

**ENDING STARVATION AS A WEAPON  
OF WAR IN SUDAN**

14 November 2002



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Africa Report N°54  
Nairobi/Brussels

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## ENDING STARVATION AS A WEAPON OF WAR IN SUDAN

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

Warring parties and international aid providers in Sudan have an historic opportunity to bring to an end what is perhaps the most extreme and long-running example in the world of using access to humanitarian aid as an instrument of war. A mid-December meeting between the UN and Sudan's warring parties – the Technical Committee for Humanitarian Assistance (TCHA) – provides an unparalleled vehicle to build on recent short-term agreements and to once and for all remove the institutional barriers to unimpeded access for humanitarian agencies. Such an opportunity may not arise again, so it is imperative that mediators, the UN Security Council, and interested governments provide concentrated and immediate support for this objective.

Resolving this issue will have more than just humanitarian significance. Sudan is presently poised between making peace and intensifying war. The next months are a crucial period for the peace initiative being managed by the regional body IGAD (Inter-governmental Authority on Development), supported on-site by four official observers (Italy, Norway, UK and U.S.), and backed by governments in the IGAD Partners Forum such as Switzerland, Canada and the Netherlands. This process offers by far the best hope yet for an end to the country's devastating nineteen-year civil conflict. Manipulation of humanitarian assistance has been throughout the conflict an integral part of the strategies of both warring parties – but especially the government, relying on its sovereign right to deny access to its territory. To end permanently restrictions on access to humanitarian aid would provide a major additional foundation for further efforts by the mediators to broker a comprehensive peace.

The months that followed the provisional protocol on important elements of a settlement signed at Machakos, Kenya in July 2002 saw heavy fighting on multiple fronts. On 15 October, however, Khartoum and the SPLA insurgents signed a memorandum of understanding (MOU) providing for the resumption of negotiations (after a six-week suspension that had been caused by a government walk-out), cessation of hostilities through the end of December, and unimpeded access for humanitarian aid during that same period. On 26 October, the parties signed with the UN (under whose wing the main humanitarian operation is carried out) a further technical agreement allowing unrestricted access for humanitarian agencies for the months of November and December. The lead IGAD negotiator, Kenyan General Lazaro Sumbeiywo, expects to achieve an extension of the MOU – both the cessation of hostilities and the removal of access restrictions – until 31 March 2003. This is a crucial building block for continued progress, understandably slow given the complexity of the issues, in the peace process itself.

The pledge to permit unimpeded access for humanitarian assistance included in the 15 October MOU and the more detailed implementation agreement concluded on 26 October is well timed. The humanitarian situation in Sudan's many war-torn areas deteriorated badly in recent months, as civilians continued to suffer the brunt in particular of Khartoum's management of access in furtherance of its strategic aims. The agreement will help reverse the damage done over the past months, but only if the necessary resources are mobilised to respond to the newly accessible locations.

However, there is every reason to be sceptical that the new humanitarian agreement will either produce a lasting improvement in accessing needy populations or contribute positively to the crucial negotiations in Machakos. The parties have reached and broken such agreements a number of times in the past, dating back to the original tripartite arrangement that created Operation Lifeline Sudan (OLS) under the UN umbrella in 1989. Each time, the international community has failed to apply corrective pressure. It is vital to avoid such a mistake this time, both because many lives are immediately at stake and because allowing the parties to slip away from this written commitment would create an atmosphere of cynicism and business as usual at Machakos unlikely to lead to a lasting peace agreement. A major effort is needed at the TCHA meeting next month to end the parties' veto power over when and where aid is delivered.

More medium term strategies which will reduce the obstruction of aid over time would be to strengthen the capacity of Sudanese organisations and non-OLS agencies to be prepared to assume greater responsibilities, and to enhance the network of roads to expand ground deliveries of aid throughout the South. It is also appropriate to begin to explore the difficult issues that the international community would face if war resumed in its full ferocity early in 2003 and there was need to threaten or use military force to get life-saving aid into the country.

The basic message of this report is that it is time for the international community to take a strong, coordinated stand to institutionalise the concept of unimpeded humanitarian access. Whether the 26 October agreement for blanket access is purely tactical or represents a shift toward prioritising humanitarian concerns, this opening has to be seized and pushed until this temporary exception becomes the rule. These next few weeks leading up to the TCHA meeting will truly be a test of international resolve in support of life-saving humanitarian access. The dry season will return with a temptation to utilise tried and true tactics for manipulating aid, particularly if fighting resumes. The use of starvation as a central war tactic through the obstruction of aid access should no longer be greeted by international acquiescence.

## **RECOMMENDATIONS**

### **To the government of Sudan and the SPLA:**

1. Implement fully the 26 October agreement and any follow-up agreements on unimpeded humanitarian access and in so doing build the mutual confidence that improves the climate for reaching a comprehensive peace agreement in a timely manner.
2. Work together with the UN at the forthcoming TCHA meeting to permanently remove all restrictions on access and geographic scope for OLS operations.

### **To the IGAD mediation team, governments of the observer countries and Sudan's friends in North Africa and the Middle East:**

3. Maintain pressure on the parties to provide unimpeded humanitarian access in order to demonstrate that agreements signed by the parties are taken seriously and supported by the international community.
4. Urge the Sudanese government and SPLA to accept once and for all an end to their veto power over aid access operations at the forthcoming TCHA meeting.
5. Request the UN Security Council, in the event of non-implementation of the agreements to support the Machakos negotiations by considering the situation urgently and pressing the offending party or parties to comply with their commitments and in particular to renounce any claim to be able to veto humanitarian access within the Operation Lifeline Sudan (OLS) framework.

### **To international donors:**

6. Provide diplomatic support to bring about a successful result of the forthcoming TCHA meeting, and provide additional humanitarian resources in order to respond to increased relief demands resulting from expanded access.
7. Begin immediately to prepare and institute measures to make humanitarian operations more effective including:

- (a) improving the capacity of indigenous Sudanese organisations to provide and manage humanitarian assistance; and
  - (b) expanding road construction projects that will facilitate land access to the South;
8. Prepare for worst case, full-scale resumption of war and renewed efforts to deny humanitarian access by:
- (a) building the capacity of non-governmental organisations to respond to a humanitarian crisis in areas inaccessible to OLS and developing a bureaucratic “quick release” mechanism capable of handing international efforts and resources over to such organisations if OLS is denied access; and
  - (b) initiating study of the practical modalities and political, military and logistical obstacles that would be involved in forcing access, perhaps by declaring areas of Sudan “no fly” zones except for aircraft bringing in humanitarian aid.

**To the UN Security Council:**

- 9. Pass a resolution in support of the forthcoming TCHA meeting and the objective of removing all restrictions on humanitarian access.

**Nairobi/Brussels, 14 November 2002**



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ICG Africa Report N°54

14 November 2002

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## ENDING STARVATION AS A WEAPON OF WAR IN SUDAN

### I. INTRODUCTION<sup>1</sup>

The resumption of peace talks between the government of Sudan and the Sudan People's Liberation Movement/Army (SPLA) in mid-October, simultaneous with the signing of a cessation of hostilities agreement, ended some of the fiercest fighting of the current war – for the time being. Battles raged throughout Sudan during much of 2002, not diminishing after peace talks began in Machakos, Kenya in June. Increased fighting in Western Upper Nile, Southern Blue Nile, Ekuatoria, and the Eastern Front along the border with Eritrea from July to October has helped illustrate the need to conclude a comprehensive peace agreement at Machakos, while creating serious humanitarian situations for the civilian population.

Particularly intensive fighting followed the SPLA's capture of the strategic southern garrison town of Torit that occasioned the government's withdrawal from the IGAD-led peace talks on 1 September.<sup>2</sup> The memorandum of understanding (MOU) signed by Khartoum and the SPLA on

15 October, however, committed the parties to return to the table at Machakos and, for the first time since the current Sudanese government took power in a 1989 coup, to a cessation of hostilities linked to political negotiations, albeit with an end-of-year limitation. It included a provision that the parties would “allow unimpeded humanitarian access to all areas and for people in need, in accordance with the Operation Lifeline Sudan (OLS).”

As a technical-level follow up to the MOU, the UN, the government and the SPLA signed a procedural agreement on 26 October that elaborated on unfettered humanitarian access but for the same strictly limited period: November-December 2002. It is allowing a polio immunisation campaign to go forward and an additional half million people to receive food.<sup>3</sup> The lead IGAD peace process mediator, Kenyan General Lazaro Sumbeiywo, anticipates agreement of the parties, before the talks break in mid-November for Ramadan and the Kenyan elections, to extend the elements of the MOU – cessation of hostilities and unimpeded humanitarian access – until 31 March 2003 to allow the negotiations to resume in January without major military distractions at a time –

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<sup>1</sup> For earlier ICG reports on Sudan, see ICG Africa Report No. 39, *God, Oil and Country: Changing the Logic of War in Sudan*, 28 January 2002; ICG Africa Report No. 42, *Capturing the Moment: Sudan's Peace Process in the Balance*, 3 April 2002; ICG Africa Report No. 48, *Sudan: Organising for Peace as the War Escalates*, 27 June 2002; and ICG Africa Report No. 51, *Sudan's Best Chance for Peace: How Not to Lose It*, 17 September 2002.

<sup>2</sup> Government forces regained Torit on 8 October 2002.

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<sup>3</sup> OLS estimated that this means 585,000 new beneficiaries of food aid. “Unprecedented Access to War-Affected People in Sudan Agreed to by Government and SPLM/A”, OLS press statement, 26 October 2002.

the dry season – when fighting typically is fiercest.<sup>4</sup>

The agreements on unimpeded access could be groundbreaking if they are made permanent. A major opportunity exists to institutionalise unimpeded access within the next set of negotiations at the Technical Committee for Humanitarian Assistance (TCHA), a UN-chaired mechanism for humanitarian diplomacy in Sudan, which, according to a stipulation in the October agreement, must be held before the end of the year.<sup>5</sup> (It has been tentatively scheduled for 10-12 December in Nairobi.)

However, there is reason to approach this “breakthrough” with considerable scepticism.<sup>6</sup> In many regards, it is remarkable that the UN must still negotiate procedures for delivering humanitarian assistance thirteen years after the Operation Lifeline Sudan (OLS) architecture was established in 1989. That framework agreement for OLS operations made clear that the parties would only be able to block deliveries when there were pressing and fundamental security

concerns – a provision the government has repeatedly and the SPLA occasionally abused. It is unsurprising that the government wishes to appear more conciliatory and avoid international censure after blocking humanitarian shipments as aggressively as it has recently. But it is precisely this sentiment that provides an opportunity to make permanent these latest and temporary commitments to allow unimpeded access. Nearly twenty years of empirical evidence should have demonstrated to the Khartoum authorities that although the strategy of blocking aid is effective in killing people, it also radicalises sentiment in the South, hardening support for independence. Ending the practice of using starvation as a weapon would actually help the government at the Machakos negotiations and during the implementation phase of any peace agreement.

The reality on the ground, meanwhile, is stark. The government continued to use starvation as a weapon throughout 2002, with devastating consequences for civilians. The steady interruption of international relief supplies has threatened to turn a cyclical humanitarian crisis into a permanent emergency that leaves significant numbers of Sudanese without any means to subsist and highly vulnerable to even minor supply shocks.<sup>7</sup>

Instead of adopting a “hearts and minds” strategy to peel away SPLA popular support, the government has consistently targeted the “stomachs and feet” of civilians. By actively encouraging their displacement and steadily undermining their ability to feed and support themselves, including by destroying livestock, the government has sought to leave civilians in broad swathes of eastern and southern Sudan as vulnerable as possible. Famine in the war-torn regions is not a by-product of indiscriminate fighting but a government objective that has largely been achieved through manipulation, diversion and denial of international humanitarian relief. The calculation seems to be that a dispirited and enfeebled population will be

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<sup>4</sup> General Sumbeiywo also is seeking to finalise protocols on wealth and power sharing before talks adjourn in order to maintain momentum. Negotiations are expected to resume in January 2003.

<sup>5</sup> “Meeting Held on the Implementation of Clause 5 of the Machakos MOU on Unimpeded Humanitarian Access, 25-26 October 2002”. UN Office for the Coordination of Humanitarian Affairs (OCHA) press release. Besides unimpeded access to existing OLS areas of operation, the meeting also provides an opportunity to expand the geographic reach of OLS to all areas of war-torn Sudan. This would allow currently unserved areas of Southern Blue Nile and eastern Sudan to be assisted more regularly, and the Nuba Mountains, now subject to a separate agreement, to be incorporated into the overall OLS framework in the context of an end to all restrictions on access.

<sup>6</sup> “Old habits die very hard”, said one Sudanese analyst, “especially the government’s denial of humanitarian access to war victims”. The government quickly began redefining unfettered access in the aftermath of the agreement. The degree to which non-OLS NGOs can benefit is one important area of uncertainty. ICG correspondence, 27 October 2002. Others were more sanguine. “Until I see something different, I believe the agreement reflects a genuine will on the part of the government to push the Machakos process forward and see it succeed”, said a key diplomat. “However, it is a difficult process where both sides will have to walk many miles to come to agreements on a number of fundamental issues”. ICG correspondence, 28 October 2002.)

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<sup>7</sup> For more in-depth reporting on war-fighting tactics that breach international humanitarian law, particularly starvation as a weapon, see ICG Africa Report No. 39, *God, Oil and Country: Changing the Logic of War in Sudan*, 28 January 2002.

unable to assist the insurgency. However, this has done little to persuade southerners that there is any place for them in a Sudan governed by the current leadership in Khartoum, and it poses a direct challenge to the international community's responsibility to protect innocent civilians from the worst excesses of armed conflict.

While much of the recent international attention on Sudan has focussed on the nascent peace process, it should be clear that no lasting peace will be secured if the government were to resume these practices which remain in direct violation of both the Geneva Conventions and earlier agreements with the international community regarding humanitarian access. It is an all too obvious question whether the international community would tolerate abuses on such a scale in other regions. Respect for Sudan's sovereignty, however, has been allowed to trump pressing humanitarian needs with depressing and deadly regularity.

The mediators and international observers at Machakos should press the parties to respect the October agreements and make permanent the clauses on unimpeded humanitarian access, however, not only because lives are immediately at stake but because those agreements are central to the fate of the larger peace negotiations. They represent standards by which to gauge the parties' commitment to implement any comprehensive agreement that they sign. Tied directly into the political negotiations as they are, they are potential confidence building measures also for how seriously the mediators and the observer nations take their responsibilities. They likewise provide the government with an opportunity to demonstrate that it does indeed want southern Sudanese to remain a part of Sudan if and when a referendum occurs in the context of an implemented peace agreement.

The first returns regarding the agreements have been ambiguous. The international community made little public protest when Khartoum launched attacks in the East almost immediately after signing the MOU.<sup>8</sup> Considerable diplomatic

activity went on behind the scenes but a spate of other violations occurred – along with SPLA and government claims and counter-claims regarding responsibility. Any international inclination to look past transgressions – as has happened with earlier agreements on humanitarian assistance – in the hope that it will help keep the parties focused on a negotiated settlement of the larger conflict would send the wrong message about international determination to get a workable peace and likely produce only more intransigence.

It is not just the violation of the cessation of hostilities agreement that demonstrates the lack of worth of internationally brokered deals. Many previous and recent commitments on paper have not translated to changes on the battlefield. Illustratively, during the month of October, the government maintained restrictions on access to 61 locations in the South, in violation of the 1999 protocol on humanitarian assistance, maintained a moratorium on aid to opposition-controlled areas of Southern Blue Nile and eastern Sudan, and appeared to revoke, at least partially, its agreement brokered by U.S. and Swiss diplomats earlier in the year by demanding that all aid going into the Nuba Mountains be channelled through government-controlled areas.<sup>9</sup> These steps came on the heels of a blanket flight ban by the government on all OLS humanitarian flights in late September that effectively cut off nearly 3 million civilians from assistance. By not responding forcefully to these violations, the international community sent the message that agreements reached with the parties are simply not taken seriously enough to enforce. The TCHA meeting can be used to reverse this

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October 2002. The SPLA was victimised by its own negotiating position, which strongly opposed the establishment of any monitoring mechanism, believing that the cessation of hostilities would then resemble too closely a comprehensive cease-fire, which it would accept only as part of a final peace agreement. Therefore, any allegation of a violation will remain largely unsubstantiated and can be used to undermine the talks. The allegations and counter-allegations are most difficult to confirm in the oilfields of Western Upper Nile, which are remote and accessed by few independent observers.

<sup>9</sup> The Nuba Mountains agreement, signed on 19 January 2002, allowed for aid to go into the area through both government and SPLA-controlled channels. The Nuba Mountains had not previously been accessible to OLS.

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<sup>8</sup> IGAD negotiator General Lazaro Sumbeiywo did condemn the military action. James Macharia, "Mediator says Sudan broke truce, talks may collapse", Reuters, 17



impression if the UN's efforts to remove all access restrictions are given robust support.

During this crisis as throughout much of its existence, OLS, one of the largest UN-led relief operations in the world with 41 humanitarian NGOs currently operating within its framework, was unable to address the persistent humanitarian emergency adequately. At the time of its 1989 inception, OLS represented a pioneer international humanitarian intervention operation. Yet what made OLS revolutionary — its negotiated access framework with the key warring parties, including a sovereign government — quickly proved to be its Achilles' heel. The government of Sudan has abused its veto power over OLS flights and otherwise hindered operations from the start, often to complement its military strategy. This has been clear in the 1998 Bahr al-Ghazal famine, the scorched earth policy surrounding the oilfields, blanket denials of access in Equatoria, the blockade of SPLA-controlled areas of Southern Blue Nile and manipulation of aid to eastern Sudan.

The government has a consistent record of contravening the Geneva Conventions, the Tripartite OLS Agreement of 1994, the 1999 Beneficiary Protocol of Operation Lifeline Sudan<sup>10</sup> and the recent Nuba Mountains agreement. Khartoum continues its simultaneous policy of launching offensives to depopulate the oilfields while blocking relief access to displaced and war-affected civilians. Despite this clear and persistent infringement of international humanitarian law and a host of other relevant agreements, the international community has remained largely silent at senior policy levels, though it has taken up the issue more vocally in other countries such as Iraq and Bosnia. Most of the protest about the use of food as a weapon has come from the humanitarian community, particularly from U.S. Agency for International Development chief Andrew Natsios. Most of the practical engagement on the access issue has

been left to the UN Special Envoy, Ambassador Tom Vraalsen, while the donors held behind-the-scenes meetings in Geneva in an effort to craft common positions. General Sumbeiywo, who brokered the MOU and is now pressing for its extension, is also playing a major role.

At least until recently, however, the silence of and selective enforcement from the international community generally emboldened the government of Sudan to continue using food as part of its military strategy of weakening the SPLA and its population base. As long as its manipulation elicits only occasional verbal condemnation from the Western donors, Khartoum will have little incentive to change. Both the government and the SPLA would then inevitably approach international guarantees included in a peace agreement with great suspicion.

Beyond food, the denial of basic health, veterinary, water and sanitation services, as well as the disruption of markets and inter-communal trading, have prevented stability within war-torn areas, steadily sapped the mechanisms for survival in these communities and kept people weak as part of an effort to deny the SPLA local support and sustenance.<sup>11</sup>

For its part, the SPLA is also not without blame, as further detailed in Section III below. Throughout its history, it has also obstructed aid and diverted relief supplies for political advantage. Although SPLA practices surrounding aid have improved in the past several years, at times they continue to be obstacles to the delivery of humanitarian relief and the implementation of aid projects.

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<sup>10</sup> The 1999 Beneficiary Protocol of Operation Lifeline Sudan was the OLS-brokered Agreement on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Populations of 1999. For a listing of all relevant agreements, see Appendix B.

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<sup>11</sup> ICG correspondence, 23 October 2002.

## II. HUMANITARIAN IMPLICATIONS OF WAR ON THREE FRONTS

### A. THE OILFIELDS

*“What we are seeing is the end of Western Upper Nile as we know it.”*<sup>12</sup>

Fighting in the oilfields region of the South escalated at the beginning of 2002.<sup>13</sup> With both sides’ capabilities improved, and the government determined to expand oil exploitation at any cost, estimates are that the last ten months have seen the displacement of nearly half a million civilians in Western Upper Nile.

With improved coordination of air and land forces, the government swiftly captured five SPLA-controlled towns and displaced the entire civilian population of Mayom County in several days of fighting in late July, while attracting little media attention and no international condemnation. In the absence of independent verification, the government of Sudan was able to dismiss the fighting as “low-level skirmishes” by militias beyond its control.<sup>14</sup>

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<sup>12</sup> ICG interview with Western aid official, August 2002.

<sup>13</sup> See ICG Reports *Capturing the Moment; Organising for Peace as the War Escalates*; and *Sudan’s Best Chance for Peace*, all op. cit.

<sup>14</sup> The government captured and razed Tam, Buoth, Kerial, Rier, and Wichok within a matter of days. Similar to past offensives in Western Upper Nile, civilians bore the brunt of the massive assault, in a clear violation of the agreement Khartoum had negotiated with former U.S. Senator Danforth in March. A confirmed report from the education officer in Abieh Nyang to the Mayom County Commissioner on 28 July 2002 stated that a group of school children was attacked by helicopter gunships, wounding 37 and killing sixteen in Tam and Toy Payom. As regular government forces engaged the SPLA, the government-sponsored militia pursued civilians and their cattle. Thousands of cattle were reportedly captured by the militia and taken back to Mankien and Mayom. Civilians were also abducted and brought north to government garrisons. ICG interviews in southern Sudan, July and August 2002. IRIN, “Government Denies Launching Offensive in Oil Region”, 31 July 2002.

This offensive was consistent with established government strategy.<sup>15</sup> Khartoum is attempting to establish control over an oil-rich horseshoe-shaped area that extends from Wau at the southern tip on the western curve, to Bentiu at the top of the horseshoe, all the way to Bor on the southern tip of the eastern curve. The massive attack on Mayom County opened a new front, southwest of Bentiu, in order to exert control over the area within the horseshoe.<sup>16</sup> The region cannot be considered safe for exploitation of its oil unless hundreds of thousands of civilians can be moved out (or those who resist be killed) as has been happening elsewhere in Western Upper Nile for five years.<sup>17</sup>

The SPLA subsequently recaptured most of this territory. However, thousands of civilians displaced by the fighting in Mayom County remain in eastern Bahr al-Ghazal, fearful of returning to their ravaged villages.<sup>18</sup> Western Upper Nile has largely been cut off from consistent humanitarian aid. A blanket flight ban completely shut down OLS access during May and June 2002, and many locations were closed by the government from June onwards until the recent agreement came into effect. Continued insecurity in the area has also undermined relief efforts. Humanitarian workers were routinely evacuated from Western Upper Nile due to active fighting throughout the first ten months of the year, and interventions were often limited to a matter of days.<sup>19</sup>

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<sup>15</sup> See ICG Report *Organising for Peace as the War Escalates*, op. cit.

<sup>16</sup> Khartoum established a northern front around Bentiu in Ruweng County as early as 1999. A south-eastern front was opened in 2000 in an attempt to extend an all-weather oil road from Bentiu down to Adok.

<sup>17</sup> For documentation and analysis of the government’s systematic depopulation campaign in the oilfields region see ICG Report, *God, Oil and Country*, op. cit., Chapter 5; Diane deGuzman, *Depopulation Sudan’s Oil Regions: January to March 2002*, European Coalition on Oil in Sudan (ECOS), 14 May 2002; and report by Gerhart Baum, UN Special Rapporteur for Human Rights in Sudan, 23 January 2002.

<sup>18</sup> ICG interviews in southern Sudan, October 2002.

<sup>19</sup> ICG interview, 23 October 2002.

## B. EASTERN EQUATORIA

Eastern Equatoria is a unique case: victimised by a blanket government flight ban south of the Juba-Torit- Kapoeta line, yet accessible by road from Uganda and Kenya so that humanitarian operations have continued. However, increased activity by the Ugandan rebel group Lord's Resistance Army (LRA) in the past six months severely threatens the lifeline road access and has raised civilian insecurity to new levels.<sup>20</sup> Escalation in fighting between the government and the SPLA after the Machakos Protocol was signed in July, especially over Torit, led to further deterioration in the humanitarian situation

Since Torit was of strategic and symbolic importance for the SPLA, the government offensive to re-capture it led to some of the fiercest fighting in recent years. The government withdrawal from the peace talks after it initially lost that garrison town was followed by renewed calls for Jihad, and a declaration by Sudanese President Omar al-Beshir's that the government would recapture it "by any means necessary". Government tactics that ultimately succeeded involved daily bombing raids of both Eastern and Western Equatoria, including Torit, Kapoeta and Yei by Antonov bombers and MIG fighter jets.<sup>21</sup>

The government imposed a blanket flight ban over all of Eastern and Western Equatoria on 27 September (ostensibly to protect humanitarian workers although there was no fighting in Western Equatoria). This effectively shielded the battlefield from independent observers and cut humanitarian relief flights from the northern Kenya base of Lokichoggio to all areas of the South, since these must pass through Equatoria.<sup>22</sup> The ban expired on 6 October, two days before Torit fell.

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<sup>20</sup> The LRA will likely remain a major problem for civilian populations in both Eastern Equatoria and northern Uganda. Allegations continue to emerge from Sudanese sources in the area that elements of the Sudanese government still assist it. ICG interviews, October 2002.

<sup>21</sup> ICG interviews, September 2002.

<sup>22</sup> Although the blanket flight ban did not officially restrict non-OLS flights out of Lokichoggio, most non-OLS agencies did not fly, as reports of new MIG-29 fighter jets in Juba raised fears.

Relief agencies estimated that the flight ban directly affected 800,000 people in Eastern and Western Equatoria. The escalation in fighting also froze food deliveries by road from Uganda.<sup>23</sup> As many as 2 million civilians elsewhere in the South were affected by the inability of flights from Lokichoggio to cross the closed area. Although the blanket flight ban is now off, and some roads have been cleared by OLS security, the government maintained bans on 61 individual sites throughout the South for the entire month of October – even after signing the cessation of hostilities and humanitarian access agreements.<sup>24</sup> The government further complicates aid delivery by denying the UN World Food Programme use out of Lokichoggio of two Buffalo airplanes – the largest cargo planes in the OLS-Southern Sector.

## C. THE EASTERN FRONT AND SOUTHERN BLUE NILE

While the IGAD envoy General Sumbeiywo was in Khartoum in early October negotiating with the government conditions of its return to the peace talks, the opposition NDA launched a surprise offensive in eastern Sudan, undercutting the Special Envoy and calling into question the commitment at that juncture of the NDA – and by extension, the SPLA – to the peace process. The NDA's Unified Command, chaired by John Garang, has deployed troops there from several organisations, including the SPLA's New Sudan Brigade, the Sudan Alliance Forces (SAF), the Beja Congress, and the Democratic Unionist Party's (DUP) Fatah Forces.

This front had largely remained quiet for more than two years due mainly to the influence of the NDA's Chairman and DUP leader, Mohamed Osman al-Mirghani, and a faction of his party that preferred political over military means. The split of the DUP's Fatah Forces from the party in late July 2002, driven by impatience with what they perceived as excessive moderation, appears to have contributed to the military cohesion of

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<sup>23</sup> "Thousands of Sudanese at Risk of Starvation as Humanitarian Access Remains Restricted", *CRS Press Release*, 10 October 2002.

<sup>24</sup> "Monthly Clearance for UN Flights from Loki Base for October 2002", 28 September 2002.

the Unified Command. The reactivation of the "eastern front" thus represented a triumph of the radical wing of the NDA over Mirghani. NDA hardliners appeared to have reached the conclusion that the military option was the shortest route to guarantee their presence at the Machakos talks, which were about to resume.

This sequence of events demonstrated the danger inherent in essentially rewarding the government for walking out of talks in September by giving it a cessation of hostilities agreement in October – if obstinacy and violence are to be rewarded by the international community, all the warring parties are certainly more than willing to resort to such means. Eritrea, which is an IGAD mediator but was piqued at the government's disinterest in its unilateral effort to arrange a special summit between the parties, also played an unhelpful role in the resumed hostilities.<sup>25</sup>

After days of intense fighting, NDA forces captured a handful of government garrisons, including the symbolic hamlet of Hamashkoreib, which they had controlled for eight months in 2000. The assault positioned their forces within striking distance of several key government strategic sites: the city of Kassala, the highway between Khartoum and Port Sudan and the vital oil pipeline. Nearly simultaneously with entry into force of the 15 October cessation of hostilities agreement, the government struck back on this front. It asserts the right of self-defence and insists the region is outside the truce because it is responding to Eritrean aggression, not domestic insurgency.<sup>26</sup>

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<sup>25</sup> Garang and al-Mirghani met in the Eritrean capital with President Isaias Afewerki shortly before the offensive. The debate over whether to support military action reportedly provoked further divisions within the Eritrean leadership. For discussion of the complex political and military dynamics involved in a cessation of hostilities agreement, including why the government had pressed for it and the SPLA had resisted, see earlier ICG reporting, especially *Sudan's Best Chance for Peace*, op. cit.

<sup>26</sup> "We reject any interference by IGAD in any issue other than the southern question even if this leads us to quitting the IGAD peace initiative", President al-Bashir warned on 19 October. "Khartoum insists eastern Sudan is outside truce", Agence France-Presse, quoting Radio Omdurman, 19 October 2002. Earlier Sudan complained to the UN Security Council that it had been the victim of

The humanitarian consequences of this fighting have largely been unnoticed by the outside world. The region is remote. Scarce rainfall or other water renders its food supply vulnerable to recurrent drought. Malnutrition and tuberculosis rates are high, and successive central governments have marginalised the area for years, an important reason why members of two local communities, the Beja and the Rashaida, are prominent in the NDA. The use of landmines by both parties exposes civilians to high risk. OLS has not yet operated here, and the only sources of organised relief operations are the government and a handful of local and international relief agencies. Eritrea, where the population traditionally seeks refuge during times of hunger, allowed a UNHCR operational presence only after its catastrophic 1998-2000 war with Ethiopia and still does not welcome most international NGOs. The NDA's relief arm and that of member associations are ill-equipped and lack external partners in Eritrea.

Shortly after its offensive, the NDA's Secretariat for Humanitarian and Liberated Areas Affairs appealed urgently for emergency assistance. It accused the government of concealing the problem and declared recently captured territory to be "disaster areas", whose estimated 78,000 residents suffered from acute shortages of food, water, health services and access to markets that were accentuated by severe drought.<sup>27</sup> The appeal failed, however, to mention the new fighting as a contributing factor.

A correspondent of the London-based Saudi daily *al-Sharq al-Awsat*, who toured the front with other foreign journalists a week after hostilities resumed, reported that the fighting had stranded 7,000 unaccompanied children and pre-teenagers in Hamashkoreib, including resident students in that town's renowned Koranic schools. The fighting had displaced entire villages. The town's food stores were described as badly depleted, the pharmacy empty and the

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an attack on a 180-kilometre front. Press communiqué of the Embassy of Sudan (Paris), 11 October 2002.

<sup>27</sup> National Democratic Alliance, Secretariat for Humanitarian and Liberated Areas Affairs, "Appeal for Emergency Support", electronic communication, 9 October 2002. See also "Sudanese Opposition Warns of Humanitarian Disaster in East", AFP, in Arabic, 10 October 2002.

hospital destroyed.<sup>28</sup> A government source confirmed that the food situation was already fragile prior to the fighting.<sup>29</sup>

According to the governor of the state of Kasala, the fighting had by late October displaced 10,000 people from Hamashkoreib and surrounding villages, rendering them dependent on handouts from the state and the Sudanese Red Crescent, the largest national relief agency operating in the region. While promising to help the affected, the governor issued an ultimatum to all Eritrean refugees to report immediately to refugee camps outside urban areas. In Kasala city and other towns of eastern Sudan, police and security agents rounded up an undetermined number of refugees, prompting protests from the Eritrean government that its citizens were being persecuted. The governor denied this and said that far from preparing the mass expulsion of refugees that the humanitarian community feared, his government was regrouping them as a precautionary measure of protection against attacks from their own government. Khartoum's decision to close the border with Eritrea to all traffic except convoys organised by the UNHCR for the voluntary repatriation of Eritrea refugees generated acute shortages of basic food and consumer commodities on both sides of the border.<sup>30</sup>

As of this writing, no major relief effort was underway for the tens of thousands of vulnerable civilians in the area. While the government made minor food donations as part of its mobilisation and propaganda effort, it has resisted a meaningful international intervention, and the NDA has little capacity to respond to needs.

Fighting likewise intensified in Southern Blue Nile during August and September, at heavy civilian cost. Southern Blue Nile also is outside OLS coverage and receives only a trickle of international aid through non-OLS agencies.

### III. HUMANITARIAN ACCESS: A RECORD OF OBSTRUCTION

Operation Lifeline Sudan, one of the largest United Nations-led relief operations in the world, has been unable to address adequately the mounting humanitarian crisis over the past five years, especially in the oilfields of Western Upper Nile but also in Eastern Equatoria and Southern Blue Nile. The reasons are inherent structural constraints, geographic limitations – and deliberate policies of the warring parties, by far most often those of the Khartoum government. At its inception in 1989, OLS was a pioneer in international humanitarian interventions. Established in response to the international failure to prevent the devastating famine in Bahr el Ghazal in 1987-8, it quickly evolved into a massive food and medical relief operation to cope with the multiple complex emergencies throughout the South.

A consortium of five UN agencies and 41 humanitarian NGOs (international and indigenous) with a budget of roughly U.S.\$150 million, OLS currently provides humanitarian assistance to some 2.5 million people in southern Sudan as well as to camps for internally displaced persons (IDP) in Khartoum.<sup>31</sup> It was the first UN program to rely on negotiated access with the primary warring parties to provide relief assistance to war-affected populations within a sovereign country. The focus on assisting displaced persons inside Sudan in contrast to refugees in neighbouring countries was revolutionary.<sup>32</sup> Ironically, the unique negotiated access framework through which the government and the SPLA grant the UN approval for humanitarian operations in southern Sudan has proved its greatest weakness.

A comprehensive and critical review of the UN relief operation in 1996 underscored that denial of humanitarian access was the main cause of

<sup>28</sup> *al-Sharq al-Awsat* (in Arabic), 9 October 2002.

<sup>29</sup> "Reinforcement for the army in Rasai, deterioration of the health situation in Hamashkoreib", *al-Rayaam* (in Arabic), 10 October 2002.

<sup>30</sup> See: "Commander of Hamashkoreib garrison denies that he was disciplined for its fall; 10,000 displaced by fighting in eastern Sudan", *Al-Bayan*, 25 October 2002.

<sup>31</sup> Consolidated Inter-Agency Appeal 2002 – Sudan, United Nations (New York/Geneva) 2002. For more information see <http://www.olssudan.org>

<sup>32</sup> Ataul Karim et al, "Operation Lifeline Sudan: A Review", July 1996 (independent consultant report), p. 21.

OLS's cost inefficiency. It recommended that OLS's bargaining power be strengthened to improve its flight access to war-affected areas throughout southern Sudan.<sup>33</sup> Simultaneously with the report's call for improved access, however, the government increased operational restrictions that made it more difficult to get aid to displaced and war-affected civilians,<sup>34</sup> and in early 1998 Khartoum's obstruction contributed to one of the three worst famines in Sudan since the war began.<sup>35</sup> Specifically, the government's blanket flight denial regarding rebel-controlled towns in Bahr al-Ghazal for two months was one of the direct causes of over 60,000 deaths.<sup>36</sup> Human Rights Watch summarised: "The refusal of the government of Sudan to permit OLS humanitarian access to a large number of locations has been a greater obstacle to relief delivery than actual military activity".<sup>37</sup> The lack of a political response from the international community likely helped convince Khartoum that it could continue to manipulate food and other aspects of humanitarian assistance as a complement to its military strategy at relatively low cost.

In response to the 1998 famine and as a follow up to recommendations in the OLS review, the government, the SPLA and the UN did discuss broader humanitarian access in their Technical Committee on Humanitarian Assistance. In December 1999, the belligerents signed in Geneva the "Agreement on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Populations". It provided "that all humanitarian agencies accredited by the UN for humanitarian work in the Sudan shall have free and unimpeded access to all war-affected populations in need of assistance and to all war-

affected populations for the purposes of assessing whether or not they are in need of humanitarian assistance".<sup>38</sup>

The government flouted this 1999 agreement for three years through abuse of its veto power and other manipulation of relief deliveries to benefit its military strategy. This year has seen more intense obstruction of relief flights, corresponding with the escalation of the depopulation campaign in Western Upper Nile. Between 1999 and 2001 the government denied, on average, flight access to twenty locations per month. After June 2001, this increased to 35 per month.<sup>39</sup> The restrictions prevented the World Food Programme from delivering aid to populations that face food deficits of up to 50 per cent in Leech State and up to 100 per cent in Ruweng County, as identified in the OLS 2002 Annual Needs Assessment.<sup>40</sup>

The government also burdened the relief process with new layers of bureaucracy, including creating different categories of flight clearances and denials. A statement at the Joint Donors Meeting in early June 2002 noted "an increasing number of instances" where access and humanitarian principles were being subverted by administrative procedures, and that the impression was sometimes given that the intention was to add restrictions, create ambiguity and "deny people in need".<sup>41</sup> In July 2002 UN Secretary-General Kofi Annan visited Khartoum to urge "unfettered access to those in need" but left empty-handed,<sup>42</sup> and the next month's list of flight denials in the South topped 35 locations.<sup>43</sup> A visit at the end of September 2002 to Khartoum by Kenzo Oshima, the head of the UN Office for the Coordination of

<sup>33</sup> See *Ibid.*, pp. 265-266.

<sup>34</sup> *Ibid.*

<sup>35</sup> The other two major famines were in 1987-1998 in Southern Kordofan and in 1991-1993 in Bahr al-Ghazal, in the Upper Nile "starvation triangle". See ICG Report, *God, Oil and Country*, op. cit.

<sup>36</sup> Human Rights Watch concluded that the government flight ban on access to rebel-controlled areas of Bahr al-Ghazal prevented "OLS from making sufficient food deliveries to head off or blunt the famine". Human Rights Watch, "Famine in Sudan: 1998: The Human Rights Causes".

<sup>37</sup> *Ibid.*

<sup>38</sup> Technical Committee on Humanitarian Assistance, "Protocols Signed between the Government of the Republic of Sudan, the Sudan People's Liberation Movement, and the United Nations in Rome, Oslo, Geneva", Office for the Coordination of Humanitarian Affairs (OCHA), United Nations.

<sup>39</sup> Norwegian Refugee Council, "Internal Displacement in Sudan", 26 March 2002.

<sup>40</sup> ICG correspondence, July 2002.

<sup>41</sup> "Donors Issue Strong Call for Access", UN Integrated Regional Information Networks, 6 June 2002.

<sup>42</sup> Alfred Taban, "UN's Annan Calls for Aid Access to War-torn Sudan", Reuters, 10 July 2002.

<sup>43</sup> World Food Programme Monthly Report, August 2002.

Humanitarian Affairs (OCHA), also ended in failure.<sup>44</sup>

The government's manipulation of OLS relief flights has been an effective complement to its military campaign in the oilfields region. By denying access to the core of Western Upper Nile, but allowing OLS to operate in isolated locations on the border with Bahr al-Ghazal or in government-controlled garrisons, Khartoum induced civilians to flee from areas it hoped to control to where they might actually receive assistance. Hunger has been a powerful incentive but, as one international aid agency explained, the resulting geographic concentration of civilians for aid purposes increased their vulnerability to both disease and government air attacks:

[Government of Sudan] flight denials for humanitarian activities continue to hamper access to vulnerable populations in southern Sudan...Thousands of vulnerable beneficiaries had to walk very long distances (two-four days walk) to access relief, thus keeping them away from their home during the critical period of farming activities... With such a large population of exhausted and vulnerable beneficiaries converging on one relief centre that lacks adequate water services and sanitation, the beneficiaries are easily prone to diseases like malaria and other contagious infections. The concentration of populations in one location exposes a large number of beneficiaries to security risks such as [government] helicopter gunship attacks and bomber aircraft as it happened before.<sup>45</sup>

Restrictions on access have meant no or fewer independent observers in Western Upper Nile to document often indiscriminate government attacks on civilians, for example during the late July 2002 offensive immediately after the signing of the Machakos Protocol. As noted, the government had restrictions on access to 61 locations in the oil fields region during October, while also maintaining a moratorium on aid to opposition-controlled areas of Southern Blue Nile

and eastern Sudan and partially revoking the Nuba Mountains agreement by demanding that all aid going there be channelled through areas it controlled.<sup>46</sup> On the heels of the blanket flight ban on all OLS flights in late September discussed above, a World Food Programme official said, "This is the most severe restriction we have ever seen. This is extremely serious".<sup>47</sup> The most recent government blanket flight ban is consistent with its tendencies over the past decade, though broader in scope. It demonstrates that when Khartoum's back is against the wall militarily (as when the SPLA took Torit and threatened Juba), it will not stray from its military strategy but instead will take extreme measures, especially if there is no negative consequence.

Although the government is guilty of the majority of humanitarian related crimes, the SPLA cannot be seen as an innocent bystander. SPLA abuses of food policies and manipulation of humanitarian access to southern civilians during the first decade of the war has been well documented. Abusive policies included the persistent stealing of food and cattle from civilians, forced unpaid civilian labour on SPLA farms, taxation forcibly levied on civilian goods (including relief supplies) and cattle, diversion of humanitarian relief supplies to the military, and the displacement of civilian populations in vulnerable locations in order to draw more relief supplies. Abuses of humanitarian assistance have been less frequent in the last few years, but the insurgents regularly tax relief supplies in the areas they control. Internal fissures within the organisation also continue to disrupt aid activities. A recent trend of desertions from the SPLA in Equatoria led to the freezing of humanitarian operations in some locations. For example, Yambio was temporarily evacuated of humanitarian workers at the beginning of October following repeated attacks on the UNICEF compound by deserters.<sup>48</sup> The SPLA also has used the provision of aid to manipulate population movements and patterns of displacement.<sup>49</sup> A major controversy erupted in

<sup>44</sup> "U.N. Envoy fails to convince Sudanese government to roll back ban on humanitarian aid", AP, 4 October 2002.

<sup>45</sup> Internal agency report, July 2002.

<sup>46</sup> See footnote 9 above.

<sup>47</sup> William Maclean, "South Sudan flight ban cuts food aid to 500,000-UN", Reuters, 1 October 2002.

<sup>48</sup> ICG interview, 6 October 2002. Eyewitnesses claimed that the deserters numbered over 100.

<sup>49</sup> ICG correspondence with aid official, 22 October 2002.

1999 between the SPLA and the relief community over an MOU the SPLA wanted NGOs to sign that would govern the latter's field operations. Many NGOs objected to the document, which they felt impinged on their independence. Some actually closed operations, though most have returned, as a compromise MOU was eventually put in place.<sup>50</sup>

The undertakings of 15 October and 26 October may, of course, represent a genuinely new day. It is worth recalling, however, that many at the time saw the 1999 agreement as a similar breakthrough. That those hopes were dashed so quickly is a lesson worth remembering when assessing the newest agreements and deciding the approach the international community should take toward them.

#### IV. WHAT TO DO WHEN A LIFELINE BREAKS

The government's systematic attacks on civilians and obstruction of UN relief operations have violated international humanitarian law,<sup>51</sup> as well as the series of Sudan-specific agreements outlined above.<sup>52</sup> If this continues, the international community may have no choice but to exercise its right to protect and assist targeted civilians. As one aid official stated, "The government of Sudan is claiming all of the privileges of sovereignty, but not living up to the responsibilities".<sup>53</sup> It is vital that history not repeat itself with respect to the 15 October MOU and the 26 October implementing agreement on humanitarian aspects, as well as any follow-up agreements negotiated by IGAD and the UN, both because lives are immediately at stake and because whether a comprehensive peace can be negotiated and implemented is indirectly connected to the fate of those agreements.

At times, diplomats and political leaders have rebuked OLS officials and NGOs for drawing attention to Khartoum's violations of international humanitarian law, suggesting that other policy goals have precedence. Ignoring or downplaying severe abuses such as the depopulation campaign in the oilfields because of the sensitivity of the peace process, however, would likely reinforce intransigence at the negotiating table and reduce the parties' confidence in the international community to assist implementation of whatever political agreements were reached. By contrast, energetic efforts to make the October

agreements work and to institutionalise unfettered access at the TCHA meeting should contribute to

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<sup>50</sup> On the history of SPLA abuses, see, for example, Jemera Rone and John Prendergast, Human Rights Watch, *Civilian Devastation: Abuses by all Parties in the War in Southern Sudan* (New York, 1994).

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<sup>51</sup> The Fourth Geneva Convention of 12 August 1949 on protection of civilian persons in time of war was ratified by Sudan on 23 September 1957. See <http://www.icrc.org/ihl.nsf/>. Sudan has signed but not ratified the supplementary 1977 protocol on the Protection of Victims of Non-International Armed Conflicts (Protocol II).

<sup>52</sup> The most recent, until the October undertakings, was the agreement brokered by the Americans and signed on 10 March 2002 in which the government and the SPLA pledged to protect civilians and civilian facilities from military attacks.

<sup>53</sup> ICG interview, 17 August 2002.



an environment conducive to moving the peace process forward.

The October 2002 undertakings, tying humanitarian issues and peace diplomacy together as they did, create the potential for increased cooperation on the two tracks at Machakos. The immediate need is for the international community to support the peace process directly by applying political pressure to implement and institutionalise the humanitarian agreements. Even the 26 October agreement on unimpeded humanitarian access, while a victory for OLS, leaves ambiguity that needs to be resolved through vigorous efforts.<sup>54</sup>

Most importantly, the major focus of international diplomacy leading up to the mid-December meeting of the Technical Committee on Humanitarian Assistance should be to remove veto power and to institutionalise access on a permanent basis. Whether or not unimpeded access is maintained – in practice and not just on paper – but most urgently if it is not, work needs to be begun on alternatives to the current OLS framework that over the middle term (from 2003) would improve the efficiency and viability of humanitarian assistance. And given the unfortunate precedents, planning for worst case scenarios should be undertaken. There is a range of specific measures, none mutually exclusive.

#### **A. SUPPORTING MACHAKOS: IMMEDIATE PRESSURE TO EXPAND ACCESS**

There has never been a UN Security Council Resolution condemning or sanctioning the government of Sudan for persistent breaches of international law, the OLS Tripartite Agreement of 1989 or the 1999 agreement on unimpeded access.<sup>55</sup> This is not due to a lack of precedent.

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<sup>54</sup> A number of provisions in the agreement remain ambiguous, and could provide opportunities for the government or the SPLA to “justifiably” deny access if they are not clarified. For example, the provision under point 3 of the agreement whereby the UN will submit to the parties “a list of all locations to be accessed from December 2002 onwards, for their agreement”, has many agencies concerned about potential for government abuse.

<sup>55</sup> The only resolutions adopted by the United Nations Security Council on Sudan have focused on Khartoum’s

The UNSC has censured Iraq, Rwanda and the former Yugoslavia for violating international law and targeting civilians during armed conflicts.<sup>56</sup> It passed Resolution 706 (1991) on Iraq, and Resolution 1333 (2000) on Afghanistan, protesting denials of access to war-affected and displaced civilians. If anything, international pressure on Sudan is subsiding. At the 58<sup>th</sup> Session of the UN Human Rights Commission in April 2002, the vote to maintain a Special Rapporteur on human rights for Sudan passed by only one vote.<sup>57</sup>

That the Commission almost voted down the resolution at a time when the government had a blanket flight ban on Western Upper Nile and had intensified its scorched earth policy indicates how divided the international community is over humanitarian and human rights issues. Part of the problem may stem from insufficient verifiable evidence in isolated areas such as the oilfields. An internationally sponsored rapid response verification capability, as envisioned by advocates of the Civilian Protection Verification Mission established by the agreement brokered by the U.S. special envoy, former Senator Danforth, would help facilitate educated and coordinated international action.

In an environment of renewed conflict, and even with additional independent evidence available, specific decisions would not be easy, of course, since the Security Council reflects policy divisions over Sudan. A draft resolution seeking to strengthen OLS’s hand by condemning Khartoum’s use of food as a weapon might well find the U.S. and UK on one side of the debate, with China and Russia on the other, and France perhaps seeking a middle way. A debate would at least place the humanitarian access issue at the front of the international stage, where it belongs. Some aid officials caution, however, that a failed resolution would further embolden Khartoum. The U.S. and UK would have to work

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role in the failed assassination attempt on Egyptian President Hosni Mubarak in June 1995. See UN Security Council Resolutions 1504 (1996), 1070 (1996) and 1372 (2001) at [www.un.org](http://www.un.org).

<sup>56</sup> See *Report of the Secretary-General to the Security Council on the Protection of Civilians in Armed Conflict*, <http://www.reliefweb.int/library/documents/civilian.html>

<sup>57</sup> The vote was 25-24 with four abstentions; the closest vote since the Special Rapporteur was instituted in 1993.

aggressively within the Security Council to ensure that such a vote succeeds.

However, there is a less contentious approach the UN Security Council could take. A simple resolution pledging support for the forthcoming TCHA meeting and the objective of ending obstruction of humanitarian access would be an important contribution.

The 15 October MOU provides a unique opportunity for the UN political arm to contribute further to the peace process. The MOU and the implementing agreement on humanitarian access were signed in Machakos within the context of the wider peace negotiations, at which the Department of Political Affairs (DPA) is represented by senior Ambassador Mohammed Sahnoun. DPA should immediately bolster its presence in Khartoum, in support of both the negotiations and the humanitarian diplomacy of OLS and the UN special envoy, Ambassador Tom Vraalsen.

This beefed-up UN political mission in Khartoum should in turn be backed up by a UN rapid response unit of high-ranking diplomats who could call as needed on the diplomatic support of key governments and multilateral bodies (such as the U.S. and the European Union) and converge quickly on the Sudanese capital (or Nairobi if the problem was with the SPLA) to press for an end to any undue restrictions on implementation of the commitments on humanitarian access.<sup>58</sup> Their first order of business should be directed at a successful TCHA meeting.

What is unacceptable is for governments – particularly those most actively involved in or supporting the Machakos process – to argue that pushing the humanitarian envelope might undermine efforts at the negotiating table. The opposite is true. The more that either party is able to get away with humanitarian or human rights abuses, especially in the face of agreements signed within the current Machakos process under the auspices of IGAD, the more their intransigence will be reinforced at the

negotiating table, as they will feel that they are immune from the consequences of their actions.

This new UN machinery, the UN Security Council, and the key donor governments should press the warring parties to accept the interpretation of those commitments sought by the OLS, which looks to the October agreements to free it from submitting requests for access to the government and the SPLA and provide instead blanket entrance to areas with humanitarian needs. The OLS would assess the security of the areas it wished to access and advise both sides of the specific locations it had cleared. The government and the SPLA could advise OLS of security concerns for specific locations but would no longer have a security veto.<sup>59</sup> “This is fundamental and should have been installed from Day One of OLS”, said a donor official.<sup>60</sup>

Success in removing the parties’ veto power would obviate the need for non-OLS operations in areas covered by OLS. At present, however, this is only the South. In conjunction with discussions about implementing the 15 October MOU, therefore, the UN and donors at the TCHA meeting, should seek agreement of the parties that OLS can operate with equal access in other war zones.

## **B. MIDDLE TERM EFFORTS**

### **1. Building Sudanese Capacity**

Eventually, whether in a war or peace context, the best defence against famine is for Sudanese communities and institutions to manage the response to their own emergencies and to invest in prevention measures. There is much regional experience to call on, particularly in Ethiopia and Eritrea, where indigenous organisations managed the entire humanitarian response in opposition-controlled areas during the war that ended in 1991.

At a minimum, international donors should consider shifting resources directly to Sudanese humanitarian organisations when the OLS or

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<sup>58</sup> This idea has emerged from discussions among operational agencies seeking greater support for their efforts at providing aid.

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<sup>59</sup> ICG correspondence, 17 October 2002.

<sup>60</sup> ICG correspondence, 23 October 2002.

non-OLS NGOs are forced to withdraw their humanitarian workers or are otherwise unable to get on the ground because of heavy fighting or general insecurity. In such cases, possible indigenous alternatives include: the Sudan Relief and Rehabilitation Association (SRRA – the humanitarian wing of the SPLA); the Relief Association of Southern Sudan (RASS – the humanitarian wing of the former SPDF,<sup>61</sup> and indigenous southern Sudanese NGOs; the SRRA and the Nuba Relief, Rehabilitation and Development Organisation (NRRDO) in the Nuba Mountains; the Relief Organisation of Fazuli (ROOF) in Southern Blue Nile; and local community structures in eastern Sudan that aid agencies have increasingly supported.

All currently lack the capacity to provide widespread humanitarian relief single-handedly. There are also doubts about the accountability of most, particularly the SRRA and RASS, which are linked to warring parties and could face greater pressures to divert assistance.<sup>62</sup> However, these entities have people on the ground who would remain in their communities during fighting and already possess some capacity to deliver food.

The donor community should take the initiative to expand the capacity of these humanitarian counterparts so that they can become a valid alternative for aid distribution. Some capacity building assistance has already been provided by OLS and non-OLS NGOs, but not comprehensively. Donors could offer management and community development training to counterpart staff, establish partnership programs with international NGOs to insure counterparts received both field and head office level training, and help develop monitoring mechanisms.<sup>63</sup> A system must also be devised for transporting goods to counterparts under insecure conditions. Since landing in areas of active fighting is unlikely, especially on an airstrip within shelling range, airdrops of emergency relief supplies could be carried out if

the counterparts were able to coordinate on the ground.<sup>64</sup>

Strengthening local management of relief operations could also involve experimentally establishing food storage sites in the South.<sup>65</sup> This would have several benefits. First, it would give some breathing room in case of another blanket flight ban, as food stocks on the ground could be delivered to populations in need. It would provide a back-up for NGOs operating in individually denied locations within driving distance of a food store. Secondly, it would be much less expensive for the World Food Programme in the long run to deliver food monthly to set locations rather than flying it continually to NGOs on the ground as the need arose. Thirdly, the ability of the SRRA and RASS to manage would indicate how ready they were to take on increased operational responsibilities.

Sites would have to be situated carefully, in areas accessible to several communities. They would need longer airstrips, capable of accommodating a C-130 so that stores could be replenished in only one or two trips. Finally, the host communities would have to be extensively briefed and willing to accommodate food stores. Such a system could provide countless possibilities for inter-communal conflict, especially in areas with neighbouring tribes, if the goodwill and understanding of the communities were not sought at the beginning.<sup>66</sup> There is also a danger of actually worsening the situation if these sites were to be seen as relief centres, as happened in the 1998 Bahr al-Ghazal famine, and so attracted large populations in search of food, or even predatory military elements.

The only food site currently in the South is in Rumbek, where it has been safe from government attacks. Designation as official UN or World Food Programme sites might minimise the potential for government targeting but security arrangements would have to be well thought out. An option would be to negotiate guarantees directly with Khartoum

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<sup>61</sup> Sudan People's Democratic Front, the primarily Nuer splinter faction of the SPLA that signed a merger agreement with the SPLA earlier this year.

<sup>62</sup> ICG interviews, September and October 2002.

<sup>63</sup> ICG interview, 20 September 2002.

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<sup>64</sup> ICG interview, 18 October 2002.

<sup>65</sup> A prerequisite would be a logistics assessment to identify feasible locations and related contingency plans.

<sup>66</sup> ICG interview, 5 October 2002.

and, to insure against disturbance from any local militia, also with the SPLA.

Counterpart Sudanese organisations (such as the SRRA) affiliated with armed movements must also adapt if they are to implement humanitarian programs. Currently, the counterparts help with humanitarian activities in areas dominated by their respective movements by facilitating and coordinating funds that they do not control. For this option to succeed, they must change from facilitation to implementation. According to one senior SRRA official, “Part of the problem is that the SPLA wasn’t oriented toward civil administration until recently. The SRRA is seen as filling a gap, given the lack of civil structures. Ideally, we could hand over all health related projects to the ministry of health, or education...as they develop, but the capacity isn’t there yet”.<sup>67</sup>

More importantly, though, these counterparts would have to instil much greater confidence than donors now have in their capacity for independent aid delivery. This would require structural independence from overt political manipulation by the SPLA and other opposition groups as well as better accountability and transparency overall by the SPLA in areas it controls. Good governance should be a prerequisite for any increase in aid to the SRRA, which means practical issues such as the taxation of relief supplies would have to be addressed and increased international monitoring put in place.

The SRRA and RASS would also have to streamline their bureaucracies and become much more efficient and cost-effective organisations before donors would be willing to invest more heavily in them. Confidence would also increase if the SRRA and RASS were to unify and create one rational structure for southern relief operations. As long as the fissure exists, it is unlikely that donors will – or should – give them more money.

Ultimately, the Sudanese counterparts and indigenous NGOs are the only truly sustainable mechanism for humanitarian deliveries and programs throughout the South. Resources

authorised by the U.S. Congress under the recently passed Sudan Peace Act could be committed to this endeavour, which would enhance the ability of southern Sudanese to govern areas under the control of the SPLA more responsibly. For this to happen, the Bush administration would need to press Congress and the Office of Management and Budget to identify funds.

## 2. Building Road Access in the South

Building roads into and through the South is controversial but might eventually be the best way of protecting against government manipulation of flight access. “If we took a small percentage of the overall aid budget and put it into road construction and refurbishment, we could accomplish by road what we now do by plane for much less money”, asserted one donor official.<sup>68</sup> However, another official contested this: “This would cost millions of dollars to do properly. That’s why no one goes near it. It is good in theory, but why has it not been done?”<sup>69</sup>

Currently, little of the South is accessible by road but Eastern and Western Equatoria can be reached from Uganda year round, allowing humanitarian agencies to deliver relief supplies there despite the flight ban in Eastern Equatoria for the past three years. Although increased LRA activity and an escalation of fighting between the government and the SPLA have threatened these land operations, the porosity of the Ugandan border has proved to be a life-saver. Convoys from Uganda arrive at Rumbek after a four to six-week journey. Little of Upper Nile or northern Bahr al-Ghazal can be accessed during the dry season, however, and none during the rainy season.

Creation of an all-weather road network connecting important southern locations would have a very positive impact beyond humanitarian access, as it would link people and increase trade.<sup>70</sup> The World Food Programme has sponsored road building through its food-for-work projects, and Catholic Relief Services has sponsored some micro-projects also focusing on

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<sup>67</sup> ICG interview, 20 September 2002.

<sup>68</sup> ICG interview, October 2002.

<sup>69</sup> ICG correspondence, 24 October 2002.

<sup>70</sup> ICG interview, 19 September 2002.

roads. Individual donors, notably USAID, have sponsored specific road projects in the past, including repair of some key routes, but not yet on a large scale.<sup>71</sup> An all-weather route from Yei to Tonj County, essentially up the spine of the South, would have an immediate impact, making humanitarian deliveries much more certain and generating economic activity with Ugandan traders. Branching off from the spine, other roads could be built or rehabilitated to link communities to the east and west. Local officials would need to be trained in repair and maintenance of tarmac roads and supplied with equipment, so as not to be dependent on international goodwill for upkeep.<sup>72</sup>

There are multiple obstacles and risks. For land deliveries to become a credible alternative on any large scale, donors would have to change their general policy not to allow money that funds aid flights to be used for road construction. Valid concerns that roads could also be used by both sides for military purposes would have to be fully vetted before proceeding with ambitious construction, particularly in light of how the government has used oil company roads to facilitate attacks in Western Upper Nile. Others worry that roads could be quickly destroyed but it is difficult to do this completely, especially from the air.<sup>73</sup> Land mines and government-supported militias like the LRA and various Nuer groups pose additional security challenges that would have to be weighed carefully with local political and geographic considerations taken carefully into account for each project. However, potential benefits outweigh risks, and by starting the process now, donors would also take the first steps toward building the new southern infrastructure that will in any event be required should a peace deal be signed.

### C. PLANNING FOR WORST CASES

It has to be recognised that the current peace process may fail. The 15 October MOU provided a several month period during which negotiations

could be pursued at Machakos under relatively favourable circumstances.<sup>74</sup> Sudan could return to full-scale war, and it is prudent for the international community to undertake contingency planning. Indeed, by doing so, Sudan's friends would help the negotiations because they would be signalling unmistakably their determination never again to allow humanitarian (and by implication other) commitments to be broken cost free and to deny either side henceforth the option of manipulating humanitarian access for military advantage. Two concepts are worth consideration, the first not without questions but relatively straight-forward, the second more problematic.

#### 1. Automatically Transferring Resources to Non-OLS NGOs

Humanitarian NGOs operating outside the OLS framework are not bound by the UN's 1989 agreement with the Sudanese government and the SPLA and do not consider themselves obliged, therefore, to respect flight vetoes. Though with diminished capacity and at increasing risk, they can access and operate in areas that are flight-denied to OLS. Several did so during the heavy fighting and difficult circumstances that followed the signing of the Machakos Protocol in July 2002, when they were often the sole source of humanitarian aid for civilians.<sup>75</sup>

The government justifies its policy of flight bans by arguing that it is protecting the safety of humanitarian workers. However, flight denials do not always correspond with areas of active

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<sup>74</sup> As noted above, the IGAD mediators are seeking an extension to 31 March 2003 because much of the period originally envisaged is now expected to be taken up by a recess in negotiations for Ramadan and Kenyan elections.

<sup>75</sup> Though these NGOs can operate where there is a government flight ban, they are also limited by security risks and by logistical capacity. For example, during the recent government blanket flight ban on Western Upper Nile non-OLS agencies were only able to deliver about 150 tons of relief commodities: ICG interview, October 2002. It is estimated that the non-OLS NGOs presently serve in a year approximately 1 million people (many of whom also get some benefits over the same time period from the OLS). Some of their assistance is in medical/health services. The largest non-OLS NGOs active in Sudan include Médecins Sans Frontières (Belgium, France, Netherlands, Switzerland), Christian Aid, Norwegian People's Aid, Goal, ICRC, and Concern.

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<sup>71</sup> ICG interview, 19 September 2002.

<sup>72</sup> ICG interview, 22 September 2002

<sup>73</sup> Bombs would create potholes, but as long as the capacity for road repair exists, convoys could deliver goods to those in need.

fighting. For example, neither Yirol nor Mapel in Bahr al-Ghazal are close to areas of active fighting, yet they remained on the list of flight denied locations for months, until 1 November 2002.

A primary option for countering government obstruction of aid efforts would be for a donor consortium to establish that as soon as any area is denied flight clearance, OLS assets would immediately be shifted to non-OLS agencies. The prerequisites would include an enhanced standing capacity of non-OLS agencies, more standardised operating procedures, and coordinated ground bureaucracies to enable a “quick release” mechanism to disburse funds or goods. Much more work would also have to be done on security issues, as non-OLS agency operations and personnel would face greater dangers.

If donors adopt this policy, they should make the change public as partial protection against government protests but also as a sign of greater international seriousness. It would be essential to distinguish relief flights from non-humanitarian aerial activity including the military movements and resupply flights of the SPLA and other armed southern factions and black market activities. The government has repeatedly charged certain non-OLS NGOs with complicity in the SPLA war effort and used this as a justification for flight bans.<sup>76</sup> If donors are to increase their reliance on non-OLS NGOs, they must do more to promote their transparency, accountability and professionalism, including increased support for assessment, monitoring and evaluation. Specific steps will be needed both to ensure that no weapons are transported as well as to guard against diversion of legitimate aid, once it has been delivered, to armed groups.

Critics argue that shifting donor resources to non-OLS NGOs would be unwise since these organisations – together and separately – lack the capacity for large-scale food distribution. Clearly,

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<sup>76</sup> Kofi Annan also criticised NGOs involved in supplying arms to the SPLA, arguing, though he provided no evidence, that they seek to renew the civil war. “Annan Expects Peace in Sudan by July 20”, *Xinhua News Agency*, 11 July 2002. The main concern affecting donor calculations is the level of diversion of humanitarian aid to armed groups in the context of non-OLS operations.

an automatic transfer mechanism can only succeed if donors work with non-OLS agencies to increase their “emergency surge response” capacity. This would require boosting air resources available for ad hoc non-OLS operations, including the maintenance of at least one plane on the ground at all times for use by the emergency response teams. According to one donor official, “There are currently only a handful of reliable non-OLS NGOs, and their capacity is far less than the OLS side of operations, with regard to food drops, personnel, etc... But capacity building and monitoring mechanisms can be created or expanded by the donors if it’s a priority”.<sup>77</sup>

Another fundamental problem is security, due to the war generally and more specifically to the possible targeting of non-OLS assets by government planes. This risk is already assessed continually by the non-OLS agencies in question, who make their own calculations about the acceptable level. Flight insurance can be very difficult, and sometimes almost impossible, to obtain, so donors should be prepared to help with its cost.<sup>78</sup>

Some worry that this approach could throw the baby out with the bath water by encouraging NGOs to leave the OLS consortium in order to benefit from the shift in resources, thus leading to the breakdown of OLS. One aid official noted that there might then “be a free for all situation in South Sudan with the government shooting at everything they see moving. All flights would be considered unauthorised. This could amount to playing right into Khartoum’s hands”.<sup>79</sup> However, the current approach of preserving

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<sup>77</sup> ICG interview, 13 September 2002.

<sup>78</sup> Some donors find this approach immoral. “If a donor is not personally prepared to be on these unauthorised flights, then they should not fund them”, warned one donor official. “We are all responsible for the potential negative consequences that could ensue”. ICG correspondence, 23 October 2002. The government’s installation of a radar system in Juba introduces a new element of uncertainty and danger. One humanitarian worker said: “The government strategy is to take out all non-OLS NGOs using the radar system... Radar makes us extremely vulnerable. They scramble a MIG and then we are in deep trouble”. ICG interview in Nairobi, Kenya, September 2002.

<sup>79</sup> ICG correspondence, 21 October 2002.

OLS at all cost and despite its many flaws has given the government far too much say in the direct conduct of relief operations.

A final critique argues that shifting aid to non-OLS NGOs would be a capitulation of sorts:

Shifting assets in a systematic, planned way says something about the lack of resolve to address this problem in a more fundamental way: to be truly humanitarian as donors in motivation and criteria and act on that basis, and to confront the parties directly on the diplomatic front and protect the interests of the NGOs they fund because they are humanitarian.<sup>80</sup>

An alternative suggested by some, in consequence, is that aid resources should simply be increased significantly to non-OLS agencies. This would obviate the need for any transfer mechanism and build the capacity of those agencies. However, it is unrealistic given the global competition for limited humanitarian relief funding.

The 26 October 2002 agreement granting full humanitarian access for November and December has left donors and non-OLS agencies alike in an uncertain position. If Khartoum in fact stops denying access, there would no longer be need for non-OLS NGOs. However, if the agreement breaks down or is not extended into the new year, non-OLS agencies will need to continue to be prepared to act. Prudence suggests preparing now for helping them do so more rapidly and effectively, and in so doing also construct leverage that can be used at Machakos at least to extend and institutionalise the blanket access agreement.

Announcement by the Sudan government on 28 October 2002 that it wishes to open a consulate in the Kenyan border town of Lokichoggio, the hub of both OLS and non-OLS activity, is a wild card.<sup>81</sup> It appears that this development resulted from a verbal agreement between Presidents Bashir and Moi, without the knowledge of the

Kenyan Foreign Ministry, which is balking. Key governments are engaging the Kenyans, and at the time of publication the issue remained unresolved. Diplomats and aid officials fear that the Sudan government wishes to use such an office to monitor all flights into the South, which could have a chilling effect on the non-OLS NGOs. This would be damaging even if the agreement on unfettered access is extended into 2003, as non-OLS NGOs provide humanitarian aid to areas not covered by OLS and obstructed by the government, particularly Southern Blue Nile. In such a scenario, non-OLS NGOs might be left with the option of joining OLS or moving their base to Uganda.<sup>82</sup> The Kenyan authorities should be sensitive to the importance of doing nothing to suggest that Khartoum will be given increased opportunity to manipulate humanitarian operations, especially not while the peace process is at such a delicate stage.

## 2. Protecting Aid with Military Force

While the prospects for ending Sudan's long agony are better today than at virtually any time since the war began in 1983, there remains a serious prospect that the peace process could fail and fighting resume at an unprecedented level.<sup>83</sup> If this were to happen, and longer-term denials of humanitarian access again became commonplace, consideration should be given to whether aid deliveries realistically could be protected by military means such as:

- ❑ enforcing a no-fly-zone in which no Sudanese military aircraft would be permitted;
- ❑ accompanying occasional aid flights by fighter aircraft as a deterrent to government attack; or
- ❑ destroying the airstrips from which government aircraft operated that attacked aid deliveries, as well as the aircraft themselves.

<sup>80</sup> ICG correspondence, 24 October 2002.

<sup>81</sup> Letter from the Government of Sudan to the Government of Kenya, 28 October 2002, a copy of which has been seen by ICG.

<sup>82</sup> ICG interview, 31 October 2002.

<sup>83</sup> Both sides have increased their military strength in 2002, the government primarily through arms purchases facilitated by oil revenue, the SPLA primarily through regaining the support of splinter movements and capturing government hardware in battle.

None of this is to say that the option should or even could be implemented. Everything would depend upon circumstances, especially the political climate in the U.S., which possesses the essential military assets. The concept has at least a necessary degree of credibility as a planning matter, however, because there is some sentiment in Washington, including at the White House, Defence Department and Agency for International Development, for robust action on Sudan.<sup>84</sup>

Any militarisation of the relief effort would face significant political, military and logistical obstacles. A decision to violate a country's sovereignty, even to exercise an international obligation of protection, is always sensitive.<sup>85</sup> Aid agencies are particularly reluctant to be seen to be eager to participate in such violations, and some might opt out of operating in Sudan rather than be tainted with what might be seen as political motivations. This would also likely signal the end to any negotiated access framework, the basis of OLS, which if dismantled would probably also spur the departure of other operational aid agencies. No-fly zones exist in Iraq not least because policy support and good bases are available in near-by countries. It would be difficult to reproduce those conditions in East Africa. To be sustainable, a humanitarian military operation would need to be multilateral in character, attracting the kind of wide approval that would necessitate UN Security Council endorsement, itself no easy matter unless the risk of thousands of deaths in the event of inaction was immediate and uncontroverted. It is in any event almost inconceivable that the U.S. would be willing to divert extensive diplomatic and

military resources to such a task until the Iraq issue is resolved.

No decision, even a contingent one, to implement such an option could be taken during the Machakos negotiations. Even if it were possible, announcement would be counter-productive while the peace process is active. The visibility of a policy review, however, could have a salutary effect on calculations of the parties as a demonstration that the international community would not under any circumstances walk away from the conflict and allow it again to be conducted with gross brutality against civilians and in violation of solemn commitments and international conventions.

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<sup>84</sup> ICG interviews, October 2002. There are indications that U.S. constituencies focusing on Sudan are searching for another objective now that the Sudan Peace Act has become law. The process of that bill itself has further radicalised some, because their original objective, capital market sanctions against oil companies doing business in Sudan, was dropped due to opposition from Wall Street and the White House. See the internet column of Professor Eric Reeves, who is influential with these constituencies.

<sup>85</sup> See ICG's reporting on Zimbabwe where somewhat related questions have arisen, particularly ICG Africa Report No. 52, *Zimbabwe: The Politics of National Liberation and International Division*, 18 October 2002.



## V. CONCLUSION

Because so many of its war-torn areas are remote, with access to them irregular, much is still not known about the extent of human need in Sudan, the quantification of mortality and morbidity and the importance of food and non-food aid. The aid community has more to learn about how to respond effectively to the humanitarian aspects of the country's crisis. However, it is all too clear that denial of food and other aid has been used regularly with devastating human impact as a war-fighting tactic, overwhelmingly though not exclusively by the government.

Toleration of this would not only be an abdication of moral responsibility but also undermine efforts to promote peace. If the parties believe the international community will make little response to violations of existing agreements, such as the 15 October cessation of hostilities agreement and the 26 October agreement on humanitarian access, they will have little confidence in any process leading to a final peace agreement.<sup>86</sup> If a party systematically violates its international commitments without suffering important repercussions, it encourages a sense of impunity that leads to intensification of that behaviour. Nearly two decades of war in Sudan should have taught these lessons.

More robust action on the humanitarian front is necessary, and in several phases. This involves in the first instance immediate and heavier international pressure, including action at and through the UN, to pin down implementation of the promises of unfettered access in the 26 October 2002 agreement, not least to contribute to a healthy environment in which the Machakos peace negotiations have the best possible chance to succeed in the next few months. This must go hand-in-hand with a push to make unfettered access permanent by pressing for removal of the

warring parties' veto power over aid access at the Technical Committee for Humanitarian Assistance in mid-December.

Over a slightly longer time frame, it means the international community, and especially donor nations, should build up indigenous Sudanese capacity to handle more responsibility for humanitarian assistance, and expand major road construction in the South. With a view to worst case scenarios that could result from failure at Machakos, planning should also be undertaken to increase the ability of non-OLS humanitarian agencies to shoulder more of the burden of delivering aid if full-scale war resumes and the UN-run OLS operation is again crippled by extensive flight bans, and to determine what would be needed if in truly dire circumstances force appeared to be the only way to get life-saving aid to imperilled civilians.

Ultimately, as one aid official concluded, "The key is strong political pressure to ensure universal humanitarian access according to international law and humanitarian agreements. All else is whistling in the wind. It is time for the big boys to step up to their responsibilities in support of humanitarian assistance".<sup>87</sup> By so doing, they will not just be saving lives in the short run, but will also be giving vital support to Sudan's realistic, albeit still fragile, chance for peace.

**Nairobi/ Brussels, 14 November 2002**

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<sup>86</sup> By the same token, the longer it takes the international community to make operational the monitoring mechanism envisaged in the agreement brokered by former Senator Danforth on attacks against civilians, the less seriously the Sudanese parties will take international promises of support for the monitoring of a peace agreement.

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<sup>87</sup> ICG correspondence, October 2002.

## APPENDIX A

### MAP OF SUDAN



Map No. 3707 Rev. 5 UNITED NATIONS  
September 2008

Department of Peace Information  
Cartographic Section

## APPENDIX B

### MAJOR HUMANITARIAN AGREEMENTS BINDING ON SUDANESE PARTIES

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- ❑ The Fourth Geneva Convention of 12 August 1949 on the Protection of Civilian Persons in Time of War, ratified by Sudan on 23 September 1957. Article 3.1 provides that “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria”. Sudan signed but has not ratified the 1977 supplementary protocol on the Protection of Victims of Non-International Armed Conflicts (Protocol II).
- ❑ Operation Lifeline Sudan (OLS) I Plan of Action, 14 March 1989. The first tri-partite agreement between the government, SPLA and UN states that “free access should be guaranteed to UN, NGO and donor personnel participating in relief activities, enabling them to reach all civilian non-combatant populations in need of emergency relief throughout the Sudan”.
- ❑ OLS II Plan of Action, 28 March 1990, states that “relief and rehabilitation should be provided to civilians in need wherever they are deemed to be neutral”.
- ❑ The OLS tri-partite agreement negotiated through IGAD in March and May 1994 states as a fundamental principle “the delivery of relief assistance to all needy populations regardless of their locations and further, that all parties to the conflict, agree to permit UN/OLS the free movement of food and non-food relief by air, land, river and rail as agreed by the UN/OLS and concerned parties”.
- ❑ The “Security Protocol”, 18 November 1998, signed through the Technical Committee on Humanitarian Assistance (TCHA), made up of the government, the SPLA and the UN, recognises the need to ensure the security and safety of humanitarian aid personnel and property.
- ❑ The “Minimal Operational Standards for Rail Corridors and Cross-line Road Corridors”, also signed 18 November 1998 through the TCHA, provides specific modalities for the delivery of humanitarian supplies from territory controlled by one party to territory controlled by another.
- ❑ The “Beneficiary Protocol” on the Implementation of Principles Governing the Protection and Provision of Humanitarian Assistance to War Affected Civilian Populations, signed through the TCHA on 15 December 1999, provides that “all humanitarian agencies accredited by the UN for humanitarian work in the Sudan shall have free and unimpeded access to all war-affected populations in need of assistance...”
- ❑ Four agreements negotiated in December 2001 by the U.S. Special Envoy, former Senator Danforth, and designed to test the commitment of the parties for peace included “zones of tranquillity” to allow for emergency humanitarian intervention and access for disease eradication programs several days per month in areas of active fighting, as well as the establishment of an international commission to investigate and combat the practice of slavery in the Sudan. (That commission, known as the “International Eminent Persons Group”, released its report on 22 May 2002.)
- ❑ The Nuba Mountains Cease-Fire Agreement of 19 January 2002, brokered by the U.S. and Swiss governments and signed at Burgenstock, Switzerland, provides for humanitarian assistance through humanitarian corridors and an international monitoring team to be drawn from donor countries. Originally valid for six months, it was renewed in July 2002 for a further six-month period.
- ❑ Agreement on a civilian monitoring protection force, 10 March 2002, negotiated by Senator Danforth and including pledges by the parties not to attack civilians or civilian facilities.

- ❑ “Memorandum of Understanding between the Government of Sudan and the Sudan People’s Liberation Movement/Army on Resumption of Negotiations on Peace in Sudan”, 15 October 2002, includes cessation of hostilities, resumption of peace negotiations at Machakos under the IGAD framework, and (Clause 5) unimpeded humanitarian access.
- ❑ “Meeting held on the Implementation of Clause 5 of the Machakos MOU on Unimpeded Humanitarian Access”, 26 October 2002, stipulates the modalities for unimpeded humanitarian access through 31 December 2002.

## APPENDIX C

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven

field offices (in Amman, Belgrade, Bogota, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in nearly 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governments currently provide funding: Australia, Austria, Canada, Denmark, Finland, France, Germany, Ireland, Luxembourg, The Netherlands, Norway, Sweden, Switzerland, the Republic of China (Taiwan), Turkey, the United Kingdom and the United States.

Foundation and private sector donors include The Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, The Henry Luce Foundation, Inc., John D. & Catherine T. MacArthur Foundation, The John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, The Ruben & Elisabeth Rausing Trust, the Sasakawa Peace Foundation and the United States Institute of Peace.

**November 2002**

## APPENDIX D

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\* The Algeria project was transferred from the Africa Program in January 2002.

## APPENDIX E

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