

# United States “humanitarian diplomacy” in South Sudan<sup>[1]</sup>

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## Abstract

This essay studies the manipulation of food aid to South Sudan, and its interplay with US politics: the US is the major donor of relief aid to Sudan, and at the same time it appears as one of Khartoum’s major opponents on the international scene. This essay argues that humanitarian aid, and especially food aid, is not a substitute for political action, but that it has become the main channel of the US’s Sudan policy for the past ten years.

Torn between its conflicting economic, political, geo-strategic, and moral imperatives, the US has had to adopt a difficult strategy: supporting the rebels, but not openly, and not enough to enable them to win the war. In this situation, humanitarian aid, with its reputation of neutrality and its moral appeal concealing a fundamental vulnerability to all sorts of manipulation, is a very efficient tool. Food aid is especially useful: it directly counteracts Khartoum’s strategy (starving the South into submission) and directly helps the rebel movement and army in a number of ways (bringing them resources, as well as domestic and international legitimacy). Food aid also has the crucial advantage of fitting perfectly into western prejudices about Africa – a starving continent dependent on the West – so that no one thinks about questioning the underlying motives of US relief aid to Sudan.

## Introduction

*Amartya Sen, “There is no such thing as an apolitical food problem.”<sup>[2]</sup>*

Sudan can boast some world records: largest African country, second longest civil war currently going on in the world (nineteen years), highest death toll of any conflict (two million deaths so far, more than the sum of Bosnia, Kosovo, Chechnya, Somalia, and Algeria combined), largest number of internally displaced persons (more than five million),<sup>[3]</sup> largest international relief operation ever launched in world history (some say the largest failure in humanitarian aid history), and arguably the worst violations of human rights.

Sudan is often presented as one of these “forgotten emergencies” that have proliferated since the end of the cold war. Yet, the amount of emergency aid given to Sudan –sometimes more than one million dollars a day – invites us to question this affirmation. From a humanitarian point of view, Sudan is far from being forgotten. Does the label “forgotten emergency” really reflect the political attitude towards Sudan? Such a large-scale and long-term humanitarian intervention could then be seen as one of the many examples of governments’ tendency to send relief aid as a substitute for political action in situations of messy civil conflicts. To judge from the example of the “sole superpower” on today’s international scene, the United States (US), it cannot be said that no attention at all is being paid to the Sudanese case. The US is the major donor of emergency aid in Sudan, and it seems to be one of Khartoum’s major opponents. The superposition of the two characteristics raises a question: why is the US so involved in providing humanitarian aid to a country it apparently fights so fiercely in the diplomatic arena? This leads to several related questions: what exactly does US foreign policy towards Sudan consist of? Is US-funded humanitarian aid to Sudan a form of political disengagement or a form of political engagement? In other words, is US engagement in emergency relief purely based on humanitarian grounds or is it part of a coherent policy towards Sudan?

This article shows what an important role humanitarian aid, and especially food aid, has played in US foreign policy towards Sudan since the early 1990s. It argues that humanitarian aid is one of the main channels of the US’s Sudan policy. To successive US governments, funding relief aid is not a “fig leaf” for political action but a real tool in the pursuance of the US’s perceived best, but conflicting, interests: containment of the Khartoum government, pursuit of the civil war within Sudan, strong support of the rebels, but one which is not too open, and not enough to enable them to win. To prove this point, this article focuses on the manipulation of humanitarian food aid in South Sudan.[4] It does not analyze the issue of humanitarian aid in North Sudan, which is part of a different set of dynamics, with different players animated by very distinct motivations. The focus on food aid is grounded on the observation that Sudan is constructed as a nutritional crisis: the problem of food is central in the presentation of the Sudanese disaster in the media, in most academic studies, as well as in action reports from the different international actors involved in South Sudan. Consequently, most relief aid to Sudan takes the form of food supply.[5] Part of the puzzle will also be to assess why and how the problem of food has been given such a central place in South Sudan.

This article first details how the conflicting interests of the United States lead it to adopt a difficult strategy: supporting the rebels, but not openly, and not enough to enable them to win the war. It then shows why humanitarian aid, especially thanks to its core value of “neutrality,” is paradoxically a particularly useful tool in such a case. It builds upon this to demonstrate how, in South Sudan, the US manages to help the rebels through the humanitarian channel, and why almost no humanitarian or diplomatic actor protests against this strategy. To support the demonstration, this article draws mainly on academic books and articles, on the “gray literature” from diverse intergovernmental and non-governmental organizations and from donors, on press reports, and on interviews with aid workers.

### **US diplomacy towards Sudan: supporting or not supporting the rebels?**

Like all influential Western and African powers, at first view, the US seems to be totally puzzled by the conflict in Sudan. As the American Ambassador for religious freedom Robert Seiple summarized for the US Committee on Foreign Relations in 2000:

“Sudan is both simple and terribly complicated. If it were easy, however, it would not have gone on for seventeen years with the killing of two millions plus people, most of them noncombatants. It also has been, unfortunately, a war without heroes in the south, certainly in the north. So it has been difficult sometimes to take sides and to know that the issues are going to be resolved. (...) It is as complicated and as humbling as it gets.”[6]

Yet, scholars and politicians observing the US policy towards Sudan propose a quite different analysis. For example, a congresswoman opposing the US’s Sudan policy points out that “it is as if we really don’t want the warring to end and that we are deliberately unwilling to fashion a policy that really will produce the stated desired results.”[7] More strongly, an article from Tufts University’s Fenstein International Famine Center concludes that “the US, whether it wants to be or not, is a key player in facilitating peace, but instead appears to be fomenting war.”[8]

*On the international scene, the US openly adopts a very strong position against Khartoum*

At first sight, there seems to be a strong will in American political circles to overthrow Sudan’s Islamic government. US policy on Sudan has been characterized since the early 1990s by a very strong international campaign to ostracize the Sudanese government.[9] Diplomatically, the US’s main actions were to categorize Sudan as a “rogue state” in 1993, to prompt a realignment of forces against Sudan in the Horn of Africa in 1995, and to prevent Sudan’s election as a temporary member of the United Nations (UN) Security Council in 2000. Militarily, the US launched Tomahawk missiles at a Sudanese

pharmaceutical factory suspected of manufacturing chemical weapons for Osama Bin Laden in 1998. Economically, the US supported the 1996 UN economic sanctions against Sudan, and imposed its own bilateral economic sanctions in November 1997, blocking all Sudanese assets in the US, restricting exports and imports, barring financial transactions, and prohibiting investment in Sudan by companies listed on the US Stock Exchange.

Like many other Western countries, the US fears Khartoum’s will to export Islamic rule into other countries, and accuses it of regional destabilization. The US is also adamantly opposed to Khartoum on the issue of terrorism, all the more since Khartoum’s links with Bin Laden are supposed to have persisted long after Bin Laden’s expulsion to Afghanistan. During political debates, the strongest pressure against Khartoum comes from human rights and religious groups. Among these, two networks seem especially influential: aid agencies and anti-slavery groups operating in South Sudan, and the religious lobby that allies Catholics and Protestants in their protest against the “religious war” waged by Khartoum against the South. The religious lobby seems to have become even more influential under George Bush Junior’s administration. In 2001, right-wing senators and Christians allied over the issue of slavery in South Sudan and started to turn Sudan in a cause comparable to South Africa during the time of apartheid. The evangelical lobby was especially influential.[10] After much work, it finally obtained the nomination of John Danfort, ex senator and minister of the Episcopalian Church, as special envoy to Sudan, on September 6, 2001. At that time, i.e. five days before the terrorist attack on the Twin Towers, observers were also expecting a tightening of sanctions against Khartoum, probably on oil or arms.

As relations with the Sudanese government deteriorated in the early 1990s, the relations between the US and the Southern People Liberation Movement (SPLM) improved. Fragile in the early 1990s because of the poor human rights record of the SPLM military branch, the Southern People Liberation Army (SPLA),[11] the US-SPLM relations improved following the opening of humanitarian space in rebel areas and the effort of the rebel movement to at least appear to respect human rights.[12] In 1997, the relations were even so good as to prompt the then secretary of state Madeleine Albright to officially meet the SPLM leader John Garang in Kampala, and to express support for his objectives. A second official meeting between Madeleine Albright and the SPLM and National Democratic Alliance leaders took place in 1999 and, according to the press, this time Madeleine Albright promised help to the rebels. In parallel, from 1993 on, repeated demands were issued in Congress to overlook the issue of Khartoum’s sovereignty and to provide direct assistance to the opposition forces in southern Sudan – “opposition forces” meaning the major rebel movement, the SPLM.[13] Representatives linked with the religious lobby were usually the strongest advocates of the idea, but hearings and debates show that a large majority of American politicians favored the idea. This has resulted in two important pieces of legislation. First, the Brownback amendment to the Fiscal year 2000 Foreign Operations, Export Financing, and Related Programs Appropriations Act authorizes the administration to provide food aid directly to the SPLA. Second, the Sudan Peace Act introduced in the Senate in January 2001 and still under discussion also aims at countering Khartoum by providing direct non-lethal aid to the rebels until the Sudanese government accepts a peace agreement. Yet neither the Clinton nor the Bush administration has used the legal power it had to directly aid the rebels. At first sight, it is difficult to understand why. It seems actually to be due to the pressure of important lobby groups: economic, strategic and diplomatic interests restrain the US in its opposition to Khartoum.

#### *Economic, strategic and diplomatic interests restrain the US in its opposition to Khartoum*

Influential economic groups lobby the US against most of its actions opposing Khartoum. First, Sudan is the primary and by far the most important world producer of gum Arabic, a product indispensable to the fabrication of candies, soft drinks such as Coca-cola, and pharmaceuticals. Second, several of the oil companies involved in oil exploration or exploitation in South Sudan rank among the most important firms of the oil industry,[14] and their influence on US policy towards Sudan seems crucial. No US

company is directly involved in Sudan, but US citizens are at the head of many companies doing business there – Talisman Oil for example. In addition, several American states seem to have an economic stake in oil exploitation in Sudan.[15] Finally, a congress representative even evoked the fact that “many of the players in [the US] government, including in the Bush administration, have business interests and businesses that are doing business” in Sudan.[16] As a result, it seems that the US economic sanctions are designed to pretend countering the government of Sudan but without really hurting it, and they are often denounced as ineffective. The gum Arabic lobby has obtained an exception to economic sanctions for the import of gum Arabic – the only produce that the US was importing from Sudan, and Sudan’s major export. As far as oil is concerned, an Office of Foreign Assets Control study shows that the measures taken are not strong enough to prevent US companies from working in the Sudanese oil industry, and that firms doing business in Sudan can perfectly well raise money on the US capital market.[17] In spite of many requests by religious and human rights lobby groups to tighten the sanctions and render them more effective, nothing is done.

Besides, most probably under the influence of these the oil and gum Arabic lobby groups, the US has begun softening its position on the issue of terrorism in Sudan. In summer 2000, a team of FBI and CIA agents arrived in Khartoum to work on terrorist issues in cooperation with the Government of Sudan. The first result came just few months later, in February 2001, with the (discreet) expulsion of the authors of the assassination attempt on president Mubarak. This beginning of cooperation became a close collaboration after the terrorist attack on the World Trade Center on September 11, 2001. From this day on, the Khartoum government has come to serve as a principal collaborator to the US in its attempt to understand the functioning of international terrorist networks. Khartoum gives names of terrorists and of organizations backing terrorist associations, arrests suspects upon Washington’s request, helps Washington map out terrorist networks, etc.[18] As a result, on September 27, 2001, the US abandoned its veto on the lifting of UN sanctions against Khartoum, and the multilateral sanctions were finally revoked. Probably to appease the human rights and religious groups infuriated by this gesture, the US kept its bilateral sanctions (it renewed them for one more year in November 2001), but nevertheless backed away from a more effective piece of legislation banning companies doing business in Sudan from the US stock exchange. Thus, if the 2001 shift of US policy towards Sudan seemed prompted by the aftermath of the September 11 attack, it actually reflects the logical conclusion of a process that started more than a year before. The return of terrorism as a first priority for the Bush administration was the occasion to reward Khartoum’s new position on terrorism without losing too much credibility in the eyes of the US human rights and religious lobby groups.

US policy on Sudan is thus determined by contradictory influences: human rights versus economic interests, and divided political, geo-strategic, and security interests. To further complicate the issue, the US cannot take the risk of helping the rebels seize power in Khartoum. First, the SPLM’s human rights record is so poor that putting it in power would expose the US to many moral criticisms. Second, no influential party in US politics has any interest in seeing the rebels in power. Oil companies currently engaged in the oil business in Sudan would encounter huge difficulties due to the probable renewed insecurity around the oil fields, and to the risk of their assets being confiscated. Egypt would have difficulties in exploiting Nile waters,[19] and Egyptian interests have to be preserved at all costs so that Egypt’s cooperation in the Middle East peace process can be secured. As a result, keeping the current state of war going seems the easiest way to balance all these different interests: the rebels do not seize control of the whole country, hence no one is faced with any problem of secession, accountability for human rights abuses, or economic backlash; and on the other hand Khartoum is kept off-balance, and cannot concentrate too much on propagating terrorism or fundamentalism.

Consequently, the best strategy for the US is to find a way to support the rebels enough to enable them to counter the government of Sudan, but not enough to help them win, and not too openly in order to preserve US economic and strategic interests. Supporting the rebels is especially important now that, with

the renewed exploitation of oil fields and the resulting upgrading of Khartoum armaments,[20] the Government of Sudan is in the best position ever to defeat its opponents. Humanitarian aid seems the best tool for this strategy.

### **Humanitarian Aid: between neutrality and politicization**

Using the provision of humanitarian aid to sustain a conflict seems paradoxical at first sight. Humanitarian aid is traditionally presented as neutral, apolitical. Besides, aid agencies usually claim their independence, refuting all connection to any government, any influence by state parties. How can humanitarian aid then be used as a political tool, especially as a tool for reaching political goals diametrically opposed to the humanitarian ones?

#### *The core conception of neutrality of humanitarian aid in Sudan*

Humanitarian aid is usually presented as neutral in its essence. The core conception at the heart of international aid agencies’ action is that “the provision of humanitarian assistance should be made on the basis of need alone and should be above and beyond any political, military, strategic or sectarian agenda.”[21] The International Committee of the Red Cross was the first to develop this principle, and at their instigation all international UN agencies and almost all humanitarian non-governmental organizations (NGOs) adopted it as the basis of their international engagement.

At the beginning, the main conception was that remaining purely “technical,” for example giving medical and nutritional emergency relief aid to civilians, and not paying attention to any political issue, was the best way to be neutral. The turning point was December 1994, when about a dozen NGOs pulled out of refugee camps in eastern Zaire to protest against the manipulation of their work by Hutu leaders.[22] Aid agencies and scholars had realized how badly warring parties could manipulate emergency aid.[23] The late 1990s, however, saw an upsurge of criticism against aid agencies, first in academic circles and later in the mainstream media. Aid was accused of fueling conflicts, harboring and feeding killers, and feeding the war economy. This prompted many aid agencies to reconsider their conception of neutrality. One trend was to accentuate the quest for independence, and to claim to be impartial rather than neutral. The other – the one often adopted for pragmatic reasons - was to work on all sides of the conflict. In any case, the conception of emergency relief as a non-political commitment remains pervasive in humanitarian and diplomatic circles.

#### *The humanitarian intervention in Sudan is constructed as neutral*

In 1989, the UN-led relief operation in Sudan, Operation Lifeline Sudan (OLS), was constructed as perfectly neutral. The main purpose of this “purely humanitarian operation” was to negotiate with all the warring parties the establishment of safe areas in which humanitarian organizations could distribute food to all the war-affected populations – on the government’s as well as on the rebels’ side of the conflict.[24] Since then, OLS has served as the umbrella for United Nations Agencies and for more than forty local and international NGOs respecting the “neutrality principle.”[25] Yet, it should be noted that OLS not only came into being just one month after the major shift in US policy towards Sudan, but it also began under the impetus of the American Congress.[26]

OLS was presented at its inception as a “model”, a “major diplomatic breakthrough.”[27] It was the first time a government agreed on a violation of its own national sovereignty by accepting that humanitarian organizations aid rebel-held areas. Further, the negotiators decided that non-government areas would be supplied from Lokichoggio, Kenya, consequently establishing the first legitimate cross-border operation for the delivery of humanitarian assistance.[28] Finally, the 1996 OLS Review proudly emphasizes that “it was the first humanitarian program that sought to assist internally displaced and war affected civilians

during an ongoing conflict within a sovereign country, as opposed to refugees beyond its borders.” Informal and ad hoc at the beginning, OLS’s agreements with the warring parties became progressively more and more formal and bureaucratic.[29]

“Neutrality” was a fundamental part of the 1989 agreement which gave birth to OLS and has been reasserted in each official document since then. It was the only possibility for UN humanitarian agencies to work in rebel-held areas in South Sudan. Still today, UN officials managing OLS argue that membership of the consortium automatically confers neutrality on the participants. However, the problem is that OLS’s conception of neutrality is twofold. It cannot mean “provision of aid on the basis of needs alone” since the OLS agreement states that for any of its actions OLS has to go through the government of Sudan and through the rebel factions. Thus, openly, “neutrality” means that OLS ensures that humanitarian aid does not influence the direction of the war or confer benefits to one side.[30] It can also be interpreted as the fact that both sides can control OLS action. It can thus be argued that the idea of neutrality renders OLS vulnerable to all sorts of manipulations.

*Such “neutral” humanitarian interventions are very useful in the political game*

Humanitarian interventions can indeed be used as substitutes, and even as forms, of political intervention. First, after the cold war, many scholars[31] have pointed to a growing tendency to use relief aid as a substitute for political engagement, especially in cases of messy situations in which no one has a real economic or strategic interest in imposing peace. As Alex de Waal puts it, “sending relief is a weapon of first resort: popular at home, usually unobjectionable abroad, and an excuse for not looking more deeply into underlying political problems.”[32] David Rieff has best analyzed the reasons for this[33]: in today’s world deprived of ideals, humanitarian workers can appear as “the last of the just”, and humanitarianism as the last moral cause to which people from all religions and all political backgrounds could adhere. The heroism involved in many of its actions grab the attention of the media and the approval of the public. Its apparent success makes it even more appealing. It thus provides governments with the perfect excuse they need to turn their back on world problems they do not want to (or cannot) deal with. Sending aid salves western consciences; it is an alibi to at least appear to do something without having to address the root causes of the problems.

Second, thanks to these very reasons, more and more academic scholars and aid workers recognize that aid can be a very useful tool for reaching specific political goals. As Duffield argues,[34] the movement of privatization of the public sphere that has developed since the end of the cold war has involved the passage from a political focus on bilateral aid to a focus on private aid through NGOs. The financial resources devoted to bilateral aid have fallen while the financial resources devoted to private aid have skyrocketed. This apparent switch, however, should not camouflage the fact that private aid is conceived exactly as bilateral aid was regarded earlier: as a constituent part of a State’s foreign policy. There is “coherence” among all State actions on the international scene: “in relation to conflict, the different tools of aid and politics, trade and diplomacy, and so on, should work together in the interests of stability and development.”[35] Aid has no special and independent status. It participates like other constituents in promoting the State’s political goals; it is even the “primary form of international policy” towards “borderland” countries – i.e. countries that do not present a real strategic or economic interest.[36] It is a very useful form, since its appearance of “neutrality” and its positive image disarm all accusations of “imperialist” interference and all diplomatic protestations over what would otherwise be seen as inexcusable intervention in the internal affairs of another country.

This is perfectly relevant for Sudan. Bradbury, Leader and Mackintosh recall that, in the early 1990s, the international community was still trying to find a solution to the conflict, and OLS was linked to the peace process. When the peace process faltered, and especially with the failure of the Inter-Governmental Authority for Development (IGAD) initiative, political diplomacy was replaced by humanitarian

diplomacy, with OLS as the “focus” and the “medium” for international engagement in Sudan. Most of the time, this funding was not disbursed on purely humanitarian grounds: as characterised by the manager of a non-governmental organization (NGO), “donors” are actually “governments that donate money,” but have themselves called “donors” to mask their political status and better use humanitarian access to fulfill their political agenda.[37] This is considered especially easy when working through NGOs “who, generally, provide donors with a more flexible policy instrument” than UN agencies.[38] Since the beginning of the international humanitarian operation, the US has been the major donor to OLS: its overall contribution between 1989 and March 2001 amounted to \$1.2 billion dollars,[39] and represented some 68% of OLS’s \$180 million annual budget between 1989 and 1998.[40] On average, 75% of the funding is channeled through NGOs and 25% through UN agencies.[41] This is an easy way to fulfill a political agenda aimed at sustaining one of the parties in a conflict: aid agencies are indeed always at risk of being manipulated by warring parties.

### **Aid as a weapon: manipulation of aid by warring parties**

*Manipulation of aid in South Sudan is obvious*

Today, deploring the manipulation of aid in conflict situations has become a cliché. Academic scholars, politicians, and journalists keep on denouncing this problem in South Sudan; for example, “Operation Lifeline Sudan is constantly manipulated by both sides” serves as the introduction to the House of Representatives 2001 hearing on *America’s Sudan Policy*. [42] This problem is logical: as Mary Anderson argues,

“Aid resources represent economic wealth and political power, so people engaged in war will always want to control them. It would be odd – even subversive to their cause – if they did not do so. [...] When the ‘enemy’ receives any support, including humanitarian aid, it is viewed as counter to the sought-after victory.”[43]

South Sudan is a perfect example of the process of integrating relief assistance into the dynamic of violence that Alex de Waal details in *Famine Crimes*. The general pattern he describes seems to have been followed step by step: “the diversion or taxation of relief supplies [has] become a major way for belligerents to provision themselves and, in time, the very command structure and military strategy themselves [have] come to reflect the availability of external aid and the means whereby it is delivered.”[44] In South Sudan, aid saves plenty of lives, no doubt, but as it is also manipulated by all the warring parties and by foreign governments, it is transformed as a lethal weapon in the war: it increases the resources to perpetuate conflict.[45]

*The crucial importance of aid to warring parties: aid increases the resources to perpetuate conflict*

Fighting a war is hugely expensive, so the resources available to the warring parties usually determine the pattern and the outcome of the conflict. As Paul Collier has analyzed[46], availability of resources is a crucial factor in the initiation and the sustaining of a rebellion. While government can extract taxes and direct the State’s resources towards their war effort, rebel armies have to find other ways to generate revenues – especially when they do not permanently control a sufficiently large territory and population. In Sudan, rebels cannot tap natural resources as other rebel movements do in Angola or Sierra Leone (the SPLM has no access to the oil fields yet). They cannot rely on the financial support of the diaspora, which is mostly extremely poor. Their only resource is to rely on foreign aid. Knowing that, the US strategy is to counter Khartoum’s manipulation of humanitarian access and to ensure that the rebels have access to as much aid as possible.

*In Sudan, diversion and taxation of aid items are the most widely recognized process by which aid*

*increases resources to perpetuate conflict.*

Diversion and taxation of relief supply is blatant in South Sudan. The government always used it, and it became particularly important to the SPLM after the end of Soviet and Ethiopian support following the collapse of their communist governments. In the 1980s and the early 1990s, diversion was so wide scale that NGOs and the UN had to look for a way to stop, or at least minimize it. The 1995 agreement called the “Ground Rules” thus comprises an article especially aimed at combating diversion of food aid.[47] There is no real enforcement mechanism, however, and diversion has continued almost unhindered in government-held as in rebel-held areas. For example, during the 1998 famine crisis in Bahr el-Ghazal, OLS dropped huge amounts of food aid, sufficient to prevent all civilians from starving, but the famine still continued. After the crisis, the UN, in collaboration with the “humanitarian branch” of the SPLM, the Sudan Relief and Rehabilitation Association (SRRA), launched a comprehensive internal review to investigate the reasons of this failure. It found that much of the food had been diverted to rebel military commanders, clan leaders and local tribal chiefs.[48] The 1999 Danish International Development Agency [DANIDA] evaluation team even reported that, during the peak of the 1998 famine in Bahr El Ghazal, “in one town, WFP [the UN agency World Food Program] was accidentally given a report documenting the collection of cereals by the SRRA, 80% of which was allocated to the army, 15% to administration, and 5 % to the SRRA.”[49] Diversion does not always happen in such large proportions, but testimonies of aid workers, reports, and press articles suggest that it is a permanent characteristic of the war in South Sudan, in every place, at all times.[50]

Food relief items can be diverted from the intended beneficiaries by force, though taxation, or via eligible family members. The use of force was especially used in the 1980s, and is still very prevalent among small military groups. In some places, humanitarian agencies’ distributions of food to civilian populations lead so often to raids by soldiers that certain villages have even asked to be crossed from the list of beneficiaries.[51] For the mainstream rebel movements and for the government, “taxation” has become the preferred way of diverting food aid. The main reason is that the idea of “taxation” is well accepted by the international food providers. Aid agencies and donors usually admit that, like any government, local authorities have to raise taxes in exchange for the services they provide to the population (security for example). The SPLA, among others, has always asserted its right to raise the *tayeen* – i.e. to tax civilians in the areas it controls.[52] The problem is that usually the “tax” is not reciprocated with any services, the “tax” is often applied by force, and the rate of the “tax” is not based on the capacity of the population to pay but on the whims of the civil or military chiefs.[53] Finally, the last of the popular ways of diverting food aid is via eligible family members. This is particularly easy for the rebels because, most of the time, their “humanitarian branches” are entrusted with organizing the distribution of food items brought by OLS-sponsored operations.[54] This delegation of the control of food distribution obviously leads to a high level of inequality. For example, in SPLM areas, certain children receive triple rations (usually those belonging to families associated with SPLM’s officials), while others do not receive any.[55] Many analysts[56] even claim that the SRRA was created not to help the population but to channel food to the military and political command.

The most important factor enabling this diversion, and ensuring its continuity, is that rebels and government forbid all independent evaluation of need or monitoring of food distribution in areas under their control. During needs evaluations, the SRRA and the government of Sudan decide to which sites aid workers will have access, so humanitarian agencies cannot obtain a comprehensive picture of the area they cover. For the areas they cannot access, humanitarian workers have to work with demographic data given by local authorities, with all the bias this implies. In accessible areas, the information gathered is often most selective, due to the lack of free interaction with the local population.[57] The program is then applied almost blindly, and there is no mean to correct it a posteriori, for future programs: aid agencies cannot monitor the impact of the food deliveries. Khartoum and the SPLM forbid almost all nutritional surveys and other common tools for evaluating the efficiency of aid programs, under the threat of



expelling the delinquents, as happened to the NGO Action Contre la Faim in 1997.[58] Consequently, no one can really protest nor stigmatize any of the warring parties for the diversion, unless it is willing to take the risk of being banned from the country.

Finally, in addition to food, the technical resources brought in by aid agencies to facilitate humanitarian operations are also often diverted. As Pendregast contends, humanitarian infrastructures (i.e. “assets, agreements, and personnel that facilitate the delivery of aid”) are often “hijacked” and used by warring parties to pursue their military goals: communication tools (radio, walky-talkies) and the vehicles are often “borrowed” while the staff is “conscripted” when it has been sufficiently trained. Infrastructures such as roads or airstrips, rehabilitated to facilitate aid deliveries, are requisitioned by armies to move their military assets. Humanitarian cease-fires are even used to re-deploy and rearm, as happened during the 1995 “Guinea worm” cease-fire negotiated by former US President James Carter.[59]

Therefore, as Pendregast demonstrates,[60] warring parties get enormous benefits from aid diversion. In a direct way, diversion of aid inputs can be seen as the “principal strategy of resource accumulation” for the warring parties. It feeds the soldiers; it is generally acknowledged that relief is the main, or even unique, source of food for the different armies in Sudan. Relief items can also be sold in order to buy arms and other necessary military items. Indirectly, Anderson[61] and Pendregast[62] demonstrate that humanitarian aid helps the rebels concentrate on war issues through what Pendregast calls the “principle of fungibility.” External aid substitutes itself for local public welfare responsibilities. Warring parties no longer have to shoulder their responsibility of ensuring food, shelter, health care and other services for the population. The SPLM for example has clearly developed the habit of always calling for external assistance to provide food and services to the population – building roads and other infrastructure, providing seeds, etc.[63] Warring parties can then concentrate all their energy on combat. Instead of spending their time and resources to get food or other logistical items, they can focus their expenses on getting arms and other war-related items. In rural societies such as Sudan, this also tends to transform the seasonal army into a more conventional one; the combatants no longer have to devote one part of the year to cultivating their fields and the other part to fighting. As the controversy around the 2000 Memorandum of Understanding in SPLM areas clearly showed, SPLM’s benefits from diversion are so substantial that the rebels prefer to expel the NGOs refusing to abide by their whims rather than taking a smaller share of humanitarian aid, no matter what this can mean for the population under their control or for their international image.[64].

*The US is perfectly aware of this issue, and of the benefits it represents for the warring parties.*

The US is perfectly aware of the problem of diversion of food aid and other aid infrastructure. Further, the 2000 Hearing on International Religious Freedom[65] shows in a particularly striking manner that the US government considers humanitarian food aid as a form of direct aid to the rebels. After Robert Seiple finished its statement on Sudan, a Senator asked for a clarification: “How can Robert say that the administration is already providing ‘direct, non-lethal aid to rebels’ and at the same time affirm that the administration is not working under the Brownback amendment [which authorizes the US President to provide food assistance to opposition groups]?” Robert Seiple’s answer was that he was referring to the aid offered outside the OLS system: food through an “NGO system,” “not through the opposition forces.” It emerges from the following discussion on the proposed Sudan Peace Act, that the current system (working through NGOs) is perfectly effective for what the administration wants to do. The only trick is to make sure that aid reinforces the rebels, and not the government of Sudan. This means finding a way to counter Khartoum’s strategy of blocking access to rebel-held areas, and ensuring that humanitarian aid supplies do get to the rebels.

*The US strategy: countering Khartoum’s manipulation of access and ensuring that rebels have access to*

*aid*

*Khartoum manipulates humanitarian access as part of its strategy of using hunger as a weapon*

In order to obtain the permission to operate both in governmental and in rebel areas, the UN negotiators had to grant Khartoum control of many aspects of OLS’s operations, including an absolute control of plane circulation. The OLS agreement stipulates that each month, Khartoum declares which areas will be open to aid deliveries. Therefore, the Government of Sudan can not only manage access to the population under its control, but also to the population in rebel-held areas. It has absolute control over where, when, and what food can be brought to any part of Sudan. The conditions for delivering aid to the rebel-held areas have become increasingly drastic over the years. The reason is straightforward: since 1994, the government of Sudan has adopted the deliberate tactic of starving the South into submission. Academic studies, political speeches, lobby reports and media broadcasts and articles constantly detail this strategy: planes bomb the agricultural infrastructure, ground troops destroy people’s ability to feed themselves (by slaughtering cattle, burning crops, poisoning wells, destroying everything). Khartoum works either directly or through the intermediary of its southern allies, paying militias to force southerners off their lands,[66] especially since the development of oil exploitation further increased the incentive to target civilians.[67] OLS agreements thus end up in an absurd situation in which aid workers are required to seek the permission of the government of Sudan to bring food aid to the very populations this government is trying to starve.

These agreements enable Khartoum to manipulate humanitarian access as part of its strategy of using hunger as a weapon, as proved by the numerous flight bans to many of the places that are not under direct government control. As the Nuba Mountains are one of the major targets in the war, there has been a permanent flight ban on this area between 1994 and 1999; the government finally had to relent under international pressure and authorize relief to be brought to the Nuba population, but it still does so very sparingly. The two-months long flight ban to the rebel-held towns in the Bahr el Ghazal area in 1998 can also be seen as the engineering of the worst famine since 1988 by means of retaliation against places that had just fallen to the rebels.[68]

Besides, denial of humanitarian access is a way of depriving the rebels of their bases, of denying them any opportunity for aid diversion, and of diverting aid towards places under its control. Many times, the government bans food aid deliveries to a rebel airstrip “for security reasons” but authorizes aid deliveries to the nearest airstrip under its control.[69] When people starve in areas under rebels’ control and know that food relief is available in garrison towns, they of course tend to move to the government places. There, the government often exchanges the food aid that has been delivered for religious and political conversions.[70] Those who prefer to resist starve to death. Diplomatic protestations and moral considerations do not, of course, restrain the government at all: from Khartoum’s point of view, letting OLS bring any food aid to populations under rebel control is doing the rebels a major favor. All protestations against access restrictions are seen as manifestations of ingratitude. The most cynical aspect of the government diversion of aid towards the places under its control is that Khartoum does not need food aid. In 1998, the year of the major famine in Bahr el Ghazal province, the UN reported that Sudan had produced a record six million five hundred thousand tons of food, which is more than enough to feed everyone in the country.[71]

Finally, banning access avoids the risk of having international workers witness atrocities that the government prefers to hide. Opening an area to humanitarian agencies would also let the media enter places that the government wants to keep far from the spotlight. As the desk officer of an NGO working in Sudan explained, “access is the key word in such situations. If there is no access to certain areas, the governments that do not want to get involved can say that they don’t know. Even if there are rumors,

testimonies of atrocities... there is no proof.”[72] The opening of several “no-go areas” by Khartoum in 1994 clearly demonstrates how the government plays with the aid workers and the media, showing them only what the government wants them to see and report on. The opening took place with considerable publicity and media presence. Two witnesses went beyond the border of the open zone, and there, they discovered “government raiders just out of view of the media” leaving behind them a “path of burned homes and fields and bodies.” [73]

As a result, denial of access to OLS has often been pointed out as “the single most important constraint” facing aid agencies in their work.[74] Humanitarian agencies that belong to OLS and abide by the government’s will emphasize that limited access is better than nothing. If they were to bring relief without government approval, they would afterwards be denied any authorization to work in government places. Besides, they would lose their membership in OLS, and hence have to work illegally on Sudanese territory, which would mean tremendous personal risk. Consequently, in spite of all the constraints and moral dilemmas facing OLS members, only seventeen NGOs have chosen to refuse OLS’s agreement and facilities, and bring help to the population to which the government denies access without asking for permission. This is why, besides providing the rebels with aid through OLS, the US government increasingly counts on these non-OLS NGOs to pursue its strategy.

*US counter-strategy: increasing the amount of aid delivered outside the OLS framework*

The US Congress and the US administration clearly know that the Sudanese government uses humanitarian aid as a weapon by restricting the population’s access to it and by “manipulating the delivery of relief supplies to [its] advantage on the battlefield.”[75] For example, the Sudan Peace Act states that

“The Congress hereby (...) recognizes that, along with selective bans on air transport relief flights by the Government of Sudan, the use of raiding and slaving parties is a tool for creating food shortages and is used as a systematic means to destroy the societies, culture, and economies of the Dinka, Nuer, and Nuba peoples in a policy of low-intensity ethnic cleansing.”[76]

If Khartoum’s tactic is to starve the South into submission, then to support the South means to make sure that it does not starve. If manipulation of aid is crucial in this war, the US has to reinforce the potential of aid manipulation by the SPLM and impair such potential for Khartoum. The easiest way is to encourage aid deliveries outside of OLS. Therefore, in almost all Congressional hearings during which the issue of the war in South Sudan is tackled, many Senators, Congress Representatives, and even members of the current administration advocate an increase of aid delivery outside of the OLS framework.

The US funding trend for the past three years clearly reflects these recommendations. The amount given by the United States Agency for International Development (USAID) to non-OLS NGOs has constantly increased since 1998[77] - i.e. since the hardening of US policies against the government of Sudan at the time of the bombing of the Al-Shalif factory. In 1998, funding the non-OLS NGO Norwegian People Aid enabled the US government to get round the government flight ban on Bahr el Ghazal province.[78] In fiscal year 1999, out of \$159 million in humanitarian assistance to Sudan, \$28.6 million went in emergency assistance to non-OLS NGOs (\$24 million for food and \$4.6 million in other non emergency assistance). This figure has increased in 1999 and 2000.[79] As a result, the Sudan Peace Act can proudly state in its Findings that “the efforts of the United States and other donors[80] in delivering relief and assistance through means outside OLS have played a critical role in addressing the deficiencies in OLS and offset the Government of Sudan’s manipulation of food donations to its advantage in the civil war in Sudan.”[81] The US can thus more effectively aid the rebels and, to avoid diplomatic protestations, pretend that it does so for “purely humanitarian” motives and even if there is a risk of “humanitarian” aid

ending up in the hands of combatants, “aid can be monitored, it can be controlled, and it can be checked,”<sup>[82]</sup> so that it can be sure that warring parties do not benefit from it. This is not true, and opponents of increased assistance to southern Sudan outside of OLS have sufficiently repeated it for the Congress to be perfectly aware of the reality.<sup>[83]</sup> Aid channeled through humanitarian organizations does help the rebels considerably in their fight against Khartoum: as the CSIS has argued before the Congress, the US is “the principal external backer, in humanitarian and diplomatic terms, of the Southern Sudanese opposition”, which vitally “relies on over \$100 million per annum in US humanitarian transfers.”<sup>[84]</sup>

The question that then arises is why NGOs, so attached to their neutrality and their independence, do not protest against being manipulated by their donors and by the warring parties? Why do they not protest against this diversion of their work, which turns it into a weapon, and makes it a tool in the pursuance of agendas totally opposed to theirs? The answer is twofold. A minority of aid agencies understand that they are manipulated, but they are often prevented from taking the appropriate action. Others, the majority, do not realize how their actions could feed into the conflict.

*Aid agencies do not use the method that could help them avoid being manipulated*

*Those who try are often prevented from taking the appropriate actions.*

To avoid the risk of being manipulated, aid providers should admit that their work is not neutral in essence, acknowledge the existence of the problem, analyze how and why they are manipulated, by which warring parties, and study how they could alleviate this problem. They should develop political and social analysis to better understand the situation they are working in, the dynamics of the manipulation, and develop potential ways to avoid their project being trapped into feeding the conflict. Information on the potential risk and the appropriate responses is available. Research on the interaction between humanitarian aid and civil wars have often taken South Sudan as a case study. Some of them have led to advocacy campaigns to entice aid agencies to include this type of analysis in their program evaluation.<sup>[85]</sup> This has yielded some results so far: the major NGOs and the UN agencies working in complex emergencies and post-conflict situations have started to pay attention to this issue.<sup>[86]</sup> Also, for a few years, several European NGOs like the *Médecins Sans Frontières* movement have tried to better analyze the political and social context of their mission.<sup>[87]</sup> Most of these agencies can thus see how warring parties rely heavily on them for their combat missions. However, when they have reached this conclusion, they do not have many options.

Almost no large-scale protest or advocacy campaign has ever been launched on this issue. First, the aid agencies’ claim of neutrality conflicts with the very idea of human rights and political advocacy. The often-neglected drawback of OLS’s claim to be neutral is that it prevents its members from speaking out and from denouncing the abuses of the Sudanese counterparts. Second, any protestation would jeopardize the agency’s access to the populations it strives to assist. It would mean high risk for the team on the field, and put the agency at risk of being expelled. Now, whatever the warring parties may do to the civil population and to the items delivered, aid agencies still want to work and try to save at least some lives. Therefore, as Pendregast deplures, with all emergencies in the Horn of Africa the “primacy of access” usually takes precedence over advocacy for justice, human rights, and international humanitarian law.<sup>[88]</sup> Most aid workers protest in private meetings with commanders, which usually does not really change the situation, but do not dare to denounce the warring parties to the international community. They also sometimes try to find ad-hoc solutions, on a case-by-case basis, but such small initiatives do not affect the overall pattern of diversion and taxation.

The only large-scale attempt to prevent aid in Sudan from being too subjected to political manipulation, the Ground Rules, has been a failure. It worked on fostering a somewhat greater respect of human rights by the rebel movements, but it did not succeed at all in preventing rebels from manipulating aid, or in

convincing aid agencies that they needed political and social analysis.<sup>[89]</sup> Most NGOs still consider the idea of political and social analysis as totally opposed to their principle of neutrality.<sup>[90]</sup>

*Most aid agencies do not realize how their actions could feed into the conflict*

Indeed, most aid agencies still do not address the issue of their role in the prolongation of the war, in Sudan as everywhere else. Most aid workers still firmly believe that they can “do no harm”, that they can be perfectly “neutral”, that their action can yield purely positive results. Most NGOs, particularly the newly created or the smaller ones, still act out of a pure sense of moral outrage without paying attention to the potential negative side-effects of their actions. As emergency funds are disbursed for short-term periods, these agencies are reinforced in their tendency to function on a day-to-day basis. They have no incentive to try to move to some strategic thinking and consider the broader picture of their involvement in Sudan. They get funds to bring relief items to the affected population, so that is what they do. Even the large UN agencies still do not really pay attention to the issue. The 1996 Review denounced the fact that OLS assesses food security and health and not even the basic social and political dimensions of the crisis.<sup>[91]</sup> As the Danish International Development Agency evaluation team still deplored three years later, OLS pays little attention to the “inherently political nature of vulnerability” – such as the use of food as a weapon, the necessity of political connections to be able to get food aid or merely to avoid being killed: “There are no formal mechanisms to monitor political trends in order to inform a vulnerability analysis.”<sup>[92]</sup> The words of a desk officer of a disaster relief agency working in Sudan seem to represent many of his colleagues’ attitude: “we are aware that it can be some political weight added to Garang’s movement, but we are not in the business of recognizing movements. We just want to carry the work and help people.”<sup>[93]</sup> Without social, political, or anthropological analysis, aid agencies remain prone to all sorts of manipulation. Humanitarian aid remains a very efficient tool for countries interested in reinforcing a part of the conflict.

It is not the purpose of this essay to explore in depth all the reasons why the aid agencies overlook their role in US diplomacy, as described here. If it had been so, several other factors would have had to be explored: the problem of immediacy of needs (when aid workers see people dying, they want to help them, no matter what the political implications); and the institutional interest of aid agencies (their fundraising campaign would have difficulty accommodating the ideas of political manipulation and aid feeding the war). This leads international agencies to not even question the relevance of bringing food aid to a fertile country that, in the 1970s, many development economists predicted would turn into the “bread basket of the Arab world.” On the contrary, the representation of Sudan as a land of food crisis fits into the Western stereotypes about Africa – African people are starving people on inhospitable land, unable to feed themselves but for the courageous and charitable intervention of the West (its missionaries, its churches, and then its governmental and non-governmental agencies). The South Sudan disaster can thus be normalized (a “humanitarian food crisis” and not a political one), and bringing food aid (even if to support the rebels) can be presented as the “normal” and logical response to such a problem.

## **Conclusion**

The US appears to have adopted a very effective strategy to promote or preserve its conflicting economic, political, geo-strategic, and moral imperatives. The US needs to keep the Sudanese government off-balance in order to avoid a further spread of fundamentalism and destabilization in the Horn of Africa. Supporting the SPLM seems the best way to maintain this situation but, for political, moral, geo-strategic and economic reasons, the US cannot openly do so, and it cannot afford to have the rebels seize power in Sudan. At that point, humanitarian aid, with its reputation of neutrality and its moral appeal concealing a fundamental vulnerability to all sorts of manipulation, is a very efficient tool. Food aid is especially useful: it directly counteracts Khartoum’s strategy (starving the South into submission) and directly helps the rebel movement and army in a number of ways (bringing them resources, as well as domestic and

international legitimacy). Food aid also has the crucial advantage of fitting perfectly into Western prejudices about Africa (a starving continent dependent on the West) and on humanitarian aid (humanitarian aid is neutral, etc). Who would then dare to question the legitimacy of the charitable US intervention to save starving babies? Western aid agencies’ and the media’s never questioned categories of analysis lead them to accept passively and reproduce the construction of the Sudanese disaster as a mere food problem to which relief aid is the most sensible answer. Humanitarian aid thus not only participates in the pursuance of US foreign policy goals in South Sudan, it is also a crucial component, absolutely necessary for reaching the appropriate balance. No matter if the South Sudanese populations are the first victims of all this.

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[1] I would like to thank Dr. Timothy Mitchell, Roger Persichino, Philippe Rosen, Dr. Shanker Satyanath, and Dr. Leonard Wantchekon for their invaluable comments on various drafts of this article.

[2] Amartya Sen, *Poverty and Famines: an Essay on Entitlement and Deprivation* (Oxford: Clarendon Press, 1981).

[3] Strategic concerns lead the warring parties to introduce bias in these data: to say how many persons are in a given area is to say how many persons are on the side of the local chief. Estimates can thus vary greatly. The statistics used in this paper are based on the most reliable sources – mainly academic.

[4] Following traditional usage, the words “North” and “South” are used to refer respectively to government-held areas and to rebel held areas, even if the division is more complicated than a simple geographic partition of the territory by a continuous line. This essay studies humanitarian aid in the “South” – i.e. in the territory mainly under rebel control and with few government towns in it.

[5] For example, the US provided \$106,636,688 in aid to Sudan in Fiscal Year 2000, out of which \$80,000,000 was direct food aid (Food for Peace, and food from the US Department of Agriculture) and part of the rest was funding for food programs through private NGOs. (USAID, *Fact Sheet: USAID Assistance to Sudan*, July 19, 2001).

[6] Ambassador Seiple. Senate Foreign Relations full committee hearing on *US Commission on International Religious Freedom: Findings on Russia, China, and Sudan; and religious persecutions in the world* (May 16 and September 7, 2000).

[7] Cynthia Mckinney, House of Representatives hearing on *America’s Sudan Policy: A New Direction? Joint hearing before the subcommittee on Africa and subcommittee on international operations and human rights of the committee on international relations* (One hundred and seventh Congress, March 28, 2001)

[8] Tufts University Fenstein International Famine Center, *Aid to Sudan’s Rebels: Right Idea, Wrong Plan* (Dec. 1999).

[9] Before the 1990s, i.e. at the time of the Cold War, Sudan was just one more place of indirect fighting between the Soviet and the Western blocs. The two camps opposed were clear cut: the SPLM backed by Ethiopia and the Soviet Union on the one side, the Government heavily backed, financially and militarily, by the US and the Western countries on the other. In 1988, a famine in which about 250 000 people died awoke the international community to the consequences of the war, and prompted Western governments to reconsider their support to Khartoum. The US ended most of its bilateral aid to Sudan in January 1989, suspended its remaining bilateral assistance to Khartoum when the National Islamic Front overthrew the

legitimate government, and definitively cut all cooperation with the Sudanese government when the latter supported Iraq in the Gulf war.

[10] On this issue and the whole subject tackled in this paragraph, see Martin Buckley, “In Africa’s human game reserve, strangers intrude,” *New Statesman* 130 (London, June 2001).

[11] The (accidental? voluntary?) killing of three expatriates in the rebel-held territory of Eastern Equatoria in 1992 did also much to prevent close collaboration between the US and the SPLA in 1992 – 1993. The circumstances of these deaths have never been clarified, but it is generally accepted that the expatriates were killed in an ambush set for the military commander William Nyuon by the SPLA. Mark Bradbury, Nicholas Leader and Kate Mackintosh. *The “Agreement on the Ground Rules” in South Sudan* (Human Policy Group, report 4, Overseas Development Institute, 2000).

[12] The best account of this process is in Bradbury, Leader and Mckintosh, *The “Agreement on the Ground Rules.”*

[13] See for example the successive recommendations of the US Commission on International Religious Freedom, or the many Senators pushing for such measures during the Senate Foreign Relations full committee hearing on *US Commission on International Religious Freedom*.

[14] Elf-Aquitaine, Total Fina, Royal Dutch Shell, Talisman Oil, etc.

[15] For example, the state of New Jersey had shares in Talisman Oil up to 2000. Source: Christopher Smith, New Jersey Representative, House of Representatives hearing on *America’s Sudan Policy*.

[16] Cynthia Mckinney. Senate hearing on *The United Nations’ Policy in Africa, hearing before the committee on foreign relations* (One hundred and sixth congress, second session, July 12, 2000).

[17] Nina Shea on behalf of US Commission on International Religious Freedom, Senate Foreign Relations full committee hearing on *US Commission on International Religious Freedom*.

[18] Jean-Philippe Remy and Stephen Smith “Une dictature islamiste avec laquelle Washington a décidé de négocier,” *Le Monde* (Oct 26, 2001).

[19] First, a victory for the rebels would probably mean the coming to power of a non-Arab government that could threaten Egypt’s access to Nile waters. Second, the Egyptians started massive irrigation projects in the Northern and Southern parts of the country in the mid-1990s. These projects, two of the most important items on the Mubarak government’s agenda, require Egypt to use much more than its share of Nile water than foreseen in the Egypto-Sudanese agreement regulating the allocation of Nile waters between the two countries. Khartoum has never really protested against this since its attention has been focused on getting support on the civil war issue. If the Sudanese civil war stopped, Sudan would most probably claim its legal share of Nile water, and Egypt would have to reduce its consumption, which would mean a severe blow to the irrigation projects.

[20] Since the reprise of oil exploitation in 1998, the defense budget expenditures have doubled. Officially, the annual defense budget has gone from 166 million dollars in 1998 to 327 million dollars in 2000. Sources: Christian Aid; *Oil and Gas Journal*; Energy Information Agency; IMF. Quoted in Karl Vick, “Oil Money is fueling Sudan’s war,” *Washington Post* (June 11, 2001).

[21] Definition taken from Ian Levine, *Report on workshop on Humanitarian Principles for Sudanese NGOs*, mimeo (April 1995), p.8, quoted in John Pendregast, *Frontline Diplomacy: Humanitarian Aid and*

*Conflict in Africa* (Boulder: London, 1996), p.39.

[22] Refugee camps in Zaire had provided many important leaders of the Rwandan genocide with a safe haven and with a base from which they could launch their military counter-offensive and from which they could get the resources necessary by exploiting the population benefiting from international aid.

[23] See for a more detailed account David Rieff, “The humanitarian trap,” *World Policy Journal* 12 (Winter 1995 – 1996).

[24] Studies of the 1988 famines have shown that it had taken such a high toll on the population partly because the international community was unable to respond effectively, and partly because the SPLM and Khartoum denied humanitarian agencies access to the population.

[25] The United Nations International Children Fund (UNICEF) has been chosen as the leading agency: in addition to the implementation of its own programs, UNICEF has the responsibility of coordinating the UN agencies and the NGOs that have signed OLS’s Letters of Understanding – i.e. that have agreed on basic program requirements and on OLS humanitarian principles (neutrality, impartiality, etc...). Thanks to funds raised through the OLS annual appeal, UNICEF provides the organizations working under the OLS umbrella with air transportation, security information, and acts as the focal political liaison with counterparts such as the SRRA [the Sudan Relief and Rehabilitation Association, the humanitarian branch of the SPLA] and the RAAS [the Relief Association of South Sudan, the humanitarian branch of the SPLM - United].

[26] After a Senate Africa Subcommittee meeting focused on Sudan on April 2, 1989, Congressman Mickey Leland led a delegation to Sudan comprising, among others, the then head of the Office of Foreign Disaster Assistance Julia Taft, and the then head of the United Nations International Children and Education Fund (UNICEF) Jim Graham. OLS was launched out of that mission. (Source: Stephen Morrison, Center for Strategic International Studies, during House of Representatives hearing on *America’s Sudan policy*).

[27] See the presentation of OLS in A. Karin et al., *Operation Lifeline Sudan: A review* (Edgbaston; Geneva: Birmingham University and DHA, 1996), p.1.

[28] OLS-South is managed from Nairobi, has its main logistical base at Lokichoggio (North Kenya), and is supervised from Khartoum by the UN Coordinator for Emergency and Relief Operations in Sudan.

[29] In areas controlled by the government of Sudan, population and humanitarian workers were legally protected by the Geneva Conventions, but in areas controlled by the rebels, no legal bases could be invoked to protest against major violations of human rights and humanitarian laws. In 1994, after two years of negotiations under the patronage of the IGAD peace process, a Tripartite Agreement over humanitarian access was formalized between the government of Sudan, the SPLM and the SPLM-United, and the UN. In 1995, OLS signed a formal agreement with the rebels (the “Ground Rules”) by which rebels agreed on respecting humanitarian law in exchange for some institutional and logistical support. This resulted in an impressive growth in coverage of OLS, particularly in the Southern sector – from less than ten sites served by air in 1992 to over two hundred sites by the end of 1997. Source: M. Buchanan-Smith, S. Collins, C. Dammers, and F. Wekesa, *Evaluation of Danish Assistance to Sudan. 1992 - 1998. First Draft*. (ODI: July 1999).

[30] Bradbury, Leader and Mackintosh. *The “Agreement on the Ground Rules,”* p.48.

[31] See among many others Alex De Waal, Mark Duffield, Larry Minear, John Pendregast, David Rieff,



Jean-Christophe Ruffin.

[32] Alex De Waal, *Famine Crimes* (Oxford: Indiana University Press, 1997).

[33] David Rieff. “The humanitarian trap”.

[34] See among others his paper *Governing the Borderlands: Decoding the Power of Aid*. Draft. Paper presented at a Seminar on *Politics and Humanitarian Aid: Debates, Dilemmas and Dissension* (Commonwealth Institute, London, 1 February 2001).

[35] Duffield, *Governing the Borderlands*, p.11.

[36] Joanna Macrae and Nicholas Leader, *Shifting Sands: the search for “Coherence” between political and humanitarian responses to complex emergencies*. Humanitarian Policy Group, Report 8 (London: Overseas Development Institute, Aug 2000), quoted in Duffield, *Governing the Borderlands*, p.13.

[37] Interview with Antoine Gerard, Médecins Sans Frontières (MSF) - USA Program Manager, May 15, 2000, New York.

[38] Bradbury, Leader and Mackintosh. *The “Agreement on the Ground Rules.”* Parts 1 and 2.

[39] Stephen Morrison. House of Representatives, *America’s Sudan Policy*.

[40] Figure taken from Washington Office on Africa. *Slavery, war and peace in Sudan* (Dec. 1999).

[41] Source: Bradbury, Leader and Mackintosh. *The “Agreement on the Ground Rules,”* p.51.

[42] Chairman Roger Royce, opening remarks to the House of Representative hearing on *America’s Sudan Policy*.

[43] Mary Anderson, *Do No Harm: How Aid Can Support Peace... Or War* (Boulder, 1999), p.  
38 -39

[44] De Waal, *Famine Crimes*.

[45] It has been extensively documented. See among many others Pendregast, *Frontline Diplomacy and Crisis Response: Humanitarian band-Aids in Sudan and Somalia* (London: Pluto Press, 1997); Alex de Waal, *Famine Crimes*; Joanna Macrae and Anthony Zwi, eds., *War and Hunger: Rethinking International Response to Complex Emergencies* (New Jersey : Zed Books, 1994); and to a lesser extent Anderson, *Do No Harm*.

[46] Paul Collier and Anke Hoeffler. *Greed and grievance in civil war*, working paper n° 2355, World Bank Group, May 2000.

[47] Article A 4. II: “Diversion of aid from intended beneficiaries is regarded as a breach of humanitarian principles.”

[48] Findings mentioned in Human Rights Watch / Africa, *Famine in Sudan, 1998: the human rights cause* (New York: Human Rights Watch, 1999), pp. 119 – 122.

[49] Buchanan-Smith, Collins, Dammers, and Wekesa. *Evaluation of Danish Assistance to Sudan*. Chapter 13-2.

[50] For many statistics and anecdotes, see Human Rights Watch / Africa, *Civilian devastation: abuses by all parties in the war in south Sudan*, (New York: Human Rights Watch, 1994), pp. 174 – 189.

[51] Informal interview with the team of Action Against Hunger – USA (New York, March 2000).

[52] The SPLA Code (i.e. the only “legal” rules that apply on territories controlled by the SPLM), dated 1983, claims as revenue the “local taxation, the rate and value of which shall have regard to the conditions of the people as approved by the Chairman” (section 25 – 2). Source: Human Rights Watch / Africa, *Civilian devastation*, p. 181.

[53] See for a more detailed analysis, Human Rights Watch / Africa, *Ibid.*, pp. 181 – 184.

[54] The OLS agreement and the Ground Rules recognizes the SRRA as a formal counterpart for the humanitarian projects implemented in rebel areas. OLS workers can thus delegate to local chiefs or to the SRRA the responsibility of distributing food aid items when security conditions are too precarious, or when no one is willing to do the job. Outsourcing to local humanitarian-political counterparts could be seen as a violation of the basic principles of humanitarian impartiality, but when the security conditions are very bad (as they are most of the time in South Sudan), there is not much choice.

[55] See the constant denunciations by MSF, and among others Philippe Biberson, “Soudan, un renoncement mortel”, *Le Monde* (26 Feb. 1999).

[56] Bradbury, Leader and Mackintosh; and African Rights, among many others.

[57] The most comprehensive analysis of this bias is in Buchanan-Smith, Collins, Dammers, and Wekesa, *Evaluation of Danish Assistance to Sudan*. It should also be noted that the extremely difficult logistics of South Sudan does much to prevent adequate assessments: English speakers are difficult to find, places are very often not accessible (floods, no roads), etc.

[58] In September 1997, Action Contre la Faim (ACF) tried to conduct a nutritional survey to investigate why malnutrition rate in the camp of Labone (Eastern Equatoria province) was so high despite the on-going food distributions. As the camp was situated next to an SPLA garrison, the goal was to prove that the soldiers were diverting food aid from the intended beneficiaries. When the SPLA saw it, it gave ACF 24 hours to leave Sudan – under the pretext that ACF staff were spies. Source: informal interview with the team of Action Against Hunger – USA (March 2000).

[59] For more details, see Pendregast, *Frontline Diplomacy*, p. 27.

[60] *Ibid*, p. 22.

[61] Anderson, *Do No Harm*, pp.49 – 50.

[62] Pendregast, *Frontline Diplomacy*, p. 25.

[63] See the account of this process in Bradbury, Leader and Mackintosh, *The “Agreement on the Ground Rules,”* p. 21.

[64] The SPLM had designed this Memorandum of Understanding (MoU) to regulate humanitarian assistance in its territories. NGOs were very reluctant to accept it: for very little in the way of security guarantees, it meant an increased control by the SPLM of their operations, gave the SRRA the right to use the NGOs’ communication assets, to tax aircraft landings and movements in territories under its control, and compelled the NGOs to give the SPLA their assets situated in Sudan when they left the country. On March 1, 2000 (the deadline set by the SPLM for the NGOs to either sign the MoU or leave their territory), out of 43 NGOs working in South Sudan, 32 signed and twelve did not. The twelve NGOs thus expelled accounted for 35% of food aid and assisted 1.6 million people with food, health, and agriculture. Source: BBC Monitoring service, *Sudan: Rebel movement issues statement on aid workers in rebel-held areas* (6 March 2000).

[65] Ambassador Robert Seiple and Senator Sam Brownback. Senate Foreign Relations full committee hearing on *US Commission on International Religious Freedom*.

[66] For a detailed list of the militias and ethnic groups armed by the government against the SPLA, see Hailes Janney, “Oil reserves transform the Sudanese civil war,” *Jane’s Intelligence Review* 13 (June 2001).

[67] Most of Sudan’s oil reserves are located in the South of the country, so the renewed oil exploitation (since 1998) has brought the fighting to new areas. Before 1998, Khartoum’s strategy was to maintain its foothold in the South by holding several strategic garrison and market towns such as the regional capital Juba. Since 1998, Khartoum has started fighting around the drilling fields and the passage of the pipelines: the petroleum concessions have to be cleared from any potential danger in order to develop the oil fields, especially since the SPLA has clearly stated its will to destroy the oil complexes. The easiest way to clear the oilfields is to amplify of the well-known use of starvation as a weapon: to engage in massive scorched earth warfare, and produce such a complete destruction that returning to the oil region seems frightening and pointless. For the impact of the oil factor on the Sudanese civil war, see: Christian Aid, *The scorched earth: oil and war in Sudan* ([http://www.christian-aid.org.uk/indepth/0103suda/sudanoil .htm](http://www.christian-aid.org.uk/indepth/0103suda/sudanoil.htm)); and for Khartoum’s military strategy: Janey, “Oil reserves transform the Sudanese civil war.”

[68] Aid agencies were warning in January that a major famine crisis was about to happen because of a particular severe drought for the second year in a row. In February and March, the government maintained a ban on humanitarian flights, hence preventing humanitarian agencies from delivering seeds and tools at the appropriate time so that crops could be raised. Once the flight ban was finally lifted, aid agencies arrived too late: 60 000 persons had already died, or were about to.

[69] OLS publishes a monthly list of the *Security state for locations in South Sudan*, in which examples of flight denials by Khartoum for areas under rebel control with no security problems, and flight clearances for government places situated just nearby, abound.

[70] African Rights, *Facing genocide: the Nuba of Sudan* (London: African Rights, 1995), pp. 242 to 275.

[71] Source: Tony Freemantle, “The hunger weapon,” *Houston Chronicle* (Aug. 29, 1999), based on UN data.

[72] Desk officer of an NGO working in Sudan, interviewed on 13 April 2000 in New York. The interviewee has asked to remain anonymous for fear of retaliation on his team on the ground. Hereafter, this interview will be referred to as Interview X.

[73] Story reported in “The Self-Mutilation of Sudan,” *Swiss Review of World Affairs* (July 1995).

[74] See for example Buchanan-Smith, Collins, Dammers, and Wekesa, *Evaluation of Danish Assistance to Sudan*, Chapter 8.4.

[75] *Sudan Peace Act: A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan*. Introduced by Sen. Frist on 01/25/01. Section 6: Multilateral pressure on Combatants.

[76] *Sudan Peace Act*, Section 4: Condemnation of Slavery, other human rights abuses, and tactics of the government of Sudan. The fact that the Sudanese government “uses aid as a weapon” by manipulating OLS (Mr. Royce, House of Representative hearing on *America’s Sudan Policy*) had already been denounced before many times. See for example Senator Winter in 1997 stating that “the regime in Khartoum has made abundantly clear over the years, by words and deeds, that it is prepared to manipulate OLS and block entire relief programs for political and military reasons” (Roger Winter, US Senate, *Sudan and Terrorism hearing before the subcommittee on African Affairs of the Committee on Foreign Relations*, One hundred and fifth Congress, First session, May 15, 1997); and two years later, the recommendation by the US Commission on Religious freedom to “end [the government of] Sudan’s ability to control foreign food aid and use it as a weapon of war” (Dr. Kazemzadeh. Senate Foreign Relations full committee hearing on *US Commission on International Religious Freedom*).

[77] Source: Ambassador Seiple. Senate Foreign Relations full committee hearing on *US Commission on International Religious Freedom*.

[78] Source: Bradbury, Leader and Mackintosh. *The “Agreement on the Ground Rules.”*

[79] No precise data is available, but the trend is clear. The director of the Center for Religious Freedom at Freedom House was told by the US Africa Bureau that non-OLS aid had been increased by 30% between mid 1998 and mid 2000. Source: Nina Shea, *US policy in Sudan – A Keynote address to the Claremont institute conference on statesmanship and Sudan: what should America do?* (Washington, DC, June 14, 2000). Other observers report a much sharper increase, for example up to “around \$100 million each year.” Source: James Phillip, “To stop Sudan’s brutal jihad, support Sudan’s opposition,” *Heritage Foundation report* (June 2001). In addition, the US has launched in 1999 what USAID proudly presents as the “only development project so far implemented in rebel-held areas,” the STAR (Sudan Trust for Rehabilitation) project, a five-year capacity-building program especially designed to reinforce the institutional capacity of the SPLM and to foster internal reform towards good governance (budget: \$13 millions). Source: USAID. *Sudan – complex emergency. Situation Report #1 - FY 1999* (Jan. 1999).

[80] Western governments opposed to the Government of Sudan, especially Norway, appear to have adopted the same tactics. In 1999, DANIDA’s evaluation team demonstrated that the wider donor trend seems to increase their proportion of funding to NGOs rather than the UN, and among NGOs to non-OLS agencies rather than OLS agencies. (Buchanan-Smith, Collins, Dammers, and Wekesa. *Evaluation of Danish Assistance to Sudan*).

[81] *Sudan Peace Act*.

[82] Michael K. Young, Commissioner of the US commission on religious freedom, House of Representative hearing on *America’s Sudan Policy*.

[83] See for example Dr. Laila Al-Marayati. Senate hearing during *The United Nations’ Policy in Africa*.

[84] Francis M. Deng and J Stephen Morison (co chairs), *US policy to end Sudan’s war – Report of the*

CSIS task force on US – Sudan policy (Washington, Center for Strategic and International Studies, 2001).

[85] The most famous analysis, Mary Anderson’s *Do No Harm*, has been especially influential through the advocating developed by her research group, the *Local Capacity for Peace* project and by the sister project *Humanitarianism and War*.

[86] Consultants from the *Local Capacity for Peace* and *Humanitarianism and War* projects are now invited more and more frequently to conflict zones to organize workshops and training. As a result, many aid workers in management positions in the major NGOs (OXFAM, Save the Children, CARE, etc) and many UN representatives are at least aware that relief aid can “do harm”.

[87] For example, MSF sections have created several special field positions of “Context analysts” or “humanitarian officers” for countries such as the Democratic Republic of Congo, Sudan, etc. This is still very rare, but the idea seems to appeal more and more to other NGOs.

[88] Pendregast, *Frontline Diplomacy*, pp. 9 – 11.

[89] Bradbury, Leader and Mackintosh *The “Agreement on the Ground Rules,”* pp. 10 and the proofs, pp. 10 -12 . The worst of all is that the Ground Rules did have a major impact, but quite opposite to what they had been designed for: they gave a strong legitimacy to the rebel movements. The OLS agreement had just mentioned the rebels, and none of the rebel groups had had to formally sign any diplomatic documents. The *Ground Rules* posed the rebels as “legal counterparts” to the aid agencies, had the head of the movements sign the agreement, and seemed to assume that they were representative of the people (which of course no one believed). As a result, the *Ground Rules* greatly increased the diplomatic credentials of the rebel movements. Especially, they did much to rehabilitate the SPLM and to secure backing from the US. Source: Bradbury, Leader and Mackintosh, *Ibid*.

[90] Buchanan-Smith, Collins, Dammers, and Wekesa, *Evaluation of Danish Assistance to Sudan*.

[91] Karin et al., *Operation Lifeline Sudan*.

[92] Buchanan-Smith, Collins, Dammers, and Wekesa, *Evaluation of Danish Assistance to Sudan*, chapter 13-4.

[93] Interview X.