

The challenges faced by humanitarian action in long term conflicts (Vol.1 & 2. IECAH's Working Papers 11th and 12th)

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Introduction

Long term conflict situations are at the origin of chronic humanitarian crises presenting particular characteristics; while the causes of conflicts have not been resolved other regional and international dynamics have appeared over time, making conflict resolution more complicated.

Even though the motives for such confrontations have nothing to do with new wars initiated in the name of global war on terrorism, it remains nevertheless true that part of the global agenda against terrorism has been used as an excuse by the parties implicated in these conflicts. The Israeli Government's policy is a good example of such tendency.

Considering the subject of our concern, the challenges faced by humanitarian action, these conflictive situations, affected by the discourse on the new global war against terror, present new defies because the own concept of victim has been transformed.

The traditional distinction between civilians and militaries, combatants and non combatants, is blurred within such situations, because any civilian is capable of becoming a potential terrorist suspect and therefore is sanctioned as such. Conducting an operation against military groups or regimes considered terrorists entails a parallel process of negotiation of its rights (collective punishments held by Israel upon the Gaza population illustrate this tendency).

Funded by the Ford Foundation, IECAH has studied four of these long term crises: Palestine, Western Sahara, Colombia and Haiti focussing on the role and limits of humanitarian action.

The four humanitarian crises studied in our research were provoked by conflicts which share significant common elements, even though possessing their own singular characteristics.

1. The international community's role facing these crises

In all four crisis cases the international community adopted a low profile or a destabilizing role while resolving the conflict. The international community's lack of respect for international law has been influenced by a lack of political will on behalf of the States, which have been privileging their strategic interests rather than the respect for international law. In the Israeli-Palestinian conflict case, the unconditional support attributed by the United States to Israel strengthened the conflict's disproportion. In the Western Saharan case, the United States as well as France and Spain supported Morocco in the conflict.

Furthermore, in all four crises the United Nations seem to have been playing a controversial role: in many cases, its agencies end up being perceived as political instruments serving a political agenda dictated by the powerful states.

In the Western Saharan case, the conditionality of aid offered by the United Nations World Food Program (WFP) and the United Nations High Commissioner for Refugees (UNHCR) in a response to the Western Saharan crisis is criticised. These agencies are perceived to be under the influence of the powerful states' political agenda, clearly positioned on Morocco's side in the conflict resolution.

In the Haitian case, in line with the United Nations humanitarian agenda's integrated approach while facing complex emergencies, the humanitarian component of the mission has been clearly subordinated by other priorities which have to do with reconstruction and good governance.

In the Palestinian case and since the Oslo Agreements signed in 1993, international aid has been integrated in a peace building agenda rather than following local NGOs agendas.

1. Humanitarian crises or human rights crises?

The four conflicts are not classical emergency situations even though these last ones seem themselves influenced by the evolution of the conflicts. In Colombia different situations are coexisting in front of which the humanitarian actors need to consider different strategies. In Palestine, the evolution of the conflict has created new situations of humanitarian emergency leading to a worsening of the situation especially since the second Intifada. Nevertheless, the origin of these humanitarian crises, which take place in such scenarios, is found in the lack of protection during the perpetuation of these conflicts of people's basic human rights.

The perpetuation over time of these humanitarian operations meant to respond to chronicle humanitarian crisis sets out challenges for itself, similar to the ones faced by humanitarian actors:

1. Firstly, in these situations humanitarian operations tend to give birth to expectations among the victims which most of the time are out of the humanitarian response's reach. In our research's four case studies, the general tendency shows how local actors have a basic and limited vision of humanitarian action, mainly perceived through its charitable dimension and punctual nature. It is true that in the cases studied the humanitarian response maintains a high level of assistance not fully suited to different local actors expectations. At the same time, it seems as if donors as well as international and local agencies' main tendency (as illustrated in the Palestinian and Western Saharan cases) is to privilege an assistance approach in a context where a more sophisticated humanitarian response would be necessary.
2. In these situations it is difficult to draw a clear line between a "humanitarian action" politically informed and a humanitarian action politically led, as mentioned in the

Colombian case. Here, humanitarian action is forced to deal with difficulties going beyond the initial emergency phase. At the same time, humanitarian actors are expected to do more than responding to the population's immediate needs. In a certain way, it is expected of them a clear solidarity with the conflict's causes, especially in disproportional conflicts such as the Palestinian and the Western Saharan cases. In these situations, agencies are required to adopt a legalist approach with a special focus on protection and political incentive.

3. In long term conflicts scenarios, humanitarian actors need to deal with political pressure more than in other conflicts because governmental actors tend to use humanitarian action to mitigate the lack of political will for resolving these conflicts. Beneficiaries are generally aware of the duplicity present in different actors' humanitarian agendas. The Saharan refugee population in the Tinduf camps believe that the aid given by the Spanish Agency for International Development Cooperation (AECID is one of the major aid donors in the camps) is a compensation or a palliative for the Spanish administration's closeness to Moroccan positions. To sum up, the aid relieved is perceived in this situation as a contention strategy.
4. Even though the question of participation seems in theory recognized and agreed upon, one can easily notice, considering the various cases studied, that in general it remains extremely weak and almost inexistent. In situations such as the Haitian case, where a fluctuation between emergency and chronic states exists, huge deficiencies have been observed respecting participation and international actors' lack of consideration towards initiatives coming from local society.
5. The fact that the selection process of local partners is partial and biased is another common and outstanding characteristic in the cases studied. It limits international NGOs' legitimacy and capacity to represent the will of the people as well as it limits the perception of their work in the intervention context. Generally, international actors have a partial knowledge of the society's associative fabric in which they intervene. Western organizations which choose to work with local partners in these situations select those who tend to be closer to their principles and ways of working. At the same time, international organizations ask for special criteria which end up shaping the selection process, discriminating other organizations. This process has been strengthened by donors' responsibility in introducing new political selection criteria inside an international context shaped by the recognition of terrorism as a threat to world security.
6. In situations of long term conflicts more occasions for exploiting aid have been created. International aid has been converted into one of the actors' legitimacy key element. In the Western Saharan case, for example, the Polisario has also been able to strengthen its legitimacy through international aid management.
7. In complex crises such as the ones at Haiti where multiple actors intervene, added difficulties come on top leaving humanitarian action subordinated in a certain way

to other agencies. The Haitian case illustrates how new systems of coordination driven by United Nations to face a complex emergency situation, such as the integrated missions, lead to a clear subordination of the humanitarian action to other agendas.

8. In situations of long term conflicts with common characteristics such as the controversial role of the United Nations, the disproportion between conflicting forces, the great implication of the civil population or the magnitude of humanitarian consequences in terms of rights, it becomes very difficult to carry out a classical humanitarian action. Agencies' will for assuming an "apolitical posture" as guarantee for maintaining their humanitarian dimension is generally misinterpreted by the beneficiaries who expect the international community to adopt a clear position regarding the political causes responsible for their suffering. In this sense, the Palestinian case is paradigmatic.

The first part of this Working Papers, number 11, introduces a report as well as an executive summary of the seminar. Then, the problems encountered by humanitarian action in situations of long term conflicts (Haiti, Colombia, Palestine and Western Sahara) are dealt with in four articles with different perspectives in Working Paper 12. The Haitian case is studied by Albert Caramés. Throughout his article he describes and analyzes the complexity of violence and the challenges faced by humanitarian operations in such an unusual conflict as the Haitian one. In his article, Victor de Currea-Lugo studies the Colombian case, focusing on various interpretations given for humanitarian action and victims' expectations in this case. The Western Saharan and the Palestinian cases are studied by Laurence Thieux and deal in both cases with the evolution of the local as well as international humanitarian actors' strategy to face the difficulties present in both situations.

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