhumanitarianaction.springeropen.com/articles/10.1186/s41018-018-0043-6>.

While the principle of neutrality is vital, its application in peace processes is not without challenges. Critics argue that strict adherence to neutrality can sometimes hinder a mediator's ability to address power imbalances and injustices central to the conflict. In Yemen, for example, some analysts contend that neutrality might limit these organizations' capacity to advocate for stronger measures against violations of international humanitarian law (IHL) by the conflicting parties.

Moreover, the perception of neutrality is as crucial as its practice. Even organizations as committed to neutrality as these can be perceived as biased if one party feels disadvantaged by the outcomes of mediation efforts. The complex interplay of local and international interests means that neutral intermediaries must continually navigate perceptions and demonstrate impartiality through consistent and transparent actions.

### Balancing humanitarian objectives with broader peacebuilding goals

A critical challenge for neutral humanitarian organizations is balancing immediate objectives with broader peacebuilding goals. Although neutral humanitarian organizations focus on immediate humanitarian needs (e.g. food, medical care and shelter), their neutral stance might conflict with efforts to address the root causes of the conflict, often requiring more political engagement. This tension highlights the need for a nuanced approach that integrates humanitarian neutrality with a broader strategy for sustainable peace.

The experience illustrates that neutrality is not a static principle but a dynamic approach that must adapt to the complexities of each conflict. By balancing rigid adherence to core principles with flexible application to meet the specific needs of the conflict environment, the model of humanitarian neutrality offers valuable insights into the delicate balance between impartiality and mediation in the pursuit of lasting peace.

This tension underscores the need for a nuanced approach that integrates humanitarian neutrality with a broader strategy for sustainable peace. For neutral humanitarian organizations, such an approach could involve:

1. Developing joined-up programming, considering both the immediate and long-term needs of affected populations and enhancing opportunities for peace, resulting in shared goals or collective outcomes.
2. Collaborating with other organizations and stakeholders focused on peacebuilding and political solutions while maintaining a clear boundary for humanitarian roles.
3. Using their position to advocate for the needs and rights of affected populations, and using their neutral stance to influence parties towards peace without directly engaging in political actions.
4. Adapting strategies to the evolving situation on the ground, ensuring that humanitarian aid continues to reach those in need while supporting broader peacebuilding initiatives.

The experience demonstrates that while neutral humanitarian organizations must remain impartial in order to maintain access and trust, they can still play a significant role in supporting peacebuilding efforts. By developing a nuanced approach that respects their neutral principles while engaging in collaborative efforts and flexible strategies, these organizations can contribute to immediate humanitarian relief and long-term sustainability. Humanitarian organizations should also work under a more conflict-sensitive approach, while peace actors might need to work in ways aimed at reducing humanitarian needs.<sup>31</sup>

Integrating humanitarian neutrality with peacebuilding is possible and is indeed essential for addressing the root causes of conflict and promoting sustainable peace. The experience demonstrates that neutral humanitarian organizations can play a significant role in peacebuilding by adopting conflict-sensitive approaches, engaging in collaborative efforts and maintaining their core principles. This integrated approach ensures that the immediate needs of affected populations are met while also contributing to long-term stability and peace.

By continuing to develop and refine these strategies, humanitarian organizations can bridge the gap between immediate relief and sustainable peace, ultimately creating a more stable and peaceful environment for those affected by conflict. However, challenges such as instrumentalizing principled humanitarian action for political purposes must be considered. The conflict in Yemen, characterized by its complexity and the involvement of various local, regional and international actors, presents significant challenges to mediation efforts. The next chapter will delve deeper into the role of neutral humanitarian organizations as intermediaries, their mandates, and their impact on the peace process.

## **Neutrality in the practice of mediation: The case of the ICRC's experience in the release and repatriation of detainees in Yemen**

### The concept of a neutral intermediary role

Neutral humanitarian action in contexts of armed conflict and internal violence is not just an operational strategy but the core identity of neutral intermediary organizations such as the ICRC. The ICRC's dual mandate as a neutral intermediary and an independent humanitarian actor affords it a distinctive place in international law and global peace efforts. This chapter critically examines the ICRC's role as a neutral intermediary and the related challenges that the organization faces in the current politically sensitive environment.

The ICRC's role as neutral intermediary is granted by Article 5(3) of the Statutes of the International Red Cross and Red Crescent Movement (the Movement): "The International Committee may take any humanitarian initiative which comes within its role as a specifically neutral and independent institution

31 Melanie Greenberg, "Goal 16: A New Paradigm for Peace and Development", *Peace Policy*, 18 May 2016, available at: <https://peacepolicy.nd.edu/2016/05/18/goal-16-a-new-paradigm-for-peace-and-development/>.

and intermediary and may consider any question requiring examination by such an institution.”<sup>32</sup> The Statutes delineate the organization's capacity to act independently and neutrally in order to facilitate dialogue and resolution between conflicting parties.

The intermediary role is fundamentally based on the mutual consent of the parties in conflict. This prerequisite ensures that the ICRC's actions remain neutral and independent, steering clear of bias. This role is temporary and contingent on the specific agreement of the parties to the conflict, differentiating it from the organization's broader, ongoing humanitarian mission, which operates under IHL.

Executing the role of a neutral intermediary involves several challenges, such as maintaining neutrality in highly politicized contexts and withdrawing from negotiations that conflict with respect to core humanitarian principles. The ICRC's engagement in specific disputes is characterized by a careful balancing act between facilitating dialogue, offering good offices and mediating between parties without compromising the organization's humanitarian principles or being perceived as taking sides. Its neutrality enables it to engage with all parties to a conflict, facilitating humanitarian operations such as the release and repatriation of detainees, civilian evacuations, humanitarian corridors, support to peace processes (e.g. the transportation of negotiators and implementation of humanitarian aspects of peace agreements), preventing and resolving cases of missing persons, and dignified management of human remains.<sup>33</sup> The ICRC's humanitarian diplomacy also extends to interactions with third parties capable of influencing conflict dynamics.

The neutral intermediary role of the ICRC is fraught with additional difficulties. The first relates to political sensitivity. The ICRC's engagement as a neutral intermediary is frequently tested by the political sensitivity that pervades many conflict zones. Neutral intermediaries must tread a fine line, ensuring that their humanitarian objectives are not misconstrued as political interference. For example, in facilitating dialogue or safe passage, the neutral intermediary might inadvertently become entangled in the political strategies of the conflicting parties. The ICRC prevents this by consistently reaffirming its neutral stance, ensuring that all actions taken are purely humanitarian. Despite clear communication, the perception of neutrality can be challenged by external actors or changes in the conflict's dynamics, requiring constant reassessment and adaptation of the organization's approach.

Another challenge is adapting to complex negotiation roles. The neutral intermediary may perform multiple roles within the same conflict scenario. At times, it could function as a facilitator of dialogue, a provider of good offices or a mediator for humanitarian matters. Each role demands different skills and

32 Statutes of the International Red Cross and Red Crescent Movement, Adopted by the 25th International Conference of the Red Cross, Geneva, 1986, amended 1995 and 2006, Art. 5(3), available at: [www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf](http://www.icrc.org/en/doc/assets/files/other/statutes-en-a5.pdf).

33 ICRC, *Policy Document: The ICRC in Its Role as Neutral Intermediary*, Doctrine 46 (internal document).

strategies: offering good offices might require creating opportunities for dialogue, while mediating could require proposing solutions and navigating the intricacies of the parties' demands. This multifaceted involvement demands agility and rigorous adherence to the Movement's fundamental principles.

Maintaining the equilibrium of trust is another significant challenge often faced by neutral intermediaries. The cornerstone of successful humanitarian intervention is the trust that the neutral intermediary garners from all parties involved. This trust must be meticulously cultivated and preserved. Maintaining equilibrium involves catering to victims' needs while grasping the intentions and susceptibilities of the conflict parties. Should the neutral intermediary appear to lean towards one party, whether deliberate or not, it could jeopardize the trust that is foundational to its ethical and technical capabilities. The neutral intermediary must sustain confidence by remaining transparent in its actions, demonstrating its impartiality through its deeds, and ensuring that its communications are unambiguous and consistent.

The following sections explore the dual nature of neutrality's impact on the peace process in Yemen: on the one hand, it has facilitated a landmark confidence-building measure; on the other, it has had to navigate accusations of partiality and operational challenges. A case study of the Prisoners Exchange Agreement in Yemen, formally known as the Agreement for the Exchange of Prisoners, Detainees, Missing Persons, Arbitrarily Detained and Forcibly Disappeared Persons, and Those under House Arrest,<sup>34</sup> will serve to analyse the ICRC's application of neutrality and its contribution to peace efforts. This case will exemplify the complex role of neutral intermediaries in peace processes, where success is frequently dependent on maintaining a delicate equilibrium between impartiality and engagement.

## Detainee release and repatriation operations in the framework of broad peace efforts

The ICRC's diverse strategy towards the peace efforts in Yemen highlights its position as a neutral intermediary capable of fostering discussions, promoting respect for IHL, and supporting negotiations. Acting as a neutral intermediary enables the ICRC to promote dialogue and cooperation among parties who might otherwise be unable or unwilling to engage with each other. Its humanitarian intervention, exemplified by the detainees' release and repatriation initiative in Yemen, is founded on its principles of neutrality and impartiality, enabling it to be recognized and accepted by most conflict parties. This acceptance enables the ICRC to provide a platform that significantly contributes to peace talks.

34 Agreement for the Exchange of Prisoners, Detainees, Missing Persons, Arbitrarily Detained and Forcibly Disappeared Persons, and Those under House Arrest, 13 December 2018 (Prisoners Exchange Agreement), available at: <https://osesgy.unmissions.org/prisoners-exchange-agreement>.

## *The ICRC's involvement in the release and repatriation process*

The ICRC's participation in facilitating the release and repatriation operation results directly from negotiations to create a "momentum for a comprehensive peace plan". Such efforts demonstrate the potential for negotiation and compromise (vital for peace negotiations) and emphasize the organization's commitment to upholding IHL among conflict parties. Even when political discussions involve complex and sensitive issues, the ICRC strives to ensure that humanitarian concerns are addressed, advocating for the responsibilities of each party towards affected populations.

Engaging with non-State armed groups and facilitating operations of release and repatriation of detainees are opportunities for the ICRC to advocate for improving detainee treatment and living conditions. Such engagements are fundamental in embedding the principles of IHL within conflict dynamics, emphasizing the protection of civilians in general. Promoting the rule of law in war is pivotal for mitigating the immediate humanitarian consequences and laying the foundation for a structured, law-adhering approach to conflict resolution. Establishing a common platform for peace negotiations is essential, ensuring that all parties recognize and commit to upholding fundamental humanitarian standards.

While not explicitly stated in the Prisoners Exchange Agreement, the ICRC's involvement includes advocating for the inclusion of vulnerable groups among detainees and ensuring that the urgent humanitarian needs of sick and wounded minors, women and older persons are addressed in negotiations. All proposals and facilitated agreements must prioritize their immediate needs and safety.

Despite its invaluable role, the organization's engagement in facilitating these humanitarian operations and interfacing with non-State armed groups is fraught with challenges, including navigating complex political landscapes, maintaining neutrality, and ensuring the safety of its staff and the individuals it seeks to assist. Although such operations contribute to the peace process, they do not singularly resolve conflicts. The path towards peace requires sustained political will, comprehensive dialogue and the resolution of the underlying issues fuelling the conflict.

## *Conditions for involvement in releases and repatriations of detainees*

When an agreement is reached between the parties to a conflict, the ICRC can receive requests and offer its services to act pursuant to its neutral intermediary role. Its direct engagement with relevant authorities and military commanders is crucial for confirming that the conditions of its humanitarian actions are met.

A first prerequisite in relation to the Prisoners Exchange Agreement, for instance, is establishing a ceasefire to ensure safe operations and the safety of ICRC staff. Furthermore, detailed information about detainees and their release

locations is required in advance to ensure transparency and efficiency. The ICRC also emphasizes the importance of private interviews with detainees before their release, ensuring individuals' willingness to be released. This process underscores the organization's commitment to detainees' psychological and physical integrity.

In adopting a humanitarian perspective on detention, the ICRC advocates for releasing individuals not held on legitimate legal grounds and promotes releases based on humanitarian considerations. This stance mitigates immediate human distress, fosters trust, and paves the way for building trust and facilitating dialogue among conflicting parties.

### *Four-stage operation: From negotiations to repatriation*

The facilitated release and repatriation of detainees in Yemen has stood out as a hallmark of complex humanitarian operations, aiming to alleviate some of the conflict's human costs. This section explores the technical aspects and the operational stages involved, from the initial negotiations to the final repatriation stage. Each phase illustrates the interplay between the conflicting parties, the critical role of neutral intermediary facilitators, and the humanitarian principles guiding this endeavour.

#### *Phase 1: Negotiation*

The negotiation phase is the initial stage where conflicting parties engage in dialogue to agree on the terms and conditions for the operation. In the example of Yemen, this phase was primarily overseen by the UN Special Envoy in collaboration with the ICRC, which provided technical expertise on detention matters. In the context of a detainee release programme, the negotiation phase involves discussions on the number of detainees to be released, their status (e.g. age and rank), the criteria for their selection (e.g. sick/wounded, minors, women and the elderly) and the logistics of the exchange. The situation is marked by a need to consider the interests and needs of each side, which must be resolved in order to come to a mutually agreeable arrangement. At this stage, the parties submit their lists of detainees and negotiate which individuals will be part of the exchange. The discussions are often mediated by a third party, such as a neutral intermediary actor, to assist in finding common ground and reaching an agreement. The negotiation phase holds importance as it establishes the groundwork for the upcoming stages of the exchange process.<sup>35</sup>

#### *Phase 2: Verification and registration*

This phase involves authenticating the identity and status of the detainees to be exchanged. This step is critical for confirming that the individuals being released

35 Sana'a Center for Strategic Studies, "UN-Backed Prisoner Swap Negotiations in Yemen Blocked in Stalemate", 7 June 2021, available at: <https://sanaacenter.org/publications/analysis/14314>.



are the ones agreed upon during negotiations and that they meet the criteria for release according to the terms of the agreement. The ICRC often contributes to this stage, conducting joint visits to detention centres to verify detainee identities and register them for the operation. This procedure involves ensuring access to all detainees and all detention facilities and receiving cooperation from all parties involved to provide accurate information. Verification and registration are crucial in upholding the integrity of the exchange process and ensuring that all parties comply with the agreed-upon conditions.<sup>36</sup>

### *Phase 3: Release*

During the release phase, prisoners of war and detainees are transferred from one party to the conflict to another as agreed upon during negotiations and confirmed in the second phase. The handover typically occurs in a coordinated manner, often at a neutral site, where the ICRC oversees and facilitates the process. Detainees are physically handed over to representatives of the opposing party or to the ICRC, which then transports them to their designated destination. The release phase involves operations that demand meticulous planning and execution to guarantee the safety and welfare of those detained.<sup>37</sup> Release or transfer certificates are provided to each individual by the detaining authority to ensure the legality of this operation.

### *Phase 4: Repatriation*

After confirming their identities by the receiving authorities upon arrival, the repatriation phase involves ensuring detainees' safe and dignified return to their home country or region. This step focuses on reinstating their liberty and reconnecting them with their loved ones. This phase also includes providing medical checks, issuing necessary travel documents and coordinating with authorities for a smooth return. Human remains are handled by the receiving authorities and then transferred to their families for their dignified treatment.

## *Challenges in maintaining a neutral and pure intermediary role*

In conflict scenarios, acting as a neutral intermediary, particularly in detainee release and repatriation operations, comes with its fair share of challenges. This section sheds light on the obstacles faced by neutral intermediaries in executing this function, highlighting the complexities of negotiating access for humanitarian purposes while maintaining neutrality and protecting the rights and welfare of detainees. The process of facilitating such operations presents four obstacles.

<sup>36</sup> Prisoners Exchange Agreement, above note 34.

<sup>37</sup> Ahmed Al-Haj and Samy Magdy, "Red Cross: Yemen Rebels, Saudi Coalition Begin Prisoner Swap", *AP News*, 14 April 2023, available at: <https://apnews.com/article/yemen-war-prisoner-exchange-saudi-arabia-houthisfe9d0d3cbfaad81818534d7f0b41cccd>.

First, ensuring secure and unhindered access to detainees is paramount. However, conflict-affected areas also pose significant security risks to both ICRC staff and detainees. Mined zones, areas controlled by non-State armed groups, and the complexity of security management due to fragmentation of the parties, with the numerous interlocutors that such a situation entails, are common challenges that neutral intermediaries must assess before launching an operation. Safely managing exchanges, protecting the welfare of all parties involved and maintaining the neutrality of the mediator are all responsibilities that demand meticulous planning and coordination.

Second, the willingness of conflicting parties to engage in such operations is often inconsistent and subject to change. These exchanges are sometimes perceived not as genuine steps toward peace by the parties but as tactical manoeuvres or bargaining chips designed to influence supporting actors. This fluctuation in politics will create an environment of uncertainty and complicate the first negotiations during the accord agreements and the planning and execution of exchanges.

Third, negotiation requires direct contact with representatives of the conflicting parties who possess the authority to make decisions concerning the release and repatriation of prisoners of war and detainees. Such a chain of power could include ministries of defence, the interior, the judiciary or international foreign affairs, and even the executive power. However, the constant flux of authority figures and bureaucratic layers often means that neutral intermediaries engage with officials who lack the requisite decision-making power. This situation leads to protracted negotiations and undermines the efficiency of the exchange process.

Fourth, the problematic nature of conflict zones complicates the task of accurately verifying the status and whereabouts of detainees, either in person or by programmed field missions. The ICRC's commitment to conducting private interviews in order to ascertain detainees' consent to be released is a non-negotiable prerequisite to ensure the integrity of the process. Lack of access to certain facilities, such as those holding conflict-related detainees, combined with the absence of comprehensive detainee records and the logistical complexities of operating across front lines, presents significant challenges to this verification process.

The challenges faced by neutral intermediaries engaging in the negotiations and implementation of release and repatriation of detainees emphasize the need for a cooperative global effort from all involved parties that champions neutrality, humanitarian access and the respectful treatment of detainees. The above analysis highlights the essential role that intermediaries play and the complex, delicate path they must traverse to fulfil their mission.

## **An evolving understanding of neutrality in peace efforts: lessons and implications for theory and practice**

Facilitating the release and repatriation of detainees in Yemen showcases the significant role that humanitarian initiatives can play in peace efforts. The

involvement of neutral intermediaries in these negotiations underscores the balance between humanitarian action and peace mediation. For such initiatives to influence the peace process, they must integrate into a comprehensive strategy that addresses the conflict's underlying causes and involves all pertinent stakeholders in constructive dialogue and coordination. This section draws upon the Yemeni context to illuminate how future peace negotiations could effectively employ such humanitarian agreements as initial symbolic actions for enduring peace.

## Contributions of humanitarian interventions to peace dynamics

Humanitarian interventions, including prisoner exchanges, humanitarian corridors, civilian evacuations and humanitarian ceasefire agreements, are vital in fostering peace dynamics. These initiatives contribute significantly by building trust, facilitating communication and serving as confidence-building measures. However, for these interventions to work, they require meticulous coordination with political and military actors and must inclusively engage all relevant stakeholders. By understanding and strategically leveraging the contributions of humanitarian interventions to negotiations and peace processes, neutral intermediaries are vital to paving the way towards sustainable conflict resolution solutions.

The impact and implications of humanitarian interventions on the peace process can be illustrated through four examples. First, communication channels between conflicting parties established for humanitarian purposes can later serve as conduits for political and security dialogue. The neutral stance of intermediaries and the trust that this stance builds can directly contribute to the mediation team's efforts to open political and security negotiations. The ICRC's experience facilitating the release and transfer of detainees exemplifies how neutral intermediaries can enhance these channels.

For Yemen, the ICRC's commitment to neutrality and its humanitarian mandate were essential in gaining access to primary contacts among the conflicting parties (political authorities, military actors and non-State armed group representatives). The neutral stance of the organization permitted the initiation of communications without the burden of political motives or grievances. These efforts enabled the UN's mediation team to launch preliminary discussions on necessary negotiations of prisoner exchange agreements before launching a complex operation. Establishing dialogue with certain factions and their supporting actors (for instance, armed groups backed by supporting States in the region) presented challenges, as these entities did not view themselves as participants in the armed conflict.

Second, one of the most significant contributions of humanitarian interventions to peace dynamics is establishing and reinforcing "trust" between conflicting parties. These actions demonstrate potential opportunities for concrete cooperation and help to foster a more conducive space for dialogue. The ICRC demonstrates that agreements can be reached and honoured by successfully facilitating the latest release and repatriation operations, even amid ongoing

conflict. This trust-building is essential, as it lays the groundwork for more substantive peace talks and can lead to further confidence-building measures.

Third, the release and repatriation of detainees often serves as an initial step among several confidence-building measures, paving the way for more extensive peace talks. These acts of goodwill test and represent the dedication of the involved parties to the peace efforts, but they also encourage a dialogue about other urgent matters or common interests. The neutral intermediary plays a crucial role in ensuring the safe return of detainees, humanizing the opposing sides. However, political or logistical delays in establishing a truce or ceasefire can impede the momentum toward initiating discussions on subsequent measures. In the context of Yemen, such measures could have been related to securing humanitarian access for delivering aid to seized regions and facilitating humanitarian cargo transport through the Al-Hodeidah port.

Fourth, neutral intermediary actions indirectly encourage political engagement by demonstrating the benefits of negotiation and compromise, potentially leading to a softening of positions and a readiness to engage in formal peace negotiations. However, treating detainee exchanges as a humanitarian intervention rather than a political one can help depoliticize the process at some points; this distinction is vital to humanitarian interventions that face limitations in further influencing peace dynamics, as the imperative of neutrality precludes engaging in political advocacy or exerting pressure on parties to negotiate.

## Recommendations for enhancing the contribution of neutral intermediaries to peace efforts

Strategic alignment with the objectives of the peace process is critical for amplifying the contributions of humanitarian interventions – such as the release and repatriation of detainees – to peace efforts. Neutral intermediaries are advised to persist in transparent communication concerning their role and the outcomes of their interventions. Moreover, their advocacy for humanitarian principles can serve as an indirect conduit for reinforcing other international norms or IHL rules governing the conduct of hostilities and the protection of civilians.

The following recommendations aim to bolster the efficacy of the neutral intermediary role of specific actors, ensuring that their humanitarian endeavours function as a pivotal contribution to sustainable peace agreements. A series of strategic recommendations is proposed to augment their contributions.

First, neutral intermediaries must coordinate closely with peace mediators to align their humanitarian actions with the overarching goals of the peace process. Such collaboration helps avert potential disruptions to political negotiations and guarantees that humanitarian efforts complement the peace initiatives. Such collaborations might include:

- **Integrated action frameworks:** developing integrated frameworks for action that facilitate seamless cooperation between humanitarian and peace mediators during the processes.

- **Regular information-sharing:** establishing regular briefings for information-sharing between neutral intermediaries and mediators to synchronize efforts and aims.
- **Conflict sensitivity and negotiations training:** providing specific conflict sensitivity and negotiations training for both humanitarian actors and mediators to help them understand the nuances of the conflict and the potential impact of their actions on peace dynamics.

Second, neutral intermediaries must uphold operational transparency as a rule in order to preclude any misconceptions of politically driven actions. It is essential to communicate clearly to all relevant stakeholders, including the civilian population and local or religious leaders, about their limitations, their roles and the impacts of their interventions. For example, community engagement initiatives can be implemented to explain the role and objectives of neutral intermediaries in the peace process to diverse actors. These initiatives can help build local support and understanding, reducing the risk of misinterpretation of their actions and unwanted perceptions of political action.

Third, diverse representation and inclusivity are vital to the success of peace processes. Neutral intermediaries have a significant role in promoting the representation and inclusion of all relevant actors and key stakeholders in peace initiatives, particularly vulnerable groups (affected communities, women, youth and displaced persons, among others). Such actions might include:

- **Facilitating inclusive consultations:** assisting in organizing consultations with a broad range of stakeholders to ensure that peace efforts and humanitarian interventions benefit from diverse perspectives.
- **Technical assistance and capacity-building:** neutral intermediaries, in collaboration with peace mediators, should offer technical assistance and capacity-building efforts to empower vulnerable groups to be engaged in peace efforts. Training in negotiation skills and analysis of needs is essential. Such contributions could be beneficial to negotiations of political, security, humanitarian and economic agreements.

Fourth, the international community should remain fully engaged and committed to sustaining the funding and implementation of humanitarian interventions and peace processes over the long term. Building peace is a long-term endeavour that requires ongoing political and financial support. Such engagement might include:

- **Flexible funding mechanisms:** flexible funding mechanisms that can adapt to the changing needs of a conflict context and the obstacles of peace processes are crucial, including funding that can support immediate neutral intermediary interventions and longer-term peacebuilding initiatives.
- **Monitoring and evaluation:** implementing robust monitoring and evaluation frameworks to assess the impact of neutral intermediaries' contributions to peace processes. These frameworks can inform future strategies and ensure that efforts contribute to lasting peace.

The release and repatriation of detainees process in Yemen constitutes an example of the potential for humanitarian initiatives to contribute to peace efforts. The presence of a neutral intermediary organization has played a crucial role in managing the complexities of such humanitarian agreements. However, to ensure that these initiatives truly influence the peace process, they must be integrated into a comprehensive approach that tackles the root causes of the conflict and engages all relevant parties in meaningful discussions. Drawing lessons from the obstacles and achievements of neutral intermediary involvement in Yemen, upcoming peace talks can use the release and repatriation of detainees as examples of confidence-building measures towards tangible and enforceable peace accords.

## Conclusion

In the context of redefining the role of neutral intermediary organizations, particularly within the armed conflict in Yemen, this study has explored the balance between theoretical concepts of neutrality and the pragmatic challenges faced in peace negotiations and mediation. Central to the examination has been the author's field mission experience with the ICRC in Yemen, demonstrating how theoretical frameworks of neutrality are tested and adapted in practice, especially in the facilitation of the Prisoners Exchange Agreement, as a contribution to peace efforts in the country.

Neutrality, traditionally regarded as a strict principle of impartiality and non-partisanship, has been re-evaluated extensively in the peace mediation literature. This evolution from strict adherence to a more flexible application reflects a growing recognition of the nuanced demands of contemporary conflict resolution. The operations of neutral intermediary actors could illustrate well the need to transform neutrality into a more flexible and collaborative approach. The ICRC was crucial in facilitating the release and repatriation of detainees in Yemen, contributing to confidence-building measures essential for peace negotiations. This case study highlights the adaptiveness required in applying neutrality and underscores the operational challenges and strategic considerations involved in navigating the complexities of modern armed conflicts.

The practical experience of neutral intermediaries in contemporary conflict offers a compelling illustration of how neutrality functions as a dynamic principle in peace mediation. This involvement affirms the neutral intermediaries' commitment to humanitarian principles and emphasizes the critical balance between maintaining a stance of neutrality and actively facilitating dialogue and cooperation among conflicting parties. The ICRC's adeptness in upholding its neutral intermediary role amidst the politically charged landscape of Yemen's conflict is demonstrated by its careful negotiations with all relevant parties.

This study has explored the obstacles that neutral intermediaries face when carrying out their missions and contributing to peace initiatives. These challenges range from the complexities of negotiating access to ensuring the safety and rights of detainees throughout exchanges. They highlight the equilibrium needed

to uphold neutrality and credibility. The case study of Yemen also underscores how neutral intermediaries contribute to initiating and maintaining dialogue between conflicting parties, contributing to the broader objectives of peace mediation.

Drawing from lessons learned during the author's field mission with the ICRC in Yemen, several recommendations emerge to enhance the impact of neutral intermediaries on peace processes. These recommendations include improving coordination between mediators and neutral intermediaries, enhancing transparency and communication with local stakeholders, promoting inclusivity and committing long-term support to peace initiatives. By aligning humanitarian interventions with the overarching goals of peace processes, neutral intermediaries can significantly facilitate and contribute to sustainable conflict resolution and peacebuilding.

This study has examined the balance between theoretical ideas of neutrality and the practical realities faced by neutral intermediaries in conflict zones. The analysis reveals that while neutrality is fundamental to peace mediation, its application requires a flexible and context-sensitive approach. The involvement of the ICRC in facilitating and coordinating the release and repatriation of detainees in Yemen highlights how neutral intermediaries can contribute to supporting peace efforts by addressing the complexities of conflicts with strategic insight and a dedicated focus on humanitarian values. As conflict resolution methods continue to evolve, our understanding and application of neutrality in peace mediation must adapt to maintain relevance and foster adequate steps towards lasting peace.